



Tioga County Worksession Minutes **December 10, 2020 – 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:

Matt Freeze, Morning Times

Staff present:

Peter DeWind, County Attorney
Bethany O'Rourke, Personnel Officer
Jackson Bailey, Budget Officer
Ellen Pratt, Sustainability Manager
Gary Hammond, Commissioner of Public Works
Gary Howard, Sheriff
Andrea Klett, County Clerk
Cathy Haskell, Clerk of Legislature via phone
Diane Stephens, Secretary to County Attorney

Call Meeting to Order: Chair Sauerbrey opened the meeting at 1:00 p.m.

Recycling Update: Legislator Roberts reported that Taylor Garbage submitted a proposal of approximately \$300,000 to collect recycling at two sites. Legislator Roberts reported there are four different providers (haulers) that can provide recycling pickup to Tioga County residents. The pricing ranges from \$5.00 - \$12.00 per month depending on whether or not the resident currently has garbage service. Mr. Roberts stated that previously the average household was paying approximately \$80 per year on their tax bill. That cost would have doubled (with only bi-weekly service) if the County had continued the recycling program as it was and accepted the bid submitted by Taylor Garbage. The cost to households now is less (using the high end of \$12.00 per month) at \$144 per year. Residents will have to get their own hauler to take their recycling.

There was some discussion and questions about the haulers' willingness to expand their service to recycling and their pricing. Legislator Roberts stated the haulers are more than willing to cover Tioga County and the high end pricing (\$12.00 per month) is for residents who have no other service with the hauler (i.e. no garbage pick-up).

Legislator Sullivan asked whether it was possible to contract with Taylor Garbage for only one month or three months since it is the "eleventh hour" and residents were told they were going to have a place to take their recycling and now they will not. Mr. Hammond stated Taylor Garbage is willing to enter into a monthly agreement.

Legislator Sullivan stated she would like to contract with Taylor Garbage for 1-3 months to provide recycling for residents until they decide where they really want to go with this and not "slam" it on the residents at the last minute.

Legislator Roberts stated the Public Works Committee has already decided where they want to go with this.

Legislator Monell asked where the money would come from if they do decide to provide the service for 1-3 months. Sustainability Manager Pratt stated she has \$100,000 in her 2021 budget that could cover this expense.

Chair Sauerbrey stated they have been talking about this for a long time and it is time to make a decision and "take the hit". People have to call one of the four haulers, contract with them, and it will cost them less than if the County had continued the regular recycling program and that works for her.

Legislator Sullivan agreed that works for her also, but not on January 1.

Chair Sauerbrey stated Taylor Garbage already sent out their flyer three weeks ago telling people they are not taking recycling at their two sites. The County tried to negotiate with them and they could not get anywhere with them so they have to draw the line somewhere. Legislator Roberts agreed with her.

Legislator Mullen proposed making an informative flyer and posting it on the County's website.

Legislator Sullivan proposed taking a straw poll. Chair Sauerbrey stated this does not have to go by way of resolution. Attorney DeWind stated there was nothing "proposed" that came out of the Public Works Committee meeting. Someone could propose a separate alternative if they wanted to or it could be done as a straw poll.

Legislator Sullivan made a motion to take a straw poll vote.

Chair Sauerbrey reiterated that the Committee's recommendation is to do nothing. Private contractors are offering recycling only service, it has no budget impact, it can happen immediately, and a con is it will not be popular with the public. The County negotiated with Taylor Garbage and they were not agreeable to what the County wanted to do. Legislator Roberts added that Ms. Pratt is going to put out an extensive informational announcement explaining the situation, listing the four haulers available.

Chair Sauerbrey called for the straw poll vote by show of hands in support of the Committee's recommendation to do nothing. Legislators Balliet, Monell, Mullen, Sauerbrey, Roberts, Standinger, and Weston supported the Committee's recommendation. Legislators Sullivan and Hollenbeck did not support the Committee's recommendation.

Legislator Standinger stated their initial decision was made in good faith based on information they had received from the DEC. That information was either inaccurate or superseded by a higher authority at DEC through no fault of the County.

Legislator Balliet asked whether it was feasible to add something to go out with the tax bills to inform the public regarding this information. Attorney DeWind stated he is not sure that legally that can be done, but will look into it.

Legislator Hollenbeck stated he believes they still need three more months to do something since it is already December.

Chair Sauerbrey stated the objections were duly noted.

Budget Update: Mr. Bailey reported on the status of the budget by going over the Final Budget Summary sheet. No changes have been made to the tentative budget. Small changes have been made to fringe benefits. The report breaks down the proposal presented at the budget hearing. Total appropriations of all funds for 2021 is \$82,900,667, a reduction of 3.83%. The total revenue for 2021 is \$52,597,339, a reduction of 10.18%. Applied surplus is \$5,354,606, an increase of the appropriated fund balance from 2020 of \$2,366,790. The real property tax levy is set at \$24,948,721, an increase from 2020 of \$294,612 or 1.19%. Currently the amount of the fund balance is approximately \$21 million, which keeps the County in line with its fund balance policy, although at the high end of the policy.

Chair Sauerbrey stated the County is fortunate to have this fund balance or they would be losing people and programs.

Legislator Mullen told Mr. Bailey he did an outstanding job in a very difficult situation.

Organizational Meeting Agenda Review: Legislative Clerk Haskell went over the agenda for the organizational meeting on January 4, 2021 at 9:00 a.m. Legislator Roberts will lead the prayer and pledge and start the voting process.

- Republican and Democratic Election Commissioners will be sworn-in
- Chair and Deputy Chair of Legislature will be nominated and sworn-in
- Public Information Officer will be nominated
- Republican Majority Leader will be nominated

Ms. Haskell reviewed the resolutions:

- Trips Authorized
- Designation of Official Depositories
- Designate Official Newspapers
- Designation of Newspaper for Republican Party

- Designation of Newspaper for Democratic Party
- Set Salary of Chair
- Fix Dates and Times of Tioga County Legislative Meetings
- Annual Review of Procurement Policy
- Appoint Directors Soil & Water Conservation District
- Appoint Members Fish & Wildlife Management Board

Legislator Sullivan proposed all Legislative meetings be scheduled to daytime meetings (12 noon) and only in the event of a pressing issue, changed to evening.

Legislator Sullivan made a motion to amend the resolution fixing the dates and times of the Legislative meetings to reflect this time change.

Chair Sauerbrey stated with the ability to use Zoom and other technological means, the meetings can be videoed and the public can watch or attend them and participate in that manner.

Legislator Monell seconded the motion. The motion was carried with a 7-2 straw poll vote, with Legislators Mullen and Weston opposing.

Ms. Haskell will amend the resolution to reflect all Legislative meetings will take place at 12:00 p.m.

Ms. Haskell stated County Clerk Andrea Klett would be present at the organizational meeting to swear-in the two election commissioners as well as the Legislative Chair and Deputy Chairs. A photo will not be taken.

Enhanced 911 Emergency Telephone System Senate Bill S7618 Update: Chair Sauerbrey reported Senate Bill S7618 would help fund the Emergency Services radio system. The Senate does not anticipate going back into session prior to year-end, therefore, will need to introduce a new bill number in January 2021. The County will need to repeat the Home Rule Request process and adoption of resolution in support of the Home Rule Request. Ms. Haskell will work with the Senator and Assemblyman's Office in 2021 to re-start the process.

Approval of Worksession Minutes: On motion of Legislator Sullivan, seconded by Legislator Hollenbeck and unanimously carried, the November 19, 2020 worksession minutes were approved.

Action Items: None

Legislative Support: Ms. Haskell asked for approval of the November 5, 2020 Legislative Support committee minutes. On motion of Legislator Monell, seconded by Legislator Sullivan and unanimously carried, the minutes were approved.

Ms. Haskell reviewed the following information:

- Local Law No. 2 of 2020 (Hotel/Motel Tax Law) is on file with the Dept. of State as of 11/17/2020.
- Required trainings are past due for some Legislators.

- A local law will be introduced in 2021 regarding the Legislators staggered terms
- Resolution to hire Deputy Legislative Clerk will be presented at the December 15, 2020 Legislature meeting.

The December 15, 2020 Legislative meeting time changed from 6:00 p.m. to 12 noon. Legislator Mullen will lead in the prayer and pledge and start the voting process.

Recognition Resolutions:

Ms. Haskell reported the following two recognition resolutions will just be noted in the December 15, 2020 Legislature meeting minutes, as the retirees will not be in attendance.

- Recognize Christopher Kallin's 40 Years of Dedicated Service – Department of Social Services
- Recognize Christina Silvestri's 21 Years of Dedicated Service to Tioga County

Ms. Haskell reviewed the following resolutions for the December 15, 2020 Legislature meeting:

- Fix Time of Organization Meeting
- Reappoint Member to the Board of Health
- Two resolutions reappointing members to Planning Board and one resolution appointing member to Planning Board
- Adopt County budget for 2021 and Appropriations and Salary Schedule
- Year End transfers
- Authorize Treasurer to Encumber Funds
- Seven resolutions to transfer funds and/or modify 2020 budgets for Emergency Services, Sheriff, District Attorney, County Clerk, Public Health and Economic Development
- County Tax Levy
- Town Tax Levy
- Stagecoach PILOT
- Hazard Mitigation Plan Coordinator for 2021
- CSEA Employee Benefit Fund
- Family and Children's Counseling Services
- Thomas Reuters (Westlaw) Contract
- Twin Tiers Drug & Alcohol Testing Contract
- Retainer Agreement for Personnel services
- CBH Medical for Jail Medical and Mental Health Services
- Schedule public hearing for local law regarding staggered terms of Legislators

Ms. Haskell stated she needs a Legislator to introduce the local law to set the terms of the Legislators. A public hearing will be held on January 7, 2021 at the first Legislative worksession for adoption of the local law on January 12, 2021. Legislator Sullivan agreed to introduce the local law at the next Legislative meeting.

- Medicare Reimbursement
- Purchase Excess and Employer's Liability Insurance for Workers' Compensation Program
- Health insurance for Dual County Retiree Spouses
- Unaccredited Internship in District Attorney's Office
- Part-time Information Security Officer
- Extend Duration of Temporary Accounting Associate I Position
- 2021 Staff Changes Public Health
- Appoint Deputy Clerk of Legislature
- Amend Employee Handbook – Ethics Rules, Schedule A

Legislator Sullivan spoke about the resolution regarding the Hazard Mitigation Plan Coordinator for 2021. The County contracted with Soil & Water to carry out the proposals that were documented in the Hazard Mitigation Plan after the 2011 flood. She asked what kind of progress has or has not been made on implementing or completing these proposals. It was suggested she contact ED&P Director Tinney.

Sheriff Howard spoke about the resolution to contract with CBH Medical for Jail medical and mental health services. He stated their contract for Jail medical services expires at the end of this year. Proposals were sent out to six companies and they received two back - CBH Medical and CFG Health Systems. Their current vendor's bid (CBH Medical) came in at \$748,448 and the other bid came in at \$1,053,637.

Attorney DeWind stated they wanted to make sure they were comparing "apples to apples". The current vendor is quite a bit less expensive and they needed to determine whether they would be able to provide the necessary insurance requirement and be able to provide pharmacological coverage.

Sheriff Howard stated the Attorney General's office did an audit of CBH Medical for 2020 and they passed, without any failing marks in any of the divisions of the health department.

There was a brief discussion regarding the pricing. There is some increase in subsequent years' pricing from the initial price for year one. Legislator Roberts asked what the increase is from the prior year (2020) and what it is based on. Sheriff Howard stated it went up a bit more (approximately \$150,000) because of the insurance requirement and the County's requirement for a contract monitor. Sheriff Howard stated the cost is based on the number of people in jail, not the number of beds available.

Attorney DeWind stated they do not have to go with the lowest price, but the current vendor has provided sufficient service. Having a contract monitor is to make sure they have the required staffing and coverage they are promising.

Legislator Sullivan asked if the amount was budgeted. Sheriff Howard stated the money was budgeted, but they are a bit short (approximately \$730,000). Attorney DeWind stated the increases are due to medical malpractice and pharmacologic treatments that may need to be provided.

There was a brief discussion about late filing this resolution and the County Clerk's resolution. The majority present agreed there was no need to late-file these resolutions, therefore will be included in the meeting agenda packet for December 15, 2020.

Other: Ms. Haskell noted the next worksession is a date change due to the holiday. It will take place on December 22 at 10 a.m.

Executive Session: On motion of Legislator Sullivan, seconded by Legislator Standinger and unanimously carried, the meeting went into Executive Session on a personnel matter at 2:00 p.m.

Minutes submitted by Diane Stephens