



## **Tioga County Worksession Minutes** **February 4, 2021 – 1:00 p.m.**

### **Legislators present:**

Legislator Balliet  
Legislator Hollenbeck  
Legislator Monell  
Legislator Mullen  
Legislator Roberts  
Chair/Legislator Sauerbrey  
Legislator Standinger  
Legislator Sullivan  
Legislator Weston

### **Guests:**

None

### **Staff present:**

Peter DeWind, County Attorney  
Drew Griffin, ITCS Deputy Director (*Departed at 1:27 p.m.*)  
Bethany O'Rourke, Personnel Officer  
Jamie Wahls, BOE Democratic Commissioner (*Departed at 1:28 p.m.*)  
Bernadette Toombs, BOE Republican Commissioner (*Arrived at 1:12 p.m./Departed at 1:28 p.m.*)  
LeeAnn Tinney, ED&P Director (*Departed at 1:28 p.m.*)  
Gary Grant, Deputy Commissioner of Social Services  
Lisa McCafferty, Public Health Director (*Departed at 1:28 p.m.*)  
Cathy Haskell, Clerk of Legislature  
Amy Eiklor, Deputy Clerk of Legislature

**Call Meeting to Order:** Chair Sauerbrey opened the meeting at 1:01 p.m.

### **Second Special Legislative Meeting of 2021 -**

Chair Sauerbrey called the Second Special Legislature Meeting of 2021 to order at 1:01 p.m. with nine Legislators present for Legislature consideration of the following:

- ✓ **Local Law to Be Introduced-A Local Law establishing the salary for the Office of County Treasurer for the four-year term of office commencing January 1, 2022, continuing through, and including December 31, 2025.**
- ✓ **Schedule Public Hearing-Local Law Introductory No. B of 2021**

Legislative Clerk Haskell took roll call. Chair Sauerbrey lead in the prayer, pledge, and voting process. Special Meeting adjourned at 1:03 p.m. with regular worksession immediately following.

### **Sound System Upgrade:**

ITCS Deputy Director Griffin reported he received a quote from AV Sound & Electronics for upgrades to the sound system and purchase of two additional microphones for the Hubbard Auditorium. Mr. Griffin informed the Legislature that during the process, it was discovered that all of the wireless microphones currently in the Hubbard Auditorium, are out of compliance. He reported the cost to upgrade the existing system and acquire two new microphones for the County Attorney and the Legislative Clerk is \$6,393.21. Mr. Griffin stated that upgrading the amplifier to the rear speakers would cost an additional \$490, however, did not believe that was necessary.

Legislator Monell inquired what would happen if the Legislature kept using the existing microphones. Mr. Griffin reported he was unsure how or if non-compliance is enforced.

Legislator Hollenbeck inquired about the amplifiers. Mr. Griffin explained adding rear speakers would allow for additional audio in the room. He stated if the Legislators can hear fine now, he recommends upgrading without the amplifiers. Upgrading the current microphones and acquiring an additional two, would bring the system into full compliance.

Legislator Mullen asked what would happen to the equipment being used now. Mr. Griffin replied the equipment would be recycled, but the cabinet would stay.

Chair Sauerbrey explained the current microphones occasionally have battery and other issues and will eventually fail if they are not replaced. Chair Sauerbrey suggested upgrading the sound system now, rather than waiting until next year when the cost could be substantially higher. Chair Sauerbrey reported the cost of the upgrade would come out of the IT budget.

Mr. Griffin explained the electronic box underneath the microphone is the component that needs to be replaced. He said if the equipment is not upgraded soon, it's possible there won't be a compatible box to purchase in the future. If that's the case, Mr. Griffin reported all equipment would need to be replaced at a much greater expense.

Legislator Sullivan inquired what the life of the upgraded system is. Mr. Griffin replied, ten to fifteen years. He stated the current system has been in place for the fifteen years he has worked for Tioga County.

Legislator Hollenbeck asked if the upgraded equipment could be leased. Mr. Griffin replied he has never heard of sound equipment being leased. He reported that leasing equipment would probably cost more in the long run. Legislator Roberts expressed his opposition to the upgrade.

Legislator Sullivan reported the hearing device given to her at the beginning of the year has been very helpful. She said she is not as concerned about the sound system as she was when she brought it up earlier this year.

Chair Sauerbrey requested a straw poll vote on upgrading the sound system to full compliance and the purchase of the additional two microphones.

On a straw poll vote, a majority of Legislators voted in favor of upgrading the microphones. Mr. Griffin will proceed with the purchase as agreed upon through the IT budget.

### **Records Management:**

ITCS Deputy Director Griffin reported Law 185.2 - Designation and Responsibilities of Records Management Officers, states when a vacancy occurs, the position of Records Management Officer (or replacement), shall be designated within sixty days. Mr. Griffin reported it is believed there is an existing law, which still in effect leaves the County Clerk as our Records Manager. However, the Legislature needs to make a decision on how to proceed.

Mr. Griffin estimated that roughly, 70% of the County's records do not pertain to the County Clerk and most records management is done electronically, therefore does not seem like the right choice to leave this under the County Clerk.

Legislator Sullivan reported she discussed this matter with Chief Information Officer Camin. She believes the Records Management Officer position should remain under the IT Department. Legislator Hollenbeck concurred.

Chair Sauerbrey stated she feels the position of Records Management Officer should be in the Office of the County Clerk. With this change, Records Management would fall under the Administrative Services Committee, chaired by Legislator Balliet. Chair Sauerbrey reported Legislator Balliet has records management experience and can assist in the new process. Chair Sauerbrey further explained the recent change in the NYS Retention Schedule through the adopted resolution (Resolution No. 223-20) the Legislature passed in November of 2020.

Legislative Clerk Haskell reported New York State replaced the NYS CO-2 Retention & Disposition Schedule with the more comprehensive LGS-1 Retention & Disposition Schedule. Ms. Haskell explained some departments might not aware of the change in schedules. Mr. Griffin reported the New York State's Archives Website provided tools and cross-reference charts to compare the old CO-2 Schedule with the new LGS-1 Schedule. Mr. Griffin reported the IT Department has been reviewing the schedules and noted the term of retention is primarily remaining the same, however, the classification numbers are changing, as well as language regarding electronic media. Mr. Griffin stated he does not believe the new schedule will have much of an impact on individual departments.

Legislator Sullivan reported there is a great deal of work to be done to get into compliance with the new schedule.

Mr. Griffin reported the County Clerk's Office received numerous copies of the LGS-1 Schedule from the State, which will be disbursed to all departments. He stated the departments would be given a spreadsheet showing the new classification numbers and their retention years. Mr. Griffin explained that most changes will occur in the database on the back end when boxes are coded with the State's code number. For historical purposes, such as permanent records, some of the County's numbering system will remain the same. Those records would be cross-referenced with the State's numbering system.

Legislator Sullivan questioned if she missed the reasons why the position should be under the County Clerk. Chair Sauerbrey replied that she would prefer to discuss those reasons in Executive Session.

County Attorney DeWind reported that Law 57-A states each governing body sets up a program for management of records. He stated that in 1990, Tioga County set up their program to have records management reside in the Office of the County Clerk. Mr. DeWind explained that in 2008, records management was moved to the IT Department. Mr. DeWind stated under NYS Law, the position of Records Management Officer is supposed to be a Public Officer.

Chair Sauerbrey stated the previous Records Management Officer title was a Civil Service position. Chair Sauerbrey reported she asked Personnel Officer O'Rourke to research the position of Records Management Officer.

Ms. O'Rourke distributed a packet to the Legislators that contained a history of Records Management titles in Tioga County. Ms. O'Rourke reported that in 1989, Tioga County had a full-time Records Management Clerk in the County Clerk's Office. In 1993, a resolution was passed that abolished that position. The resolution created a full-time Director of Records Management and Fixed Assets position and a temporary Account Clerk Typist position. Ms. O'Rourke explained that both of those positions were under the County Clerk's Office. In 2008, the Director of Records Management position was abolished and the full-time position of Records Management Officer was created in the IT Department. Ms. O'Rourke reported that all of those titles required a Civil Service examination. She stated the examination is typically held in September or October. Ms. O'Rourke reported it is unknown at this time, when the next examination for Records Management Officer will be held.

Legislator Roberts inquired if a potential candidate would have to pass the Civil Service examination before they can be hired. Ms. O'Rourke replied someone could be hired provisionally before taking the examination, however, as a provisional hire, the incumbent would have to take the examination and place in the top three, in order to be hired permanently.

### **Committee Meeting Updates:**

**Board of Elections - Voting Technician Position:** Jamie Wahls, Democratic Board of Elections Commissioner, reported training for the Voting Machine Technician position is scheduled to take place in March. Mr. Wahls stated he would like to hire a candidate beforehand. He reserved two spots for training; one for the Voting Technician position, and one for the Deputy Commissioner position. Mr. Wahls reported he interviewed two applicants for the Voting Machine Technician position. With the timing of the training, Mr. Wahls is seeking Legislature approval to hire the person and file a retroactive resolution.

Legislator Sullivan inquired how far in advance of the training Mr. Wahls wanted to have the Voting Machine Technician position begin. Mr. Wahls replied, based on the orientation schedule, he would like the position to begin the first week of March.

Chair Sauerbrey asked Legislative Clerk Haskell if the Legislature would have to approve a retroactive resolution. Ms. Haskell stated the Legislature is having a Special Meeting before the February 18, 2021 Legislative Worksession. Ms. Haskell reported Mr. Wahls could present his resolution at that meeting if he chooses a candidate by then. Mr. Wahls agreed to choose a candidate and prepare a resolution for the February 18, 2021 Special Meeting. Chair Sauerbrey asked the Legislators if they agreed with this timeline. There were no objections.

**Approval of Worksession Minutes:** On motion of Legislator Roberts, seconded by Legislator Monell and unanimously carried, the January 21, 2021 Legislative Worksession minutes were approved.

**Action Items:** Currently, there are no action items.

**Legislative Support:** Legislative Clerk Haskell asked for approval of the January 7, 2021 Legislative Support committee minutes. On motion of Legislator Roberts, seconded by Legislator Monell and unanimously carried, the minutes were approved.

Legislative Clerk Haskell reported the following:

Notification was received from the Department of State, that Local Law No. 1 of 2021 (Establish Staggered Terms for Tioga County Legislators), was filed on January 19, 2021.

Ms. Haskell thanked Legislator Hollenbeck for submitting a Board of Ethics appointment recommendation. The resolution on this candidate is included in the packet for Legislature consideration at the February 9, 2021 Regular Legislative Meeting. Ms. Haskell reported there is still one vacancy on the Board of Ethics that needs to be filled by March 31, 2021.

Ms. Haskell noted the following upcoming Legislative Meetings:

- A Public Hearing on Local Law Introductory No. B of 2021 will be held at the beginning of the Second Regular Legislature Meeting on February 9, 2021 at 12:00 p.m. in the Hubbard Auditorium.
- The Second Regular Legislature Meeting will be held on February, 9, 2021 at 12:00 p.m. in the Hubbard Auditorium
- The Third Special Legislature Meeting will be held on February 18, 2021 at 10:00 a.m. in the Hubbard Auditorium
- A Public Hearing on the Annual Agricultural District Inclusions will be held at 10:05 a.m. on February 18, 2021, in the Hubbard Auditorium

**Resolutions:** Ms. Haskell reviewed the agenda and resolutions for the February 9, 2021 Legislature meeting with discussion occurring on the following:

- ***Home Rule Request in Support of S2031/A4044: Amend County Law and Tax Law, in Relation to Authorizing the County of Tioga to Impose an Additional Surcharge to Pay for Costs Associated with Updating the Telecommunication Equipment and Telephone Services Needed to Provide an Enhanced 911 Emergency Telephone System to Serve Such County and Providing for the Repeal of Such Provisions Upon Expiration Thereof -***

Ms. Haskell reported she received an email from Senator Akshar's Office regarding both Bills. She explained these Bills were presented last year, but were not approved by the Senate. The Bills are being reintroduced this year.

Legislator Sullivan inquired if Tioga County is trying to increase the 911 Surcharge. Ms. Haskell replied yes. Chair Sauerbrey stated the Legislature passed the same resolution last year.

Legislator Sullivan asked if the Legislature has the authority to set the amount or if the amount is set by the State. Chair Sauerbrey replied the Legislature submitted the amount last year by way of Resolution No. 89-20. Ms. Haskell explained Senator Akshar's Office prepared the Bills with the dollar amounts noted.

Legislator Sullivan inquired if the Bills are tied to the fact that Tioga County's Emergency Telephone System is outdated. Chair Sauerbrey responded yes.

Legislator Sullivan questioned the RESOLVED statement in the resolution that was presented in the packet. She was unsure about the language stating, "...and providing for the repeal of such provisions upon expiration thereof." County Attorney DeWind explained that New York State Law sets the amount of thirty cents per month for each device. Mr. DeWind stated if Tioga County wanted to go over that amount, they would need permission. Some counties included an expiration date for the additional surcharge in their Local Law.

Legislator Sullivan asked if counties could request a particular date of expiration. Mr. DeWind replied Tioga County's sunset date is ten years. He stated the revenue from the additional surcharge would go towards helping to secure a grant that funds the remainder of the cell phone tower project.

Legislator Mullen reported if the additional surcharge was not implemented, the entire cost of the cell phone tower project may fall to Tioga County. He expects New York State will eventually mandate an Enhanced 911 Emergency Telephone System.

- **Re-establish Prior Year 2020 Unspent Funds for 2021 Budget-Social Services (2 Resolutions)** Legislator Sullivan confirmed with Deputy Director of Social Services Grant that re-establishing prior year unspent funds are yearly resolutions. Mr. Grant concurred. Legislator Standinger asked the Legislators on the Health and Human Services Committee if there were any objections on the resolutions. There was none.
- **Authorize Waiver of 90-day Hiring Delay - Department of Social Services** Legislator Sullivan stated that it was unusual for an individual to resign and then come back so quickly. She asked Mr. Grant if he was okay hiring the individual back. Mr. Grant responded yes and if the Legislators had further questions, Commissioner of Social Services Yetter, would be happy to discuss it.

**Other:**

- **Acknowledgement & Appreciation of ITCS Deputy Director Services:** Chair Sauerbrey stated she is very grateful for ITCS Deputy Director Griffin's help with the website and the services provided with the recent NYS Police Reform & Collaborative Plan, including the community wide Zoom meeting. Legislator Hollenbeck concurred and expressed his appreciation for Mr. Griffin's help during virtual Legislative Meetings.

**Executive Session:**

Motion by Legislator Roberts, seconded by Legislator Sullivan, to move into Executive Session to discuss a personnel matter. Motion carried unanimously to go into Executive Session at 1:38 p.m. with County Attorney DeWind remaining in attendance. Executive Session adjourned at 2:06 p.m.

Meeting adjourned at 2:06 p.m.

Next Worksession scheduled for Thursday, February 18, 2021, at 10:00 a.m.

Respectfully submitted,

*Amy Eiklor*

Deputy Legislative Clerk