

AD HOC COMMITTEE ON MINERAL RIGHTS
MEETING MINUTES
FRIDAY, FEBRUARY 13, 2009

The Ad Hoc Committee on Mineral Rights of the Broome County Legislature met on Friday, February 13, 2009 in the Legislative Conference Room, Sixth Floor, Edwin L. Crawford County Office Building, Binghamton, New York.

Members Present: S. Herz (Chair), T. Cleary, M. Diffendorf, R. Keibel, M. Nirchi, D. Reynolds, Legislature; K. Keough, RPTS; R. Behnke, County Attorney's Office

Members Absent: None

Others Present: R. Blythe, County Clerk; N. Maxwell, Budget; M. Marinaccio, Town of Dickinson; M. Kennerknecht, Assemblywoman Lupardo's Office; G. LaBare, E. Denk, C. Marion, G. Regensburg, C. Hall, Legislature

The Committee meeting was called to order by the Chairman at 1:32 pm.

Mr. Cleary made a motion, seconded by Mr. Nirchi to accept the February 6, 2009 meeting minutes. Motion carried.

Mr. Keibel stated that in rem means against a property, not a person. Mr. Keibel discussed some of the options he felt the committee could consider.

1. retain all foreclosed parcels
2. retain all vacant foreclosed parcels.
3. retain all foreclosed parcels over a certain acreage
4. retain all vacant foreclosed parcels over a certain acreage

Mr. Keibel made a motion, seconded by Mr. Cleary that all mineral rights stay with the all property regardless of the type of sale. Mr. Reynolds hoped for more discussion and stated that the motion was premature. Mr. Keibel withdrew his motion, Mr. Cleary withdrew his second.

The County Attorney Mr. Behnke went over the County's tax foreclosure procedure and stated that once the last date of redemption has passed and the County takes title to a property and the property is deeded to the County, the former owner may submit a hardship letter to the Director of Real Property Tax Service stating their hardship of why the taxes were not paid. The Director of Real Property Tax Service then makes the decision if the property will be sold back to the former owner before the property goes to auction and submits his recommendation to the Legislature for approval.

There was discussion on the criteria used for hardship cases. Typically they are unique and unusual circumstances. It was suggested that maybe there should be better guidelines for determining hardship cases, possibly a form to be completed by the former owner. Ms. Maxwell indicated she was against the use of a form, as unique and unusual circumstances may not fit that kind of format. Mr. Keough will provide the committee with the current criteria and stated that there hasn't been a problem in the past in determining hardship cases that this has come to light because of the topic of mineral rights.

It was the consensus of the committee that the whole property in its entirety will be sold back on all residential and agriculture parcels to owners who were granted hardship.

It was also the consensus of the committee that the whole property in its entirety will be sold back on all parcels to owners who were granted hardship regardless of zoning or use given that these matters would be addressed in the hardship application process.

Mr. Keough stated that to date there are 203 properties in the foreclosure process with 25 of them having 5 or more acres.

The next meeting is scheduled for Friday, February 20, 2009 with discussion to focus on properties sold at auction.

There being no further business to come before the Committee Mr. Cleary made a motion to adjourn, seconded by Mr. Keibel. The meeting adjourned at 3:00 pm.