

STEUBEN COUNTY FINANCE COMMITTEE

Tuesday, February 14, 2023

9:55 a.m.

*Legislative Chambers, 3rd Floor, Annex Building
Bath, New York*

****MINUTES****

COMMITTEE: Kelly H. Fitzpatrick, Vice Chair Jeffrey P. Horton John V. Malter
Brian C. Schu

STAFF: Jack K. Wheeler Christopher Brewer Jennifer Prossick
Brenda Scotchmer Eric Rose Kathy Muller
Lise Reynolds Vicky Olin Lynn Lewis
Jennifer Galvan Tammy Hurd-Harvey Mitch Alger
Shawn Sauro Colleen Hauryski

LEGISLATORS: Scott J. Van Etten Carol A. Ferratella K. Michael Hanna
James Kuhl Wendy Lozo Robert V. Nichols
Frederick G. Potter

ABSENT: Gary D. Swackhamer, Chair

I. CALL TO ORDER

Ms. Fitzpatrick called the meeting to order at 9:55 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 10, 2023, AND JANUARY 23, 2023, MEETINGS MADE BY MR. SCHU. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENT REQUESTS

A. Community Services

1. **Year-End Budget Transfer** – Ms. Lewis requested authorization to transfer a total of \$141,136.02 from the Mental Hygiene and Contract Services line to cover salary and fringe overages in numerous cost centers in the 2022 budget. These overages are due to changes in the Union contract and adding County positions. Overtime overages were due to vacancies that we had throughout the year.

MOTION: AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO TRANSFER \$120,000 FROM THE 2022 MENTAL HYGIENE LINE ITEM AND \$21,136.02 FROM THE 2022 CONTRACT SERVICES LINE AND APPROPRIATE TO VARIOUS COST CENTERS TO COVER SALARY AND FRINGE OVERAGES IN THE 2022 BUDGETMADE BY MR. HORTON. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Sheriff’s Office

1. **Year-End Budget Transfers** –Mr. Wheeler requested authorization for the Sheriff to Transfer funds from various items to cover salary and wages in the Sheriff’s Office, Court Security and STOP DWI cost centers. Most of this is due to excess overtime or temporary hire expenses due to vacancies.

MOTION: AUTHORIZING A 2022 YEAR-END BUDGET TRANSFER FROM VARIOUS LINE ITEMS WITHIN THE SHERIFF'S OFFICE, COURT SECURITY AND STOP-DWI COST CENTERS TO COVER SALARY AND WAGES MADE BY MR. MALTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. Public Defender

1. **Grant Acceptance** - Mr. Sauro requested authorization to accept the second Upstate Family Court Quality Improvement Caseload Reduction Grant. This will be a three-year grant in the amount of \$217,811 for each year. This will require us to modify the 2023 budget as it was not included.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO ACCEPT THE SECOND UPSTATE FAMILY COURT QUALITY IMPROVEMENT CASELOAD REDUCTION GRANT IN THE AMOUNT OF \$217,811 FOR EACH OF THREE YEARS MADE BY MR. HORTON. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

Mr. Sauro stated that he wanted to thank Personnel and the Legislature for all of your support. We are growing and doing amazing things. I could not do this without you.

D. Public Works

1. **Year-End Budget Transfers** - Mr. Rose requested approval of the 2022 year-end transfers to cover salaries and wages as follows: \$145,438.48 in the County Roads General Repairs, \$44,355.74 in Machinery Highway and \$23,691.39 in Parks. He noted that in the transfer for the Parks, that also includes \$7,246 being transferred out of the Machine Rent/Chargeback line item.

MOTION: AUTHORIZING THE FOLLOWING 2022 YEAR-END TRANSFERS TO COVER SALARIES AND WAGES IN THE FOLLOWING COST CENTERS: \$145,438.48 IN THE COUNTY ROADS GENERAL REPAIRS COST CENTER; \$44,355.74 IN THE MACHINERY HIGHWAY COST CENTER AND \$23,691.39 IN THE PARKS COST CENTER MADE BY MR. SCHU. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Major Equipment Transfer** - Mr. Rose requested authorization to add \$30,000 for Government Surplus Equipment and to remove \$30,000 from the Tri-Axle Plow Trucks.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO AMEND THE MAJOR EQUIPMENT LIST TO REFLECT A DECREASE OF \$30,000 FOR TRI-AXLE PLOW TRUCKS AND TO INCREASE GOVERNMENT SURPLUS EQUIPMENT \$30,000 MADE BY MR. HORTON. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

E. Real Property Tax Service Agency

1. **Tax Certiorari** - Mrs. Jordan stated the City of Corning has requested the County to participate in a Tax Certiorari relative to Rite Aid. The County would share the cost of the appraisal for the property. The estimated cost of the appraisal is \$13,000 with the County share being \$2,405.

MOTION: AUTHORIZING THE COUNTY TO PARTICIPATE IN A TAX CERTIORARI PROCEEDING WITH THE CITY OF CORNING MADE BY MR. SCHU. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

F. Commissioner of Finance

1. **Monthly Reports** – Mrs. Hurd-Harvey reviewed the monthly reports. Mr. Van Etten stated the Temporary Hire report shows in 2022 we budgeted \$618,000 however only spent \$386,000. Why is that? Mr. Wheeler replied there were a number of vacancies. One school district contracted with a local police department instead of the Sheriff's Office. We only pay what we actually spend.

Mr. Malter asked with the overtime report, the Jail spent \$768,000 but that amount will decrease because of the additional hires. Is there any projection as to the overtime savings that we may have this year? Mr. Wheeler replied no. We can look at a projection. This cost is stabilizing more than it was. A lot of this has to do with the Jail population. The other factor is medical. We had an inordinate number that needed to be transported and stay at the hospital. Whenever an inmate needs to be transported to and/or stay at the hospital, it requires two officers on overtime. Ms. Fitzpatrick stated the other area that has increased is 911. Have we resolved that? Mr. Wheeler replied they had two individuals in training, however, one did not make it. We are having better luck in recruitment.

2. **Year-End Budget Transfers** – Mrs. Hurd-Harvey requested approval for 2022 year-end budget transfers. The transfers consist of transferring \$136,187.21 from various lines to cover the 911 Overtime line; transfer to fund the fringe lines in departments; \$35,689.42 from unallocated fringe to fund salary lines; \$49,143.08 to fund the Records allocation; and increasing the budget for the sales tax payments to cities, towns and villages by \$1,145,147.

MOTION: APPROVING THE 2022 YEAR-END BUDGET TRANSFERS AS PRESENTED BY THE COMMISSIONER OF FINANCE MADE BY MR. HORTON. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Proposed Legislation Re: Tax Foreclosure Auction Proceeds** – Mrs. Hurd-Harvey asked if there were any questions on the email she had sent outlining proposed legislation in the Governor’s budget that would change the in rem process and how surpluses are handled? Mr. Wheeler stated NYSAC is working on this. This will have an impact on how we do things. There will be a number of properties that we will lose funds on. NYSAC has indicated that the Governor’s Office is working on softening the language.

Ms. Prossick commented this puts our offices in the position of being a mortgagor where the priority is the liens and contacting people. You would be surprised how many liens are on properties. Mr. Wheeler stated the other thing counties are contemplating is do we maintain responsibility for all taxing jurisdictions and make them whole. He stated that NYSAC is working on more education for the Governor’s Office on how these things actually work in process. If someone has the ability to pay, you are not looking to take their home; you are working with them. We are not looking to reap a profit off of someone’s loss. This will have a pretty significant detrimental effect should this change. Ms. Prossick stated this negates the push for land bank funding and this will create more work.

Mr. Schu asked are we allocating the additional expenses we are incurring? Ms. Prossick replied yes; our hourly rate and Finance’s hourly rate are allocated for administrative costs. If this passes, we have some ideas of how to work with it. Mr. Wheeler stated other counties are having these discussions. My fear is the language will be modified to restrict the administrative costs. Mr. Schu asked can you allocate that to properties that have surplus funds? Ms. Prossick replied we would have to look at the wording.

MOTION: OPPOSING THE PROPOSED CHANGES TO THE NEW YORK STATE REAL PROPERTY TAX LAW SECTION 989 REGARDING DISTRIBUTION OF SURPLUS IN TAX ENFORCEMENT PROCEEDINGS MADE BY MR. HORTON. SECONDED BY MR. SCHU.

Mr. Van Etten stated when I first heard about this, I thought it was a good idea. However, after Mrs. Hurd-Harvey listed all the reasons why it is not, it is not that simple. My question is what do we do if this truly is against the articles of the State Constitution? Mrs. Hurd-Harvey replied our association may hire an attorney. Mr. Wheeler stated there is a pending Supreme Court case that deals with this nationwide.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

4. **One Percent Sales Tax Reauthorization** – Mr. Wheeler stated we have a permanent authorization for the 3 percent and the additional 1 percent needs to be reauthorized every two years. The

Governor did propose in her budget to make this permanent. This reauthorization will be done through Home Rule Request. You currently have an agreement to share \$820,000 each with the City of Corning and the City of Hornell; along with sharing \$790,000 with the towns and villages. He stated he recently met with the cities and he would propose increasing the sharing to \$850,000 with each of the cities for the life of the agreement. The cities were happy with that amount. This is a modest increase and is a good deal for both them and us. You can opt to increase the share to the towns and villages \$30,000 or make it equal to what the cities would be receiving.

Mr. Malter stated that he thinks the towns and villages should be equal at \$850,000. Mr. Van Etten asked did we increase the towns and villages last time? Mr. Wheeler replied yes, we increased them \$50,000 last time.

MOTION: REQUESTING THE REAUTHORIZATION OF THE ADDITIONAL ONE PERCENT SALES TAX AND DESIGNATING THE SHARING OF TAXES WITH THE CITIES IN THE AMOUNT OF \$850,000 FOR EACH CITY AND \$850,000 TO BE SHARED WITH THE TOWNS AND VILLAGES MADE BY MR. MALTER. SECONDED BY MR. HORTON.

Mr. Van Etten asked if this becomes permanent, will we have to renegotiate with the cities? Mr. Wheeler replied in his opinion, no. We will have to see how they write the law.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

IV. OTHER BUSINESS

A. *Goals* – Ms. Fitzpatrick stated she would like to see the development of other financial reports to be reviewed quarterly. Mr. Malter stated a goal is to keep taxes down. Ms. Fitzpatrick stated we have been trying to keep them steady. Mr. Van Etten stated he would like to see something around earnings on investments.

MOTION : TO ADJOURN MADE BY MR. MALTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Tuesday, March 14, 2023 at 9:30 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, March 8, 2022**