



## **Tioga County Work Session Minutes** **October 22, 2020 – 10:00 a.m.**

### **Legislators present:**

Legislator Balliet  
Legislator Hollenbeck  
Chair/Legislator Sauerbrey  
Legislator Sullivan  
Legislator Roberts

### **Legislators absent:**

Legislator Monell  
Legislator Mullen  
Legislator Standinger  
Legislator Weston

### **Staff present:**

Peter DeWind, County Attorney  
Jackson Bailey, Budget Officer  
Cathy Haskell, Clerk of the Legislature  
Diane Stephens, Secretary to County Attorney  
LeeAnn Tinney, Director of ED&P  
Bethany O'Rourke, Personnel Officer

**Call Meeting to Order:** Chair Sauerbrey opened the meeting at 10:00 a.m.  
Legislative Clerk Haskell took roll call.

**Public Hearing:** Ms. Haskell read the public hearing notice for Local Law Introductory No. C of 2020 regarding the hotel/motel tax. Director of Economic Development and Planning Tinney presented the proposed local law. This local law is renewed and reviewed by the Legislature every three years. The only changes are minor revisions to definitions. There are no changes to percentages. County Attorney DeWind reviewed the local law and by his recommendation, it is being brought forward.

Chair Sauerbrey asked for public comments. There were no public comments. Chair Sauerbrey closed the public hearing at 10:05 a.m.

**FOIL Appeal Hearing:** Attorney DeWind presented the appeal. A FOIL request was received for the Jail from the Vera Institute of Justice asking for information regarding all who were housed at the facility from January 2015 through June 2020, which included, among other things, their date of birth. Vera Institute is an organization that collects data to determine if there is disparate policing or impact on people who are being incarcerated.

Normally, dates of birth and addresses are not given out and in this instance, they were withheld. The Freedom of Information Law allows for withholding personal identifying information. However, opinions from the Committee on Open Government hold that as an inmate, some of that consideration is lost just by virtue of incarceration, and one opinion allows for the release of this information. Attorney DeWind spoke with Vera Institute and they were in acceptance of just receiving the year of birth. Attorney DeWind believes it is a good compromise in protecting the identity of individuals who have been incarcerated and letting the organization do their research.

The Legislature agreed to allow the release of the year of birth.

**Budget Update:** Budget Officer Bailey reviewed the budgetary updates:

- **Outside Agency Funding:** Mr. Bailey asked if a decision was made regarding A New Hope Center (ANHC), whom requested no reduction in their 2021 budget. It was determined that the service ANHC provides for Probation can be done by ACCORD, some of which is currently done by ACCORD for ANHC. The Legislature was in agreement that a 10% cut be made to ANHC's budget.

The total 2021 appropriations for outside agencies is \$910,481.20, which is a reduction of \$138,881.

- **Tentative Capital Budget with Reserve Analysis:** In regards to the Black Creek system expense, Mr. Bailey spoke with the Treasurer's Office and the Sheriff's Office. The Black Creek system is considered a sole source system because it is not compatible with any other system, which is the reason for not going through the RFP process. After speaking with Mr. Camin, Mr. Bailey learned that it is a mix of software and hardware. Mr. Bailey reported there is the option of paying for this with a five-year payment plan of \$68,500 annually instead of paying the entire cost of \$312,000 upfront. If the County pursues this option, it will result in an additional \$30,000 paid in interest. After speaking with Chief Accountant Jerzak, they recommend taking the money from the equipment reserve, putting it into the hardware reserve and earmarking it for the expenditure in 2021. Treasurer McFadden assured that any capital that may come in from the casino revenue could be earmarked to go back into the capital reserve to make up for this appropriation for the Jail software.

There was a discussion regarding whether taking money from the equipment reserve was the best way to go. Legislator Roberts stated that essentially they would be taking money out of the equipment reserve, which was already cut. He believes it may be better to finance the cost for five years instead of coming up with the total amount out of the equipment fund.

Legislator Sullivan asked if with the five-year payment plan, there was an option to pay it off before the end of the five years. Mr. Bailey stated he could reach out to the Sheriff's Office and have them reach out to their contact to negotiate that.

Chair Sauerbrey stated the Legislature should take into consideration how long this system will be viable and whether that at the end of five years, it would have to be upgraded again. Mr. Bailey stated the Undersheriff believes they should be good for another ten years. Legislator Sullivan stated she feels IT needs to weigh in on this since the Sheriff is not an IT expert. She is a little skeptical of the "ten year" timeframe.

The decision was made to explore if there would be an option for an early pay off if they decide to pursue the five-year financing option. Mr. Bailey will discuss this option with Undersheriff Hallett. Attorney DeWind stated there are some restrictions of what they can legally do as a municipality, but he can work on the details with the Undersheriff.

Legislator Sullivan stated better planning needs to occur for capital item purchases. This was a big surprise and it should not have been.

Legislator Roberts asked why the Sheriff could not budget for the \$68,500 and take it out of his own budget. Mr. Bailey stated that because of the size of it, it is considered a capital expenditure. Technically, there is a designation in the capital budget for the Sheriff, but it is not part of his regular departmental budget. Legislators Roberts and Sullivan believe the Sheriff needs to see what funds can be shifted within his budget to help pay for this expense and not assume the Legislature alone is going to fix the problem. Mr. Bailey stated that hypothetically, they should be looking to the Sheriff to reduce his budget by \$68,500 for the next five years to hold them accountable for this. This was the general consensus of the Legislature.

Legislator Balliet asked about capital plans. Legislator Roberts and Legislator Sullivan stated DPW and IT have them. Mr. Bailey stated vehicle purchases are part of the DPW capital plan and any larger software purchases fall under IT's. Legislator Balliet feels that each department should at least have a budget line for any capital plan needs.

Legislator Sullivan believes these types of purchases should be part of IT's capital plan and oversight. Chair Sauerbrey stated her reasoning for the Sheriff to have the capital plan under his purview is so that it will make them think each year about the things that have to be addressed and be accountable. She further stated she feels this was not "on their radar". Legislator Roberts stated he disagreed with Chair Sauerbrey's assessment because the Black Creek system and associated needs have been discussed in the past.

Mr. Bailey will keep the \$312,000 in the budget as a placeholder and modify it once a determination is made on how to pay for this.

- **2021 Summary of Level 3 Preliminary Budget by Fund:** Mr. Bailey stated the anticipated fund balance to appropriate for 2021 is \$5.2 million. This includes tentative fringe amounts and any salary increases, estimates for sales tax, mortgage tax, casino revenue, and the implementation of 20% cut to all State Aid in all departments.

Legislator Roberts asked how much of a tax increase there is for 2021 and how much there was in 2020. Mr. Bailey stated 1.18% for 2021 and 2.15% for 2020.

Chair Sauerbrey stated she felt they could not go over the tax cap of 1.18%.

Legislator Sullivan stated the Legislature should plan on things being tough for the next 3-5 years, therefore, appropriating from the fund balance needs to be spread out over the next few years.

- **Tax Cap Analysis:** Mr. Bailey stated he reviewed this with the NYS Comptroller and the Treasurer. The total amount of the tax levy is \$24,945,352 at the 1.18%, an increase of \$291,243.

There was some discussion about the upcoming election results and the recovery over the next few years. Legislator Roberts stated his fear of losing the fund balance. Chair Sauerbrey stated they need to take this one year at a time and try to stay under the tax cap, if the "bottom falls out", then they will have to raise taxes. Legislator Sullivan stated they approached this balance by making necessary cuts and using the fund balance. She feels comfortable that they have looked at this diligently and maintained the right balance between cuts and use of the fund balance.

Legislator Roberts asked at what point the fund balance would get to a level that the County is no longer able to function. Mr. Bailey stated he believes the fund balance policy is between 8% and 21%, which gets them to a fund balance of \$7 million before it is out of policy compliance. At that point, adjustments would have to be made to remain within the policy. It would take three years of appropriating \$5 million from the fund balance to reach the \$7 million fund balance policy level.

Chair Sauerbrey stated she wants to make sure that the recycling cost will not show up on the 2021 taxes. Attorney DeWind stated the fund would be dissolved. Attorney DeWind further reported there is a meeting today to make sure everyone is on the same page with regard to PILOT agreements and there has been follow up discussion with Real Property Director Huseby that it will not appear on the tax bills. Mr. Bailey reiterated that with the General Fund absorbing this, the County portion of the tax bill would go up.

- **2021 Tentative Property Tax:** This shows the combined portion and the rate change for each municipality within Tioga County. This was used with updated equalization reports from Real Property.

Mr. Bailey stated if everyone were comfortable with the tax cap, he would go forward and process. At the next meeting, Mr. Bailey will present the tentative review of the entire budget, and what will be presented at the budget hearing. Chair Sauerbrey asked if the Legislators were in favor with the 1.18% tax cap, and they all agreed.

**Other:** Legislator Roberts asked Personnel Officer O'Rourke how much the health insurance cost went up and about the "high cost" claims. Ms. O'Rourke stated that initially the cost went up 21%, but they negotiated it down to 14.75%. She stated that Excellus uses the term "high cost" to explain claims of \$50,000 or more and they are seeing a spike in the number of those claims.

Legislator Roberts asked if these "high cost" claims should be investigated. Ms. O'Rourke stated that Excellus provides an annual report of claims data that contains high cost claimants and the diagnoses, which she could provide to the Legislature. Questions were asked about the need for a wellness program. Ms. O'Rourke stated the CSEA plan has a component to it called Healthy Rewards, which encourages them to participate in a variety of different programs. The County did have a wellness committee, but interest in this waned so it was dissolved.

Ms. O'Rourke stated she believes some of the increase in these claims could be attributed to an aging population.

Legislator Roberts stated he believes this needs to be looked into and what is driving the cost of these claims. Ms. O'Rourke will provide the Legislature with the reports from Excellus for the last two years.

**Approval of Worksession Minutes:** Upon motion of Legislator Sullivan, seconded by Legislator Hollenbeck and unanimously carried, the minutes of the October 8, 2020 worksession were approved.

**Action Items:** None

**Executive Session:** Motion by Legislator Roberts, seconded by Legislator Sullivan to move into Executive Session to discuss a personnel matter. Motion carried unanimously to go into Executive Session at 10:45 a.m. with Personnel Officer O'Rourke and Budget Officer Bailey remaining in attendance.

Executive Session adjourned at 11:00 a.m.

Meeting adjourned at 11:00 a.m.

Next Worksession scheduled for Thursday, November 5, 2020, at 1:00 p.m.

Minutes submitted by Diane Stephens.