

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON HOUSING & PLANNING
Tuesday, February 23, 2010, 9:30 am
MEETING MINUTES**

In Attendance:

Committee Members: Leg. William Burton, Chair; Legislators Peter Harckham, Judy Myers and Alfreda Williams. Advisory Members: Albert Annunziata, Committee Coordinator: Barbara Dodds.

Others: BOL: Leg. Tom Abinanti, Joanne Sold, Larry Goldstein; Law Dept.: Rick Cashman, Don McLeod; Tax Commission: David Jackson; CEO: George Oros, Katy Delgado, Diane Balistreri; Planning Dept.: Anthony Zaino, LWVW: Karen Schatzel.

With a quorum present, Leg. Burton opened the meeting.

Parcel "Q" property determination Leg. Burton welcomed staff from the Planning and Law Depts. to discuss the determination of County land known as "Parcel Q." Anthony Zaino, Director of Design for Planning, summarized the history of the property which had been rejected for affordable housing due to steep slopes and wetness. The adjacent property owner had encroached on the County property looked upon as surplus. The County worked with the Town of Greenburgh and the Village of Ardsley to divide the parcel into three parts for a) sale to the adjacent property owner giving revenue to the County, b) sale to the Town of Greenburgh for \$1 for park use, and c) sale to the Village of Ardsley for \$1 for park use. The municipalities would then petition the state for adjacent land to create a trailway project. Working with Legislators Jenkins and Abinanti, and the staffs of the Town and the Village, the map, as presented, is an acceptable division by all parties.

The attorneys said the homeowner has been leasing the property for a number of years but the existing lease expired in 2009. It appears the homeowners never executed the new lease and have stopped paying rent. So before any sale can take place, they would have to pay all arrears before the land could be transferred.

The legislation before the Committee is simply to declare the property surplus. Under their two-part procedure, the Law Dept. would have to come back to the Board to get permission to convey the property. It is recommended that three instances of language referring to the right of first refusal, beginning on the 2nd page of the committee report, should be stricken and more appropriately added on the next legislation permitting the conveyance. The county is trying to determine how much has been paid by the landowner. Mr. Abinanti supported declaring the entire parcel as surplus property. Mr. Annunziata asked about the price of the C parcel. The purchase price was negotiated to \$45,000 in a deal brokered by Sal Carrera in 2008 which may or may not be current. The motion, as amended, was moved by Leg. Harckham and seconded by Leg. Williams. All voted in favor.

Collaborative Assessment Commission—David Jackson, Exec. Dir., WC Tax Commission and liaison for the Board of Legislators to the Westchester Collaborative Assessment Commission gave an overview of the commission's activities. Three meetings have been held since November. John Wolham from the NYS Office of Real Property was added as a non-voting member. A course of action was discussed at the first meeting, the

second meeting finalized the course of action and five subcommittees were established at the third meeting. The subcommittees included:

- Commercial databank—using the \$50,000 study grant to the County from NYS that is currently in a trust account, this committee is working on the creation of a resource tool to centralize sales and lease transactions. Mr. Jackson is chair, Chuck Lesnick, Nanette Albanese and Josette Polzella are members.
- Pictometry—advocates and supports the final implementation and delivery by the County of a photography tool including oblique, aerial and street level photos of the entire County that would be used by each assessing unit. Mark Russell is chair, Lee Roberts and Josette Polzella are members.
- Property Inventory—preparing and submitting a report to the BOL recommending specific property characteristics to be collected, reported and contained on the traditional property record card to improve the uniformity of data used in property valuation/assessment and to get to a computerized inventory system. Josette Polzella is the chair, Linda Cooper, Mark Russell and John Wolham are members.
- Drafting a County Reval Law – preparing and submitting the best proposal and a draft law to the BOL that requires the revaluation of all County properties specifying the characteristics to be collected and recorded, a time line for updating the assessments and including a framework for a more efficient and effective appeals process. Al Gatta is the chair, all are members.
- Property Tax Measures—preparing and submitting a report to the BOL with appropriate information on various property tax relief measures that are available by state law, what new legislation is being proposed, and what is recommended by the commission. Linda Cooper and Chuck Lesnick are co-chairs, Mr. Jackson and John Wolham are members.

The next meeting will be on March 12th when each committee will present and finalize their plan of action. Reports will be edited and integrated into a report to the BOL targeted on or before October 1, 2010.

Referring to the Town of Mamaroneck, Leg. Myers heard that some town officials feel that photography might not be used because they felt it is necessary to go into every single home. Mr. Jackson explained that the photography process is to expedite the time and workload of the assessors in identifying residential and commercial properties. The collection of photography is a compromise approach to get the inventory somewhat up to date and uniform. Many municipalities have not done a reval in fifty years. The photography is a non-intrusive tool that would be more acceptable to the majority of municipalities that have not made the decision to study reval as Mamaroneck has. Once you have a data base in new technology, everything becomes easier. Although knocking on the door and going through the house would be the most detailed approach, the photography is adequate for the time being. To provide guidance for all municipalities, the State Board of Real Property Services has adopted Uniform Assessment Standards—Resolution 10-05 (<http://www.orps.state.ny.us/ref/pubs/uniformAssmntStd/>).

Leg. Burton made the point that any reval change is going to be driven by the assessing units of the Towns and Villages. The County is only providing the framework under the current law. Leg. Harckham added that when the legislators first considered this over a year ago, they intended this would be driven by the localities and the County would be the supporting entity in terms of providing the commercial data base and photography. If the localities wanted to, they could reval on their own or, if there was a groundswell to have the

County do it that would come from the commission and it would not be a top down process. This approach is welcome because it lets the Legislature know how best it can be of assistance to the municipalities. Leg. Williams added that in Greenburgh there has been some criticism of the photography. The main concern will be the cost of reval.

Mr. Annunziata asked if there had been any thought given to using public domain street level photography instead of hiring a firm to do it for the County? Mr. Jackson responded that public domain programs don't provide the toolset needed by the assessors and that toolset is not available to the public. Leg. Abinanti recalled about twelve years ago the Board of Legislators passed legislation at the urging of municipal officials and school boards which called on the state to change the state law. This law involved the state, the county and the localities. The local governments would do the assessments, the county would do the revaluation and the state would provide the standards and some money. Since no one is going to be happy, it needs to be a collaborative effort which shares the political blame. It did not take away home rule but there were carrots and sticks to uphold a strong suggestion. That law required a five year reassessment. New York is one of the few states that doesn't have regular revaluation. Eventually we should take a look at that. Leg. Harckham pointed out that there was a need to do it all at the same time because of the overlap of school districts and their taxing.

Leg. Abinanti also added that in the meantime, we need to find a way to stem the tide of certioraris. In some cases, certioraris are almost automatic because of the reliance on a state equalization rate. Little by little more and more of the burden is being shifted to the lower income homeowner who is either not familiar with the process or who doesn't have the money to pay for it. Leg. Burton remarked that is something that is going to be an ongoing discussion. Leg. Abinanti requested that sometime in the near future discussion resume on how we deal with alternative ways of dealing certioraris before it becomes a bigger problem. Leg. Burton thanked Mr. Jackson and said he would be asked to return in several months. Leg. Burton made a motion to adjourn, moved by Leg. Harckham and seconded by Leg. Myers.