

**PUBLIC HEARING**  
**FEBRUARY 11, 2014**  
**Appointed Assessor Position**

Minutes of a public hearing held on the above date beginning at 6.45 pm in the meeting room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

**Members Present:** Supervisor Politi, Councilman Favro, Councilman Doty, Councilman Miller, Councilman Rand, and Laurie Dudley

**Others Present:** Attorney Ron Briggs, Larry Straight, Matt Turner, Ted Morgan, Richard Smith, Michael Orticelle

Supervisor Politi opened the Public Hearing on the Real Property Tax Law §310, Single Appointed Assessor, at 6:00 pm by reading the Public Notice which was properly published and posted.

Please take notice that the Town of North Elba will hold a public hearing on February 11, 2014, at 6:00 p.m. at the North Elba Town Hall, 2693 Main Street, Lake Placid, New York, for the purpose of discussing a proposed local law as follows:

It is the purpose of this local law to abolish the existing three (3) member board of assessors of the Town of North Elba and replace it with a single appointed assessor to be appointed pursuant to Real Property Tax Law §310.

This local law shall take effect immediately upon filing in the office of the Secretary of State and, pursuant to Real property Tax Law §327, the term of office of all elected assessors of the Town of North Elba shall terminate on December 31, 2014.

Copies of this proposed Local Law are available at the office of the Town Clerk of the Town of North Elba, at the Town Hall.

Supervisor Politi – Before I open the meeting for public comment, I would like to point out that Lake Placid and North Elba is not like any other community, municipality or local government in the Adirondack Park. Given its broad tax base, exceeding two-billion dollars in assessed value, some 515 commercial properties, 7600 residential parcels and exempted parcels. It is a complicated Roll within an abundance of special use and complex valuation properties. We were lucky over the last 30 years to have had Kim Daby as our Assessor because he was aware of all the properties and people in the community. We believe as a Town Board that it is imperative that we have not only an accurate Roll but also a fair and impartial Roll. Given the complex nature of this Assessment Roll as it exists, it is necessity to maintain a 100% Equalization Rate for purposes of exemptions and receiving money from the State of NY. That credibility is essential. We need to consider an appointment, which is the hiring of a professional Assessor for a term of 6 years as opposed to 4 years as elected. There are a number of things that come into play that most of the public wouldn't realize; appointed or hired professionals must maintain minimum qualifications and standards by law as opposed to the elected official who is not subject to qualifications or standards. I have heard the argument that if we appoint somebody then that person is beholden to you and maybe there is a conflict of interest. Quite frankly, it is no different from the person who has to get elected and goes around getting his friends to vote for him, in some ways feeling beholden to those types of people. The argument, in my opinion, is similar. We want to see a Roll where everyone pays their fair share and everyone's assessment is considered to be fair and equitable. The reason we are here this evening is because we have come to the conclusion that it is the only way we are going to get to that position immediately. There is a sense of emergency with this Roll because of the vast number of parcels and because of the extremely complicated evaluation methodologies that are necessary for valuing the commercial properties that exist in this community. It is not something that somebody who gets elected is not going to know how to do for many years. That is why we are here this evening. Unless I have a board member who has something else to add, I will open the meeting up to anyone who would like to comment or ask questions.

Mr. Smith – If the appointed position is established as opposed to an elected or a contracted position, would there be benefits and would that person be a Town employee?

Supervisor Politi – The benefits would be the same for appointed and elected.

Mr. Smith – The question was appointed, elected or contracted. If you contract someone to pave your driveway, you don't pay them benefits.

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Supervisor Politi – They would be an employee. They would have a contract with the Town of North Elba to meet certain standards but they would have the same benefits that an elected official would have.

Mr. Smith – How long would the term be?

Supervisor Politi – The difference is that the elected official is 4 years and the appointed position is 6 years. One of the differences is that once someone is elected for 4 years then they are there for 4 years but anyone who is appointed that does not maintain their certification can be terminated.

Attorney Briggs – They can be terminated for cause. Let me talk about the term. The legislature has determined the six year term. The current 6 year term began on October 2013. There is 5 ½ years left in the term. If we would hire someone in 3 years, there would be only 2 ½ years left in the term.

Mr. Smith – From what I understand, if they are appointed or contract you can't revert to elected.

Supervisor Politi – That is the one pitfall in doing this. Once you go with an appointed you can't go back to elected. It has been an attempt by the State to move in that direction. A majority of Municipalities in NYS overwhelmingly have appointed assessors.

Mr. Smith – If you go to an appointed position, how is that going to be selected? What is the education, certification awards factors?

Supervisor Politi – An appointed person doesn't necessarily have to live in North Elba where as an elected official must live in North Elba.

Mr. Smith – Is there going to be any weight given to that?

Supervisor Politi – I don't think so. We are going to give it to the most qualified person like we always have. Our Finance Officer, Cathy Briggs, is a CPA and does a phenomenal job for us. She lives in Peru. We have a number of people that work for the Town that don't necessarily live in the Town. Certainly, if we had two people who were equally qualified and one was from North Elba and one wasn't, it is fair to say that the person from North Elba would get the job.

Mr. Smith – That person would be supervised by you or the Board?

Supervisor Politi – They would be supervised by the Board. The only time the Town Board gets involved with the Assessors' Office is situations dealing with personnel or dealing with lawsuits. We have every year a number of tax certioraris, tax lawsuits both residential and commercial nature against the Town. Many times the assessor sits down with Ron and myself and the Town Board at workshops to discuss particular cases for the purpose of resolution or the purpose of moving forward in a lawsuit.

Mr. Smith – Ron can probably answer this; if you appoint somebody that you make a 6 year commitment can it be 1 year with a five year option? You can say that this person isn't cutting it so we aren't going to renew the option of the next years.

Attorney Briggs – I don't think you can do that. We can craft standards to which they must comply. That would create cause.

Mr. Smith – Do you do evaluations?

Supervisor Politi – We have performance evaluations of our department heads on a monthly basis. They come in and sit down with us and we discuss what they had going on in their departments. We discuss what we like and what we don't like about what is happening.

Mr. Smith – Is there written element stating that you will maintain such and such once a year?

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Councilman Miller – The law requires that an appointed assessor has to be Board Certified. If he is not doing his job and loses certification then we cannot employ him.

Attorney Briggs – It is a minimum of 12 credits per year.

Mr. Smith – The two part-time positions will be eliminated. Who is going to do the work that they were doing?

Supervisor Politi – One Assessor will do the work. In the past, a majority of work was done by Kimball. The other two Assessors were there for guidance. Later in the meeting I intend to appoint Art Jubin as the temporary Chairman of the Board of Assessors. The Chairman does the everyday activity. The other Assessors are paid a stipend and are there for help and guidance. We intend to hire someone professional.

Mr. Smith – I agree with you. You have the potential for the gal who is up there to learn a little more if she is encouraged.

Supervisor Politi – We have been really lucky because Margaret has really done everything since Kim was sick.

Mr. Smith – I have talked to several people who are in support of the election. When I described what you and I discussed which you just talked about a light bulb came on and said that is a factor. It could end up a popularity contest.

Supervisor Politi – I have had one person come up to me and say that it should be elected, other than an elected official which I won't name. I probably had at least 50 people who have said we would like to have somebody who is fair and impartial. Can you imagine the person who gets elected who has to go put a value on the Whiteface Lodge or the Crowne Plaza? You better know what you're doing. You have to testify and justify the value you put on those properties. You better know what you're talking about.

Sr. Smith – When Kim came in it was a totally different job. You learn as you go. In 50 years it's changed.

Councilman Doty – Our business district hadn't grown like it has in the last 25 years.

Councilman Miller – I was in the gym this morning and Terry Peck grabbed me and said I think it's great that you guys are looking for a professional and keep politics out of my assessment. When she was talking to me, two other people came on over and said I didn't understand that and now I'm glad you are doing that. I agree. The people out there are appreciative.

Supervisor Politi – Nobody likes change. Change isn't an easy thing. In some ways it is nice to be able to complain to somebody you know because you think potentially you might have some influence because you've known them for so many years. Really, it should not have anything to do with the decision. Your house is what its worth and your neighbor's house is what theirs is worth. I will never tell you that this Roll is going to be 100% correct and there is never going to be a problem with it because I am an MAI and this is what I've been doing for 40 years. I have never seen a Roll from Albany to here that was right on the money. It is a difficult process. Values change every year. You just can't be absolutely perfect. The idea is not to be perfect but to make sure you are in the ballpark and not totally out of the ballpark.

Councilman Miller – Jack and I talked to some of the folks that put in for the job and what we felt was very important was the willingness for a potential candidate for the position to be able to step back and listen to a homeowner and be willing to reevaluate the decisions that they made. None of us are perfect. It is really important for someone not to be there and say they are a professional and know better than you but to be willing to welcome someone into the office to discuss it with them. If the homeowner had some good points then take that into consideration.

Councilman Favro – We also discussed the importance in making sure they are getting the proper exemptions. The people that struggle with keeping their homes should be getting it.

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Supervisor Politi – And those that shouldn't be getting it don't get it. The law on exemption changed recently. Unfortunately, Kim was sick for a couple of years. The Roll was in good shape up until after he got sick. You can't let a year go by on a two-billion dollar Assessment Roll. Our assessment base is so much bigger than anyone else in the County. It is essential that it be accurate because it affects our voting power in the County and the return of sales tax dollars. We don't take this decision lightly. We wanted to make sure we didn't jump at it.

Mr. Smith – You are basically ready to move forward to make a selection?

Supervisor Politi – I wrote a letter today to the candidates saying that I apologize for the delay but we didn't want to make a decision until we could see how the public may feel about this potential local law. After we have had an opportunity to evaluate the Public Hearing tonight then we would move forward to make the decision within a couple of weeks. We will then make the decision on the appointment immediately. If 60 people showed up tonight and said we disagree, that is one thing.

Councilman Miller – I asked Dan Stec who was the Queensbury Town Supervisor who did this 15 years ago if there was much controversy and he said surprisingly no one said a word. Everybody was fine with it. The people that got angry were the people that live on the lake because their assessments went up. The idea of hiring a professional just was not a controversial decision. I think we found the same thing here to my surprise.

Supervisor Politi – Whether it is an elected official or an appointed official, someone new coming in and looking at the Roll, which needs a complete review before 2015, there are going to be changes in assessment. There are some that will be happy and some that are not going to be happy. It is always the case whether appointed or elected.

Councilman Doty – Do we have to wait a certain time period before we can move forward.

Attorney Briggs – If you adopt it, the day it is filed it is effective. The temporary appointed assessor will stay but the law is in effect.

Supervisor Politi – It is a good thing that Art Jubin and Jim Bishop stay on until the end of the year. Anybody new coming in is going to get their help. Jim and Art have stepped forward asking how they can help out. Their involvement today is greater than it had been in the past.

Councilman Miller – We involved Art in the interview process.

Ted Morgan – How many people applied? Are some of them local?

Supervisor Politi – There were about ten and a lot of them were local. We have gone through interviews and there is a short list.

Matt asked for the back story on Kimball and Supervisor Politi explained that he worked as the assessor for 30 years. He was up for reelection but died before the election. He was the election.

**ADJOURNMENT**

There being no further discussion regarding the Real Property Tax Law §310, Supervisor Politi closed the public hearing at 6:30 pm.

**EXECUTIVE SESSION – (BEFORE REGULAR MEETING AT 7:00PM)**

Councilman Rand moved and Councilman Favro seconded the motion to go into executive session for the purposes of discussing labor negotiations at 6:30pm. Councilman Miller moved and Councilman Rand seconded the motion to come out of executive session at 6:55pm. There was no action taken during executive session.

Respectfully submitted,

Laurie Curtis Dudley, Town Clerk