



## Tioga County Worksession Minutes September 7, 2017 – 1:00 p.m.

### Legislators present:

Legislator Hollenbeck  
Legislator Huttleston  
Legislator Monell  
Legislator Mullen  
Legislator Roberts  
Chair/Legislator Sauerbrey  
Legislator Standinger  
Legislator Weston

### Absent:

Legislator Sullivan

### Guests:

Senator Fred Akshar, 52<sup>nd</sup> Senate District (*departed @ 1:50 p.m.*)  
Anthony Capozzi, Director of Community Outreach, Sen. Akshar's office (*departed @ 1:50 p.m.*)  
Matt Freeze, Reporter, Morning Times

### Staff present:

County Attorney Peter DeWind  
Legislative Clerk Maureen Dougherty  
Deputy Legislative Clerk Cathy Haskell  
Director of Administrative Services (Public Health) Denis McCann  
Assigned Counsel Administrator Irene Graven (*departed @ 2:20 p.m.*)  
Personnel Officer Bethany O'Rourke  
Chief Accountant/Budget Officer Rita Hollenbeck

Chair Sauerbrey welcomed Senator Akshar and introductions were conducted.

### Senator Akshar Visit:

Senator Akshar reported he spends a great deal of time in the community with his constituency at large, but thought it would be appropriate to travel throughout the 52<sup>nd</sup> District and meet with local governments to listen to their concerns and relay them back to Albany.

The Legislature addressed the following concerns:

- **Operation Unwise** – Chair Sauerbrey reported one of the biggest concerns of the Legislature is the recent drug arrests and indictments in Tioga County and the incurrence of the additional unanticipated costs of over \$250,000 to the County. Legislator Mullen reported there were a total of 42 arrests, of which 38, are coming to Tioga County. Legislator Mullen reported the hardest hit so far has been in the jail, as the County was making approximately \$30,000 a month housing inmates from other jurisdictions whereas in order to accommodate these new inmates the County can no longer offer this service. In addition, the County is

paying to house our inmates elsewhere. Overall, Legislator Mullen reported this has created a shortfall of \$60,000 a month, which does not include the additional costs of medical and public defender legal services. This is not a matter of simply eliminating the jail's revenue stream, but is actually now costing the County. Legislator Roberts reported the prosecution costs, probation costs, and all other costs associated with this operation will far exceed the revenue loss. Senator Akshar reported he does not know the arrangement with the Sheriff, however, many times counties will collectively work together to not charge one another. Chief Accountant/Budget Officer Hollenbeck reported many of the surrounding county Sheriff Departments are working together to identify possible alternatives. Chair Sauerbrey requested Senator Akshar look into whether there are any sources available to help offset the financial burden we have incurred. Senator Akshar reported we are in a drug crisis and we all want to see big cases such as this, however, they are associated with costs. Chair Sauerbrey reported many of the inmates are not Tioga County residents. Senator Akshar inquired as to how many of the defendants are Tioga County residents. Legislator Standing reported a vast majority are out-of-county residents and at most there are approximately six in-county residents. Legislator Mullen reported the drug arrests resulted in an across-the-board higher unexpected costs for public safety such as increased costs for probation, pre-sentence investigations, and indigent legal services not to mention the oncoming of representation at every arraignment that poses another concern for public safety. County Attorney DeWind reported this is just the first case for Tioga County and it is unknown as to whether there will be any future cases, as they have to be prosecuted somewhere. The choice to bring these cases to smaller counties has a disproportionate impact because we are less than able to absorb these costs versus a larger county. In addition to the assigned counsel and public defender expenses, Ms. Hollenbeck reported some of the costs to the County may not surface for another two years, therefore we are unable to quantify costs such as probation, mental health services, or any other area following the defendants parole. ***Senator Akshar will communicate with the State Attorney General's Office and inquire as to whether there are any plans to help offset the costs related to the prosecution of Operation Unwise.***

- ***Raise the Age*** - Legislator Mullen reported we are apprehensive as we have all heard the promises from the State regarding available funding for Raise the Age. Legislator Mullen reported changes in law are occurring, but the revenue stream is lagging. Senator Akshar reported this should be monitored very closely and the Republican Conference's position last year was that the vast majority felt there needed to be changes within the system in terms of how 16 and 17 year olds were being prosecuted, however, were not willing to have the discussion unless the financial piece was attached. Senator Akshar reported this was a big push to ensure that whatever the increased costs were in regards to Raise the Age that the State was taking care of 100%. However, Senator Akshar reported we should remain apprehensive and continue to watch this particular issue, as we all know a lot of things the State government indicates they are going to do does not come to fruition. Legislator Mullen reported Raise the Age will require every county to have a facility to house 16 and 17 year olds, as they cannot be housed in the county jail's general population. Legislator Mullen reported this is not helping the crime issue, as they will not be arrested.

- ***Office of Children and Family Services (OCFS) Billing*** - Chair Sauerbrey reported the OCFS billing issue was just brought to light this week. Chair Sauerbrey reported the County is charged for taking care of kids in therapeutic foster care homes and there is a two-year lag in the billing system from the State. Chair Sauerbrey reported OCFS is required to notify the County in January regarding the lump sum amount that will be owed by the end of the year. Chair Sauerbrey reported the County was just recently notified and the costs have more than doubled, which resulted in the County having to pay an additional \$100,000. Chair Sauerbrey

reported the State is required to inform the County as to the number of foster kids and methodology for cost calculations. Legislator Monell reported part of the calculation is based on the number of "days of care" and the amount has been approximately \$215.00 per day, however, this recent bill came in at approximately \$499.00 per day. Legislator Monell reported it is important to note that this billing is for 2015, and is \$146,000 more than budgeted. Ms. Hollenbeck reiterated there is a two-year delay in the State's billing, which makes it difficult for budget projections. Ms. Hollenbeck reported the billing is for State-run facilities that are significantly higher than other private facilities that the County is paying for. Ms. Hollenbeck reported this past legislative year the State established a cap of \$55 million across the State, but this has not helped the County to manage their budget or the continued rate increases. Ms. Hollenbeck reported historically increases have been 20-30%. Ms. Hollenbeck reported State facilities are closing, therefore, the State's operational costs should be reducing and not increasing. Ms. Hollenbeck reported the State is not transparent on these chargeback billings, their operational budget, and the total number of bed days they are required to give all the counties. Legislator Monell reported one of the biggest issues is when the State pushes policies through they do not look at the consequences for the local counties.

***Senator Akshar will inquire on the billing process, reason for increase, transparency, and timeliness of the billing cycle.***

- ***Lyme Disease*** – Legislator Standinger reported he was following the State's recent legislative activity in Albany regarding Lyme Disease, but then read in the newspaper yesterday where there is a big push on the banning of deer urine lure. Legislator Standinger inquired as to why there isn't a big push on Lyme Disease to try and resolve the problem instead of devoting time on this issue. Senator Akshar reported the Republican Conference has been a leader in the Lyme Disease issue, however, stated he is not familiar with the issue regarding the banning of deer urine lure. Legislator Roberts reported there were two deer in NYS that had chronic wasting disease and now the focus has turned to the banning of doe urine lure, which is used by hunters as a cover to attract bucks.

- ***Countywide Shared Services Initiative*** – Chair Sauerbrey reported this initiative is an extremely time-consuming activity. Chair Sauerbrey reported Tioga County is participating and we currently have a list of 13 items for review, which will take a whole year to reduce the list and it is unknown at this time whether there will be any significant savings in the end. Ms. Hollenbeck reported the State is going into the 7<sup>th</sup> year of implementing the 2% tax cap and during that time the County has already streamlined and eliminated services. Ms. Hollenbeck reported two years ago the County was required to complete an efficiency plan that is extended out to 2018. Ms. Hollenbeck reported initially there was a possibility of losing State funding if counties did not remain within the tax cap, however, this never came to fruition. Ms. Hollenbeck reported the County complied with two back-to-back State mandates tied to funding in the 2% tax cap and stated she does not know how more efficient the County can get or how to force other political entities or school districts to come to the table. In regards to the Shared Services Initiative, Chair Sauerbrey reported school districts were invited and we had two school districts participate, however they are not actively engaged. Ms. Hollenbeck reported the County has been doing their due diligence in regards to efficiencies and historically has stayed under the tax cap, but we cannot control inflationary costs such as salaries and retirement. Ms. Hollenbeck reported we have been funding these costs out of the County's fund balance and cannot continue this practice. Senator Akshar reported if the Governor would spend a day in our District he would see how much shared services is already occurring with municipalities working collaboratively. Ms. Hollenbeck reported if the State would do a measurement-based process in regards to how much our County's actual pro-rated share is out of the budget or an outcome-based measurement on the competitive regional grants then Tioga County would be very successful, however, this is not the

methodology. Ms. Hollenbeck reported Tioga County is at times left out of the DOT arena in regards to competitive grants, as well as ED&P arena in regards to block grants. Ms. Hollenbeck reported she believes this is due to Tioga County being a rural, smaller county between two larger counties that are within our region. Chair Sauerbrey reported Tioga County now has a seat and a vote at the Regional Economic Development Council, which is new. Chair Sauerbrey reported ED&P Director Tinney is now a voting member and in the few short months that she has been serving on this Council, Tioga County has seen significant recognition. Chair Sauerbrey reported the Owego Parkview Restaurant secured a \$500,000 Owego Revitalization Anchor Grant. In addition, there is another project underway on Front Street, which is also a reflection of the work being done by ED&P with an equal amount of money investment from private and public sectors. Chair Sauerbrey reported we may get overlooked, but with the Senator's support we have a voice at the table. Senator Akshar reported it is always important for his office to be aware of the grants such as the Owego Parkview on the front-end so he can lend support from the start.

- **NYS Safe Act** – Legislator Weston raised concern that the State will want to charge residents for the guns they own. Legislator Hollenbeck inquired as to the status of the NYS Safe Act. Senator Akshar reported he co-sponsors a bill that would repeal the entire Safe Act, however, realizes a full repeal is never going to happen. Senator Akshar reported there are portions of the Safe Act that he agrees with such as the mental health provision and enhanced penalties. Senator Akshar reported the best way to proceed is to look at the Act in its entirety and collectively decide on a couple of provisions and then focus all your effort there. Senator Akshar reported Republicans in the NYS Senate are responsible for this Bill coming to the floor and both parties in the Senate agreed to approve the Safe Act. Senator Akshar reported the Assembly is controlled by NYC and a full repeal never gets a vote in the Assembly and with this being a signature piece of legislation of our State's Executive he does not believe there will be a reverse decision.

- **Racino Funds** - Legislator Mullen reported when the County receives the \$1 million licensing fee funds from the State, it will come with the requirement that the funds are to be labeled as State Aid versus revenue. Chair Sauerbrey reported labeling the funds as State Aid does not reduce the amount the County typically receives in State Aid, but it allows the State to maneuver the calculations. Chair Sauerbrey reported when the funds are received we are not including the funds in our budget and we are placing the funds in a reserve account as we believe the State eventually will start taking from this funding. Legislator Roberts reported this thought process comes from the fact that this is exactly what happened with the VLT funding.

- **NY Health Act** – Ms. Hollenbeck inquired about the NY Health Act. Senator Akshar reported there is a movement from the Assembly to move towards single-payer, but the Senate is not in agreement nor will support this movement. Senator Akshar reported we are waiting to see what happens at the Federal level in terms of funding before making a final decision.

- **Paid Family Leave Act** – Personnel Officer O'Rourke reported paid family leave has been imposed on private sector employers and voluntary at this point for public sector through collective bargaining. Ms. O'Rourke reported it is her understanding the Governor is making this a benefit at the State level for employees and is concerned this will be a mandated program on the local level.

Senator Akshar respectfully requested all communication be funneled through Chair Sauerbrey to his office although stated he does have an open door policy. Senator Akshar will follow up on today's action items and communicate with Chair Sauerbrey, who in turn, will distribute the updates to the Legislature.

## **2018 Budget Update – Capital Budget:**

Ms. Hollenbeck distributed handouts that were previously emailed to the Legislature. Ms. Hollenbeck addressed the following:

- **Voting Machines** – Ms. Hollenbeck reported she included the voting machines request for the purpose of planning for upcoming years. Chair Sauerbrey reported this topic was addressed in committee earlier this week and the Board of Elections is proposing the purchase of all new voting machines to replace the existing ones. Chair Sauerbrey reported the committee was unsure as to whether the replacement of all the voting machines at once was the best way to proceed. Ms. Hollenbeck reported the Board of Elections 2018 budget reflects the 3-year warranty purchase for the existing machines with a discounted rate of \$16,000 if paid upfront for the 3 years. Ms. Hollenbeck reported the Board of Elections has approximately 26 voting machines in their inventory, which would fall under the 3-year warranty plan. Ms. Hollenbeck reported updating a few machines per year will result in maintaining two different machines and software which could ultimately result in a higher cost, therefore, is recommending the County allocate \$100,000 annually into a reserve account over the next three years for the outright purchase of all the machines in 2021 when the 3-year warranty expires. Ms. Hollenbeck reported the Board of Elections estimated \$12,000 per machine, however, this is the current rate and most likely will be higher at time of purchase in three years. Legislator Weston inquired as to how much the County has expended in service costs thus far to maintain the existing machines. Ms. Hollenbeck reported Dominion Voting is the vendor that holds the warranty and Board of Elections is planning to contact them to gather this information. Legislator Standinger reported the Board of Elections reported the cost for service is \$250.00 per hour outside of the warranty. Ms. Hollenbeck reported the useful life of each machine is 5-10 years and Board of Elections is maintaining that the machines will be obsolete in the next couple of years. The current voting machines are 9 years old. Legislator Weston inquired as to whether the Board of Elections has records on the number of times each machine has been used and the number of votes that have been calculated per machine as these machines are used minimally throughout the year. Ms. Hollenbeck reported the Board of Elections does lend these machines to other entities. Ms. Hollenbeck reported the County's 5-year Capital Plan consists of IT, infrastructure, equipment, and vehicle fleet, however, recommends including voting machine purchases, as the County at some point is going to have to replace the existing machines. Question was raised as to whether the voting machines can be leased versus purchased. The Legislature agreed that further research needs to be done prior to making a final decision, such as inquiring about leasing and ensuring that the Board of Elections and IT is confident that the machines will be useful until 2021. Legislator Weston inquired as to whether the County can look into the practicality of voting by mail. Chair Sauerbrey reported it is too late to inquire for this year and this would have been a topic to address with the Senator.
- **Vehicle Requests** – Ms. Hollenbeck reported there are 13 vehicle requests for 2018. Ms. Hollenbeck reported DPW Commissioner Hammond has been tasked with doing a countywide inventory of the fleet, as well as a 5-year plan as to when the vehicles should be re-distributed and replaced. Ms. Hollenbeck reported two departments are eligible for reimbursements if they purchase vehicles in a given year; DSS receives 75% and Public Health receives 36%. Ms. Hollenbeck reported no other departments unless they are seeking grant funding are eligible for reimbursements.

Ms. Hollenbeck recommends the Legislature review the vehicle requests and need justification for the purpose of reducing the number of requests and finding alternative sources. Legislator Mullen reported the Office of Homeland Security has grant funding available for

vehicle/equipment purchases or salary reimbursement, which would pertain to the Emergency Management Office in the upcoming years.

- **Financial Statements** - Ms. Hollenbeck reported the 2015 financial statements and the current 2016 statements project approximately \$10 million in fund balance in the capital account. Ms. Hollenbeck reported casino revenues and sales tax, minus the ½ percent sales tax that is used to pay the bond, goes into the capital account. Ms. Hollenbeck reported she has already set aside funds in some of the reserve accounts, however, vehicles and general building maintenance projects cannot use these type of reserve funds. Ms. Hollenbeck reported these funds are designated for the larger pieces of equipment, computer equipment, and could include voting machines. Ms. Hollenbeck reported \$900,000 local share out of fund balance is the bottom line for 2018 budget. Ms. Hollenbeck reported the County does not have any bridge project requests identified in this capital budget. Ms. Hollenbeck reported the 5-year plan submitted by Mr. Hammond does not project any bridge projects. Ms. Hollenbeck reported the 5-year plan consists of county properties, vehicle fleet, equipment, and paving projects. Legislator Weston inquired as to how much time is left on the bond. Ms. Hollenbeck reported one bond was for 20 years and the other one for 30 years in regards to re-payment. Ms. Hollenbeck reported the question is whether the Legislature wants to borrow again in 5 years for a bridge project or budget in the 5-year plan. Ms. Hollenbeck reported bridge projects cost a minimum of \$1.5 million. Ms. Hollenbeck reported the County has a sound capital fund balance with the influx of capital sales tax where it was limited previously due to all going toward bond debt. Ms. Hollenbeck reported DSS and Public Health revenue, as well as CHIPS revenue are the only revenue streams for the capital fund unless a bridge project is approved with State and Federal funding.
- **5-year Equipment Plan** – Ms. Hollenbeck reported the current 5-year equipment plan is specific to Public Works, however, recommends including jail equipment. Ms. Hollenbeck reported she does not know who should be responsible for projecting the jail equipment costs for inclusion in the existing plan. Ms. Hollenbeck reported she has averaged out the costs of the 5-year plan, which \$800,000 will easily be spent annually out of capital funds except for the years where significantly larger projects are identified which will then be higher. Ms. Hollenbeck reported the larger significant projects that are forecasted includes the truck washing facility. Chair Sauerbrey reported Public Works is hopeful to obtain a grant to offset the cost of the truck washing facility.
- **5-year Vehicle Fleet Plan** – Legislator Roberts reported Mr. Hammond has done a 5-year plan on the vehicle fleet and proposes that he has the authority to manage all vehicle purchases via Public Works Committee approval. Legislator Roberts reported Mr. Hammond is the ideal person as he is the one who knows all the intricacies of the Departments, mechanical status of the vehicles, vehicle maintenance records, and understands the available grant funding. Legislator Roberts reported he does not believe it is a good idea for each committee to decide vehicle purchases/usage. Chair Sauerbrey reported Mr. Hammond is going to review the list of vehicle requests and propose reductions. Legislator Roberts reported he is in full support of this proposal and believes this will achieve continuity. Ms. Hollenbeck reported most departments have been utilizing Mr. Hammond for recommendations. Legislators were in favor of this proposal.

Ms. Hollenbeck reported she is not changing anything on the capital budget until she is informed about the possible elimination of vehicle requests, however, would like to obtain a general consensus from the Legislature on the remainder of the capital budget so she can proceed in regards to the building projects, equipment, etc. Legislator Roberts reported he is still waiting on information regarding equipment.

## **Approval of Worksession Minutes – August 24, 2017:**

Legislator Monell motioned to approve the August 24, 2017 Legislative Worksession minutes as written, seconded by Legislator Weston with Legislators Hollenbeck, Huttleston, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Weston voting yes with Legislator Sullivan being absent. Motion carried.

## **Action Items:**

### **ACTION ITEMS FROM JULY 6, 2017:**

#### **ACTION ITEM #1 – 7/6/17 – Paying Costs for Demolished Properties –**

This item will be carried forward, as we are waiting on the results from the Monroe County issue that is still pending. **This action item will be carried forward from the September 7, 2017 Legislative Worksession.**

### **ACTION ITEMS FROM AUGUST 24, 2017:**

#### **ACTION ITEM #1 – 8/24/17 – Emergency Manager –**

Chair Sauerbrey reported this is a work in progress regarding the proposal to combine the EMO and Bureau of Fire Departments. In regards to position titles, Ms. O'Rourke reported the County can name the position, however, it is the State's decision on whether the individuals will be required to take a civil service examination. Ms. O'Rourke reported she contacted some of the counties identified by EMO Director Simmons to seek verification whether civil service examinations are being done and the results are mixed; some are appointed while others are taking civil service examinations. Based on these results, Ms. O'Rourke contacted the State to inquire about the current Commission's position on classification of these types of positions and is waiting for a response. Legislator Mullen reported he spoke with other Emergency Manager positions in other counties that are appointed and regardless of whether appointed or tested the general consensus is that EMO and Fire should be under the purview of one director. In addition, Legislator Mullen reported the County is losing out on a lot of grant funding under the current structure. **This action item will be carried forward from the September 7, 2017 Legislative Worksession.**

#### **ACTION ITEM #2 – 8/24/17 – 2018 Budget Update – Resolution for transfer of \$100,000 of the \$685,000 Casino Revenue Funds -**

Ms. Hollenbeck reported it was determined after the last worksession that a resolution to move \$100,000 of the \$685,000 casino revenue funds was not necessary to cover the resolutions presented by IT and DSS for Legislature consideration at the September 12, 2017 Legislature meeting. Ms. Hollenbeck reported she was calculating the full amount rather than less the State and Federal shares, therefore, sufficient funds were available without utilizing the casino funds. **This action item is completed and will be removed from the Action Item List.**

Although the initial action item has been completed in regards to the resolution to transfer casino funding, Ms. Hollenbeck reported it is still necessary for the Legislature to determine how to appropriate the casino funds received through September 2017 or whether the funds are going to be allocated to a reserve account. Currently, these funds are not earmarked. **This action item will be carried forward from the September 7, 2017 Legislative Worksession.**

## **Legislative Support – Legislative Clerk Dougherty:**

### **Approval of Legislative Support Committee Minutes – August 10, 2017:**

Legislator Hollenbeck motioned to approve the August 10, 2017 minutes as written, seconded by Legislator Mullen with Legislators Hollenbeck, Huttleston, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Weston voting yes with Legislator Sullivan being absent. Motion carried.

Legislative Clerk Dougherty reported the following:

- The September Legislative Meeting is scheduled for Tuesday, September 12, 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 Weston will do the prayer and pledge and start the voting process at the September 12, 2017 Legislature meeting.
- **Retirement Reporting** – Ms. Dougherty reported all discrepancies have been addressed and finalized with updated documentation sent to NYS Retirement.
- **Oaths of Office** – Ms. Dougherty reported this was addressed and finalized at the last Leader's Meeting with the decision that the Departments will be responsible for managing their boards and agencies in regards to members completing oaths of offices.
- **Suggestion Plan Meeting** – Ms. Dougherty attended a meeting with Personnel and Treasurer staff regarding a suggestion that was submitted pertaining to Policy 3 of the Employee Handbook. Ms. Dougherty reported the suggestion was reviewed, accepted, and the monetary amount was distributed to the employee this week. Ms. Dougherty suggested Legislature review of this policy for the purpose of possibly increasing the award amounts.
- Legislative Budget is tracking well.

### **Proclamations (2) –**

- ✓ ***International Literacy Day 2017*** – This resolution will just be noted at the September 12, 2017 Legislature meeting.
- ✓ ***National Preparedness Month*** - Legislator Standinger will read and present this resolution at the September 12, 2017 Legislature meeting.

### **Resolutions:**

All resolutions for the September 12, 2017 Legislative meeting were reviewed. Question was raised regarding the current balances for the contingency accounts and capital reserve accounts. Following the adoption of the resolutions at the September 12, 2017, Ms. Hollenbeck reported the following account balances:

- Contingency Account - \$120,000
- Solid Waste Contingency Account - \$0
- Capital Software Reserve Account - \$110,000
- Capital Hardware Reserve Account - \$3,000

**Other:** There were no items for discussion.

### **Executive Session -**

Motion by Legislator Hollenbeck seconded by Legislator Mullen to move into Executive Session to discuss contract negotiations. Motion carried to go into Executive Session at 2:38 p.m. County Attorney DeWind and Personnel Officer O'Rourke remained in attendance.

Executive Session ended at 3:02 p.m.

Meeting adjourned at 3:02 p.m.

Next worksession is scheduled for Thursday, September 21, 2017 at 10:00 a.m.

Respectfully submitted by,  
Cathy Haskell  
Deputy Legislative Clerk