

STEBEN COUNTY FINANCE COMMITTEE

Tuesday, May 9, 2023

9:30 a.m.

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

****MINUTES****

COMMITTEE:	Gary D. Swackhamer, Chair John V. Malter	Kelly H. Fitzpatrick, Vice Chair Brian C. Schu	Jeffrey P. Horton
STAFF:	Jack K. Wheeler Brenda Scotchmer Auralee Jefferds Tim Marshall Shawn Sauro Todd Housel	Christopher Brewer Jennifer Galvan Judy Hunter Tammy Hurd-Harvey Gary Smith	Jennifer Prossick Lynn Lewis Sue Cleland Mitch Alger Eric Rose
LEGISLATORS:	Scott J. Van Etten James Kuhl Nicholas D. Pelham	Carol A. Ferratella Hilda T. Lando Frederick G. Potter	K. Michael Hanna Wendy Lozo
OTHERS:	Mary Perham		

I. CALL TO ORDER

Mr. Swackhamer called the meeting to order at 9:30 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 11, 2023, AND APRIL 24, 2023, MEETINGS MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. Public Defender's Office

1. **ILS Funding – Public Defender's Office/Assigned Counsel** – Mr. Sauro requested authorization to accept Distribution #11 year one contract in the amount of \$123,875.77 and Distribution #12 year one contract in the amount of \$70,299.00. These amounts were not included his 2023 budget, however, the amounts for contract years two and three will be put into the following years budget. He noted the three year totals will be \$402,157.32 for Distribution #11 and \$210,897 for Distribution #12.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO ACCEPT ILS FUNDING FOR THE PUBLIC DEFENDER'S OFFICE AND ASSIGNED COUNSEL IN THE AMOUNT OF \$123,875.77 FOR YEAR ONE OF DISTRIBUTION #11 AND \$70,299 FOR YEAR ONE OF DISTRIBUTION #12 MADE BY MR. MALTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Emergency Services/E-911

1. **Acceptance of FY22 State Interoperable Communications Targeted Grant** – Mr. Marshall requested authorization to accept the FY22 State Interoperable Communications Targeted Grant. This is specifically a special grant outlined for those agencies doing specific projects. This is a regional grant and our portion is \$5,846,500. This is going to allow us to build a regional communications system with our partner agencies to Allegany, Schuyler and Chemung.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE FY22 STATE INTEROPERABLE COMMUNICATIONS TARGETED GRANT IN THE AMOUNT OF \$5,846,500.00 MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK.

Mr. Swackhamer asked what will be the recurring costs of this system? Mr. Marshall replied these funds will allow us to partner with the four counties to distribute maintenance costs. The core will be located in Steuben County with a redundant backup in Allegany and then Schuyler and Chemung can come into that core with us. Basically, this will put all four counties on one radio network. Mr. Wheeler commented we do anticipate these grant funds to continue. We will build the maintenance cost into the grant budgets. Mrs. Ferratella asked how will those maintenance costs be shared between the stakeholders? Mr. Marshall replied the funds will come to us and then we will distribute and balance that out between the four counties.

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

C. County Clerk

1. **Semi-Annual Mortgage Tax Distribution** – Mrs. Hunter reported mortgage taxes collected from October 31, 2022 through March 31, 2023 were \$895,697.81.

MOTION: APPROVING THE SEMI-ANNUAL MORTGAGE TAX DISTRIBUTION AS PRESENTED MADE BY MR. HORTON. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. Community Services

1. **Contract for Veteran Peer-to-Peer Support Program** – Ms. Lewis requested authorization to enter into a new contract with Veterans One-Stop Center of Western New York. The annual cost is \$100,000 and is grant funded. We will contract with them to hire a full-time individuals to work with veterans and engage them in activities and link them to services, if needed, to help with their transition from military life to civilian life.

MOTION: AUTHORIZING THE INTERIM DIRECTOR OF COMMUNITY SERVICES TO ENTER INTO A ONE-YEAR CONTRACT WITH VETERANS ONE-STOP CENTER OF WESTERN NEW YORK FOR THE VETERAN PEER-TO-PEER SUPPORT PROGRAM FOR AN ANNUAL COST OF \$100,000 MADE BY MR. MALTER. SECONDED BY MR. HORTON.

Ms. Fitzpatrick asked who identified the need and established the program? Ms. Lewis replied the State identified the program and provided grant funds. We put out an RFP and received one response from Veterans One-Stop Center of Western New York. Mr. Wheeler commented the State allocated a certain dollar amount based on population to each county to provide these services. Ms. Fitzpatrick asked do we hire the individual and have the program in place before we send payment? Mr. Wheeler replied we will reimburse them based on expenses submitted. Ms. Fitzpatrick asked will you get regular reports on how many veterans they are serving and what they require? Ms. Lewis replied once they hire an individual we will get quarterly reports and they will work with us to get the veterans connected. They will work with Adult Protective Services, local physicians, law enforcement, etc. Ms. Fitzpatrick asked other organizations in the area do not provide these services? Mr. Smith replied that is correct. Ms. Lewis commented they have had success running this program in Erie, Niagara, Livingston and Yates counties. They also co-run this program in Chautauqua and Cattaraugus counties.

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

E. Public Works

1. **CR 41 Bridge Over Cutler Creek, Town of Corning** – Mr. Rose requested authorization to appropriate \$200,000 from the Road Improvement Account to the CR 41 Bridge Over Cutler Creek, Town of Corning project.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO APPROPRIATE \$200,000 FROM THE ROAD IMPROVEMENT ACCOUNT TO THE CR 41 BRIDGE OVER CUTLER CREEK, TOWN OF CORNING PROJECT MADE BY MS. FITZPATRICK. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. *CHIPs Funding* – Mr. Rose requested authorization to appropriate a total of \$3,200,000 in CHIPs funding to the CR5, CR16, CR37, CR70, CR74, CR125, CR65 and CR112 road projects.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO APPROPRIATE \$3,200,000 IN CHIPS FUNDING TO THE FOLLOWING ROAD PROJECTS: CR5, CR16, CR37, CR70, CR74, CR125, CR65 AND CR112 MADE BY MR. MALTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Wheeler commented we received the official letter from the State on the final allocation and we will be receiving a little more than originally anticipated. He would request that they have a Special Joint Public Works and Finance meeting this month to accept the remainder of the funding.

3. *Appropriation from Road Improvement Account to Surface Treatment Account* – Mr. Rose requested authorization to appropriate \$61,329 from the Road Improvement Account to the Surface Treatment Account.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO APPROPRIATE \$61,329 FROM THE ROAD IMPROVEMENT ACCOUNT TO THE SURFACE TREATMENT ACCOUNT MADE BY MR. HORTON. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. *Bath Landfill Cell 7 and 8 Change Order* – Mr. Rose requested authorization to transfer \$500,000 from the Gas Collection Improvements Capital Project to the Bath Landfill Cell 7 and Cell 8 Capital Project. He explained that during the cell excavation the contractor encountered a bedrock shelf between cell 7 and cell 8 where the two cells tie in. The bedrock will need to be removed and the cost to do that is \$439,750 and they did not have enough in the contingency to cover the change order.

MOTION: AUTHORIZING THE TRANSFER OF \$500,000 FROM THE GAS COLLECTION IMPROVEMENTS CAPITAL PROJECT TO THE BATH LANDFILL CELL 7 AND CELL 8 CAPITAL MADE BY MR. SCHU. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
Resolution Required.

F. Information Technology

1. **Microsoft 365 and Exchange Online** – Mr. Wheeler requested authorization to spend up to \$336,090 out of the EDP Capital Project to purchase Microsoft 365 and Exchange Online.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY TO SPEND UP TO \$336,090 OUT OF THE EDP CAPITAL PROJECT TO PURCHASE MICROSOFT 365 AND EXCHANGE ONLINE MADE BY MS. FITZPATRICK. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

G. Commissioner of Finance

1. **Monthly Reports** – Mr. Malter asked is there a reason that the Landfill is losing revenue? Mrs. Hurd-Harvey replied the report at this point reflects the March revenues. We are not sure, but revenues are down about \$200,000. Mr. Wheeler commented we had the Corning remediation of the Houghton plot and we had been receiving debris from that project over the past three to four years. It sounds like that has slowed down a little, but there will be more coming. That averages \$400,000 - \$500,000.

Ms. Fitzpatrick commented the revenue at the Jail has decreased and it seems as though that may be continuing. She asked about the increase in overtime in DSS from 2022 – 2023? Mr. Wheeler replied that is due to recruitment issues. Mr. Malter commented in some areas overtime expenses are going down. Mr. Wheeler commented hiring and retention in general have been better, but there is still a lack of recruitment. Mr. Malter asked what areas are we not able to recruit? Mr. Wheeler replied DSS, mental health and we still have a number of Correction Officer positions open. We are actively recruiting. The average population at the Jail has been 135 and at any given point in time that may get back up to 150.

Mrs. Hurd-Harvey pointed out they have a new report for the committee to review relative to the Schedule of Tax Corrections Under \$2,500.

2. **Setting the Date for the Real Property Tax Foreclosure Auction** – Mr. Alger requested authorization to set the date for the tax foreclosure auction for July 5th – July 12th. He noted they also have an alternative date of August 2nd – August 9th.

MOTION: SETTING THE DATE FOR THE REAL PROPERTY TAX FORECLOSURE AUCTION FOR JULY 5TH – JULY 12TH, 2023, AND SETTING THE ALTERNATIVE DATE OF AUGUST 2ND – AUGUST 9TH, 2023 IF NEEDED MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK.

Mrs. Lando asked how many parcels do we have? Mr. Alger replied we have between 130 – 140 parcels right now. Mr. Swackhamer asked why are we looking at an additional week? Mr. Alger replied we have that in case we have a property that does not sell in the first auction. He noted they do not plan to use that alternate week, but we wanted to have it in case there were any delays.

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

3. **Notice to Bidders and Terms of Sale** – Mr. Alger reviewed the Notice to Bidders and Terms of Sale. He stated this is similar to what you have seen in the past. The last item, #34, is a reference to Appendix A. Ms. Prossick recommended discussing this in further detail in Executive Session.

IV. OTHER BUSINESS

A. *Corning Courthouse* - Ms. Fitzpatrick asked is the Corning Courthouse in the auction? Mr. Wheeler replied yes we have plans to add it to the auction with the caveat that if the partners we are working with found a resolution, that the parcel could be pulled from the auction.

B. *Assigned Counsel Rates* – Ms. Fitzpatrick asked what was the Assigned Counsel rate set at in the State Budget? Mr. Wheeler replied the rates have been set at \$158.00 per hour for all parts. This doubles the cost of Assigned Counsel. It appears as though ILS (Indigent Legal Services) had available funding allocated for other purposes and the State identified \$90 million of that to appropriate to offset counties cost. We should be able to recoup State funding for that, but the local cost will increase. Ms. Prossick commented everything is up in the air. This represents anywhere from an \$8.00 to \$45.00 per hour increase. Some things are saying that ILS is picking up 50 percent of the new cost and other things are saying ILS is picking up 50 percent of the whole cost. Mr. Wheeler stated his assumption was that it was the whole, but we have not seen the final resolution from them. My concern is what will happen the following year. They are using ILS funding for this State budget year, but what will they do the following year? My fear is that it will be dropped on us.

Ms. Fitzpatrick commented we are facing a more interesting budget this year. Mr. Wheeler stated the loss of eFMAP funding is significant. We carry roughly \$2.5 million in current year, but they owe us about \$4.6 million in back years and the State plans on keeping both. When we go into it, we will not be \$4.5 million in the hole; we will be \$2.5 million in the hole, which is huge. It will be a much more challenging budget this time around.

Mr. Malter commented we have the money on the books; I'm assuming that has been picked up as revenue? Mr. Wheeler replied yes and no. In some ways we carry that as expected revenue. We don't have that anticipated revenue booked into

the Fund Balance. Another way we capture it is by what we budget for the Medicaid spend because we have the Medicaid Cap. This is still budgeted conservatively. We have roughly \$20 million, which is our statutory cap and we have not hit the cap in a number of years. We budget conservatively on the expenses and if we don't get that revenue, it will not be that big of a hit. I don't anticipate the \$6.5 - \$7 million will be wiped out of the Fund Balance. It will be something significantly lower than that.

Ms. Fitzpatrick stated with other counties facing this, is there any ability to pull together and fight this? Mr. Wheeler replied there have been active discussions. Ms. Fitzpatrick stated we have been talking about eliminating the additional mortgage tax and we will lose another \$2.5 million. That could put us in a bad position. Mr. Wheeler stated there has been talk of collective action for this, but from a budgetary standpoint, that action will take quite a long time. We will be building that loss of revenue into the budget. We are in better shape than a lot of counties, but it will still be tough.

Mr. Swackhamer commented this is why we work so hard on the budget and look at every item. The Finance Committee may want to meet in July or August to look at a summary of where we are and at what we may have to do to keep the tax levy down.

C. *Auction* – Mrs. Lando asked with regard to the Corning Courthouse, if that stays in the auction, can we set a minimum bid? Ms. Prossick replied yes, we can discuss that.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.H. THE PROPOSED ACQUISITION, SALE OR LEASE OF REAL PROPERTY OR THE PROPOSED ACQUISITION OF SECURITIES, OR SALE OR EXCHANGE OF SECURITIES HELD BY SUCH PUBLIC BODY, BUT ONLY WHEN PUBLICITY WOULD SUBSTANTIALLY AFFECT THE VALUE THEREOF MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO OFFER FOR PRIVATE SALE THE FOLLOWING PARCELS TO THE STEUBEN COUNTY LAND BANK: PARCEL #043.17-02-024.000, SITUATE IN THE VILLAGE OF COHOCTON FOR \$22,365.76; PARCEL #151.80-01-041.000, SITUATE IN THE CITY OF HORNELL FOR \$1,142.23; AND PARCEL #003.17-02-033.000, SITUATE IN THE VILLAGE OF WAYLAND FOR \$8,649.11 MADE BY MR. MALTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO OFFER FOR PRIVATE SALE PARCEL #363.08-01-040.000, SITUATE IN THE TOWN OF WOODHULL, TO THE TOWN OF WOODHULL FOR \$2,398.85 PLUS DEED FEE OF \$190.00 MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO OFFER FOR PRIVATE SALE THE FOLLOWING PARCELS TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION: PARCEL #349.08-02-068.000, SITUATE IN THE VILLAGE OF ADDISON FOR \$1.00 PLUS DEED FEE OF \$315.00; PARCEL #158.07-01-038.000, SITUATE IN THE VILLAGE OF BATH FOR \$1.00 PLUS DEED FEE OF \$305.00; AND PARCEL #158.07-01-036.000, SITUATE IN THE VILLAGE OF BATH FOR \$1.00 PLUS DEED FEE OF \$305.00 MADE BY MS. FITZPATRICK. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO OFFER FOR PRIVATE SALE PARCEL #099.19-01-008.000, SITUATE IN THE VILLAGE OF AVOCA TO BARBARA GOODRICH FOR \$5,000.00 PLUS DEED FEE OF \$305.00 MADE BY MR. MALTER. SECONDED BY MR. SCHU. 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: APPROVING THE NOTICE TO BIDDERS AND TERMS OF SALE FOR THE 2023 TAX FORECLOSURE AUCTION AS PRESENTED BY THE COMMISSIONER OF FINANCE MADE BY MR. HORTON. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
Resolution Required.

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, June 13, 2023 at 9:30 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, June 7, 2023**