

5th Day
Monday, February 28, 2011
1:00 p.m.

The Board of Supervisors met pursuant to adjournment in their room in the Court House, Chairman Hoffman presiding.

Upon roll call, all Supervisors were present except Supervisor LeRoy who were absent.

The meeting was opened with the Pledge of Allegiance, led by Supervisor Spickerman.

County Administrator James Marquette and Assistant County Attorney Daniel Wyner were also present.

PRIVILEGE OF THE FLOOR:

Chairman Hoffman opened the floor at this time for members of the public to address the Board of Supervisors on items listed on the agenda for action.

Jon Fontaine, a resident of the Town of Marion, requested to address the Board and shared his concerns with the Board's current procedures for exempting property in Wayne County. He noted that the County should operate like a business; and that Towns should provide solid business plans before the county provides financial assistance.

UNFINISHED BUSINESS:

Mr. Lauderdale moved, seconded by Mrs. Crane, for three items under Unfinished Business, Res. Nos. 159-11; 160-11 and 161-11 to be *Taken from the Table* to be acted upon by the Board. Upon roll call, all Supervisors voted Aye. Absent – Supervisor LeRoy. The Chairman declared the motion carried.

RESOLUTION NO. 159-11: AUTHORIZING COUNTY TREASURER TO REINSTATE ALFRED DREW ON THE TAX ROLL

Mr. Hammond presented the following:

WHEREAS, pursuant to Resolution No. 482-10 duly adopted by the Wayne County Board of Supervisors on July, 20 2010, said Board of Supervisors determined that there was no practical method to enforce the collection of delinquent tax liens on property owned by Alfred Drew, Tax ID # 68111-10-418600, located at N. Main St., in the Town of Arcadia and that supplementary proceeding to collect said tax would not be effective; and

WHEREAS, pursuant to said resolution, a Certificate of Cancellation was issued by the Wayne County Treasurer on July 30, 2010 which had the effect of canceling the outstanding delinquent tax liens; and

WHEREAS, the Wayne County Treasurer issued a Certificate of Prospective Cancellation on July 30, 2010 and said certificate was filed with the assessor of the assessing unit in which the parcel was located and the Director of the Real Property Tax Services; and

WHEREAS, the potential cost to the County in taxes for this property is approximately \$1,845 for taking this action; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors makes the following determination: The property owned by Alfred Drew., Tax ID #68111-10-418600, located at N. Main St., in the Town of Arcadia shall be restored to the taxable assessment roll for the reason that if the County of Wayne should acquire said parcel, there would be no significant risk that it might be exposed to liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and be it further

RESOLVED, that the Wayne County Treasurer shall file a Certificate of Restoration setting forth relevant facts with the assessor of the assessing unit of the town in which said parcel is located and the Director of the Real Property Tax Services.

Mr. Colacino moved, seconded by Mrs. Crane for the adoption of the resolution.

Mr. Colacino addressed the Board to discuss the Town of Arcadia's request for the reinstatement of certain properties to be put back on the tax rolls; to accept the Town's, and accept the Town of Arcadia's *good faith agreement* for the efforts for the clean up these properties for a change for the better for our children's future.

Mr. Plant asked if any additional correspondence had been received from the Town of Arcadia regarding the Board's original request for the Town to provide a letter of support to take immediate ownership of this land once the county takes title through the tax foreclosure process. He highlighted sections of the Town's Resolution that noted the County would be paying for the associated engineering costs, up front, for the necessary environmental assessments.

County Attorney Wyner acknowledged that he received an e-mail from Supervisor Colacino and reviewed the Town's request for the County support on this matter, with possible options.

Questions were asked regarding any recourse if a contractual agreement is broken by the Town; what properties had applied for EPA Grants and if these grants were applied for properly.

The suggestion to have Towns set aside escrow funds for future expense of properties with environmental risks was proposed again by Mr. Manktelow.

Mr. Lauderdale summarized the proposed resolution on the floor and outlined a few points for the reinstatement of this property.

After more discussion, Mr. Lauderdale made the motion, seconded by Mrs. Crane for the *Call to Question*. Mr. Plant noted that a two-thirds vote was required for this motion.

Upon roll call, all Supervisors voted Aye, except Supervisor Spickerman who voted Nay. Absent – Supervisor LeRoy. The Chairman declared the motion carried.

Upon roll call for a vote for the resolution on the floor, all Supervisors voted Nay, except Supervisors Colacino, Spickerman, Groat, Crane, Manktelow, Bender, Collier and Lauderdale who voted Aye. Absent – Supervisor LeRoy. The Chairman declared the resolution Defeated.

RESOLUTION NO. 160-11: AUTHORIZING COUNTY TREASURER TO REINSTATE PHILLIP KLINE ON THE TAX ROLL

Mr. Hammond presented the following:

WHEREAS, pursuant to Resolution No. 482-10 duly adopted by the Wayne County Board of Supervisors on July, 20 2010, said Board of Supervisors determined that there was no practical method to enforce the collection of delinquent tax liens on property owned by Phillip Kline, Tax ID # 68111-00-408850 and 68111-00-432848, located at Route 88 North, in the Town of Arcadia and that supplementary proceeding to collect said tax would not be effective; and

WHEREAS, pursuant to said resolution a Certificate of Cancellation was issued by the Wayne County Treasurer on July 29, 2010 which had the effect of canceling the outstanding delinquent tax liens; and

WHEREAS, The Wayne County Treasurer issued a Certificate of Prospective Cancellation on July 29, 2010 and said certificate was filed with the assessor of the assessing unit in which the parcel was located and the Director of the Real Property Tax Services; and

WHEREAS, the potential cost to the County in taxes for this property is approximately \$8,768 for taking this action; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors makes the following determination: The property owned by Phillip Kline, Tax ID #68111-00-408850 and 68111-

00-432848, located at Route 88 North, in the Town of Arcadia shall be restored to the taxable assessment roll for the reason that if the County of Wayne should acquire said parcel, there would be no significant risk that it might be exposed to liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and be it further

RESOLVED, that the Wayne County Treasurer shall file a Certificate of Restoration setting forth relevant facts with the assessor of the assessing unit of the town in which said parcel is located and the Director of the Real Property Tax Services.

Mr. Colacino moved the adoption of the resolution. Seconded by Mr. Groat. Upon roll call, all Supervisors voted Nay, except Supervisors Colacino, Spickerman, Groat, Crane, Manktelow, Bender and Lauderdale who voted Aye. Absent – Supervisor LeRoy. The Chairman declared the resolution DEFEATED.

RESOLUTION NO. 161-11: AUTHORIZING COUNTY TREASURER TO REINSTATE FREDERICK PARKINSON ON THE TAX ROLL

Mr. Hammond presented the following:

WHEREAS, pursuant to Resolution No. 482-10 duly adopted by the Wayne County Board of Supervisors on July, 20 2010, said Board of Supervisors determined that there was no practical method to enforce the collection of delinquent tax liens on property owned by Frederick Parkinson, Tax ID # 68111-10-365641, located at N. Main St., in the Town of Arcadia and that supplementary proceeding to collect said tax would not be effective; and

WHEREAS, pursuant to said resolution a Certificate of Cancellation was issued by the Wayne County Treasurer on July 30, 2010 which had the effect of canceling the outstanding delinquent tax liens; and

WHEREAS, the Wayne County Treasurer issued a Certificate of Prospective Cancellation on July 30, 2010 and said certificate was filed with the assessor of the assessing unit in which the parcel was located and the Director of the Real Property Tax Services; and

WHEREAS, the potential cost to the County in taxes for this property is approximately \$3,170 for taking this action; and

WHEREAS, the Town of Arcadia will provide a letter of support to take immediate ownership of this land once the county takes title through the tax foreclosure process; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors makes the following determination: The property owned by Frederick Parkison., Tax ID #68111-10-365641, located at N. Main St., in the Town of Arcadia shall be restored to the taxable assessment roll for the reason that if the County of Wayne should acquire said parcel, there would be no significant risk that it might be exposed to liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and be it further

RESOLVED, that the Wayne County Treasurer shall file a Certificate of Restoration setting forth relevant facts with the assessor of the assessing unit of the town in which said parcel is located and the Director of the Real Property Tax Services.

Mr. Groat moved the adoption of the resolution. Seconded by Mr. Lauderdale. Upon roll call, all Supervisors voted Aye, except Supervisors Plant and Park who voted Nay. Absent – Supervisor LeRoy. The Chairman declared the Resolution ADOPTED.

Mr. Hammond moved, seconded by Mr. Plant, for one additional item under *Unfinished Business*, Res. No. 162-11, be *Taken from the Table* for consideration by the Board. Upon roll call, all Supervisors voted Aye. Absent – Supervisor LeRoy. The Chairman declared the motion carried.

RESOLUTION NO. 162-11: AUTHORIZING COUNTY TREASURER TO REINSTATE STOCKTON LAND COMPANY ON THE TAX ROLL

Mr. Hammond presented the following:

WHEREAS, pursuant to Resolution No. 482-10 duly adopted by the Wayne County

Board of Supervisors on July, 20 2010, said Board of Supervisors determined that there was no practical method to enforce the collection of delinquent tax liens on property owned by Stockton Land Co., Tax ID # 71111-14-411405, 71111-14-475388 and 71111-14-481422, located at Cole Rd., in the Town of Lyons and that supplementary proceeding to collect said tax would not be effective; and

WHEREAS, pursuant to said resolution a Certificate of Cancellation was issued by the Wayne County Treasurer on August 5, 2010 which had the effect of canceling the outstanding delinquent tax liens; and

WHEREAS, the Wayne County Treasurer issued a Certificate of Prospective Cancellation on August 5, 2010 and said certificate was filed with the assessor of the assessing unit in which the parcel was located and the Director of the Real Property Tax Services; and

WHEREAS, the potential cost to the County in taxes for this property is approximately \$29,222 for taking this action; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors makes the following determination: The property owned by Stockton Land Co., Tax ID #71111-14-411405, 71111-14-475388 and 71111-14-481422, located at Cole Rd., in the Town of Lyons shall be restored to the taxable assessment roll for the reason that if the County of Wayne should acquire said parcel, there would be no significant risk that it might be exposed to liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and be it further

RESOLVED, that the Wayne County Treasurer shall file a Certificate of Restoration setting forth relevant facts with the assessor of the assessing unit of the town in which said parcel is located and the Director of the Real Property Tax Services.

Mr. Manktelow moved the adoption of the resolution. Seconded by Mr. Colacino for the adoption of the resolution.

Mr. Plant addressed the Board and noted for the County to take this action, the potential cost to the County will be \$29,222 in taxes for this property, further, \$160,000 in back taxes. He commented that this would not be a benefit if someone was looking into purchasing this property.

Question was raised regarding these taxes being washed away if put on Tax Roll 8.

Mr. Manktelow made a request to leave this on the tax rolls as there is a buyer for this property and added that they are aware of the taxes due.

There was some question whether this issue was a subject for executive session. County Attorney Wyner stated that it was not.

Upon roll call, all Supervisors voted Aye, except Supervisors Hammond, Plant and Park who voted Nay. Absent – Supervisor LeRoy. The Chairman declared the Resolution Adopted.

OTHER BUSINESS

Mrs. Collier moved, seconded by Mr. Kelsch that one (1) resolution be allowed on the floor under *Other Business*. Motion carried.

RESOLUTION NO. 164-11: AUTHORIZATION TO CONTRACT FOR ACTUARIAL SERVICES FOR THE COUNTY'S WORKER'S COMPENSATION PROGRAM

Mrs. Collier presented the following:

WHEREAS, the County administers a Worker's Compensation pool program for county government and for other participating jurisdictions and agencies within the county; and

WHEREAS, the County Administrator and County Attorney have recommended that the services of an actuary be retained in order to assess the value of current and incurred but not reported claims and current reserves; and

WHEREAS, the County's Third Party Administrator has assisted in identifying a firm that can accomplish this task; now therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract with By the Numbers Actuarial Consulting, Inc. subject to the review and approval of the County Attorney as to form and content and in an amount not to exceed \$4,500 to perform actuarial services and to prepare and deliver the report to the county.

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Lauderdale. Upon roll call, adopted.

ADJOURNMENT:

The next scheduled meeting of the Board is Tuesday, March 15, at 7:00 p.m.

Mr. Plant moved, seconded by Mr. Miller that the board adjourn at 2:05 p.m. Carried.

Sandra J. Sloane, Clerk, Wayne County Board of Supervisors
