



Tioga County Worksession Minutes June 8, 2017 – 1:00 p.m.

Legislators present:

Legislator Hollenbeck
Legislator Huttleston
Legislator Monell (*departed @ 2:15 p.m.*)
Legislator Mullen
Legislator Standinger
Legislator Sullivan
Legislator Weston

Absent:

Legislator Roberts
Chair/Legislator Sauerbrey

Guests:

Matt Freeze, Reporter, Morning Times (*departed @ 2:05 p.m.*)

Staff present:

County Attorney Peter DeWind (*arrived @ 1:03 p.m.*)
Legislative Clerk Maureen Dougherty
Deputy Legislative Clerk Cathy Haskell
Personnel Officer Bethany O'Rourke (*arrived @ 1:04 p.m.*)
Director of Community Services Lori Monk (*departed @ 2:00 p.m.*)
Director of Administrative Services (MH) Chris Korba (*departed @ 2:00 p.m.*)
County Clerk Andrea Klett
Chief Accountant/Budget Officer Rita Hollenbeck
Commissioner of Public Works Gary Hammond
Treasurer Jim McFadden (*departed @ 2:15 p.m.*)

Deputy Legislative Chair Weston opened the meeting at 1:00 p.m.

Approval of Worksession Minutes – May 18, 2017

Legislator Monell motioned to approve the May 18, 2017 Legislative Worksession minutes as written, seconded by Legislator Hollenbeck with Legislators Hollenbeck, Huttleston, Monell, Mullen, Standinger, Sullivan and Weston voting yes with Legislators Roberts and Sauerbrey being absent. Motion carried.

Action Items:

ACTION ITEMS FROM APRIL 20, 2017:

ACTION ITEM #1 – 4/20/17 – PILOT Tax Payment Agreements

County Attorney DeWind reported the County currently has several PILOT tax payment agreements and we are in the process of determining their status, coverage, etc. The County's involvement is simply a supporting role with the organization receiving funding and establishing the facilities. Mr. DeWind provided the following update on the two PILOT agreements listed below:

- **Elizabeth Square Apartments, Waverly, NY** - This facility was originally owned by Liberty Housing. The County expressed concern as to the current owner, as it appeared this property may have transferred ownership. Mr. DeWind confirmed this property did not transfer ownership, however, they created a separate company by the name of Elizabeth Square Housing Development Fund Company that nominally owns the property under Article 11 of the Private Housing Finance Law. This allowed them to have a PILOT agreement structured under Section 422 of the Real Property Tax Law, which allows for zero tax payments if you are the company that owns the building and is offering housing solely for handicapped or very low income seniors. Mr. DeWind reported this is a 20-year PILOT agreement that is currently in effect.
- **School House Apartments, Cady Ave., Nichols, NY** – Tioga Opportunities, Inc. owns this facility/property. Tioga Opportunities, Inc. redeveloped the property via funding through NYS and entered into a 20-year PILOT agreement, which ends at the end of this year. Under the current agreement, Tioga Opportunities, Inc. is paying \$4,538 annually. Mr. DeWind reported Tioga Opportunities set up an amount they were going to pay under the PILOT with a 3% escalator over the 20-year agreement. Mr. DeWind reported Tioga Opportunities, Inc. sent a letter of request to the Town of Nichols for an extension, as they are the municipality that expedited the original agreement. As part of the letter of request for an extension, Tioga Opportunities, Inc. outlined two possible options: enter into another 10-year PILOT agreement with the continuation of the 3% escalator; set a fixed amount over the 10-year agreement. The latter option is a little more than what they would be paying if the PILOT were to cease, but they are offering to pay \$6,895 for the 10-year period. Tioga Opportunities, Inc. is asking the Town of Nichols to entertain one of these options. Mr. DeWind reported his involvement was to determine whether this property would normally drop back into a tax exempt status and Tioga Opportunities, Inc. is also interested in looking into this issue. Mr. DeWind reported since they are offering housing to handicapped and very low income individuals they would automatically be exempt under Section 422 of the Real Property Tax Law. However, Mr. DeWind reported there is a disagreement regarding when the existing PILOT ends in 2017 as to whether this property becomes automatically tax exempt or if becomes fully taxable. Mr. DeWind is in the process of connecting with their attorney to further discuss. Mr. DeWind reported, based on looking at what they are doing and lending to, they most likely will be tax exempt under Section 422 of the Real Property Tax Law, which at the end of the PILOT results in zero tax dollars. Legislator Sullivan inquired as to why Tioga Opportunities, Inc. would be willing to pay when they may not be required to do so. Mr. DeWind reported the Town of Nichols is interested in knowing whether the County is in agreement with the 10-year extension. Mr. DeWind reported the Town of Nichols Supervisor is not necessarily in favor of extending the agreement if it means the property will drop back to a fully taxable status. Legislator Sullivan reported she needs additional information prior to making a decision. Mr. DeWind reported this is a legal issue between the Town of Nichols and Tioga Opportunities, Inc. and they are just consulting with the County. No decision needs to be made at this time. Legislator Sullivan suggested the

County wait until a decision is made on the tax exemption status before taking a position of support. **This action item is completed and will be removed from the action item list.**

ACTION ITEMS FROM MAY 4, 2017:

ACTION ITEM #1 – 5/4/17 – Hearing Assistance System for Legislative Conference Room -

Legislative Clerk Dougherty had a follow-up conversation with ITCS Director Camin regarding the portable hearing assistance system for the Legislative Conference Room. Ms. Dougherty reported Mr. Camin was in agreement for her to proceed with the AV Sound & Electronic quote of \$1,200.00 for the hearing assistance system with two headsets. Legislator Sullivan inquired as to whether this is a one-time cost or if annual maintenance costs are involved. Ms. Dougherty reported this is a one-time cost.

On a straw poll vote, Legislators Hollenbeck, Huttleston, Monell, Mullen, Standinger, Sullivan, and Weston were in favor of Ms. Dougherty proceeding with this purchase through AV Sound & Electronics at a cost of \$1200.00 with Legislators Roberts and Sauerbrey being absent. **This action item is completed and will be removed from the action item list.**

Legislative Support – Legislative Clerk Dougherty:

Approval of Legislative Support Committee Minutes – May 4, 2017:

Legislator Monell motioned to approve the May 4, 2017 minutes as written, seconded by Legislator Hollenbeck with Legislators Hollenbeck, Huttleston, Monell, Mullen, Standinger, Sullivan and Weston voting yes with Legislators Roberts and Sauerbrey being absent. Motion carried.

Legislative Clerk Dougherty reported the following:

- The June Legislative Meeting is scheduled for Tuesday, June 13, 2017, at 6:00 p.m. in the Hubbard Auditorium. The Legal/Finance Committee will meet prior at 4:00 p.m. in the Legislative Conference Room.
- Legislator/Chair Sauerbrey will do the prayer and pledge and start the voting process at the June 13, 2017 Legislature meeting.
- Legislative Budget is tracking well.
- Public Hearing was held on May 4, 2017 regarding Local Law Introductory No. A of 2017.
- Phone communication with NYS Taxation & Finance counsel regarding sales tax. Local Law Introductory No. B of 2017 to be introduced at the June 13, 2017 Legislature meeting.
- NYS Retirement Reporting Update:

✓ ***Examination Letter from NYS Retirement System*** – Ms. Dougherty reported she received a letter identifying several adjustments that need to be done in order address the discrepancies between the Records of Activities (ROA) listed on resolutions versus the number of days worked reported on the County's monthly report. Ms. Dougherty reported she is working with Personnel and the Treasurer's Office and a meeting is scheduled in the next couple of weeks. Ms. Dougherty reported the Payroll Supervisor has a good understanding on how to do the adjustments. Ms. Dougherty reported this involves several employees who submit calendars as ROA'S. Ms. Dougherty reported once all adjustments have been made, Personnel Officer O'Rourke will send out letters to the affected employees with updated service credit information. Legislator Sullivan suggested a follow-up meeting with the affected employees after the letters are sent to the employees. Ms. O'Rourke reported part of the issue is that no one was reviewing the calendars and information was being accepted at face value. Legislator Sullivan inquired as to whether other employees could be affected that are not identified in this letter. Ms. Dougherty reported there are only a limited number of people that use the calendar system for reporting, therefore, the letter identifies all.

Legislator Huttleston inquired as to whether these discrepancies affect any of the legislators. Ms. Dougherty reported it does negatively affect some of the legislators.

✓ **Retirement Set Up on Munis** - On a different issue, Ms. Dougherty reported the Payroll Supervisor received two emails from the NYS Retirement System regarding discrepancies regarding payroll employees. Ms. Dougherty reported the Payroll Supervisor discovered that Munis was set up incorrectly from inception. Ms. Dougherty reported the Payroll Supervisor contacted Tyler Technologies and the system is now configured correctly. In addition, the Payroll Supervisor is in the process of adjusting the employee's records from January 2016 to present. Legislator Sullivan requested a periodic update on this topic as the process continues.

Recognition Resolutions (2):

- **Recognition Resolution Recognizing Charlene Caldwell Posthumously** - Chair/Legislator Sauerbrey will read the resolution at the June 13, 2017 Legislature meeting.
- **Recognition Resolution Recognizing Susan Bogart's 20 Years of Dedicated Service to Mental Hygiene** - Legislator Standinger will read and present this resolution to Ms. Bogart at the June 13, 2017 Legislative meeting.

Proclamations (1):

- **National Safety Month** - Legislator Standinger will read and present this proclamation at the June 13, 2017 Legislative meeting.

Resolutions:

The resolutions for the June 13, 2017 Legislative meeting were reviewed and the following discussion occurred.

- ▶ **Introduction of Local Law No. B of 2017** - Ms. Dougherty reported this local law amends Local Law 6 of the Year 2015 which authorized a 2015 resolution recodifying and reimposing sales and compensating use taxes. Ms. Dougherty reported this is the two-year tax extender. Mr. DeWind reported we repealed so we created a new local law in 2015 so as far as the State is concerned this is the operative law that allows us to set the two-year tax rate of 3% plus the 1%. Mr. DeWind reported the difficulty we were having is that when this was set up in 2015 we had an end date that confused NYS because they thought the end date meant that we couldn't then subsequently replace the actual resolution that extends the sales tax. Mr. DeWind reported we are amending the local law to remove the end date and replacing with the language "as amended from time to time". Mr. DeWind reported this is going to allow the County to have subsequent resolutions for each two-year timeframe and will be carried forward from 2015. Ms. Dougherty reported the Senate passed the Bill yesterday and we are still waiting for the Assembly to take action. Once the Assembly signs the Bill, it is submitted to the Governor for signature. Ms. Dougherty reported the deadline is September 2nd. In the event this is not completed by the established deadline date then we will have to request an extension. Legislator Sullivan will introduce this local law at the June 13th Legislature meeting.
- ▶ **Abandon N. Ellistown Road, Broad Street Extension and Waverly Hill Road to Town of Barton** - Mr. DeWind reported concern was expressed as to whether we should move forward with this resolution at this time since the Shared Services Committee is looking to have a formal plan submitted in 2018. Mr. DeWind reported submitting the plan in 2018 for FY2019 may qualify us for matching grants, however, none of these funds have been appropriated for 2018 or 2019 and the application process is still being developed. Mr. DeWind reported in this specific circumstance there is very nominal savings in transferring roads to the Town of Barton and may not qualify for much if we

wait to include this in the 2018 shared services plan. Legislator Sullivan reported changing ownership and maintenance responsibilities of roads was an item identified by the Shared Services Committee, therefore, by doing it now it would not be eligible to be included in the 2018 plan. Mr. DeWind concurred and reported doing anything in advance of submitting the formal shared services plan would not qualify for any savings. Mr. DeWind reported entering into a shared services agreement now eliminates the ability to include it in the 2018 Shared Services Plan, but not sure we would gain much through the matching grants. In regards to sharing equipment with a municipality through a cooperative agreement at least we have a written contract in place for damages, etc. Mr. DeWind reported we can continue to do these under the Highway Law as we have been without a shared services agreement. Legislator Sullivan suggested doing business as normal with the municipalities. Commissioner of Public Works Hammond suggested moving forward with this resolution and doing business as normal. All legislators were in favor of moving the resolution forward for Legislature consideration at the June 13, 2017 Legislature meeting.

- ▶ **Retitle and Amend Classifications Within Dispatcher Series, Authorize Salary Reallocation** – Legislator Sullivan inquired as to why this resolution is retroactive to March 20, 2017. Ms. O'Rourke reported it is the County's practice that when the Personnel Office receives a request for a desk audit that results in a change that it is dated back to the date of request. Ms. Dougherty inquired about the funding, as no transfers occurred in conjunction with this resolution. Budget Officer Hollenbeck reported annually, this will be a \$65,000 increase for 2018 budget, however, for 2017 this is a prorated amount retroactive to March 20, 2017 for an estimated amount of \$50,000. Ms. Hollenbeck reported the Sheriff's Office most likely has the funding in their budget as she added extra funds in their budget for potentially retroactive deputy raises.
- ▶ **Create and Fill Permanent, Full-Time Senior Social Worker Position – Mental Hygiene** – Legislator Monell inquired as to how tracking will be done to ensure the employee is being covered for their salary. Ms. Morgan reported expenses are known and revenue tracking is done. Legislator Monell reported some of the funding for this position is coming through fees for services, therefore, who keeps track of whether the fees are collected. Ms. Morgan reported the Department's financial department will track this information. Legislator Monell inquired as to how much of the billable services are written off and never collected annually. Ms. Morgan reported there is always some write off expenses, however, does not have the exact number at this time. Legislator Monell reported he would like to know this information, however, understanding that it is not going to matter for this particular resolution.
- ▶ **Create and Fill Permanent, Full-Time Medical Director – Mental Hygiene Position** – Legislator Huttleston inquired as to what the need is for this position. Ms. Morgan reported there has always been a need for a psychiatrist and we have been paying for this position contractually. Ms. Morgan reported it is her preference, as well as the psychiatrist's preference to be paid as a County employee with access to the retirement system. Ms. Morgan reported the Department's budget includes \$150,000 in the contractual line for a psychiatrist, however, that is not for a full-time psychiatrist. Under the current contract, the Department has two part-time psychiatrists; one position is working 2 days per month and the other position is working one day per week. Ms. Morgan reported psychiatrists are very difficult to recruit and we are fortunate to have someone in our county to provide these services. Ms. Morgan reported this is a revenue producing position. Legislator Mullen reported we are already paying \$150,000 for two part-time psychiatrists with limited availability and for

an additional \$25,000 we gain a full-time psychiatrist with a 5-day work week availability with more billable hours. Ms. Morgan concurred the difference of \$25,000 in salary will be made up through increased revenue for billable services. Legislator Standinger reported this position will self-fund. Legislator Standinger further reported Probation Director Bennett expressed this position would be a good benefit for Probation. Legislator Sullivan reported Commissioner of Social Services Yetter reported in committee meeting this week that this position would benefit the foster care issue and currently the County does not have a psychiatrist that serves children. Ms. Hollenbeck inquired as to whether there are additional costs on the administrative end regarding prescription drugs for the clinic. Ms. Morgan reported the psychiatrist will write prescriptions and not have supplies on hand, therefore, no additional costs. Legislator Sullivan reported this resolution went through committee. Legislator Mullen reported he is aware of what we are paying in the jail and they are taking a monthly hit of \$55,000 currently and this position will be benefit the Department's inmate population.

Other –

- ***Intern/Volunteers*** – Mr. DeWind reported the County has a very delineated intern policy, however, requires education credits are being received. Mr. DeWind reported the County does not have a volunteer policy, however, we do have a policy that pertains to part-time or temporary hires. Previously, we had two requests for volunteer positions that were voted down, but that was due to the nature of being in contact with sensitive documentation. Mr. DeWind reported a request came out of Public Works Committee earlier today to have a 2nd year student at Environmental Science in Forestry work under Materials Recovery Manager Pratt doing site evaluations. Mr. DeWind reported this is not being done in affiliation with the school itself nor is the person seeking compensation. This individual would simply be obtaining some job experience and in return the County would be receiving services for no fee. This intern would work approximately 10-20 hours per week. Mr. DeWind reported the issue became as to whether to classify this individual as an intern or a volunteer. Legislator Sullivan reported the Intern policy indicates the Legislature could waive the requirement for either an accredited academic or education program on a case-by-case basis. Mr. DeWind concurred this could be done or the County could choose to go the route of a temporary hire with no compensation. Either way, the individual will still be required to go through the same training. As an internship, we could reach out to the school and see if they would be willing to sign on to help one of their students. Regardless if we go through an internship or temporary hire, the individual is still covered under Workers' Compensation with no liability to the County. Ms. O'Rourke inquired as to whether the Legislature would be willing to do a retroactive resolution to avoid any further delays. Ms. Hollenbeck inquired as to whether a temporary hire required a resolution. Ms. O'Rourke reported the resolution would need to create the temporary position. Ms. O'Rourke reported she thought it would be best to proceed as an internship. Legislator Monell reported this individual will still be required to go through orientation and all other training requirements.

On a straw poll vote, Legislators Hollenbeck, Huttleston, Monell, Mullen, Standinger, Sullivan, and Weston were in favor of moving forward with a retroactive resolution. If time allows to prepare the resolution, Ms. O'Rourke will present this as a late-file resolution for Legislature consideration at the June 13, 2017 Legislature meeting.

- **Request to Change DMV Hours** – County Clerk Klett reported the DMV Supervisor would like to change the hours of operation from 9:00 a.m. – 5:00 p.m. to 8:30 a.m. – 4:30 p.m. Ms. Klett provided the Legislature with the list of points prepared by the DMV Supervisor and referenced these hours would better serve the customers. Ms. Klett reported road tests begin at 8:00 a.m. and if anyone wants to conduct other business the office would be open. Ms. Klett reported this was discussed at the Administrative Services Committee and the committee recommended bringing the request to the full Legislature. Legislator Sullivan reported she was fine with the proposed request providing the Legislature did not have any concerns. Legislator Sullivan reported this change affects all the members of the public and will need to be publicized. Ms. O'Rourke inquired as to whether the staff could stagger their shifts so the hours of operation could be 8:00 a.m. – 5:00 p.m. Ms. Klett was in favor of this suggestion, however, raised the question as to whether this would be acceptable with the union. Legislator Mullen reported there is also an issue with cashier/audit functions. Ms. Hollenbeck suggested utilizing the Deputy County Clerk as the auditor when there is not adequate staff available in the DMV office to segregate these duties, as this is what is done in the Treasurer's Office. Ms. Klett reported she was in favor of this suggestion. Legislator Mullen suggested changing the hours on a trial basis and classifying the change as "summer hours" with the option to re-evaluate after three months to see if this change was acceptable to the public. Currently, the DMV office stops all transactions at 4:45 p.m., therefore, with the proposed hours of 4:30 p.m. the last transaction would occur at 4:15 p.m. Legislator Sullivan reported the points listed by DMV Supervisor indicate an average of two customers after 4:00 p.m., therefore, last transaction after 4:15 p.m. may not be an issue. Legislator Sullivan reported she would like Ms. Klett to pursue Ms. O'Rourke's and Ms. Hollenbeck's suggestions. Decision was made to continue discussions with Ms. Klett bringing the DMV Supervisor to next month's committee meeting. The Legislature reported there is not enough data to make a decision at this time. Legislator Sullivan reported this was initially presented two months ago and the committee asked they track customers and data, which is the information presented today. Mr. Hammond reported the building has new cameras that could verify the number of customers waiting in the hallway to do business at DMV.

Executive Session -

Motion by Legislator Sullivan seconded by Legislator Mullen to move into Executive Session to discuss an individual personnel matter. Motion carried to go into Executive Session at 2:20 p.m. County Attorney DeWind and Personnel Officer O'Rourke remained in attendance.

Executive Session ended at 2:38 p.m.

Meeting adjourned at 2:38 p.m.

Next worksession is scheduled for Thursday, June 22, 2017 at 10:00 a.m.

Respectfully submitted by,
Cathy Haskell
Deputy Legislative Clerk