



Tioga County Legislative Worksession Minutes **September 24, 2020 – 10:00 a.m.**

Legislators present:

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

Legislators absent:

Legislator Monell

Staff present:

Peter DeWind, County Attorney
Jackson Bailey, Budget Officer (via phone)
Cathy Haskell, Clerk of Legislature
Diane Stephens, Secretary to County Attorney
Ellen Pratt, Sustainability Manager
LeeAnn Tinney, Director of ED&P

Guest: Rebecca Maffei, Director, Tioga County Tourism

Call Meeting to Order: Chair Sauerbrey opened the meeting at 10:05 a.m.

Budget Update: Budget Officer Jackson Bailey reviewed budgetary updates.

- **2021 Summary of Level 2 Preliminary Budget by Funds:** General Fund appropriations are \$71 million and estimated revenues are \$70 million. The appropriated fund balance is \$1.1 million, which at this time is the amount expected to be appropriated to cover the discrepancy in the budget. The tentative tax levy is \$24,947,680. Real Property Director Huseby and County Treasurer McFadden are planning to review this in October and then will be able to present it for a final vote. The estimated revenue does not take into account the anticipated 20% held back from the State. The amount currently budgeted for State Aid is \$9.8 million. If the cut from the State is 20%, we can expect \$1.9



million held back for 2021. The amount appropriated from the fund balance would go from \$1.1 million to \$3.1 million.

Salaries are still being reviewed. Once they are finalized with Personnel, they will be updated with the fringe. Appropriations will go up with changes to fringe. The County has not received a quote yet regarding health insurance. By the first Legislative Worksession in October, solid payroll numbers should be available to present.

Chair Sauerbrey gave a directive to Mr. Bailey to send an email to all Department Heads to ask them what funding they receive from the State that would be affected if the tax cap were exceeded. Chair Sauerbrey reported her understanding is that exceeding the tax cap will mostly affect grant money. Legislator Sullivan stated the Legislature would need to know the withheld dollar amount. Legislator Roberts stated he doubted the Department Heads would know that information. Mr. Bailey stated he would start working on this. Chair Sauerbrey suggested Mr. Bailey call NYSAC to get this information. If the State is not entirely forthcoming regarding the withheld funding amount for exceeding the tax cap, Legislator Sullivan reported the Legislature should assume we would lose all funding for those programs. Due diligence is needed to get the information about the effects to funding if the tax cap is exceeded. Legislator Roberts stated he understood exceeding the tax cap would affect all State funding not just grant funding.

Legislator Mullen stated the cost to the County with the 20% cut could be a total of approximately \$4-5 million dollars in 2021. The questions to decide is if the Legislature is ready to hold the line on taxes with reduced revenue, take approximately \$4 million from the fund balance, and be ready to take more for 2022.

There was discussion regarding the effect to the budget and the tax cap by eliminating the recycling program. Mr. Bailey stated the levy for the recycling fund would be returned to the general fund. Mr. Bailey reported he met with Sustainability Manager Pratt, Real Property Director Huseby and County Treasurer McFadden to discuss dissolution of the B Fund. Mr. McFadden is reaching out to the State Comptroller's Office to determine whether the fund can be eliminated or rolled over to the general fund.

Legislator Standinger asked what the dollar amount is for a 1.4% tax increase. Mr. Bailey stated it would be a \$293,000 increase.

Legislature



- **Revised Capital Budget:** This has been adjusted based on what Public Works Commissioner Hammond appropriated for capital assets.

Legislator Roberts stated Public Works is always looked to in order to make the necessary cuts whereas other departments are not. He feels the other Legislative Committee Chairs need to require their departments make the cuts as well.

Legislator Sullivan stated all the departments have made cuts and that very few departments have the huge ticket items that Public Works does. Unfortunately, in Public Works, it is easier to find \$100,000 to cut. While she understands his dilemma, if every department were to make an equivalent cut, half a department could be wiped out. Perhaps consideration needs to be made to raising taxes even more to purchase a needed piece of equipment. Legislator Roberts stated that was not what he was saying.

Legislator Mullen stated a lot of money is spent “qualifying” police officers. Legislator Roberts stated he can appreciate that, but questioned why they are still at 100 beds when there is only half the capacity right now. This has to be costing a lot of money. Legislator Mullen stated everything they do in the Jail is overseen by the Department of Corrections and much of it is mandated. Legislator Roberts stated he understands the State requirements for the Jail, but wonders what the County really will lose if they do not comply.

Legislator Weston stated he feels the Legislature is not going to be able change all of this within two or three months. We need to cover ourselves to begin with and make sure that we have the most we can get without damaging departments too much.

Chair Sauerbrey stated she understands Legislator Roberts’ position and is duly noted.

- **Outside Agencies:** Some agencies have still not responded. Mr. Bailey will reach out to them.

Chair Sauerbrey stated Tioga County Tourism Director Maffei and ED&P Director Tinney are present to discuss Tourism’s 2021 budget.

Tioga County Tourism Budget Discussion/Request: Ms. Maffei addressed the Legislature and distributed handouts regarding Tourism’s budget.

Ms. Maffei reviewed the 2021 Budget Overview document noting there are three major unknowns at this time:



- **Marketing Grant** - a grant received from NY State to reimburse Tourism for half of their marketing dollars. At this time, they have not been assured of receiving this reimbursement yet this year. The eligible reimbursement amount is \$36,000.
- **PPP Loan Forgiveness** - Tourism applied for this and their lender gave them \$17,900, which was used in line with the grant. One of the uncertainties with this is that Tourism is a 501c4 not a 501c3. The original legislation on this did not specify whether 501c4's were eligible. Their lender told them to go ahead with it and, in the event they are not forgiven, they do have the funds to pay for it. However, if forgiven, this will be some money they will have going into 2021.
- **2021 ILNY Grant** - It is unknown at this time whether there will be a 2021 grant. This grant represents about half of their programming money.

Of note, the money represented in these three unknowns is not accounted for in their 2021 budget.

The funding from the County in 2020 was \$170,000 (\$20,000 of which is for the Visitor's Center). Having received direction from the Legislature to cut their 2021 budget by 10%, the 2021 budget comes in at \$153,000. The expenses listed include the Visitor's Center (\$20,000) and programming they can do.

The Tourism funding comes from the hotel/motel tax. Since 2020 numbers are down, they can expect a shortfall in 2022. Ms. Maffei reported she is very aware of this situation and keeping this in mind with their spending and programming.

Chair Sauerbrey asked Mr. Bailey if there was a fund balance for Tourism. Mr. Bailey stated there is a Tourism Reserve Account and the amount remaining in there is \$83,982. If there is a shortfall in the occupancy tax, they will transfer from the Reserve Account to supplement the fund balance of \$150,000 (this does not include funding for the Visitor's Center). In 2019, \$24,000 was transferred out of the Reserve Account to meet the \$150,000.

Legislator Roberts expressed we have a program that is not paying for itself. The County is subsidizing the Visitor's Center for \$20,000, which is over and above funding received from the hotel/motel tax.

Ms. Maffei stated their overhead stays about the same from year to year. Most changes will occur in programming.

Finger Lakes Wine Country Agreement: The County entered into an agreement with Finger Lakes Wine Country through 2021. The agreement was for \$60,000 a year. Because of the decrease in occupancy tax money, Ms. Maffei has had discussions



with Finger Lakes about the funding for this program and they have proposed cutting the number in half for 2021. Tourism has \$10,000 in reserve with Finger Lakes Wine for a program they were going to do in March that never took place. Therefore, Tourism and the Tioga County LDC are willing to put the \$10,000 towards the \$30,000 obligation, which would reduce the contribution from the County to \$20,000 instead of \$60,000.

Chair Sauerbrey asked if this would be the final payment and the agreement would be closed. Ms. Maffei stated that is how she understands it. Legally, they need to get paperwork to that effect.

There was some discussion regarding Tioga Downs being the reason they entered into this agreement, as Ms. Maffei stated Tioga Downs could not be a part of the program without the County's participation. Ms. Maffei reported she and Ms. Tinney have had discussions with Tioga Downs and they are interested in continuing, but that was prior to COVID-19 pandemic. Ms. Maffei reported continuation will depend on what the Legislature would like to do and how important it is to them to have Tioga Downs continue their participation.

In 2022 and going forward, Ms. Tinney stated continued participation in the Finger Lakes Wine Association will be a whole other discussion and they would like to get additional input from Tioga Downs. They have had frank discussions with Tioga Downs and suggested them fronting the money to Tioga County; otherwise, they probably will discontinue the agreement. Tioga Downs will have to weigh how important this source of advertisement is to them.

Legislator Roberts questioned why a Tourism Office is needed at this time since no tourism is taking place. Chair Sauerbrey stated they have been working to promote business within Tioga County to get people to come back and shop at businesses. Legislator Roberts stated that is just busy work and there could be a cut right there of \$150,000.

Legislator Mullen stated the main reason for the Tourism Office in the County is Tioga Downs.

Ms. Tinney stated she understands Legislator Roberts' position, but all the work and progress that Ms. Maffei has done and made will be lost. If suspended for two years, you will be starting from ground zero. Ms. Tinney stated she would rather look at cutting back.

Legislator Roberts stated taking personal involvement and personalities out of it, they should be looking at every program.

Legislature



Mr. Bailey stated the Legislature should have final numbers for the outside agencies at the first October Worksession. Chair Sauerbrey encouraged the Legislators to look over the outside agencies and make their decisions about how they want to go forward since they were not asked to make any cuts in 2020. Legislator Sullivan stated she would not support any outside agency request, without good reason, unless they are cut by at least 15%. Chair Sauerbrey stated decisions would be made the first week in October on outside agencies.

Legislator Sullivan stated the Legislature would need to know from outside agencies what services they provide that would become the responsibility of the County to perform, if the outside agency does not receive full funding from the County. Chair Sauerbrey stated Mr. Bailey would be reaching out to the outside agencies to garner this information, as well as budget requests from those who have yet to submit anything.

- **Medicare Reimbursement:** Mr. Bailey stated that currently the total reimbursement is \$115.00 a month for 175 retirees. They have to decide if they want it adjusted based on new averages or keep it the same and re-visit it next year. Chair Sauerbrey told Mr. Bailey he needed to check with Personnel Officer O'Rourke because this matter was discussed and a decision made in the Personnel Committee meeting.

Mr. Bailey will reach out to NYSAC to see how grant money affects the tax cap. Legislator Sullivan asked Mr. Bailey to provide emails of any of his findings so that they can review them before the next Worksession.

- **Coroner's Budget:** Mr. Bailey stated the Coroner has requested an additional \$5,000 to the medical expenditure line in the 2021 budget. Legislator Mullen stated the Coroner is busier and the biggest issue is the cost of autopsies. The Coroner currently uses Lourdes and the cost is going up significantly.

Discussion ensued that there has already been an increase in the Coroner's budget recently because of a shortfall and money has been transferred from the Contingency Account twice in the past two years.

Legislator Weston stated the Coroner is dealing with an unknown because the number of autopsies needed is unknown. Legislator Weston stated he would prefer not to increase the Coroner's 2021 budget at this time, however, does support transferring funds from the Contingency Account, if needed. Legislator Sullivan agreed with Legislator Weston to hold the line on the budget and if more money is



needed the Coroner can come to the Legislature to make the additional funding request.

Legislator Roberts asked what is driving the increase in autopsies. Legislator Mullen stated it is the Coroner's decision and most are for unattended deaths, unexpected deaths, etc. Legislator Standinger stated there is no question that the Coroner is very thorough, which is important. The consensus of the Legislators is to hold the line on the budget and only do an increase when it becomes necessary to do so.

Public Hearing Follow-Up Discussion: Chair Sauerbrey stated everyone did a good job putting the hearing together and Sustainability Manager Pratt did a good job presenting the local law at the hearing. Chair Sauerbrey reported there were 83 people attending via Zoom and 42 people in person.

Chair Sauerbrey stated she received a call from Taylor Garbage and they would like to set up a meeting about how this is going to work because they are going to be receiving the recycling.

Chair Sauerbrey stated there has been a problem with communication with the public for several reasons. Through the input received from the community, they believe that something is being kept secret. Part of the problem is that the media does not pick up the County's press releases.

Legislator Sullivan asked if the full Legislature is going to be privy to the comments that come into the County and if so, she would like to start seeing them right away. Chair Sauerbrey stated they absolutely would be made available to the Legislators. It was also noted that all comments submitted until October 1, 2020 will be included as official record of the public hearing minutes.

Due to some questions and discussion, Ms. Pratt clarified there is no contract with Taylor Garbage for recycling beyond the end of this year. Taylor Garbage has two transfer stations that they own and operate. New York State requires them to have a place for residents to drop off recycling. Private garbage haulers can be charged by Taylor Garbage to drop off recycling at their transfer stations. Attorney DeWind stated if the Legislators choose, they could point the private haulers in the direction of speaking to Taylor Garbage about entering into a contractual relationship with them.

Legislator Sullivan asked if it was feasible that private haulers will be able to proceed on January 1, 2021. If the answer is no, then Tioga County's residents will have their recycling sitting around their homes. Chair Sauerbrey stated that a private hauler



could make an agreement with Taylor Garbage to pick up their recycling, so there are options.

Legislator Roberts stated he believes there is a lot of money to be made by businesses in this transaction. Businesses should be able to come up to speed very easily. He does not believe it will be a problem for the private haulers.

Attorney DeWind said there has not been any indication that businesses cannot provide the service on January 1, 2021.

To be clear, Ms. Pratt stated though it appears there will be less service since it will be changing to bi-weekly, a 90-gallon tub will be provided.

Chair Sauerbrey stated that vacant landowners, rural property landowners, farms, etc. would be happy because their cost will go down. It will help the rural community areas because the tax will not be on their property.

Approval of Worksession Minutes: Upon motion of Legislator Hollenbeck, seconded by Legislator Roberts and unanimously carried, the minutes of the September 10, 2020 Worksession were approved.

Action Items: None

Other:

- ***Board of Elections Staffing:*** Legislator Sullivan asked how staffing was going in Board of Elections. Chair Sauerbrey stated there are three volunteers – two from the District Attorney's Office and one from Probation.

Legislator Balliet stated there are applicants for the positions and he will be giving BOE a call to determine the status.

Meeting adjourned at 11:25 a.m.

Minutes submitted by Diane Stephens.