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## Office of the Legislature

Office (518) 853-8338

Fax (518) 853-5091

64 Broadway/PO Box 1500

Fonda, NY 12068-1500

**TO:** Budget & Finance Committee

Michael J. Pepe, Chairman, Legislator, District 7  
Martin P. Kelly, Legislator, District 1  
Brian D. Sweet, Legislator, District 2  
John Thayer, Legislator, District 3  
Robert Headwell, Jr., Legislator, District 4  
Daniel P. Wilson, Legislator, District 5  
John M. Duchessi, Legislator, District 6  
Joseph M. Isabel, Legislator, District 8  
Robert A. Purtell, Legislator, District 9



**FROM:** Cheryl A. Reese, Clerk of the Legislature

**CC:** Legislators, County Attorney, County Treasurer, Media

**DATE:** 7/24/2020

**RE:** Committee Meetings

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Chairman Michael J. Pepe has called a meeting of the Budget & Finance Committee for 6:20 p.m. on Tuesday, July 21, 2020 in the Legislative Chambers, County Office Building, 64 Broadway, Fonda, New York. Members from the public may also listen to the meeting by calling 1-646-749-3112, Access Code 598-894-717. Items on the agenda, at this time, are as follows:

1. DISCUSSION

A. Privilege of Committee Chair, Committee Members & Legislators to discuss items of interest, etc., regarding departments governed by this Committee

2. Dashboard Reports

3. RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY ACQUIRED BY TAX FORECLOSURE IN THE TOWN OF ST. JOHNSVILLE (COUNTY TREASURER)

4. RESOLUTION OF THE LEGISLATURE OF MONTGOMERY COUNTY EXTENDING ADDITIONAL 1% SALES AND COMPENSATING USE TAXES PURSUANT TO ARTICLE 29 OF THE NYS TAX LAW (COUNTY LEGISLATURE)

5. RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)

6. OTHER



## Proposed Resolutions

<b>Res. #</b>		<b>Sponsor/Second</b>	<b>Recommendation</b>
<a href="#"><u>134</u></a>	RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY ACQUIRED BY TAX FORECLOSURE IN THE TOWN OF ST. JOHNSVILLE (COUNTY TREASURER)	Purtell/Sweet	Move to Full Legislature
<a href="#"><u>135</u></a>	RESOLUTION OF THE LEGISLATURE OF MONTGOMERY COUNTY EXTENDING ADDITIONAL 1% SALES AND COMPENSATING USE TAXES PURSUANT TO ARTICLE 29 OF THE NYS TAX LAW (COUNTY LEGISLATURE)	Kelly/Thayer	Move to Full Legislature
<a href="#"><u>136</u></a>	RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)	Wilson/Thayer	Move to Full Legislature



**RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY ACQUIRED BY TAX FORECLOSURE IN THE TOWN OF ST. JOHNSTOWN (COUNTY TREASURER)**

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**Resolution by Legislator:** Purtell

**Seconded by:** Sweet

**WHEREAS**, Montgomery County has obtained the real property parcel by tax foreclosure known as SBL 8.52-3-6 (12 Main Street), located in the Village of St. Johnstown, Town of St. Johnstown; and

**WHEREAS**, this property is not needed for County purposes; and

**WHEREAS**, this property previously was offered at tax foreclosure auctions but successful bidders failed to close on the property; and

**WHEREAS**, a neighboring property owner has expressed interest in obtaining said real property parcel with the intent of demolishing the property; and

**RESOLVED**, the Montgomery County Legislature hereby authorizes to convey all the right, title and interests of the County in and to said real property to Carmen A. Licari for the sum of \$1.00 plus associated deed filing fees; and

**FURTHER RESOLVED**, the County Treasurer is hereby authorized and directed to execute the deed and all related documents related to the conveyance of said property to Carmen A. Licari.

[Attachment](#)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

Transfer tax foreclosed property owned by the County to Carmen A. Licari (neighboring property owner)

*II. Justification:*

Property was offered at previous tax foreclosure auctions with successful bidders failing to pay balance due and close on the property.

*III. Legislative Impact:*

Approval of the Montgomery County Legislature is required for the transfer of County owned property

*IV. Financial Impact:*

Property would be sold for \$1.00 and new owner would be responsible to pay all future taxes. No tax revenue has been received on this property since 2015.

**cc:** County Clerk  
County Treasurer



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**RESOLUTION OF THE LEGISLATURE OF MONTGOMERY COUNTY EXTENDING ADDITIONAL 1% SALES AND COMPENSATING USE TAXES PURSUANT TO ARTICLE 29 OF THE NYS TAX LAW (COUNTY LEGISLATURE)**

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**Resolution by Legislator:** Kelly

**Seconded by:** Thayer

**BE IT ENACTED** by the Legislature of the County of Montgomery, as follows:

**SECTION 1:** Section 4-A of Resolution No. 311, enacted by the Board of Supervisors of the County of Montgomery on December 5, 1967, imposing sales and compensating use taxes, as amended by Resolution No. 189 of 2011 and other amendments, is amended to read as follows:

**Section 4-A.** Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of Section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by Sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning June 1, 2003, and ending November 30, 2023. Such additional taxes shall be identical to the taxes imposed by such Sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such Sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

**SECTION 2.** Paragraph (B) of subdivision (1) of Section 11 of Resolution No. 311, enacted by the Board of Supervisors of the County of Montgomery on December 5, 1967, imposing sales and compensating use taxes, as amended by Resolution No. 189 of 2011 and other amendments, is amended to read as follows:

With respect to the additional tax of one percent imposed for the period beginning June 1, 2003 and ending November 30, 2023 in respect to the use of property used by the purchaser in this County prior to June 1, 2003.

**SECTION 3.** This enactment shall take effect December 1, 2020.

**SECTION 4.** The Montgomery County Clerk of the Legislature is authorized and directed to file a certified copy of this enactment with the New York State Secretary of State, the New York State Comptroller and the Montgomery County Clerk within five days of this enactment via certified mail. The Montgomery County Clerk of the Legislature is further authorized and directed to certify that these mailings have been done and to mail this certification with the Clerk's raised seal via certified mail to the New York State Office of Taxation and Finance.

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

RESOLUTION OF THE LEGISLATURE OF MONTGOMERY COUNTY EXTENDING ADDITIONAL 1# SALES AND COMPENSATING USE TAXES PURSUANT TO ARTICLE 29 OF THE NYS TAX LAW (COUNTY LEGISLATURE)

*II. Justification:*

Current authorization under State Law for the 1% sales tax expires on November 30, 2020. NYS Legislature empowered the County of Montgomery to raise an additional 1% sales tax.

*III. Legislative Impact:*

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the power to levy taxes

*IV. Financial Impact:*

The additional 1% represents approximately 5 million dollars of county revenue each year.

This additional sales tax revenue has been critical to the fiscal well-being of Montgomery County.

**cc:** County Clerk  
County Treasurer



**RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)**

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**Resolution by Legislator:** Wilson

**Seconded by:** Thayer

**WHEREAS**, pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the County Auditor, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment; and

**WHEREAS**, the County Auditor has audited claims for the period of June 24, 2020 through July 28, 2020; and the County Auditor recommends the payment of the claims as attached hereto in the "Abstract of Audited Claims".

**RESOLVED**, after examination and review of the claims by the County Auditor, the claims are audited and attached hereto, are hereby approved for payment by the Montgomery County Legislature.

[Abstract of Audited Claims - July 2020](#)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

APPROVING ABSTRACT OF AUDITED CLAIMS

*II. Justification:*

Pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the County Auditor, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment.

*III. Legislative Impact:*

Pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the audit committee, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment.

*IV. Financial Impact:*

no impact on the fund balance

**cc:** County Clerk  
County Treasurer