

STEBEN COUNTY FINANCE COMMITTEE

Tuesday, March 14, 2023

10:25 a.m.

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

****MINUTES****

- COMMITTEE:** Gary D. Swackhamer, Chair Kelly H. Fitzpatrick, Vice Chair Jeffrey P. Horton
John V. Malter Brian C. Schu
- STAFF:** Jack K. Wheeler Christopher Brewer Jennifer Prossick
Jennifer Galvan Tammy Hurd-Harvey Mitch Alger
Patty Baroody Cathy Baker Darlene Smith
Hank Chapman Vicky Olin Brenda Scotchmer
- LEGISLATORS:** Scott J. Van Etten Carol A. Ferratella K. Michael Hanna
James Kuhl Hilda Lando Robert V. Nichols
Nicholas D. Pelham
- OTHERS:** Mary Perham

I. CALL TO ORDER

Mr. Swackhamer called the meeting to order at 10:25 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 14, 2023, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

- A. Office for the Aging
 - 1. **Budget Amendment – Accepting Additional Revenue** – Mrs. Baroody requested authorization to accept additional State Wellness in Nutrition (WIN) funds in the amount of \$41,000. She noted this will be split between the contracts with Corning Meals on Wheels and ProAction.

MOTION: AUTHORIZING THE DIRECTOR OF THE OFFICE FOR THE AGING TO ACCEPT ADDITIONAL STATE WELLNESS IN NUTRITION (WIN) FUNDS IN THE AMOUNT OF \$41,000 AND APPROPRIATING \$20,000 TO THE CORNING MEALS ON WHEELS CONTRACT AND \$21,000 TO THE PROACTION WIN CONTRACT MADE BY MR. MALTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

- B. Public Health
 - 1. **Grant Acceptance** – Mrs. Smith requested authorization to accept a new grant entitled Grants to Local Health Departments to Strengthen Public Health Workforce and Foundational Capabilities. The CDC is giving New York State a total of \$65 million which will be allocated to every department of health across the state, based on population. This is a five-year grant and the amount awarded to Steuben County is \$617,670. This may be taken annually in the amount of \$123,570 per year for five years or as one lump sum of \$617,670. Allowable expenses under this grant include recruitment and retention efforts, tuition assistance, staff training opportunities as well as investing in office upgrades and modernization.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC HEALTH AND NURSING SERVICES TO ACCEPT A NEW GRANT ENTITLED GRANTS TO LOCAL HEALTH DEPARTMENTS TO STRENGTHEN PUBLIC HEALTH WORKFORCE AND FOUNDATIONAL CAPABILITIES IN THE AMOUNT OF \$617,670 OVER FIVE YEARS MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

C. Public Works

1. **Year-End Budget Transfers** – Mrs. Hurd-Harvey presented two year-end transfers for approval. The first is a transfer of \$78,714.50 from various accounts into the Machine Rent/Chargeback line and the second is a transfer of \$600,000 from various line items into the Judgements and Claims line item.

MOTION: AUTHORIZING THE YEAR-END BUDGET TRANSFER OF \$78,714.50 INTO THE PUBLIC WORKS MACHINE RENT/CHARGEBACK LINE AND \$600,000 INTO THE JUDGEMENT AND CLAIMS LINE FROM VARIOUS LINES WITHIN THE PUBLIC WORKS DEPARTMENT BUDGET MADE BY MR. SCHU. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **CR 129 Capital Project** – Mr. Wheeler requested authorization to create and fund, from anticipated FEMA revenue, a new project for the CR 129 Wall in Woodhull. This is a concrete wall that runs along CR 129. We are anticipating \$3,555,800 from FEMA and we will be reimbursed that amount after completion of the project.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS, IN CONJUNCTION WITH THE COMMISSIONER OF FINANCE, TO CREATE A NEW CAPITAL PROJECT ENTITLED CR 129 “THE WALL” AND TO ANTICIPATE \$3,555,800 IN REVENUE INTO THIS PROJECT FROM FEMA MADE BY MR. HORTON. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. Community Services

1. **Opioid Settlement Funding** – Dr. Chapman requested authorization to Opioid Settlement Funds from NYS OASAS in the amount of \$585,268.

MOTION: AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO ACCEPT NYS OASAS OPIOID SETTLEMENT FUNDS IN THE AMOUNT OF \$585,268 MADE BY MS. FITZPATRICK. SECONDED BY MR. HORTON.

Mr. Van Etten asked will we receive this funding all at once? Dr. Chapman replied we will receive this all at once for 2023. Mr. Wheeler explained we will then receive a lesser amount annually for eighteen years.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Dr. Chapman requested authorization to appropriate \$25,000 in Opioid Settlement Funds to the Steuben Prevention Coalition Opioid Committee for expanded programing. Mr. Wheeler stated we are proposing that these funds come out of the new NYS OASAS Opioid Settlement Funding that we are in the process of accepting.

MOTION: ALLOCATING \$25,000 IN NYS OASAS OPIOID SETTLEMENT FUNDS TO THE STEUBEN PREVENTION COALITION OPIOID COMMITTEE FOR EXPANDED PROGRAMING MADE BY MR. SCHU. SECONDED BY MR. HORTON.

Ms. Fitzpatrick stated that she spoke with the Opioid Committee and she feels that they are barely scratching the surface. I don't like some of the ideas in their proposal, however, some are necessary. I feel they should be asking for and looking at a more aggressive plan. This is much more serious than the information they are giving and getting. Personally, I think they are approaching the problem from the wrong direction.

Mr. Malter asked is there a plan to spend the remainder of the new funding? Dr. Chapman replied that he will need to meet with Mr. Wheeler to discuss that. Mr. Wheeler stated next month we will be able to present the framework of a plan for spending those funds. Ms. Fitzpatrick commented I feel like we are attacking a house fire with a garden hose.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 4-1. (MS. FITZPATRICK OPPOSED)

Dr. Chapman commented with the allocations we made with the previous funding, part of it went to agencies providing preventive services, treatment services and other peer-related services. I would agree with what Ms. Fitzpatrick said if the only focus was on prevention, but as long as they are including treatment, they are taking a holistic approach. We will need to study the proposals from the area providers and see what ideas they have.

E. Commissioner of Finance

1. **Monthly Reports** – Mr. Malter asked with regard to the purchase order reports, are the cameras at the Jail replacement or new? Ms. Wheeler replied he believes they are replacements.

Secretary's Note: Mrs. Hurd-Harvey reported after the meeting that the cameras at the Jail are not replacing existing cameras.

Mr. Malter asked what are the containers being purchased by Public Works? Mr. Wheeler replied he believes those are replacement recycling containers.

Secretary's Note: Mrs. Hurd-Harvey reported after the meeting that the containers for the Landfill are being placed at the Erwin Transfer Station and are replacements for old bins.

Mr. Malter asked with the Budget Transfer report, the \$84,000 for the Driver Diversion Program, is that for the online training? Mrs. Hurd-Harvey replied she would need to check.

Secretary's Note: Mrs. Hurd-Harvey reported after the meeting that the contract services line was being funded with \$84,000 and it is used to pay the company, Diversion Management, to manage the cases as they proceed through the diversion system.

2. **Year-End Transfers** – Mrs. Hurd-Harvey requested authorization to transfer \$32,727.98 out of general fund unallocated fringe into the District Attorney's 2022 budget. She noted they had overspent in several salary lines.

MOTION: APPROVING THE YEAR-END BUDGET OF \$32,727.98 OUT OF THE GENERAL FUND UNALLOCATED FRING INTO THE DISTRICT ATTORNEY'S 2022 BUDGET MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **ARPA Allocation** – Mrs. Hurd-Harvey requested authorization to amend the resolution allocating ARPA funds to the Highway Shop Construction – ARPA Capital project. We need to include the correct appropriation of \$250,000 in unrestricted ARPA funds for the engineering and design work related to that project.

MOTION: AMENDING RESOLUTION #178-22 TO REFLECT THE CORRECT APPROPRIATION OF UNRESTRICTED ARPA FUNDS TO THE CAPITAL PROJECT ENTITLED "HIGHWAY SHOP CONSTRUCTION – ARPA" MADE BY MS. FITZPATRICK. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

4. **Auctioneer Services** – Mr. Alger explained we have used the final extension on the Auctioneering Services contract from the 2018 RFP. With the proposed changes at the State level with how auction proceeds will be handled, there are a lot of unknowns. Our current auctioneer, Pirrung, has a track record

with the County and has been the low responder each time we have done the RFP. If auctions end up being significantly different than how they are now, we would prefer not to contract with a new auctioneer for the first year. He requested waiving the procurement policy and authorizing a one-year extension with Pirrung, under the same terms and conditions.

MOTION: WAIVING THE PROCUREMENT PROCESS AND AUTHORIZING THE COMMISSIONER OF FINANCE TO EXTEND THE CONTRACT WITH PIRRUNG AUCTIONEERS FOR ONE YEAR UNDER THE SAME TERMS AND CONDITIONS MADE BY MR. MALTER. SECONDED BY MR. SCHU.

Mr. Horton asked can we do this? Ms. Prossick replied this is not guided by State Law as this is a professional service. It would be in the best interest of the County financially and procedurally to do this.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 4-0-1. (MS. FITZPATRICK ABSTAINED DUE TO A CLIENT RELATIONSHIP)

5. **Banks** – Mr. Alger stated he wanted to provide an update on the collapse of Silicon Valley Bank and Signature Bank. We had one CD with Signature Bank. Our funds were secured and collateralized. We took action and cashed our CD early without penalty and our funds are on their way back to us now. Our funds were never at risk.

6. **Sales Tax Update** – Mr. Alger replied collections are up 14 percent year-to-date.

Mr. Swackhamer asked do you have any concerns with the banking industry? Mr. Alger replied no. Signature Bank was largely a lot of unsecured deposits and that was a reaction to the Silicon Valley Bank run. Mrs. Hurd-Harvey stated we did go through all of our vendors and for any that use either of those two banks, we turned off the EFT payments and they will only receive paper checks.

F. County Manager

1. **Contingent Fund Transfer** – Mr. Wheeler stated as discussed in Human Services, Health & Education Committee, we requested and received approval to enter into a contract with Pracademic Partners for recruiting services for the Director of Community Services. We did not have this budgeted and he is requesting a transfer of \$15,000 from the Contingent Fund to cover this contract.

MOTION: APPROVING A CONTINGENT FUND TRANSFER OF \$15,000 TO THE COUNTY MANAGER TO PAY FOR THE RECRUITING SERVICES CONTRACT WITH PRACADEMIC PARTNERS MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **CPACE – EIC Pace Agreement** – Mr. Wheeler stated last month we had presented a local law establishing CPACE as an alternative financing program. As part of that EIC is the company selected by NYSERDA to provide that financing and we need to enter into a partnership agreement with them.

MOTION: AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A PARTNERSHIP AGREEMENT WITH EIC TO PROVIDE CPACE ALTERNATIVE FINANCING, ONCE THE CPACE LOCAL LAW HAS BEEN FILED WITH THE SECRETARY OF STATE MADE BY MS. FITZPATRICK. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

3. **Room Tax Collections** – Mr. Wheeler stated that he, as well as some Legislators, have received a letter from the Towns of Wayne, Urbana and Pulteney requesting 2 percent, or half of the room tax collected from short-term rentals. We have a great partnership with the towns, but you already share half of your sales tax with the municipalities, which is more money than the room tax. That is an equitable funding source they can use for additional things they need or want. My concern is if you share the tax collected on short-term rentals, you will hear from all of the municipalities, especially those with hotels where the municipality has had to invest in water

and sewer. That would be Pandora's box if you did that. He stated that he does not feel comfortable responding without some direction from the committee.

Mr. Malter asked is there a restriction on how room tax can be spent? Ms. Prossick replied it has to be spent on tourism. Mr. Wheeler stated you could amend your local law to allow the possibility, but the way it is structured now, all of that money goes toward financing most of your tourism promotion agencies. Ms. Prossick stated that she has not seen any counties that share the room tax collections.

Mr. Malter stated he would not be in favor of this until we see how it plays out. Mr. Swackhamer stated I don't know if we would want to open that door or not. Mr. Horton commented the Wayne Town Supervisor reached out to him. He stated there are things that come with having short-term rentals and hotels. The Supervisor thought they would be collecting the tax and that it would be more work for them and he said he told them the Town would not be collecting. Mr. Malter stated he is not in favor of this.

Ms. Fitzpatrick commented since we use these funds for tourism, the towns should request the tourism agencies to request funds and then we could spread it out. Mr. Wheeler stated we could break it down by municipality, but that opens up a can of worms. If you start sharing, then you cut into what your Conference & Visitors' Bureau and others receive. Ms. Fitzpatrick stated she would not be in favor of this. Mr. Van Etten commented he would be against this as well. Mr. Nichols stated they are already getting their share and he would be opposed to this. Mr. Van Etten stated he thinks Mr. Wheeler should respond to the letters. Mr. Wheeler stated that he will.

4. **NYS Budget Proposals** – Mr. Van Etten asked have you gotten any updates on the proposed changes to the foreclosure procedure? Mr. Wheeler replied there have been some negotiations. Mr. Van Etten commented the Legislative Chairs have been signing on to a letter opposing the cuts to eFMAP. Mr. Wheeler stated he has heard that they are continuing to negotiate. The State has a self-imposed Medicaid cap of their own. They want to stay below their cap and encourage programs and increase payments to providers. They need revenue to offset their cap. Under the Governor's proposal, the State would make us whole through some other revenue stream. That is good for this year, but that could be cut out much easier. We are telling our colleagues that we should hold firm and take it to litigation. He stated that he has not heard anything more on the foreclosures.

5. **Soil & Water** – Mrs. Ferratella asked for an update on the proposed changes to Soil and Water? Mr. Wheeler replied it does not look like that proposal is gaining any traction.

6. **Mortgage Tax** – Mrs. Scotchmer stated they have received the Senate and Assembly bill numbers relative to requesting the extension of the additional Mortgage Recording Tax.

MOTION: REQUESTING THE ADOPTION OF SENATE BILL NO. S5610 AND ASSEMBLY BILL NO. A4918, EXTENDING THE EXPIRATION DATE OF THE ADDITIONAL MORTGAGE RECORDING TAX FOR THE COUNTY OF STEUBEN MADE BY MS. FITZPATRICK. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

7. **Sales Tax** – Mrs. Scotchmer stated they have received the Senate and Assembly bill numbers relative to requesting the extension of the additional one percent sales tax.

MOTION: REQUESTING THE ADOPTION OF SENATE BILL NO. S5613 AND ASSEMBLY BILL NO. A5359, EXTENDING THE ADDITIONAL ONE PERCENT (1%) SALES TAX FOR STEUBEN COUNTY MADE BY MS. FITZPATRICK. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MR. HORTON. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. HORTON. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. HORTON. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Tuesday, April 11, 2023 at 9:30 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, April 5, 2023**