St. Lawrence County DRAFT Special Board Meeting

Board of Legislators Monday, July 16, 2018

Board Room 5:20 p.m.

Chair Acres called the Special Board Meeting to order at 5:20 p.m.

**ROLL CALL:** All Legislators were present with the exception of Mr. Burke, Mr. Colbert,

Mr. Leader, and Mr. Timmerman.

**APPROVAL OF THE AGENDA:** Mr. Denesha moved to approve the agenda, seconded by Mr. Lightfoot, and carried by a voice vote with eleven (11) yes votes and four (4) absent (Burke, Colbert, Leader, Timmerman).

**PRESENTATION OF RESOLUTIONS:**

RESOLUTION NO. 280-2018

# AUTHORIZING THE CHAIR TO SIGN AN AGREEMENT WITH THE NEW YORK ENVIRONMENTAL PROTECTION, SPILL COMPENSATION FUND

# REGARDING CERTAIN TAX DELINQUENT PROPERTIES

# IN ST. LAWRENCE COUNTY

By Mr. Denesha, District 6 and Mr. Paquin, District 14

**WHEREAS,** St. Lawrence County has developed a strategic plan to target potentially environmentally contaminated properties throughout the County to assist in making these once economically productive properties beneficial to their communities again, and

**WHEREAS,** St. Lawrence County, with the assistance of Gary Bowitch, Esq. of the law firm Bowitch and Coffey, LLC, identified six (6) properties with eight (8) distinct tax map numbers in need of environmental testing and potential remediation, and

**WHEREAS,** following the completion of Phase 1 studies performed in 2018 at two locations comprising three tax map numbers in the Town of Massena area (known as “7 Water Street” and “13/13.5 Main Street”), a determination was made that no further testing was required and that the foreclosure process could be consummated, and

**WHEREAS,** the four remaining additional and separate sites, comprised of five (5) tax map parcels (“Sites”), were identified as requiring environmental remediation before they can be conveyed via auction, and

**WHEREAS,** the County of St. Lawrence (“County”) has commenced an action against the several properties located in the Towns of Massena and Dekalb due to tax delinquency by a tax foreclosure proceeding on November 1, 2017, for unpaid ad valorem real property taxes with respect to the following properties located in St. Lawrence County (hereinafter referred to as the “Sites”):

A. “Slavins Site”

Owner: Slavins Furniture & Jewelry Corp.

Address: 31 Water Street, Massena, New York,

Tax ID #: 9.059-9-22

B. “Weaver Sites”

Owner: Darlene Weaver

Addresses: 2648 State Highway 812, Dekalb, New York

2644 State Highway 812, Dekalb, New York

Tax ID #s: 115.051-1-19

115.051-1-20

C. “Gardner Site”

Owner: Estate of John & Isabelle Gardner

Address: 133 Water Street, Massena, New York,

Tax ID #: 9.067-3-12

D. “Cornell Site”

Owner: Cornell’s Dry Cleaning, Inc.

Address: 141 Water Street, Massena, New York,

Tax ID #: 9.067-3-13.1

**WHEREAS,** the New York Environmental Protection and Spill Compensation Fund (the "Fund") was created by Navigation Law § 179, and

**WHEREAS,** the Fund is seeking to perform cleanup of petroleum contaminants at the Sites, and

**WHEREAS,** pursuant to Navigation Law § 180, the administrator of the Fund is authorized to settle claims on behalf of the Fund and to make additional expenditures for cleanup of any potentially petroleum contaminated sites, and

**WHEREAS,** any agreement between the Fund and the County would require the State of New York to perform all environmental contamination remediation at the Sites after the County acquires title to the Sites through tax foreclosure at a cost to be solely borne by the State of New York, and

**WHEREAS,** in order to facilitate redevelopment of the Site, the County desires to enter into an agreement with the Fund wherein the Fund would release its potential claims against the County, for past and future cleanup and removal costs incurred by the State, including interest thereon and applicable penalties prior to the County taking title to the Sites through tax foreclosure, and

**WHEREAS,** any release provided by the Fund to the County shall extend to the County’s successors or assigns with respect to each of the Sites, however, such release shall not extend, nor can it be transferred to any successors or assigns of the County at the Sites, if such successors in title are persons deemed legally responsible for the discharge of petroleum at the Sites, respectively,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Legislators authorizes the Chair to sign an agreement with the New York Environmental Protection and Spill Compensation Fund, and any other agreements necessary, for certain tax delinquent properties in St. Lawrence County, upon approval of the County Attorney.

**\*\*\***

Mr. Denesha moved to adopt Resolution No. 280-2018, seconded by Mr. Perkins, and carried by a voice vote with eleven (11) yes votes and four (4) absent (Burke, Colbert, Leader, Timmerman).

Mr. Paquin asked to be added as a sponsor to the resolution.

**ADJOURNMENT:** Mr. Acres adjourned the July Special Board Meeting at 5:27 p.m., as there was no further business.