

Mr. Forsythe called the Special Board Meeting to order at 5:15 p.m.

ROLL CALL: All Legislators were present with the exception of Mr. Fay.

APPROVAL OF THE AGENDA: Mr. Gennett moved to approve the agenda, seconded by Ms. Curran, Mr. Smithers, and Mr. Perkins, and carried by a voice vote with fourteen (14) yes votes, and one (1) absent (Fay).

PRESENTATION OF A RESOLUTION:

RESOLUTION NO. 174-2024

AUTHORIZING THE CLOSURE OF THE NEW YORK LABOR TRAFFICKING PROGRAM GRANT, ACCEPTING A CHARITABLE CONTRIBUTION FROM THE HOWARD G. BUFFET FOUNDATION AND AUTHORIZING AN APPLICATION FOR THE NORTHERN NEW YORK TRAFFICKING PROGRAM GRANT

By Mr. Perkins, District 7; Ms. Haggard, District 10; Mr. Gennett, District 13;
and Ms. Curran, District 15

WHEREAS, in partnership with Erie County Sheriff's Office, the designated prime grantee for the New York State Labor Trafficking Program Grant, St. Lawrence County adopted Resolution No. 280-2022 which authorized the acceptance of this Grant from the Howard G. Buffett Foundation with St. Lawrence County Renewal House and additional agencies from Erie County, and

WHEREAS, recently Erie County Sheriff's Office concluded their involvement earlier than anticipated and this action requires partnering agencies to return all unspent funds to the Howard G. Buffett Foundation within fifteen (15) days, and

WHEREAS, St. Lawrence County Sheriff's Office has pursued an opportunity to become the designated prime grantee for a five-year Northern New York Trafficking Program Grant, to continue the important work of reducing human trafficking in St. Lawrence County, and

WHEREAS, in an effort to continue the work that began because of the former grant, the St. Lawrence County Sheriff's Office has been awarded a charitable contribution of \$45,000 from the Foundation to assist during the transition to the new grant, potentially anticipated to be a 60-day period,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the closure of the New York State Labor Trafficking Program Grant, accepts a charitable contribution of \$45,000 from the Howard G. Buffett Foundation, and authorizes an application for the Northern New York Trafficking Program Grant, and

BE IT FURTHER RESOLVED that the Sheriff's Office will be working with the Treasurer's Office to reconcile and return the balance of the New York State Labor Trafficking Program Grant Funds to the Howard G. Buffet Foundation, and

BE IT FURTHER RESOLVED that the Sheriff's Office will submit an application to become the prime grantee for the Northern New York Trafficking Program Grant and if successful, prepare a resolution for consideration to accept and modify the 2024 Budget accordingly.

Ms. Curran moved to adopt Resolution No. 174-2024, seconded by Mr. Gennett, Mr. Denesha, Mr. Perkins, and Mr. Reagen, and carried by a voice vote with fourteen (14) yes votes, and one (1) absent (Fay).

Finance Committee: 5-20-2024

RESOLUTION NO. 175-2024

SETTING A DATE FOR A PUBLIC HEARING ON PROPOSED LOCAL LAW E (NO.) FOR THE YEAR 2024, "AMENDING LOCAL LAW 2 FOR THE YEAR 2023, SETTING POLICY ON ACQUISITION AND SALE OF TAX DELINQUENT PROPERTY IN ST. LAWRENCE COUNTY"

By Mr. Gennett, Chair, Finance Committee

WHEREAS, on April 20, 2024, Governor Kathy Hochul signed into law the New York State 2024-2025 Budget, and

WHEREAS, the enacted budget reforms the property tax enforcement laws of the State to bring them into compliance with a recent decision of the United States Supreme Court, Tyler v. Hennepin County, Minnesota, 598 U.S. 631 (2023), by providing that when tax-delinquent property is sold, any excess proceeds be returned to the former owner or owners, and where appropriate, to lienors, and

WHEREAS, this bill would require any surplus resulting from tax foreclosure sales to be distributed to the former owners and lienors, subject to claims incurred by the taxing authority for administrative costs and remediation, and

WHEREAS, tax enforcing districts, of which St. Lawrence County is one, would still be able to offset from the foreclosure sale the taxes and penalties they are owed, as well as interest, administrative and some legal expenses assuming the tax enforcing district has adopted an appropriate local law permitting the recovery of those expenses, and

WHEREAS, in order to assess remediation costs for properties that are foreclosed upon but are in a contaminated state or identified as hazardous, the tax enforcing district must provide for such fees to be recoverable by way of local law, and

WHEREAS, in 2023, the St. Lawrence County Board of Legislators authorized the creation of the "Blighted Property Program", designed to tackle blighted residential structures and augment the county's approach to environmental clean-ups the County was already engaged in, and

WHEREAS, in addition to the remediation costs, the new provisions of the Real Property Tax Law, as amended through the budget, defines reasonable administrative expenses, subject to local law adoption as: (1) the cost of the mailing or service of notices required or authorized by law; (2) the cost of publication of notices; (3) the amount of any interest and penalties imposed by law; (4) the cost of recording or filing required legal documents; (5) the cost of appraising a parcel for the purpose of determining the existence and amount of any surplus in cases where a public sale does not occur the reasonable and necessary cost of any search of the public record required or authorized to satisfy the notice requirements of this article, and other reasonable and necessary expenses incurred by a tax district in connection with a proceeding to foreclose a tax lien, including but not limited to, administrative, auction and reasonable attorney fees and/or costs associated with the foreclosure process, provided, that: (i) a charge of up to either \$250 per parcel, or 2% of the sum of the taxes, interest and penalties due

on the parcel, whichever is greater, shall be deemed reasonable and necessary to cover the combined costs of such searches and the other reasonable and necessary costs and expenses and (ii) a tax district may charge a greater amount with respect to one or more parcels upon demonstration to the satisfaction of the court having jurisdiction that such greater amount was reasonable and necessary; (6) the amount owed to the tax district by virtue of a judgment lien, a mortgage lien, or any other lien held by the tax district that is not a delinquent tax lien, and

WHEREAS, the County is seeking to amend the existing Local Law in order to accommodate and align with the amended State Statute permitting the recovery of the administrative costs as well as the costs associated with property remediation, and

WHEREAS, the primary amendment of the local law is the rise in charge of the foreclosure fee and the authorization to charge the assessed owner for blighted property investigation and remedy, and

WHEREAS, the law requires that said Local Law adoption be preceded by a public hearing,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators hereby sets a Public Hearing on Proposed Local Law E (No.) for the Year 2024 to be held at 5:30 p.m. on June 3, 2024, in the Legislative Board Room.

PROPOSED LOCAL LAW E (NO.) FOR THE YEAR 2024, "AMENDING LOCAL LAW 2 FOR THE YEAR 2023, SETTING POLICY ON ACQUISITION AND SALE OF TAX DELINQUENT PROPERTY IN ST. LAWRENCE COUNTY"

BE IT ENACTED by the Board of Legislators of the County of St. Lawrence as follows:

Section 1. This local law shall supersede and repeal all prior local laws regarding real property tax foreclosure proceedings.

Section 2. Pursuant to Article 11 of the Real Property Tax Law, The St. Lawrence County Legislature hereby exercises the following options for the collection of delinquent taxes in St. Lawrence County.

Section 3. A charge of up to either \$250 on each parcel with delinquent taxes, or two percent of the sum of the taxes, interest and penalties due on the parcel, whichever is greater, shall be deemed reasonable and necessary to cover allowable administrative costs in tax foreclosure. This charge will be applied on June 1st of the year following the tax bill.

Section 4. The Tax Enforcement Officer is hereby empowered to take installment payments of delinquent taxes. Said installment payments shall have a payment term of 24 months with payments due every three months. The Tax Enforcement Officer shall add \$2 to all delinquent tax bills to cover the cost of notifying the taxpayer of this right. All Installment Agreements shall be entered into on or before September 30 of the year in which the tax becomes a lien. The Tax Enforcement Officer shall collect 25% of the tax due at the time the taxpayer signs the Installment Payment Agreement. The remaining seven installments are payable every quarter, with the first one due on December 1, following the Installment Agreement.

Section 5. The Tax Enforcement Officer, who is the County Treasurer, is hereby authorized to accept a deed in lieu of enforcement of collection of delinquent taxes under Article 11.

Section 6. All property acquired by the County pursuant to Article 11, shall be sold in one of the following manners: a) at a public auction held on the second Saturday in September of the auction year, b.) at a properly advertised private sale subject to approval by the St. Lawrence County Board of Legislators, or c.) at such date and in such manner as established by a validly issued Administrative Order, a validly issued Executive Order, subsequent superseding State Statute, or valid order of a Court with jurisdiction over the matter. Such sales may also be held online if deemed necessary by the County Treasurer.

Section 7. The County sells only its lien and interest, does not warrant title, and will convey only by quitclaim deed. No abstracts will be provided.

Section 8. Any fees associated with the auction and conveyance of properties sold at public auction, to include auctioneer fees, buyer's premium, advertising fees, and recording fees will be the responsibility of the bidder.

Section 9. At a public auction, the highest bidder must tender twenty percent (20%) of the bid or a fifty dollar (\$50.00) deposit, whichever is greater. In addition, the highest bidder is responsible for any buyer's premium, auctioneer fees, and possible advertising fees payable by certified check, money order, cash or credit card. The balance is due within thirty (30) days, also payable by certified check, money order or cash. Confirmation of the sale by the St. Lawrence County Board of Legislators is unnecessary for Article 11 properties sold at public auction. The County must sell to the highest bidder unless the highest bidder defaults. Upon default of the highest bidder, the deposit will be forfeited, and the County reserves the right to accept the bid of the second highest bidder.

Section 10. The former owner, and any other person who may be acting as an agent of the former owner, whether disclosed or undisclosed, is strictly prohibited from bidding at the auction.

Section 11. Any bidder who owns property in St. Lawrence County and is delinquent in their taxes shall be prohibited from bidding at the auction. The term delinquent is defined as prior

year tax delinquency. No other person who may be acting as an agent of this bidder shall be allowed to bid at the auction.

Section 12. For properties with actual or suspected environmental contamination, application may be made to the Court in an effort to gain “Temporary Incidence of Ownership”, granting St. Lawrence County the legal authority to enter such property and conduct an environmental investigation to determine the nature and extent of any environmental contamination which may exist at the property and the cost for addressing such contamination.

Section 13. The costs to St. Lawrence County associated with addressing actual or suspected environmental contamination of a property, including investigative, cleanup and legal costs, may be charged to the assessed owner and included on the tax assessment roll.

Section 14. The costs to St. Lawrence County associated with addressing actual or suspected contaminated, condemned, abandoned, and/or blighted property, including investigative, demolition and legal costs, may be charged to the assessed owner and included on the tax assessment roll subject to recovery pursuant to the provisions of the Real Property Tax Law.

Section 15. This local law shall take effect upon filing with the Secretary of State.

Mr. Gennett moved to adopt Resolution No. 175-2024, seconded by Ms. Curran and Mr. Perkins, and carried by a voice vote with fourteen (14) yes votes, and one (1) absent (Fay).

RESOLUTION NO. 176-2024

AUTHORIZING THE CHAIR TO SIGN AN AGREEMENT WITH THE CANTON CHAMBER OF COMMERCE FOR USE OF PARKING LOTS AT THE COUNTY COMPLEX FOR THE ANNUAL DAIRY FESTIVAL DAYS PARADE

By Mr. Gennett, Chair, Finance Committee

WHEREAS, the Canton Chamber of Commerce requests the use of County parking lots at the H.B. Smith Building and the Courthouse for the staging area/line up of the annual Dairy Festival Days Parade held this year on June 1, 2024, and

WHEREAS, the Canton Chamber of Commerce would hold the County harmless from and all liability arising from the use of County parking lots,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign an agreement with the Canton Chamber of Commerce for use of the parking lots at the County Complex for the annual Dairy Festival Days Parade, upon approval of the County Attorney.

Mr. Gennett moved to adopt Resolution No. 176-2024, seconded by Mr. Denesha, Mr. Perkins, and Ms. Curran, and carried by a voice vote with fourteen (14) yes votes, and one (1) absent (Fay).

CHAIR'S APPOINTMENTS: There were no Chair's appointments.

ADJOURNMENT – Chair Forsythe adjourned the May 20, 2024 Special Board Meeting at 5:23 p.m., as there was no further business.