

**Government Operations Committee**  
Special Meeting Minutes  
**Tuesday, June 1, 2010 5:00 PM**  
Tompkins County Courthouse

Approved 7:15:10

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Michael Lane	Chair	Present	
Carol Chock	Member	Present	
Dooley Kiefer	Member	Present	
David McKenna	Member	Present	5:08 PM
Pat Pryor	Member	Present	

Staff: C. Covert, Clerk of the Legislature; J. Wood, County Attorney; D. Squires, Finance Director; M. Lynch, Public Information; E. Marx, Planning and Public Works Commissioner; J. Lecesse, Planning Department

Guests: S. Shackford, Ithaca Journal; P. Peter, M. Ward, E. Olmstead, and S. Olmstead, Hurd Road residents

**Call to Order**

The meeting was called to order at 5:02 p.m.

**Additions to Agenda**

It was MOVED by Ms. Kiefer, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the addition of the following resolution to the agenda:

**Resolution (DOC ID: 2039): Approving Settlement Agreement in Lakeside Nursing Home, Inc., Bankruptcy Proceeding**

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Mr. Wood provided an update on this case and said the Judge approved the settlement. He explained that the procedures are different for a bankruptcy proceeding.

<b>RESULT:</b>	<b>RECOMMENDED [4 TO 0]</b>
<b>MOVER:</b>	Dooley Kiefer, Member
<b>SECONDER:</b>	Pat Pryor, Member
<b>AYES:</b>	Michael Lane, Carol Chock, Dooley Kiefer, Pat Pryor
<b>EXCUSED:</b>	David McKenna

WHEREAS, the County is owed real property taxes for the period of January 1, 2000, through May 2003 in the amount of \$769,812.11 by Lakeside Nursing Home, Inc., (hereinafter "Lakeside") in addition to interest and penalties, and

WHEREAS, Lakeside filed for bankruptcy protection under the United States bankruptcy laws, and

WHEREAS, there are not sufficient funds that can be paid from the bankruptcy estate to pay the entire claims of the County and there are other creditors, and

WHEREAS, the Legislature authorized the County Attorney to negotiate a settlement, and

WHEREAS, the settlement has been presented to the Bankruptcy Court and has been approved by the Bankruptcy Court Judge, and

WHEREAS, the settlement provides that the County will receive \$710,781.20 including proceeds from a HEAL NY grant in the sum of \$372,224 (already received) and \$338,557.20 from proceeds from the sale of Lakeside real estate, and

WHEREAS, the settlement agreement provides that the agreement is conditioned upon approval by the Tompkins County Legislature, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature approves the Settlement Agreement submitted for, Case No. 06-30071 Lakeside Nursing Home, Inc., Bankruptcy, US Bankruptcy Court Northern District, and authorizes the County Attorney to execute any necessary documents required by the Court to bring this matter to a conclusion.

**SEQR ACTION:** TYPE II-20

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Mr. McKenna arrived at this time.

**Planning Department**

**Other - Action Item (DOC ID: 2036): Conservation Easements on Tax Parcel No. 39.-1-14.1 and 76.-1-20.53 (Hurd Road Parcel and Dryden Road)**

Mr. Lane said at the last Committee meeting, there was a request made for the Planning Department to further explore protection options for the two parcels mentioned above. Ms. Leccese said a review was done and the Planning Department is recommending that the two parcels be foreclosed on and included in the 2010 auction based on the information outlined in a memo to the Committee dated May 26<sup>th</sup>.

Ms. Kiefer commented that the Planning Department did not change their recommendation and said that subsequently contacted the environmental planner in the Town of Dryden and expressed her concern with the wetlands. She referenced an e-mail she received today from the Town stating their request for the County to withhold the Hurd Road parcel from auction as the property may have conditions on it. Mr. Wood spoke to the issue and explained that when the developer made the parcel, the Town approval was based on this area remaining a park and therefore make a not-for-profit corporation, which did happen. It was assumed by the Corporation that the park would not be subject to taxes, however, the Assessment Department believed that it was subject to taxes as it was a private park and not a public park. The taxes have not been paid. He referred to information he received from one of the property owners that states the property would be maintained as a park for fifty years unless it does otherwise. Mr. Wood said it does not appear the parcel is a buildable lot.

Mr. Marx said this is a legal question and one that is too complex for him to advise the Committee on. However, he does not recommend withholding the property from auction.

At this time, Mr. Lane allowed residents living in the area of the Hurd Road parcel to speak.

Mr. Ed Holmstead spoke about the parcel and said there were 21 building lots that were established as part of the housing subdivision that wrap around a 25-acre parcel presented to him and his wife by the realtor at the time they were looking for property and was told it was primarily a recreational area. Although he understands the provision that if the not-for-profit wanted to change it they could. It was clearly the primary factor for he and his wife to buy the lot and build a house. He commented that he just heard about this property being foreclosed within the last 48 hours. He said he would like the County to not sell the property at auction to allow homeowners in the area to review their options.

Ms. Paula Peter also spoke about the Hurd Road parcel and introduced Mike Ward. She agreed with Mr. Holmstead's comments and said that buying their property was based on the same premise stated by Mr. Holmstead. She spoke about the restrictions and asked that if the property does go to auction that the property owners surrounding the area be given the opportunity to be present. Although the date for the auction has been set, she stated that some homeowners will be out of town at that time.

Mr. Squires clarified the foreclosure process and said each year taxes are unpaid it is advertised in the newspaper. This particular parcel has been delinquent in taxes for two years. The procedure is adjacent owners are sent notification of the auction by the Auctioneer which he believes that happened. This year a postcard announcing the auction was done which did not include a list of properties however it did provide information to a website. A brochure is usually done, but because of the small inventory of properties a postcard was sent.

Following an explanation of options for the Committee by Mr. Lane, it was **MOVED** by Ms. Kiefer, seconded by Ms. Chock, to withhold this Hurd Road parcel from auction as requested by the Town of Dryden Environmental Planner to allow this parcel to be researched as all the lots from the subdivision have some rights to access this lot for recreational purposes and if not resolved before it is sold, it could create a difficult situation for the Town and neighborhood residents.

In response to Ms. Leccese's question about course of action, Ms. Kiefer said that she would like to know what process the Town of Dryden will take to clear up this situation as she believes it is their responsibility.

Mr. Squires commented that one other option is to offer the property for private sale. He strongly urged the Committee to authorize the sale of the property either through the auction or private sale.

Ms. Susan Holmstead said that if the Committee postponed selling the property for one year, she would be willing to pay the taxes for that year.

<b>RESULT:</b>	<b>MOTION LOST [2 TO 3]</b>
<b>MOVER:</b>	Dooley Kiefer, Member
<b>SECONDER:</b>	Carol Chock, Member
<b>AYES:</b>	Carol Chock, Dooley Kiefer
<b>NAYS:</b>	Michael Lane, David McKenna, Pat Pryor

Ms. Kiefer thanked the residents from attending and speaking at this meeting.

### **Adjournment**

The meeting adjourned at 5:35 p.m.