



Tioga County Legislative Worksession Minutes **June 7, 2018 – 1:00 p.m.**

Legislators Present:

Legislator Hollenbeck
Legislator Mullen
Legislator Roberts (*arrived @ 1:04 p.m.*)
Legislator Standinger (*departed @ 1:35 p.m.*)
Legislator Sullivan
Legislator Weston

Legislators Absent:

Legislator Huttleston
Legislator Monell
Chair/Legislator Sauerbrey

Guests:

Bryant Myers, IDA Executive Director
Matt Freeze, Morning Times (*departed @ 2:25 p.m.*)

Staff Present:

County Attorney Peter DeWind
Legislative Clerk Maureen Dougherty
Deputy Legislative Clerk Cathy Haskell
Personnel Officer Bethany O'Rourke (*arrived @ 1:04 p.m.*)
Chief Accountant/Budget Officer Rita Hollenbeck
ED&P Deputy Director Teresa Saraceno

Call Meeting to Order –

Deputy Chair Hollenbeck called the meeting to order at 1:02 p.m.

Letter of Support Village of Newark Valley:

Deputy Chair Hollenbeck reported the Village of Newark Valley is requesting a letter of support for a grant application seeking funding for window refurbishment and other improvements to the Village Municipal Building. All legislators in attendance were in favor of Chair Sauerbrey drafting a letter of support for the Village of Newark Valley on behalf of the Legislature.

ACTION: Chair Sauerbrey will draft a letter of support for the Village of Newark Valley on behalf of the Legislature.

Property Demolition Committee Discussion:

County Attorney DeWind reported we received a letter from the Village of Waverly requesting a status update. Mr. DeWind reported this has been a topic of discussion for several years and most recent we were waiting to see the outcome from Monroe County. Specifically, the Monroe County case stated anything that gets added on for towns has to be made whole to the towns, including demolition costs, sewer bills, lawn cutting, and other property beautification. Mr. DeWind reported this leaves open what we can do with the villages and that is most likely why we received the letter from the Village of Waverly.

Mr. DeWind reported the Property Demolition Committee was established in January 2018. Mr. DeWind reported the purpose of today's discussion is the response to the Village of Waverly's recent letter. Mr. DeWind reported some of this was previously considered by the Legislature in 2015 and at that time, there were more options on the table because we did not have this recent decision from Monroe County. However, now that a decision has been made many of these options are no longer viable. Mr. DeWind reported the County has a Local Law from 1979, which we can choose to retain, remove, or amend. Mr. DeWind reported revocation of the local law would be required to remove or amend.

In regards to villages, Legislator Hollenbeck inquired as to whether the County can establish a ceiling amount. Mr. DeWind reported the only way to establish a ceiling amount is voluntarily through a private contract with the villages on a case-by-case basis, contingent upon their agreement. However, in the event the villages breach this agreement the County would most likely need to make them whole under the tax law and then file a separate suit. Essentially, we are in or out in respect to villages. Mr. DeWind reported we have the option under the Real Property Tax Law to collect for them and they have the option to make such request. Currently, we have five villages who requested the County collect on their behalf. Mr. DeWind reported there is not a way to exempt out certain types of charges in our current local law. Mr. DeWind reported the County would need to establish a policy setting the ceiling cap amount and outlining the protocol for demolition costs.

Legislator Weston inquired as to whether the County wants to go through the hassle of this process. Secondly, Legislator Weston reported he is the Chair of the Property Demolition Committee, which includes Legislators Hollenbeck and Mullen. Legislator Weston reported establishment of the committee was in 2018, but the problem arose in 2015. Legislator Weston reported he previously addressed this a couple of months ago and did not know what the best approach would be and did not want to draft a proposal to have it torn apart. Legislator Weston reported there needs to be some clarification established as to whether the Legislature is going to approach this from the standpoint that the villages must comply or the County is making a request for their compliance. Legislator Weston reported the overall idea is that the Legislature would like to know ahead of time and request the villages

work with the County so that the County can offer any assistance before any demolition action occurs and costs are incurred.

Legislator Mullen reported based on discussion at the Village of Waverly Board meeting and again with the Village of Waverly Mayor this morning, he believes the County will be okay if we make the request for the village to contact us beforehand. Legislator Mullen reported at such time when the Land Bank receives funding and is viable this will eliminate some of these situations, however, until such time he believes the Legislature would get a positive response from the Village of Waverly in regards to entering into a private contract with an established ceiling amount that is agreeable to all. Legislator Mullen reported the Legislature should discuss established cap amounts.

Legislator Mullen reported the Village of Waverly is being very proactive and aggressive with the identification of 25 properties that are in need of repair or maintenance to meet code compliance.

Mr. DeWind recommends a separate private agreement with the villages in order to establish a ceiling amount.

Legislator Roberts reported the NPL Building in Waverly was what prompted this whole discussion and this demolition was done under the guise of an emergency, therefore, how does a private agreement eliminate a village from determining an emergency and moving forward with a repeat action. Mr. DeWind reported emergency protocol would need to be established and structured accordingly into the agreements with the villages.

Legislator Weston reported prior to establishing a policy he would like input and consensus from the other Legislators regarding whether this is an across the board policy for all villages or just specific villages, determination for ceiling cap amounts, etc.

Legislator Weston reported he would also like the Legislature to take into consideration that the properties sold at the foreclosure auction net a profit for the County, therefore, stating he believes the funds should be established in a specific line item to be used specifically to offset these types of expenses.

Legislator Weston requested the Legislature submit any questions or recommendations to him for further committee discussion in an effort to make a recommendation for Legislature review and approval.

Legislator Mullen agreed with Legislator Weston's approach, however, stated he does not want to reinvent the wheel as we have the Land Bank to assist with this issue. Legislator Mullen recognizes the Land Bank will take time to become operational and funded.

Legislator Sullivan reported the Land Bank option is a very long process and does not address the immediate issue.

Legislator Roberts reported he perceives the Village of Waverly letter as a warning that the village is getting ready to do something soon. Mr. DeWind concurred and stated that he has received a couple of phone calls from different attorneys. Legislator Mullen reported the mood in the Village of Waverly is very aggressive and they have identified 25 properties in need of some type of action.

Mr. DeWind reported the County is not required to make villages whole, however, the Legislature chose to do so in 1979 with the adoption of a local law. Mr. DeWind reported the current discussion is how to make this happen in a reasonable fashion. Mr. DeWind reported there are six villages and if the Legislature is unable to obtain agreements with all six villages

then a decision could be made at that time to not proceed with making villages whole at all.

Legislator Roberts reported he believes we need to focus on one village at a time with the Village of Waverly being the first one.

As a response to the Village of Waverly, Mr. DeWind recommended drafting a letter for Chair Sauerbrey's signature indicating the Legislature anticipates a suggestion in the next couple of weeks.

Legislator Roberts suggested establishing a percentage cap versus a dollar figure cap.

Legislator Sullivan reported she believes establishing either a percentage or a dollar figure cap so the villages are responsible for paying a portion of the costs versus the County assuming all costs. In addition, Legislator Sullivan reported a protocol needs to be established where the villages are communicating with the County prior to taking any action. Legislator Weston reported he is not in favor of establishing a cap, as he believes other steps need to be explored before charging the villages.

Legislator Sullivan reported the villages have the ability to take steps to prevent large expenses whereas the County does not.

Legislator Mullen reported the County needs to have the villages take a part in this process to get the properties back on the tax rolls. Currently, there is no incentive for the villages as they are well aware that the County will make them whole.

Legislator Weston reported the villages are not required to participate, therefore, we should be working with them to incentivize them to do something through their code enforcement process.

ACTION: County Attorney DeWind will draft a letter of response to the Village of Waverly for Chair Sauerbrey's signature.

Tioga County Property Development Corporation (Land Bank) Presentation:

ED&P Deputy Director Saraceno reported establishment of the Land Bank occurred in November 2017. Ms. Saraceno reported the first opportunity to apply for funding has yet to be announced, but is anticipated soon. Ms. Saraceno reported this funding opportunity is coming through the Attorney General's Office through receipt of foreclosure settlements and in the past funding has been aimed towards Land Banks. Ms. Saraceno reported the State received the settlement money and the Land Banks believe the funding opportunity will be offered by fall 2018.

Ms. Saraceno distributed a list of 44 possible targeted foreclosure properties. Ms. Saraceno reported she has been working with the Treasurer's Office and local code enforcement officers to determine which of the 44 properties possibly could be held back from auction for the Land Bank to determine property demolition or rehabilitation. Ms. Saraceno reported this property list is evolving due to last minute payment of taxes.

Legislator Roberts inquired as to whether the Land Bank is interested in holding back all of these properties from the foreclosure auction, as the Land Bank does not currently have any funding or guarantee to receive funding in the future.

Ms. Saraceno concurred the intent is to hold back these properties from the foreclosure auction. Ms. Saraceno further reported she reviewed the list and identified the worst possible properties where the market value for rehabilitation would require more than 50%, which

would not make sense to be sold at the auction. Ms. Saraceno reported some of the buyers at the foreclosure auction are purchasing these properties sight unseen and then later determining that it is not financially reasonable to rehabilitate, therefore, the properties go untouched and later recycled back through another auction process. Ms. Saraceno reported 10 demolitions and 3 rehabilitations are being proposed from the tax foreclosure list.

Legislator Roberts inquired as to what the Land Bank is going to do with these properties once they acquire them. Ms. Saraceno reported the Land Bank is going to proceed with the demolition process and determine whether the parcel is large enough to be sold as a new home construction lot or should be part of a side lot program if the parcel is too small. The side lot program allows the neighboring property owners the opportunity to purchase the lots and merge into their existing parcel.

Legislator Roberts reported some of these properties could be sold at the foreclosure auction by neighboring property owners. Ms. Saraceno reported this is correct and some of these properties will need to remain green forever due to being in a flood zone. The purpose is revitalization of the downtown areas. Ms. Saraceno reported this is all subject to receiving the funding once the opportunity is announced.

Ms. Saraceno reported the State has designated Tioga County as a Land Bank and they realize funding is critical to proceed. Ms. Saraceno reported the State is adding more land banks and is currently up to 25 land banks with the intent to reach 30. Ms. Saraceno reported Tioga County was the 20th Land Bank designated in the State.

Legislator Sullivan inquired whether there is a possibility with the establishment of additional land banks comes the possibility of additional fund sharing.

Ms. Saraceno reported the State just received \$530 million dollars in the last settlement and there were other settlement funds prior. Ms. Saraceno reported she plans to submit a \$500,000 – \$1,000,000 million dollar application, however, there is no guarantee what the award amount will be.

Ms. Saraceno reported the identified properties are not going to bring the County a lot of money through the foreclosure sale process. Ms. Saraceno reported all 44 properties on the tax foreclosure list are going to be purchased by the County due to delinquent taxes. Out of these 44 properties, the determination will be made whether the property can be rehabilitated or demolished. This list is evolving and the determinations are yet to be made, so this list may be reduced.

Legislator Sullivan inquired about the liability to the County in the event the Legislature decides to hold some of these properties back from auction until such time Land Bank funding is awarded. Ms. Saraceno reported the County would have the same liability as the villages such as boarding the properties, lawn maintenance, snow removal, and keeping them secured.

Legislator Roberts reported property maintenance could be a sizeable cost for the County to incur during this process.

Legislator Sullivan suggested Legislator Roberts speak to Public Works Commissioner Hammond to determine how property maintenance would affect Public Works staff and budget until such time the County no longer owns them.

Legislator Weston reported the worst-case scenario is that in the event the Land Bank did not receive funding then these properties would be maintained until the following year's auction. Chief Accountant Hollenbeck reported it is possible for the Treasurer's Office to conduct a second auction in the event the Land Bank is not awarded funding.

Ms. Hollenbeck inquired as to benefit to the County to hold these properties back from auction for the Land Bank. Additionally, does the Land Bank intend to pay the County for the purchase of these properties as part of their funding. Ms. Saraceno reported this is yet to be determined and agreed upon. Ms. Hollenbeck inquired as to whether the whole objective is to just get the properties back on the tax rolls. Ms. Saraceno reported the objective is to get these blighted properties demolished and to rehabilitate any viable properties for re-sale.

Legislator Sullivan inquired as to when the second auction could occur, if necessary. Ms. Saraceno reported we should know within six months whether Land Bank funding is awarded.

Mr. DeWind reported from the time the County takes title to the time of foreclosure auction, the County is responsible for maintaining the properties. Mr. DeWind reported best, reasonable efforts is what the County is responsible to do for securing vacant, abandoned properties. Mr. DeWind reported the County is responsible to follow the same process currently being done on the short-term basis to adequately secure properties to minimize liabilities and eliminate open hazards to the public.

Legislator Weston reported if properties are required to come up for sale then that process needs to happen. Legislator Weston is not in favor of the Treasurer making special arrangements with some property owners unless he extends that option to all tax delinquent property owners.

Legislator Mullen reported this is not a matter of not selling the properties. This is just a matter of delaying the sale of properties as we wait to see what the Land Bank can do.

Ms. Hollenbeck reported the County takes title in June and the auction is scheduled for August, therefore, the County assumes liability during this timeframe. Ms. Hollenbeck reported all closings are expected to occur by September 30th, but no later than year-end.

Legislator Sullivan reported holding the properties back could involve an 8-9 month window where the County assumes responsibility. Ms. Saraceno reported the earliest for any action to occur is most likely spring 2019.

Ms. Saraceno reported once the Land Bank is awarded funding the properties can be transferred to the Land Bank, which then transfers the liability from the County to the Land Bank.

Legislator Mullen reported he is in favor of pulling properties and taking the gamble of waiting for Land Bank funding.

Ms. Saraceno reported one of the problems with the properties getting to this point is that the violations are not being written correctly, therefore, the judges are more apt to dismiss them. Ms. Saraceno suggested establishing a task force with representation from all the municipalities to ensure violations are written properly. In addition, orders for remedy are not being utilized as much as they could be which would fine the property owners on daily basis until such time corrective action is taken.

Legislator Sullivan inquired as to who should drive the effort of a countywide task force with the municipal officials and code enforcement officers. Ms. Saraceno suggested this could

possibly be Land Bank, ED&P, or COG. Legislator Sullivan reported this is a great idea, however, the County does not have any authority over code enforcement officers or the municipalities paying the code enforcement officers.

ACTION: Legislator Roberts will contact Public Works Commissioner Hammond to discuss budget and staff impacts for property maintenance on the identified properties.

Approval of Worksession Minutes – May 10, 2018:

Legislator Mullen motioned to approve the May 10, 2018 Legislative Worksession minutes as written, seconded by Legislator Roberts with Legislators Hollenbeck, Mullen, Roberts, Standing, Sullivan and Weston voting yes and Legislators Huttleston, Monell, and Sauerbrey being absent. Motion carried.

***NOTE: The May 24, 2018 Legislative Worksession was cancelled due to lack of agenda items.**

Action Items:

Currently, there are no action items.

Legislative Support – Legislative Clerk Dougherty:

Approval of Legislative Support Committee Minutes – May 10, 2018:

Legislator Sullivan motioned to approve the May 10, 2018 minutes as written, seconded by Legislator Hollenbeck with Legislators Hollenbeck, Mullen, Roberts, Standing, Sullivan and Weston voting yes and Legislators Huttleston, Monell, and Sauerbrey being absent. Motion carried.

Legislative Clerk Dougherty reported the following:

- The June Legislative Meeting is Tuesday, June 12, 2018, at 6:00 p.m. in the Hubbard Auditorium. The Finance/Legal Committee will meet prior at 4:30 p.m. in the Legislative Conference Room.
- Legislator Hollenbeck will do the prayer and pledge and start the voting process at the June 12, 2018 Legislature meeting.
- Attended a Building Coordinator's Meeting on May 15, 2018.
- Attended a Leader's Meeting on May 30, 2018.
- Legislative Budget is tracking well.

Recognition Resolutions (1) –

- **Recognize Corrine J. Whitmore 28 Years of Dedicated Service – Department of Social Services** - Legislator Standing will read and present at the June 12, 2018 Legislative meeting.

Proclamations (1)–

- **Lyme Disease Awareness Month** - Legislator Standing will read and present at the June 12, 2018 Legislative meeting.

Resolutions:

All resolutions were reviewed for the June 12, 2018 Legislature meeting with discussion occurring on the following:

- **Declaration of Excess Property and Authorization for Legislative Chair to Execute Documents for Sale of Property to Tioga County Industrial Development Agency –** IDA Executive Director Myers reported last month approval was given to proceed with the order of a survey and appraisal of approximately a 2-acre parcel on Corporate Drive currently owned by the County. Mr. Myers reported the appraisal came back at \$12,900 and the survey is in the process of being completed. Ultimately, Mr. Myers reported this property would be used to access the Town of

Owego gravel pit site for future development, which is why the IDA hopes to acquire the property. Legislator Mullen reported discussion occurred in the ED&P Committee and all were in favor. In addition, Mr. Myers reported an appraisal was also ordered for the 25-acre parcel that the County owns surrounding the Upstate Shredding location, which came in for \$45,000. Ms. Hollenbeck inquired as to whether there is any cost to the County to transfer the properties to the IDA. Mr. DeWind reported there is no cost to the County, as the buyer assumes all fees.

- **Authorizing Legislative Chair Signature on Finger Lakes Wine Country Tourism Marketing Association and Tioga County Local Development Corporation Agreement and Authorizing Payment of Annual Fee 2019-2021** - Ms. Saraceno reported this is a three-year agreement. Ms. Saraceno reported Tioga Downs wanted to be a part of this association, but could not be unless the County became a member. Based on this, Tioga Downs paid the initial \$40,000 entry fee a couple of years ago with the understanding that once the hotel was operational then this three-year agreement would go into effect. This resolution formalizes the previous agreement. Ms. Saraceno reported the only change from the original agreement is the pass-through to the LDC so Tourism can use this in their application for additional NYS matching grant funds for their marketing budget.
- **Requesting Tioga County Veterans' Agency Accept Donation of a Mausoleum for Burial of Indigent Veterans** – Legislator Sullivan reported the committee was very much in favor of this resolution. Question was raised as to whether there are any maintenance costs to be incurred by the County. Legislator Mullen reported the donor indicated the mausoleum is paid in full and there are no maintenance fees. Mr. DeWind reported he has not seen the deed yet that is forthcoming to the County. Mr. DeWind reported he would ensure there are no tail-end maintenance fees prior to accepting the deed. Legislator Sullivan reported this question is in need of answering prior to next week's Legislative meeting. Mr. DeWind will inquire and inform the Legislature at next week's Legal/Finance Committee meeting.
- **Authorizing Salary Adjustment and Lump Sum Compensation to Rita Hollenbeck** – Ms. Dougherty reported there was a change to this resolution at today's Personnel Committee meeting. The changes reflect the dollar figures on the salary adjustment and lump sum compensation. Personnel Officer O'Rourke reported the Personnel Office finalized the figures last week, however, the resolution was not updated accordingly.

Other –

- **Past Due Required Trainings** – On behalf of the Law Department, Ms. Dougherty reported there are a couple of Legislators who have not completed their required safety and workplace violence trainings, as well as their policy review attestation and financial disclosures. Ms. Dougherty reported these are grossly overdue at this point. Mr. DeWind reported the Law Department maintains the list and reminders are sent periodically.

Legislator Mullen reported he would like to further discuss the driver safety training requirement, as he never utilizes a county vehicle but is required to take the training. Legislator Hollenbeck reported it is a requirement to claim mileage reimbursement. Legislator Roberts reported the Legislature could change the policy to exempt Legislators. Legislator Sullivan reported she would be in favor of Legislator exemption.

Ms. Dougherty reported there are employees who drive personal vehicles and claim mileage reimbursement. Ms. Dougherty reported this has been a long-standing County

policy that if you are driving your own personal car and requesting mileage reimbursement or if you are driving a County vehicle then you are required to take the driver safety training. Ms. Dougherty reported there is an employee perk in that they receive a 10% premium discount on their own personal vehicle insurance for participating in the training. However, employees should not be allowed to take this training for this sole purpose if they are not required to conduct County business with use of a County vehicle or their own personal vehicle, as there is a training cost associated for each employee.

Ms. Hollenbeck reported the policy was recently updated stating that if a county vehicle is available all employees are to use the county vehicle before using their own vehicle and claiming mileage reimbursement. Ms. Hollenbeck inquired as to whether the Legislators were exempt from this policy. Ms. Dougherty reported Legislators are not exempt at this time.

Legislator Roberts reported, in addition to paying the fee per employee to participate in this training, the County is also paying the employee's daily rate for time spent in training. Suggestion was made to take the training on-line and Ms. Dougherty concurred this is an option.

Ms. O'Rourke reported there is no reduction in the County's premium for taking this training, however, the hope is that there will be less accidents which potentially avoids premium increases.

Executive Session –

With no confidential topics for discussion, an Executive Session was not necessary.

Meeting adjourned at 2:54 p.m.

Next worksession is scheduled for Thursday, June 21, 2018 at 10:00 a.m.

Respectfully submitted by,
Cathy Haskell, Deputy Legislative Clerk