I. CALL TO ORDER

Mr. Swackhamer called the meeting to order at 10:30 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 12, 2021, MEETING MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. Real Property Tax Service Agency
   1. Tax Certiorari – Mrs. Jordan requested authorization for the County to participate in tax certiorari proceedings in the Town of Caton relative to Corning Natural Gas. The estimate for the appraisal is $7,500 with the County’s share of 15 percent totaling $1,125.

MOTION: AUTHORIZING THE COUNTY’S PARTICIPATION IN A TAX CERTIORARI IN THE TOWN OF CATON RELATIVE TO CORNING NATURAL GAS FOR AN ESTIMATED COST OF $1,125.00 REPRESENTING THE COUNTY’S 15 PERCENT SHARE OF THE APPRAISAL COST MADE BY MR. SCHU. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

B. Department of Social Services
   1. Mobility Project - Ms. Muller requested authorization to transfer the remaining 2020 budget appropriation for computer equipment into the capital project for Mobility Management. This capital project supports our caseworkers having iPads in the field along with providing support for remote printing, scanning and faxing. Additionally, it will add layers of security as well as an audit trail. She requested authorization to transfer $52,204.91 from the 2020 Computer Equipment line item, along with associated State funding in the amount of $32,367 and $19,837.91 local share into the Mobility Management Capital Project.

MOTION: AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES TO TRANSFER $52,204.91 FROM THE 2020 COMPUTER LINE ITEM, ALONG WITH ASSOCIATED STATE REVENUE OF $32,367 AND $19,837.91 LOCAL SHARE INTO THE MOBILITY MANAGEMENT CAPITAL
2. **Buildings and Grounds Project** - Ms. Muller requested authorization to transfer the remaining 2020 budget appropriation in the amount of $145,536.67 for repairs and maintenance in the Department of Social Services into the following Buildings & Grounds capital projects: Elevator Modernization - $45,536.67, COB Flooring - $50,000 and COB Bathroom Renovations - $50,000; along with the associated State revenue in the amount of $72,768 and local share in the amount of $72,768.67.

**MOTION: AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES TO TRANSFER THE REMAINING 2020 BUDGET APPROPRIATION FOR REPAIRS AND MAINTENANCE IN THE DEPARTMENT OF SOCIAL SERVICES TOTALING $145,536.67, ALONG WITH ASSOCIATED STATE REVENUE IN THE AMOUNT OF $72,768 AND LOCAL SHARE IN THE AMOUNT OF $72,768.67 TO THE FOLLOWING BUILDINGS AND GROUNDS CAPITAL PROJECTS: ELEVATOR MODERNIZATION - $45,536.67, COB FLOORING - $50,000 AND COB BATHROOM RENOVATIONS - $50,000 MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

C. **District Attorney’s Office**

1. **Major Equipment** – Mr. Terwilliger requested authorization to purchase out of the 2020 Major Equipment line item, a new radio and covert antenna for a vehicle they purchased. The radio is $3,733.10 and the antenna will be $480. This was approved by the Public Safety & Corrections Committee.

**MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO PURCHASE OUT OF THE 2020 MAJOR EQUIPMENT LINE ITEM A NEW RADIO AND COVERT ANTENNA FOR ONE OF THEIR VEHICLES FOR A TOTAL COST OF $4,213.10 MADE BY MR. SCHU. SECONDED BY MR. ROUSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **Forfeiture Funds Purchase for NYSP** – Mr. Terwilliger requested authorization to purchase ten cameras, bags and memory cards for the New York State Police out of the NYSP’s share of the forfeiture funds. He stated the total cost will be $746.74.

**MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO PURCHASE TEN CAMERAS, BAGS AND MEMORY CARDS FOR THE NEW YORK STATE POLICE TOTALLING $746.74 TO BE PAID FOR OUT OF THE NEW YORK STATE POLICE SHARE OF THE FORFEITURE FUNDS MADE BY MS. FITZPATRICK. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

D. **Commissioner of Finance**

1. **Monthly Financial Reports** – Mrs. Hurd-Harvey asked if there were any questions on the monthly reports. Mr. Malter asked with the transfer for the Pump Doctor Software for the fuel pump upgrades, do we allow outside vendors to use and do we charge a fee? Mrs. Hurd-Harvey replied yes. Mr. Spagnoletti stated we charge a per gallon administrative fee on top of the cost of the fuel. That administrative fee is used to help pay for the costs of the hardware and software.

Ms. Fitzpatrick asked on the County Cost Analysis for the Jail, is the increase in costs due to the new vendor doing the medical care or is it due to something else? Mr. Wheeler replied the contract certainly went up. We had a retirement of a nurse mid-year and that went over to the PrimeCare contract and increased it by $75,000 - $100,000. We have seen both medical care costs and food costs increase. Ms. Fitzpatrick stated under the Sheriff, there is a substantial increase in the net County cost. Is that attributed to CAP or something else? Mr. Malter stated some of that is the loss of revenue. Mr. Wheeler stated I would not say that it is due to CAP. COVID is more likely due to overtime and general overtime increases. They have done a tremendous amount of work for Public Health during the pandemic.
Mr. Van Etten stated with the Jail’s fringe we budgeted 53 percent and it is coming in at 48 percent. Mr. Wheeler stated a lot of that is the vacancies that we did not fill. Part could also be that we have had enough turnover and we budget for family health insurance plans when they come in and if they take a single plan that would be a savings of $12,000. Mr. Van Etten commented it could also be the mix of employees.

Ms. Fitzpatrick commented it is interesting to note with Probation, the Public Defender and the District Attorney the significantly higher costs for the District Attorney versus the Public Defender for wages, and then also increased costs for Probation. Do some of the different policies such as Bail Reform and Alternatives to Incarceration account for those increased costs for the District Attorney? There are also decreases in revenue for Probation. This is an interesting thing to note. Mrs. Hurd-Harvey stated it may be a timing issue as there are revenues that have not been booked yet.

Mr. Malter asked is that also the case with the decreased revenue in the Landfill? Mrs. Hurd-Harvey replied no. There may be a potential State aid claim, but we have not checked. Mr. Malter stated the Landfill revenue decreased $800,000 from last year. Mrs. Hurd-Harvey stated all of the tipping fees have been booked. Mr. Spagnoletti explained one of the major haulers sold out to Casella and we lost garbage as a result.

Mr. Malter asked with forfeitures, drug related or otherwise, when they happen and we take possession of property, where is that stored? Mr. Wheeler replied it is mostly stored at the Sheriff’s impound lot. Mr. Malter asked is it disposed of at the surplus auction? Ms. Prossick replied usually a court order is issued at the onset and they direct what is to be done with the forfeited items. Mr. Malter asked is there a limit as to what the forfeiture money can be used for? Mrs. Hurd-Harvey replied I don’t know what the restrictions are with the actual spending of those dollars. Mr. Malter stated if county dollars are being used to prosecute cases, my feeling is that forfeiture funds should go back to support those costs. Ms. Prossick stated I can get that information for you.

Mr. Van Etten stated on the Wage Analysis, gross pay was up $1.5 million but the average per pay period dropped. Mrs. Hurd-Harvey explained that is a change from the prior year. It did go up more from 2018 to 2019. Mr. Van Etten commented it will be interesting to see how the State retirement numbers affect that.

2. Year-End Budget Adjustments – Mrs. Hurd-Harvey presented year-end budget adjustments for approval. There was a transfer to roll over the forfeiture balance from 2020 to 2021. There is $3,000 for the Lead Grant that Public Health did not expend and that is being rolled over into 2021. There is the IT chargeback of $608,000 which we post at the end of the year. Finally, we are rolling over the 2020 Sheriff’s Traffic Safety Grants into 2021.

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

3. NYS Law Regarding Collection of Real Property Taxes During COVID – Mrs. Hurd-Harvey explained this would be a proposal to adopt a local law to extend the collection period for 2021 for property taxes. Mr. Malter stated I have a call in to the tax collectors in my district. I would not think that they would want to extend the date. Ms. Fitzpatrick stated the Town of Bath is not interested in extending the date. Mr. Horton stated the Town of Campbell is not interested. Our collections are up and we were fully funded by January 27th. Mr. Van Etten stated I have not heard from the Towns of Caton or Corning and I would doubt they would want to do this. He commented that Mrs. Hurd-Harvey’s report showing the three-year average was very helpful. Ms. Fitzpatrick noted the Town of Bath’s collections are on pace with where they have been. Mr. Roush stated he polled the Erwin Town Board and the payments this year are in line with the last couple of years and they do not see any issues, so the town is not going to do this.

Mr. Van Etten asked what happens if one town wants to do this? Mrs. Hurd-Harvey replied we would have to pass a local law. Mr. Wheeler stated if that were to happen, you would have to have a special meeting prior to the Legislative meeting. Ms. Prossick stated this would have to be done by the end of March.
Mr. Malter asked with sales tax, there is a line item in the budget for non-property tax and that includes sales tax. Does it include anything else? Mrs. Hurd-Harvey replied I believe it is just sales tax, but I will confirm. Mr. Malter asked will you also tell me what was actually collected for 2020? Mrs. Hurd-Harvey replied I sent out a quarterly summary. Our share for 2020 was $33,848,000. Mr. Malter asked how does that compare with what was budgeted for the County? Mr. Wheeler replied it is about $31 million.

Mr. Malter stated I am looking at our situation with Batavia Downs and we were involved when that first got started. Do we have any equity in that operation as far as dollar value? Do we own part of Batavia Downs and if so, what is the dollar value? Mr. Wheeler replied I will need to get back to you. We get a share of the revenue, but we do not own anything. Mr. Swackhamer stated my understanding is that we just get a percentage of the total revenue. Mr. Malter stated I know that we had helped fund the organization and I didn’t know if we had any equity in it.

E. County Manager

1. State Budget Discussion – Mr. Wheeler stated that NYSAC did an analysis of the State budget. It is not terrible in terms of recent executive budgets that have been presented. There are a few things to highlight. The Governor has proposed that the 1 percent sales tax authority become permanent. The Legislature does not like it for whatever reason. If we were to get that, it would be fantastic. Another proposal is adult use cannabis. If that passes there would be local sales tax to be collected. That would be a shot in the arm if the State decides to do it.

Mr. Wheeler stated with regard to local stimulus, if the State gets $6 billion from the federal government, then we would see a reduction in our State aid of 5 percent instead of up to the 20 percent reduction that has been proposed. If we got the 5 percent reduction, we could weather that. If the State receives $15 billion from the federal government then the County would not see any reductions in aid. We are advocating against the intercept for fiscally distressed hospitals and AIM. The Governor is proposing making cuts to the payments that they have made for over twenty years and instead fund it with your sales tax dollars.

Mr. Wheeler stated we are seeing gains in public safety as the Hurrell-Harring funding will continue, and that is good news. The Governor is also proposing, and a lot of counties are clamoring for it, shared jails between counties. This is more in the Capitol region where they have looked to establish this and currently there is no statutory authority to do so. If this passes, that may benefit us down the road. Our facility is large enough to house others inmates. That could be a revenue source and that would be a good win for us. Other than that, there are a lot of uncertainties, as always. If we could get a couple of these things, it would be a win.

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 A HARDSHIP DEFERRAL RELATIVE TO PARCEL #318.13-01-017.200, SITUATE IN THE CITY OF CORNING, EXPIRING MARCH 31, 2021 MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #316.00-01-004.110, SITUATE IN THE TOWN OF ERWIN, EXPIRING MARCH 31, 2021 AND SUBJECT TO A 25 PERCENT PENALTY MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #316.00-01-060.300, SITUATE IN THE TOWN OF ERWIN, EXPIRING MARCH 31, 2021 AND SUBJECT TO A 25 PERCENT PENALTY MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING A HARDSHIP DEFERRAL RELATIVE TO PARCEL #104.00-01-001.490, SITUATE IN THE TOWN OF URBANA, EXPIRING MARCH 31, 2021 AND SUBJECT TO A 25 PERCENT PENALTY MADE BY MR. MALTER. 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. SCHU. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. SCHU. 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, March 9, 2021
9:30 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, March 3, 2021