



Tioga County Worksession Minutes July 6, 2017 – 1:00 p.m.

Legislators present:

Legislator Hollenbeck
Legislator Monell
Legislator Mullen
Legislator Roberts
Chair/Legislator Sauerbrey
Legislator Standinger
Legislator Sullivan

Absent:

Legislator Huttleston
Legislator Weston

Guests:

None

Staff present:

County Attorney Peter DeWind
Legislative Clerk Maureen Dougherty
Deputy Legislative Clerk Cathy Haskell
Probation Director Joy Bennett (*departed @ 1:15 p.m.*)
Probation Supervisor Brian Cain (*departed @ 1:15 p.m.*)
Public Health Director Lisa McCafferty
Personnel Officer Bethany O'Rourke
Chief Accountant/Budget Officer Hollenbeck (*arrived @ 1:10 p.m.*)
Commissioner of Public Works Gary Hammond (*arrived @ 1:15 p.m.*)

Worksession commenced at 1:00 p.m. in the Legislative Conference Room for a Public Hearing on Local Law Introductory No. B of 2017 – A Local Law amending Local Law 6 of the year 2015 which authorized a 2015 resolution recodifying and reimposing sales and compensating use taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges. Public Hearing adjourned at 1:01 p.m. and the Legislative Worksession resumed at 1:02 p.m.

Succession Planning Update:

Chair Sauerbrey reported the Succession Planning Committee has been working on this project since last year. Chair Sauerbrey reported Probation Director Joy Bennett and Personnel Officer Bethany O'Rourke are both members of this committee and are in attendance today. The committee has developed a plan to start conducting quarterly training sessions for our employees with the intent to kick-off these training sessions next year. Chair Sauerbrey reported these training sessions are designed to help our employees become leaders and to

step into higher positions within the Department, as well as encourage and provide better service by them enjoying and appreciating their jobs. Chair Sauerbrey reported this will also help them better understand the broad connection between the Departments. Chair Sauerbrey reported the committee is planning to conduct four training sessions next year with the first one being "County Government 101". Chair Sauerbrey reported this is a very informative training that consists of a slide presentation with the use of the County's website. Chair Sauerbrey reported this training presentation was put together by Ms. Bennett and Materials Recovery Manager Ellen Pratt using Ontario County's model and updating with Tioga County information. Chair Sauerbrey reported the other three presentations will be held throughout 2018 and the Department Heads will determine who should attend. Chair Sauerbrey reported \$5,000 will be added in Personnel's 2018 budget for this project and this funding request was approved by the Personnel Committee earlier today. Chair Sauerbrey reported the purpose of the funding will be to compensate trainers. Chair Sauerbrey reported it is possible that we could find talent within our staff to conduct such trainings, however, the committee would like to secure funding in the event it is necessary to bring in a higher level of expertise. Legislator Sullivan inquired as to who would be conducting the first session; County Government 101. Chair Sauerbrey reported this will be a joint effort of the Succession Planning Committee.

Ms. Bennett reported the committee is aware that internally Tioga County does not pay as well as surrounding counties, therefore, you always need to find something within your Department to motivate people to stay. Ms. Bennett reported she believes this project is a good way to target employees and let them know that you believe in them and prepare them to step into a higher position instead of learning the position after assuming the title.

Legislator Standinger reported forward thinking is the positive way to go.

Paying Costs for Demolished Properties:

Chair Sauerbrey reported this was addressed at the end of the last worksession and believes this will develop into an action item for further discussion. Legislator Sullivan reported she provided Mr. DeWind with information regarding previous discussion on this topic. Mr. DeWind reported this topic has been addressed in the past and it appears it is in need of re-evaluation. Mr. DeWind reported he was able to look at the former research that was done and it does not appear that anything new has transpired, therefore, we are still in the same situation. In regards to the County taking care of local municipal taxation, Mr. DeWind reported the villages are handled differently than the towns. Mr. DeWind reported the towns are automatic, therefore, there is a way to limit the types of assessment for making the towns whole, however, the villages will require action by the Legislature such as repealing the 1979 local law that authorizes the County to collect village taxes and then reimpose. In regards to timing, Mr. DeWind reported he is not sure this is the ideal time to do this.

Legislator Mullen reported he does not believe there is any incentive for local municipalities to address the empty buildings for the purpose of economic development.

Legislator Sullivan reported the County has the ability to not make the local municipalities whole, therefore, we are the ones that are enabling them. Legislator Sullivan reported the County needs to decide whether we want to continue this practice, stop the practice all together, or find an in-between solution.

Legislator Mullen reported he believes the County should phase this out with the understanding that after a certain timeframe the local municipality will need to assume

ownership of the unoccupied properties and work with the Land Bank to rehabilitate and sell for the purpose of producing taxes.

Legislator Hollenbeck reported that at the very least he believes a cap should be established.

Mr. DeWind reported this would be an easy process for the towns, as this could be done internally via a letter, resolution, or local law. However, the issue becomes with the villages, as we will need to repeal the current local law and reimpose something separate. Mr. DeWind reported this will require two separate actions, which includes public hearings thus making this issue more public.

Mr. DeWind reported there are some Attorney General opinions that are not binding, however, indicating that once we start doing something for a village we just cannot stop the process. Mr. DeWind reported we could establish a cap and then inform the villages that while we continue to explore this issue that they comply by not adding any charges without consultation with the County. Mr. DeWind reported the only way to absolutely control the villages and towns from proceeding in the current manner is to adopt a new law stating these types of charges will no longer be added.

Legislator Mullen reported establishing a cap is the most reasonable way to proceed.

Chief Accountant/Budget Officer Hollenbeck inquired as to whether this would need to be a local law or if another resolution rescinding the former one could be done for both the villages and towns stating that the County will no longer make whole or pay for certain types of charges. Ms. Hollenbeck reported the County has already issued two warning letters in the past informing the villages that the County was taking it under advisement and consideration to no longer proceed in this manner.

Mr. DeWind reported a local law was adopted in 1979, therefore, a resolution will not suffice. This will require a formal process with public hearings to repeal and reimpose.

Legislator Sullivan reported, based on previous data received from Treasurer McFadden, demolition charges on average with cleanup are approximately \$50,000. Legislator Sullivan reported she is not in favor of immediately cutting the villages off, but would support establishing a cap.

Legislator Mullen reported the County could establish a percentage cap with a gradual decrease over time.

Legislator Sullivan reported the other concern expressed by the towns and villages is that the County nets a profit from the foreclosure auction and if the County is no longer going to make the municipalities whole then the expectation will be for the towns and villages to handle the costs. Legislator Sullivan reported she would like to see the County's auction profits over the last ten years and then have Treasurer McFadden come up with an average of what it costs the County for the purpose of establishing a reasonable cap.

Legislator Roberts reported the issue with coming up with the average does not necessarily address the massive hits in one given budget year.

Legislator Mullen inquired as to whether the local law could address the option for the County to decline payment of demolition costs that exceed a certain amount. Legislator Mullen reported the local law needs to protect the County from assuming massive expenses.

Mr. DeWind reported the County makes the municipalities whole for taxes, however, these are levies that the municipalities treat as taxes and get flipped to the County. Mr. DeWind reported the only downside of establishing a dollar or percentage cap is that the County is basically taking the position that some of the expense will be treated as taxes and other expenses will not. Mr. DeWind reported it is safer to say demolition costs and code violations are not taxed, as they are liens and liabilities against the property, therefore, needs to remain at the local municipality level.

Chair Sauerbrey reported the local law wording could address these types of charges as liens and that the County is no longer going to assume these expenses, however, could consider helping the municipality upon request. Mr. DeWind reported the municipality would need to approach the County with the request for demolition cost assistance. Legislator Sullivan reported once the County assists a municipality then we are setting a precedent to help them all. Legislator Sullivan reported if the local municipalities become responsible for their own demolition costs they will be more inclined to reach out for assistance.

Commissioner of Public Works Hammond reported housing demolition with asbestos abatement is approximately \$15,000.

ACTION: Legislator Monell will contact Treasurer McFadden and request data on the County's net foreclosure auction proceeds over the last ten years and request Mr. McFadden attend the July 20, 2017 Legislative Worksession for further discussion.

Approval of Worksession Minutes – June 22, 2017:

Legislator Hollenbeck motioned to approve the June 22, 2017 Legislative Worksession minutes as written, seconded by Legislator Standinger with Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger and Sullivan voting yes with Legislators Huttleston and Weston being absent. Motion carried.

Action Items:

Currently, there are no action items for discussion.

Shared Services Presentation:

Chair Sauerbrey presented the Legislature with the Tioga County's Shared Services Plan progress to date. Chair Sauerbrey reported we have conducted two Shared Services meetings with the Panel comprised of Tioga County's town supervisors and village mayors, as well as having two school districts represented at the second meeting. Chair Sauerbrey reported we have conducted one public hearing in the Village of Waverly with twelve residents in attendance. Two additional public hearings are scheduled for July 11th at 1:00 p.m. in Owego, NY and August 1st at 7:00 p.m. in Spencer, NY.

Mr. DeWind reported the Legislature was provided with a certified plan for their review. The Legislature may, by majority vote, issue an advisory report with recommendations to Chair Sauerbrey for Panel consideration. Chair Sauerbrey requested recommendations be submitted by next week's Legal/Finance Committee meeting in order to allow time for the Panel to review, certify the Plan, and submit to the State by the established deadlines. Chair Sauerbrey reported the final plan is voted on by the Shared Services Panel.

The Legislature reviewed the Shared Services Plan and stated this was a fabulous start, however, indicated additional work needs to be done to further reduce the itemized list to show more certified savings and believes that will require additional time. The Legislature supports continued work and discussion on the Shared Services Plan moving into 2018.

Legislative Support – Legislative Clerk Dougherty:

Approval of Legislative Support Committee Minutes – June 8, 2017:

Legislator Sauerbrey motioned to approve the June 8, 2017 minutes as written, seconded by Legislator Sullivan with Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing, and Sullivan voting yes with Legislators Huttleston and Weston being absent. Motion carried.

Legislative Clerk Dougherty reported the following:

- The July Legislative Meeting is scheduled for Tuesday, July 11, 2017, at 12:00 p.m. in the Hubbard Auditorium. The Legal/Finance Committee will meet prior at 10:00 a.m. in the Legislative Conference Room.
- Legislator Standing will do the prayer and pledge and start the voting process at the July 11, 2017 Legislature meeting.
- Sales Tax Extender Bill – Ms. Dougherty reported the Governor signed the Sales Extender Bill last week and a resolution is in the meeting packet for Legislature consideration at the July 11, 2017 Legislative meeting.
- Retirement Reporting Meeting – Met with Treasurer and Personnel Office staff regarding the discrepancy letter received from NYS Retirement. Issues have been identified and are in the process of being corrected. The next meeting is scheduled for July 18th at 10:00 a.m. Treasurer McFadden sent letters to the affected employees.
- Attended Building Coordinator's Meeting.
- Legislative Budget is tracking well.

Employee of the 2nd Quarter:

Adam Ace, Public Health, has been chosen as the Employee of the 2nd Quarter. A representative from the Employee Recognition Committee will be in attendance to present. Legislator Standing will be given the option to speak on behalf of this employee.

Recognition Resolution (1):

- **Recognition Resolution Recognizing Laura Ellis' 25 Years of Dedicated Service to Tioga County Department of Mental Hygiene** – Legislator Standing will read and present this resolution to Ms. Ellis at the July 11, 2017 Legislative meeting. Director of Community Services Morgan and Ms. Ellis will be in attendance.

Resolutions:

The resolutions for the July 11, 2017 Legislative meeting were reviewed and the following discussion occurred:

- ▶ **Contingency Funding – Housing Inmates in Other County Jails** – Legislator Sullivan inquired as to whether the \$175,000 will cover to year-end and Legislator Mullen concurred it will. Legislator Sullivan inquired as to how many of the 23 inmates are Tioga County residents. Legislator Mullen reported approximately 18 inmates are county residents. Legislator Mullen reported 10 of the inmates we cannot bring back even if we had available space based on the Department of Corrections classifications. Legislator Mullen reported we are required to pay for these 10 inmates out of the county. Legislative Clerk Dougherty reported this is separate from the Assigned Counsel issue that the County could potentially have in the near future.
- ▶ **Contingency Funding for Jail Inmate Medical** – Legislator Mullen reported this resolution is for one inmate.

- ▶ **Transfer of Funds and Budget Modification Public Works** – Ms. Dougherty reported this resolution did not go through Public Works Committee earlier today, as this resolution was drafted and sent following the committee meeting. Mr. Hammond reported this resolution is for the purpose of purchasing a trash pump. Mr. Hammond reported last year the Department rented this piece of equipment on three different occasions and incurred approximately \$1,000 in rental costs, therefore, would like to purchase one for the Department. Legislator Hollenbeck inquired about maintenance. Mr. Hammond reported maintenance is not an issue. All legislators were in favor of moving this resolution forward for Legislature consideration at the July 11, 2017 Legislative meeting.
- ▶ **Adopt Local Law No. 2 of 2017** – Ms. Dougherty reported the public hearing was just held prior to this worksession regarding the sales tax extender.
- ▶ **Local Law Introductory No. C of 2017** – This local law will need to be introduced by a Legislator at the July 11, 2017 Legislative meeting. This local law will repeal the wireless communications surcharge authorized by Article Six of the County Law of the State of New York and imposing the wireless communications surcharges pursuant to the authority of Tax Law Section 186-g. Ms. Dougherty reported this needs to be in place prior to the end of the year. Ms. Dougherty reported the intent is to hold a public hearing and adopt the local law in August 2017 with an effective date of 4Q 2017. Legislator Sullivan inquired as to how frequently the State will be giving these funds. Ms. Hollenbeck reported she was informed this would be done quarterly. Legislator Sullivan further inquired as to whether the State will be taking their cut. Ms. Hollenbeck reported the State is increasing the vendor's percentage from 2% to 3%, therefore, resulting in a reduced amount for the County. Ms. Hollenbeck reported we are still collecting for the landlines at .35 per line versus the wireless at .30 per line. Ms. Hollenbeck reported the County will still need to do the administrative work on landlines, however, the State is taking over the wireless. Mr. DeWind reported he has not seen whether the State plans to collect an administrative fee from the County.
- ▶ **Resolution of the Legislature of Tioga County Amending Resolution 231-15 Recodifying and Reimposing General Sales and Compensating Use Taxes Imposed at the Rate of Three Percent and also Imposing an Additional One Percent Rate of Such Taxes for a Period of Three Years Through November 30, 2020** – Ms. Dougherty reported the Governor has chosen to extend the traditional two year extenders to three years. Ms. Dougherty reported Mr. DeWind has a call into NYS Taxation & Finance to determine whether we can proceed with the three-year extender. Mr. DeWind reported most counties are proceeding with the three year extenders since the Governor has authorized such. Legislator Sullivan reported if Mr. DeWind does not receive an answer by next Tuesday's Legal/Finance Committee meeting couldn't we hold this resolution until next month. Mr. DeWind concurred stating the resolution could be held until August, as we still have time. Ms. Dougherty reported she is pushing this through, as she does not want to get down to the wire and not have sufficient time to meet the deadline.
- ▶ **Authorize the Sale of County Owned Property Located in the Town of Richford to the Richford Fire Department** – Legislators had several questions regarding this resolution and determined that further discussion is required at next week's Legal/Finance Committee meeting on July 11, 2017. **Decision was made to pull this resolution and late-file for next Tuesday's Legal/Finance meeting for Treasurer McFadden to address.**
- ▶ **Tioga County Support for the Village of Waverly NYS Parks EFP CFA Grant for Waverly Glen Park Phase I Implementation** – Legislator Sullivan inquired as to what the Waverly Glen Improvement Project entails. Legislator Mullen reported this grant will assist with improvements such as bathroom facilities, parking, and other amenities. In addition,

this will provide signage in the Waverly Glen Park to match the signage on the trails in the State Park, as they are not currently named the same. Legislator Mullen reported the trails are established but named differently in each of the parks.

- ▶ **Create and Fill Temporary Part-Time Assistant Fire Coordinator Position (Bureau of Fire)**
– Ms. Dougherty reported this resolution was drafted and sent to the Legislature just prior to today’s meeting, therefore, did not go through the Public Safety Committee meeting. However, Ms. Dougherty reported this resolution went through the Personnel Committee meeting earlier today with no issue. Legislator Standing reported the former EMS Director is willing to step in temporarily until the position can be filled permanently.

Other:

None.

Executive Session -

Motion by Legislator Sullivan seconded by Legislator Monell to move into Executive Session to discuss an individual personnel matter. Motion carried to go into Executive Session at 2:02 p.m. County Attorney DeWind and Chief Accountant/Budget Officer Hollenbeck remained in attendance.

Executive Session ended at 2:17 p.m.

Meeting adjourned at 2:17 p.m.

Next worksession is scheduled for Thursday, July 20, 2017 at 10:00 a.m.

Respectfully submitted by,
Cathy Haskell
Deputy Legislative Clerk