

**STEBEN COUNTY FINANCE COMMITTEE**

*Tuesday, March 21, 2017*

*10:00 a.m.*

*Legislative Committee Room  
Steuben County Office Building  
Bath, New York*

**\*\*MINUTES\*\***

|                     |   |  |  |
|---------------------|---|--|--|
| <b>COMMITTEE:</b>   | Scott J. Van Etten, Chair<br>Gary B. Roush  | Gary D. Swackhamer, Vice Chair<br>Brian C. Schu                                | Kelly H. Fitzpatrick   |
| <b>STAFF:</b>       | Jack K. Wheeler<br>Steve Orcutt<br>Tammy Hurd-Harvey<br>Tina Goodwin<br>Kelly Penziul | Mitchell Alger<br>Tim Marshall<br>Andy Morse<br>Jennifer Prossick<br>Alan Reed | Eric Rose<br>Steve Catherman<br>Jim Allard<br>Vicki Olin<br>Pat Donnelly |
| <b>LEGISLATORS:</b> | Joseph J. Hauryski<br>John V. Malter  | Carol A. Ferratella  | Robin K. Lattimer  |
| <b>OTHERS:</b>      | Mary Perham   |  |  |

**I. CALL TO ORDER**

Mr. Van Etten called the meeting to order at 10:00 a.m.

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE FEBRUARY 14, 2017, MEETING MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. MOTIN CARRIES 4-0-1. (MS. FITZPATRICK ABSTAINED AS SHE WAS NOT IN ATTENDANCE)**

**III. DEPARTMENT REQUESTS**

A. Emergency Management Office

1. **Budget Adjustment – FY16 Homeland Security Grant** – Mr. Marshall requested authorization to transfer \$8,845 from the Major Equipment line to the Software line within the 2016 Homeland Security Grant. This funding will be used to purchase cloud-based software for our Functional Needs Application. The grant funds will cover the cost of the software.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO TRANSFER \$8,845.00 FROM THE MAJOR EQUIPMENT LINE ITEM TO THE SOFTWARE LINE ITEM WITHIN THE 2016 HOMELAND SECURITY GRANT FOR THE PURPOSE OF PURCHASING CLOUD-BASED SOFTWARE FOR THE FUNCTIONAL NEEDS APPLICATION MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

B. Buildings & Grounds

1. **Budget Transfer – County Office Building HVAC Upgrade** – Mr. Rose stated our current HVAC control system is no longer supported. We have \$312,000 in the HVAC Upgrade Project. The cost will be an additional \$400,000 to replace the controls in all three components for the entire County Office Building. We received a quote for \$686,000.

Mr. Wheeler stated that we have been working on this for well over a year and this is a good recommendation. The other benefit is that we have the same specifications for the new building and there will be one system for the entire complex. He is requesting they transfer \$400,000 out of the Unrestricted Fund Balance.

Ms. Fitzpatrick asked are there any other options for paying for this? Mr. Wheeler replied you could take money out of the Contingent Fund or the Building Repairs & Renovations Reserve. We feel that taking it out of the Unrestricted Fund Balance was the best way.

**MOTION: AUTHORIZING THE TRANSFER OF \$400,000 FROM THE UNRESTRICTED FUND BALANCE TO THE CAPITAL PROJECT ENTITLED "COUNTY OFFICE BUILDING HVAC UPGRADE" MADE BY MR. SWACKHAMER. SECONDED BY MR. ROUSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

C. Public Works

1. **Bridge NY Project – CR22 Over Canisteo River, Cameron** – Mr. Catherman requested authorization to appropriate \$427,500 of the Federal share revenue and \$22,500 of the County Share from the Future Bridge Projects Account to the CR 22 Bridge Over Canisteo River, Cameron Project.

**MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO APPROPRIATE \$427,500 OF FEDERAL SHARE REVENUE AND \$22,500 COUNTY SHARE FROM THE FUTURE BRIDGE PROJECTS ACCOUNT TO THE CR 22 BRIDGE OVER CANISTEO RIVER, CAMERON PROJECT MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

2. **Temporary Prefabricated Bridge for Bridge Division** – Mr. Catherman requested authorization to amend the Major Equipment list to include an "Acrow" Bridge from Yates County which we will be purchasing for \$17,500. This is a 60-foot, single lane bridge which we will use as a detour bridge. Ms. Fitzpatrick asked has this been budgeted? Mr. Wheeler replied they have \$1 million in their Major Equipment and they cannot go over that. This is adding an item to that list. Mr. Roush asked will this bridge be available to towns? Mr. Catherman replied yes; this year we are using it on a village bridge.

**MOTION: AMENDING THE PUBLIC WORKS MAJOR EQUIPMENT LIST TO INCLUDE AN "ACROW" BRIDGE FOR \$17,500 MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

D. Sheriff's Office

1. **Establishing Trust Account for K-9 Division** – Sheriff Allard informed the committee that they found a revenue account that the K-9 Division was using to pay for training and incidental equipment, outside of the County line items. He requested authorization to create a trust account and to appropriate the money in the current revenue account to the new account which will be used for training and equipment for the K-9 Division, as well as allow them to receive donations into it. Mrs. Hurd-Harvey commented that we have other trust account lines.

**MOTION: AUTHORIZING THE ESTABLISHMENT OF A TRUST ACCOUNT FOR THE K-9 DIVISION OF THE SHERIFF'S OFFICE MADE BY MR. SWACKHAMER. SECONDED BY MR. ROUSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

E. Commissioner of Finance

1. **Monthly Reports** – Mr. Van Etten commented with regard to the county cost analysis report, he questions the big savings. We have the modified budget and then it comes in less than what was originally budgeted? He received an email explanation that with regard to the Sheriff's office, as new grants come in, they are booked to expense and revenue. When they are not used, then that amount gets carried over.

Mrs. Hurd-Harvey commented that with the Homeland Security Grant budget for 2016, we only spent \$10,000 and all the remaining money from that grant is rolled over into 2017.

2. **End of Year Budget Transfers** – Mrs. Hurd-Harvey presented transfers including rolling over unspent Emergency Management Office grants into 2017 budget; appropriating \$4,950 received in donations for the Law Enforcement Memorial in 2016 and appropriating to a capital project; appropriating District Attorney forfeiture monies in the amount of \$1,202.72 from 2016 to 2017; rolling over \$134,385.34 in Emergency Management Homeland Security Grants; funding in various departments for the IT and Records chargebacks.

**MOTION: APPROVING END OF YEAR BUDGET TRANSFERS AS PRESENTED BY THE COMMISSIONER OF FINANCE MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

3. **Setting the Date, Time and Location of 2017 Real Property Tax Sale Auction** – Mr. Donnelly requested authorization to set the date, time and location of the 2017 Real Property Tax Sale Auction on Friday, July 14, 2017, at 10:00 a.m. at the Campbell-Savona School.

**MOTION: SETTING THE DATE, TIME AND LOCATION OF THE 2017 REAL PROPERTY TAX SALE AUCTION ON FRIDAY, JULY 14, 2017, AT 10:00 A.M. AT THE CAMPBELL-SAVONA SCHOOL MADE BY MR. ROUSH. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

F. County Manager

1. **911 Request** – Mrs. Goodwin requested authorization to accept the 2017 Public Safety Answer Points (PSAP) Grant in the amount of \$190,105 and appropriate into the dispatch capital project. This will allow us to upgrade the CAD system and this year we are also due for a hardware replacement.

**MOTION: AUTHORIZING THE DIRECTOR OF 911 TO ACCEPT A \$190,105 NYS 2016-2017 PUBLIC SAFETY ANSWERING POINTS GRANT AND APPROPRIATE INTO THE CAPITAL PROJECT ENTITLED “DISPATCH CONSOLES” MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

2. **Elections Request** – Mrs. Olin informed the committee that at the Administration Committee, they discussed two options for an extended warranty on the voting machines. The first option was three years for \$78,097.50 inclusive of a 10 percent discount if paid in full. The second option was five years for \$122,931.25 inclusive of a 15 percent discount if paid in full. Mr. Van Etten had indicated that he felt it might be better to go with the five year warranty. Mr. Wheeler stated Elections had budgeted enough to cover a three year extended warranty. With the five year extended warranty, we will need to use \$45,000 in Contingent Funds to cover the cost.

**MOTION: AUTHORIZING THE TRANSFER OF \$45,000 FROM THE CONTINGENT FUND TO THE BOARD OF ELECTIONS TO COVER THE COSTS OF A FIVE-YEAR EXTENDED WARRANTY FOR THE VOTING MACHINES MADE BY MR. ROUSH. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

3. **Sales Tax** – Mr. Wheeler informed the committee that the municipalities currently have the option of choosing cash or a tax credit for receiving sales tax. A number of municipalities are flipping between the two options. We have had two municipalities this year that took more cash, and that impacts the County’s tax cap calculations. The Town of Wayland took \$25,000 in cash and the Town of Corning took \$175,000 in cash. That reduced our allowable levy. Most other counties, if they share their sales tax revenue with their municipalities, they take all cash. Very few counties have a mix like we do and the State is not willing to address that.

Mr. Wheeler commented the Governor has made threats in the past to link the Medicaid hard cap and the municipalities' AIM funding to our ability to stay within the cap. Our ability to maintain the tax cap is very important. By allowing the municipalities to switch how they receive their sales tax, has a severe negative impact on the County.

Mr. Malter asked when the town takes cash, does it lock them into taking cash every year or do they request a change? Mr. Wheeler replied they can request changes.

Mr. Reed stated that Tax Law 1262 is the governing section for the distribution of sales tax by the County. In 2014, we entered into an agreement with the cities. When we did that, the statute gave the County discretion of distribution to areas outside of the cities. There is a provision for notice to the municipalities. If the County makes a change, then we need to provide legal notice six months prior. Tax and Finance from the State wanted the County to recite the provision in a resolution, and we declined to do that. Our resolution regarding the distribution to the towns and villages is silent. We could by resolution, exercise discretion. We are a unique county in this respect. What impacts the County is when the municipalities change, primarily to cash, as it lowers the County's ability to levy taxes.

Mr. Wheeler stated our proposal is if the municipalities choose to take more cash, we would reduce their payment by the amount that we are harmed. That comes off the tax cap. To protect ourselves, we would reduce their payment and our ability to levy would remain the same. Mr. Van Etten commented it keeps the County whole.

Mr. Malter asked what effect will this have on the towns? Mr. Wheeler replied it does not change their dynamic. In his view, this protects the taxpayers. Mr. Roush commented there is the possibility that the towns would panic and go after the cash. Mr. Wheeler stated this resolution would put the municipalities on notice, as it would be applied to the upcoming budget. We are not preventing them from taking the cash.

Mr. Malter commented you will need to notify the towns in a way that they will understand.

**MOTION: PROVIDING NOTICE TO MUNICIPALITIES FOR THE ADJUSTMENT OF SALES TAX DISTRIBUTION RELATIVE TO THEIR ELECTION FOR RECEIPT OF FUNDS BY CREDIT OR CASH, TO THE EXTENT THAT SUCH ELECTION IMPAIRS THE COUNTY'S TAX CAP CALCULATIONS MADE BY MR. SCHU. SECONDED BY MR. ROUSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

**MOTION: TO AJDOURN 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. SCHU. SECONDED BY MR. ROUSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #276.00-03-008.340, SITUATE IN THE TOWN OF THURSTON, EXPIRING MARCH 30, 2018 AND SUBJECT TO A 25 PERCENT PENALTY MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #138.00-01-014.100 AND PARCEL #138.00-01-014.200, SITUATE IN THE TOWN OF FREMONT, EXPIRING MARCH 30, 2018 MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #171.00-01-018.120, SITUATE IN THE TOWN OF BATH, EXPIRING MARCH 30, 2018 AND SUBJECT TO A 25 PERCENT PENALTY MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #313.00-01-009.300, SITUATE IN THE TOWN OF ADDISON, EXPIRING MARCH 30, 2018 MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #317.07-02-014.000, SITUATE IN THE CITY OF CORNING, EXPIRING MARCH 30, 2018 MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #159.18-02-035.000, SITUATE IN THE TOWN OF BATH, EXPIRING MARCH 30, 2018 MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO ACCEPT A NON-REFUNDABLE UNDERTAKING OF \$9,500 RELATIVE TO PARCEL #299.75-01-079.000, SITUATE IN THE CITY OF CORNING, TO DEFER THE ENFORCEMENT OF SALE UNTIL MARCH 30, 2018, SAID UNDERTAKING TO BE PAID WITHIN 30 DAYS MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO ACCEPT A NON-REFUNDABLE UNDERTAKING OF \$5,000 RELATIVE TO PARCEL #159-05-01-072.100, SITUATE IN THE VILLAGE OF BATH, TO DEFER THE ENFORCEMENT OF SALE UNTIL MARCH 30, 2018, SAID UNDERTAKING TO BE PAID WITHIN 30 DAYS MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO ACCEPT A NON-REFUNDABLE UNDERTAKING OF \$15,000 RELATIVE TO PARCEL #159.05-01-050.000, SITUATE IN THE VILLAGE OF BATH, TO DEFER THE ENFORCEMENT OF SALE UNTIL MARCH 30, 2018, SAID UNDERTAKING TO BE PAID WITHIN 30 DAYS MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO ACCEPT A NON-REFUNDABLE UNDERTAKING OF \$4,000 RELATIVE TO PARCEL #318.14-01-058.000, SITUATE IN THE CITY OF CORNING, TO DEFER THE ENFORCEMENT OF SALE UNTIL MARCH 30, 2018, SAID UNDERTAKING TO BE PAID WITHIN 30 DAYS MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO ACCEPT A NON-REFUNDABLE UNDERTAKING OF \$3,000 RELATIVE TO PARCEL #340.18-01-036.000, SITUATE IN THE TOWN OF WEST UNION, TO DEFER THE ENFORCEMENT OF SALE UNTIL MARCH 30, 2018, SAID UNDERTAKING TO BE PAID WITHIN 30 DAYS MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

**MOTION: AUTHORIZING THE CONVEYANCE OF PARCEL #206.00-03-054.000, SITUATE IN THE TOWN OF CAMPBELL IN SETTLEMENT OF A VERIFIED ANSWER TO THE TAX-FORECLOSURE PROCEEDING FILED BY THE SAID TOWN, FOR \$5,623.17 SUCH CONVEYANCE TO BE BY DIRECTED DEED TO THE TOWN OF CAMPBELL, ALL IN FORM AND SUBSTANCE APPROVED BY THE COUNTY ATTORNEY, MADE BY MR. SWACKHAMER. SECONDED BY MR. ROUSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO WITHDRAW FROM FORECLOSURE PURSUANT TO SECTION 1138 OF RPTL AND CANCEL CERTAIN DELINQUENT TAX LIENS RELATIVE TO PARCEL #298.08-02-020.000, SITUATE IN THE VILLAGE OF PAINTED POST, AND TO ISSUE A CERTIFICATE OF PROSPECTIVE CANCELLATION MADE BY MR. SCHU. 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. ROUSH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**MOTION: TO ADJOURN MADE BY MR. ROUSH. SECONDED BY MS. SCHU. 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, 2017  
Legislative Committee Room  
10:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office  
NO LATER THAN NOON  
Wednesday, April 5, 2017.**