



Tioga County Worksession Minutes October 19, 2017 – 10:00 a.m.

Legislators present:

Legislator Hollenbeck
Legislator Huttleston
Legislator Monell (*arrived @ 10:04 a.m.*)
Legislator Mullen
Legislator Roberts
Chair/Legislator Sauerbrey
Legislator Standinger (*arrived @ 10:04 a.m.*)
Legislator Weston

Absent:

Legislator Sullivan

Guests:

Matt Freeze, Reporter, Morning Times
Wendy Walsh, District Manager, Soil & Water Conservation District (*departed @ 11:50 a.m.*)

Staff present:

County Attorney Peter DeWind
Legislative Clerk Maureen Dougherty
Deputy Legislative Clerk Cathy Haskell
Chief Accountant/Budget Officer Rita Hollenbeck
Personnel Officer Bethany O'Rourke
Public Defender George Awad (*departed @ 10:05 a.m.*)
Family Court Public Defender Mari Townsend (*departed @ 10:05 a.m.*)
District Attorney Kirk Martin (*arrived @ 10:47 a.m./departed @ 11:17 a.m.*)
1st Assistant District Attorney Cheryl Mancini (*arrived @ 10:47 a.m./departed @ 11:17 a.m.*)

Worksession commenced at 10:02 a.m. in the Legislative Conference Room for the Fifth Special Legislature Meeting of 2017 for Legislature consideration of the following:

- **Authorize Backfill of Part Time Secretary to Public Defender**

Special Meeting adjourned at 10:04 a.m. with the Legislative Worksession immediately following.

Executive Session -

Motion by Legislator Mullen seconded by Legislator Hollenbeck to move into Executive Session to discuss contract negotiations and other related issues. Motion carried to go into Executive Session at 10:05 a.m. County Attorney DeWind and Personnel Officer O'Rourke remained in attendance. Executive Session adjourned at 10:45 a.m.

Traffic Diversion Presentation – District Attorney

District Attorney Martin introduced 1st Assistant District Attorney Cheryl Mancini. Mr. Martin presented the Legislature with a proposal to create and implement a Traffic Diversion Program in Tioga County. Mr. Martin provided a handout outlining the program proposal, as well as current and proposed salaries. In addition, Mr. Martin prepared and presented a resolution for Legislature consideration. Mr. Martin reported a Traffic Diversion Program requires authorization from the Legislature, but the District Attorney's office would develop the structure. Mr. Martin reported motorists who are issued traffic tickets would be eligible to complete an application in the District Attorney's office to enter into a Diversion Program. Mr. Martin reported there are several counties who have Diversion Programs, but Tioga County does not. Mr. Martin reported motorists would be required to pay a fee to the County to cover the administration of the program, take a defensive driving course, and maintain compliance in order for a motion for dismissal be made on their behalf to the court in which the ticket originated. Mr. Martin reported this is advantageous to the motorist as they do not end up with points on their license, as well as to the County as this would be a revenue positive program. Mr. Martin reported this program is also good for public safety. Mr. Martin reported this program would require extra work in the District Attorney's office and Ms. Mancini would manage the program. Mr. Martin reported the 3rd District Attorney part-time position is currently vacant, therefore, proposed to increase this position to full-time effective January 2018. Mr. Martin reported he is requesting a salary band that would be commensurate and equal to the 2nd Assistant County Attorney position and also increase the salary band for the 1st Assistant District Attorney position to be equal to the 1st Assistant County Attorney position. Mr. Martin reported if he is granted Legislature approval to proceed with this program, he indicated implementation would occur immediately, therefore, generating revenue prior to the salary increases going into effect. Chair Sauerbrey reported she met with Mr. Martin regarding this proposal and is in favor of it. Chair Sauerbrey further reported the driver defense course can be done in person or online with the submission of a certificate of completion. Mr. Martin reported he does not have a preference as to what type of class is chosen, as long as there is proof of completion. Mr. Martin reported implementing a program like this equalizes enforcement across the County. Currently, the County has 17 magistrate courts and there are some differences across the County in each of these courts as to what magistrates will and will not accept as plea offers. Mr. Martin reported the implementation of this program will allow the District Attorney's office to entirely make the decision as to whether to prosecute or dismiss the ticket. Mr. Martin reported the additional work in the District Attorney's office includes collection and review of the applications and certificates of completion, monitor community service, and collection and accounting of the fees. Mr. Martin reported the County would also be taking part of the fee that motorists are paying directly to the County and returning the funds to the local magistrate jurisdiction where the ticket was originated. Currently, the entirety of all surcharges go to Albany and a portion of the fine, depending upon the type of infraction, comes back to the jurisdiction. This program would compensate the local justice

courts. Mr. Martin reported the point of this type of program is not to make money. However, after monitoring the number of applications that motorists have requested for traffic reductions in the District Attorney's office over the year, he believes that minimally the District Attorney's office will receive 900 applications per year. Mr. Martin reported if the District Attorney's office were to establish a basic standard application fee of \$240.00, which is less than what motorists would pay for a surcharge and fine through the plea process minus \$40.00 that is returned to the municipality this results in \$200.00 per application multiplied by 900 applications for \$180,000. Personnel Officer O'Rourke inquired about the attorney's involvement. Mr. Martin reported the 3rd Assistant District Attorney is currently part-time and would be responsible for monitoring the program, accepting and reviewing applications and certificates of completion, reviewing community service, and making motions for dismissal, as appropriate, as well as handling of the fees. Mr. Martin reported the 1st Assistant District Attorney would be responsible for supervising the program. Chair Sauerbrey reported there is a legal procedure attached to every application and not solely an administrative component. Mr. Martin reported every county that implements this type of program has specific staffing requirements they use to utilize the program. Mr. Martin reported it does not necessarily require an attorney, however, gives the added flexibility of sending an attorney to do felony trials and help offset stress to the office that this Legislature is going to have address in regards to the counsel arraignment issue that is forthcoming. Mr. Martin reported his proposal is requesting salary increases for the 1st and 3rd Assistant District Attorneys, as well as increasing the 3rd Assistant District Attorney position from part-time to full-time starting in January 2018. Budget Officer Hollenbeck reported the local share for the District Attorney's office is \$500,000 with very little revenue that comes in through State Aid. Legislator Weston inquired as to the ramifications for CDL licenses. Mr. Martin reported these type of infractions will not be allowed in the program due to Federal law and not wanting to jeopardize highway funds to the municipalities. Ms. O'Rourke inquired as to whether it is typical for an attorney to handle the record keeping and finances. Mr. Martin reported this is just part of the job description and he will not implement this program without the staffing increases, as he cannot burden his office. Chair Sauerbrey reported the counsel at arraignment issue is coming and the County has time to put a plan in place and having these attorneys will definitely be part of that plan. Legislator Monell inquired as to whether Ms. O'Rourke has been involved in regards to the salary information presented in the resolution. Mr. Martin reported Ms. O'Rourke provided the salary information. Legislator Weston inquired as to whether the Legislature has the ability to do an annual review of the program to determine whether this is beneficial to the County. Mr. Martin reported the Legislature can certainly do an annual review. Legislator Roberts reported the State is currently receiving all the money, therefore, the County and towns are not receiving any of the funds. Legislator Roberts reported there is a plan for a revenue-producing program that will pay for the overhead and also increase the flexibility for the attorneys to do other tasks, therefore, is in favor of this program.

Chair Sauerbrey requested a straw poll vote to move the resolution presented today forward for Legislature consideration at the November 14, 2017 Legislature meeting.

On a straw poll vote, all Legislators were in favor of moving the resolution forward to authorize the creation of a Traffic Safety Diversion Program in the District Attorney's office, as well as authorize salary increases for the 1st and 3rd Assistant District Attorneys and changing employment status from part-time to full-time for the 3rd Assistant District Attorney for Legislature

consideration at the November 14, 2017 Legislature meeting with Legislator Sullivan being absent.

State and Local Tax (SALT) Deduction Resolution –

Legislative Clerk Dougherty reported she previously forwarded information to the Legislature she received from NYSAC regarding the State and Local Tax Deduction. Based on this information, Ms. Dougherty prepared a resolution and inquired as to whether the Legislature wanted to proceed in this manner. Ms. Dougherty reported this affects the income tax of County residents. County Attorney DeWind reported residents would be facing a double taxation as they would be paying federal income taxes on the taxes they pay to the State and local governments. All legislators were in favor of moving this resolution forward for Legislature consideration at the November 14, 2017 Legislature meeting to express strong opposition to any tax reform proposal that would eliminate the SALT Deduction.

Approval of Worksession Minutes – October 5, 2017

Legislator Mullen moved to approve the October 5, 2017 Legislative Worksession minutes as written, seconded by Legislator Monell with Legislators Hollenbeck, Huttleston, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Weston voting yes with Legislator Sullivan being absent. Motion carried.

2018 Budget Update –

Budget Officer Hollenbeck distributed budget handouts outlining where the County currently stands with the tentative contractual agreement salaries and fringe benefits included. Based on today’s presentation and proposal by the District Attorney, Ms. Hollenbeck reported this data will need to be included. Ms. Hollenbeck reported the County is still looking at less than \$3 million from the fund balance being appropriated. Ms. Hollenbeck reported the tax cap levy is exactly 2% from the prior year. Ms. Hollenbeck also provided a 4-year comparison of the 2015 and 2016 actuals and 2017 and 2018 budgeted figures. Ms. Hollenbeck reported all funds for 2018 total \$78,654,000. Ms. Hollenbeck reported the casino revenue is closing the gap slightly, however, there is still a budgetary gap. Overall, Ms. Hollenbeck reported a deficit budget gap of approximately \$2 million in the general operating fund without capital. Ms. Hollenbeck reported the County Roads, Liability Fund, and Road Machinery Funds are separate funds that do have balances that could be appropriated, however, does not recommend doing this as it leaves the balances less than desirable, as none of these funds have large balances. Ms. Hollenbeck provided a year-to-year comparison on the various types of employer fringe benefits and highlighted the following:

Fringe Benefit	Increase/Decrease	Comments
State Retirement	Increased in 2018. Overall increase of 4.5%.	Decreased from 2016 to 2017.
Social Security	Increased in 2018	Based on salary at 7.65%.
Workmen’s Comp	Increased slightly in 2018	
Life Insurance	Decreased in 2018	
Unemployment	Increased slightly in 2018	Based on the fact the County is close to maximizing the amount budgeted in 2017 with claims.

Disability	Increased in 2018. Increase from \$4.49 to \$4.90 per person.	This only includes full-time employees for an annual amount of \$34,000.
Health Insurance	Increased in 2018.	\$8,029,000 – total annual gross \$926,480 – employee share (majority from active employees, however, does include retirees). \$7,102,573 – employer share
HRA	70% utilization rate	2016 - \$668,431 2017 - \$730,000 2018 - \$802,620
Medicare – 65+	2016 – 160 participants	Projected 2018 - \$218,000 for a monthly average of \$110.00 per participant. Resolution will come forth in December to implement the cap.

Of the total \$75 million County budget, Ms. Hollenbeck reported approximately \$13 million is for employee fringe benefits and approximately \$19 million is for salaries. Under the State Retirement, Ms. Hollenbeck reported as employees come off the higher Tiers the bills decrease. For example, as the Tier 4 employees start to retire in the next 5-10 years, the Tier 6 employees will be replacing them at a lower cost. Ms. Hollenbeck distributed the tax rate handout for each municipality providing a 10-year snapshot from 2008–2018 identifying dollar rate increase, as well as percentage rate increase. Ms. Hollenbeck reported the figures are based on the equalization rate and apportionment.

Ms. Hollenbeck reported the following outstanding items:

Fire Bureau – Ms. Hollenbeck reported she received an email yesterday from Fire Coordinator Okrasinski regarding a significant rate change for purchase of CPR cards that are issued to participants who complete CPR courses. Ms. Hollenbeck reported the rate increased from \$55.00 (per box of 24 cards) to \$408.00 (per box of 24 cards) for an annual increase to the County of \$37,000. Legislators requested additional information. Chair Sauerbrey requested Mr. DeWind contact Fire Coordinator Okrasinski to gain additional information.

EMO/Fire – Chair Sauerbrey reported the resolution passed earlier this month to create the Department. Ms. O’Rourke reported the positions will come through the staff changes resolution in December. Chair Sauerbrey reported the Public Safety Committee needs to work on the details. Ms. O’Rourke reported the Personnel Office has already received inquiries as to whether the Director position will be posted. Based on these inquiries, Ms. O’Rourke inquired as to whether this has been discussed and requested the Personnel Office be kept informed on the decisions that have or will be made. For the 2018 budget, Ms. Hollenbeck reported she used the proposed number for the part-time Director position at \$26,000 and the full-time Director with benefits amount. Ms. Hollenbeck reported the Legislature can always reduce the budget once the tentative budget is published, but cannot increase the amount. Legislator Roberts recommended projecting higher numbers with the ability to reduce, if necessary.

Outside Agency Employee Benefit – Legislator Monell reported Ms. Hollenbeck recently uncovered that the money being spent for Soil & Water is being taken out of the wrong line

item. Legislator Monell reported he met with Soil & Water Conservation District Manager Walsh, Legislator Weston, and Personnel Officer O'Rourke and the consensus was to reallocate the funds from the employee benefit line to the outside agency allocation line. Ms. Hollenbeck reported back in the 1960's the Soil & Water District, IDA, and Tobacco were identified by the auditors as component agencies and there is nothing wrong with covering them under the health insurance, but they are not considered Tioga County employees. Ms. Hollenbeck reported she is in agreement with Legislator Monell's recommendation to reallocate the funds from one line to another to be more appropriate. Ms. Hollenbeck reported the amount in 2017 is approximately \$69,000 and projects this amount to increase in 2018 to \$72,000 due to the health insurance increase. Ms. Walsh reported Soil & Water currently collects from the employees and submits to the County on a quarterly basis. Legislator Weston inquired as to whether this will be static from this point forward. Ms. Hollenbeck reported budget year to budget year the Legislature determines the allocation for each outside agency.

Ms. Hollenbeck reported the November 9th Legislative Worksession will be the last opportunity to discuss the budget with the Legislature prior to the tentative budget being published.

Action Items:

ACTION ITEMS FROM JULY 6, 2017:

ACTION ITEM #1 – 7/6/17 – Paying Costs for Demolished Properties –

Mr. DeWind reported he attended a meeting last week and spoke with Monroe County Attorney Mike Davis. Decision is not back from the judge. The question at hand is whether additional special assessments can be taxed. In the interim, Mr. DeWind suggested the possibility of preparing a Memorandum of Understanding (MOU) with the towns and villages and establish a cap. Mr. DeWind will also address this at the November 14, 2017 Legal/Finance meeting to determine the course of action. Chair Sauerbrey reported we have an obligation as some villages have approached the County inquiring about our position on this issue. Chair Sauerbrey suggested Mr. DeWind provide a list of recommendations for Legislature consideration. **This action item will be carried forward from the October 19, 2017 Legislative Worksession.**

Other – None

Executive Session -

Motion by Legislator Monell seconded by Legislator Hollenbeck to move into Executive Session to discuss an individual personnel matter. Motion carried to go into Executive Session at 11:56 a.m. Executive Session adjourned at 12:00 p.m. Chair Sauerbrey excused all staff from this session.

Meeting adjourned at 12:00 p.m.

Next worksession is scheduled for Thursday, November 9, 2017.

Respectfully submitted by,
Cathy Haskell, Deputy Legislative Clerk