



## **Tioga County Worksession Minutes** **October 24, 2024 – 10:00 a.m.**

### **Legislators Present:**

Legislator Brown  
Legislator Ciotoli  
Legislator Flesher  
Legislator Monell  
Legislator Mullen  
Legislator Roberts  
Chair/Legislator Sauerbrey

### **Legislators Absent:**

Legislator Standinger

### **Guests:**

None

### **Staff present:**

Peter DeWind, County Attorney  
Jackson D. Bailey II, County Administrator  
Cathy Haskell, Legislative Clerk  
Cheryl Mancini, 1<sup>st</sup> Assistant District Attorney (*arrived @10:20 a.m./departed @10:36 a.m.*)  
Carola Kovalovsky, Secretary to the District Attorney (*arrived @10:20 a.m./departed @10:36 a.m.*)  
Linda Parke, Personnel Officer

**Call Meeting to Order:** Chair Sauerbrey opened the meeting at 10:00 a.m. with a **Public Hearing on the NYS CDBG Public Facilities Neighborhood Depot Nonprofit Hub project.**

Legislative Clerk Haskell took roll call and read the legal notice as published in the Tioga County designated newspapers. Public Hearing adjourned at 10:04 a.m.

A second **Public Hearing on Local Law Introductory No. B of 2024** commenced at 10:05 a.m. Legislative Clerk Haskell took roll call and read the legal notice as published in the Tioga County designated newspapers. Public Hearing adjourned at 10:07 a.m.

Chair Sauerbrey called the **Third Special Legislature Meeting of 2024** to order at 10:10 a.m. for Legislature consideration of the following:

- Accept Auction Bids for County Owned Property Acquired for Taxes, Authorize Execution of Deeds

- Authorize the Sale of County Owned Property Located in Various Towns to the Prior Owners
- Request and Transfer of Contingency Funds, Appropriation of Unrestricted Fund Balance, & Modification of 2024 Assigned Counsel Budget
- Authorize Appointment of Public Health Emergency Preparedness Coordinator – Public Health

Special Meeting adjourned at 10:19 a.m. with regular Worksession immediately following.

**District Attorney Budget Discussion:** 1<sup>st</sup> Assistant District Attorney Cheryl Mancini reported District Attorney Martin previously came before the Legislature to request a second part-time investigator position at 21 hours per week and a new Assistant District Attorney (ADA) as part of the 2025 budget process.

Since then, the District Attorney would like to increase the second part-time investigator position to 27 hours/week at \$35.00 per hour.

County Administrator Bailey reported he spoke with Personnel Officer Parke and she had concerns about the level of hours because if they exceed 30 hours/week or 60 hours bi-weekly, that will entitle the employee to benefits which would not be budgeted. The District Attorney's Office will need to track the hours to ensure that they are staying within the 60 hours bi-weekly pay period.

On a straw poll vote, Legislators Sauerbrey, Brown, Ciotoli, Flesher, Monell, Mullen, and Roberts were in favor of increasing the hours for the second part-time investigator from the initial request of 21 hours to 27 hours per week noting that the District Attorney's Office will need to ensure that the employee does not exceed 60 hours within a bi-weekly pay period.

Regarding the new ADA position, ADA Mancini reported that District Attorney Martin would like this position to be remote to garner more interest and believes that by being remote this position could be offered at the lower end of the salary range.

Chair Sauerbrey reported the Legislature was in favor at the time of the District Attorney's initial request that the new ADA position could be advertised as a remote position. If an ADA is hired, this will require a resolution and the County's Remote Work Policy will need to be amended.

Legislator Ciotoli inquired as to whether sensitive materials will be viewed from a remote location. ADA Mancini reported this position will be primarily handling appeals and some evidence and materials will be of a sensitive nature, but the same is said of the materials seen within our office. Chair Sauerbrey reported confidentiality is addressed in the County's Remote Work Policy.

On a straw poll vote, Legislators Sauerbrey, Brown, Ciotoli, Flesher, Monell, Mullen, and Roberts were in favor of the new ADA position being advertised as a remote position and the amendment of the County's Remote Work Policy to allow for this exception based on Legislature approval.

**STOP DWI Purchase Discussion:** Chair Sauerbrey reported discussion was tabled at the October 10, 2024 Worksession and since then Legislator Flesher has sent updated information via email to the Legislators. Legislator Flesher consulted with the Office of State Comptroller's

attorneys and confirmed there is no violation of the General Municipal Law (GML). The employee has an interest, but it is not prohibitive, and the County is able to do business with the employee and his spouse's company, if they choose. Legislator Flesher addressed the email sent from Legislator Standinger stating he is aware that everything is technically correct but feels it could create an appearance of a conflict of interest.

County Attorney DeWind reported under the GML, we must accept the lowest responsible bidder or not award the bid at all. The County has the discretion to not award the bid, but that could have impacts on next year's budget, as there is no alternate plan on how to spend the grant funds by year-end and by not spending the grant funds this year it could affect next year's appropriation.

Legislator Flesher reported this is grant funding and it is a good tool for the Sheriff's Office, therefore, stated we should consider moving forward with the simulator purchase. Legislator Monell concurred and stated that we either purchase the simulator from the lowest responsible bidder or not at all.

Legislator Flesher reported that if we decide to move forward, the employee will need to attend a public meeting of the Legislature and disclose his affiliation and interest in the company.

County Attorney DeWind reported he has received the employee's full disclosure in writing. The Legislature agreed that the employee should attend the November 12, 2024 Legislature meeting at 12:00 p.m. to fully disclose his affiliation and interest in the company owned by him and his spouse.

Chair Sauerbrey thanked Legislator Flesher for researching the additional information.

Legislator Ciotoli expressed concern about making sure that the company's insurance is in order, currently paid, and upholds the limits required by the County.

Legislator Roberts expressed that the simulator would be good for the students, but based on the lowest responsible bidder being a current employee this could be very problematic, and that the Sheriff's Office was not prepared with an alternative plan at this late stage of the process since the product needs to be received and the funding spent by year-end.

Legislator Mullen reported he does not know anything about the purchase. County Attorney DeWind reported that one of the companies that submitted a quote is owned by an employee and his spouse. If the employee is not involved in selecting, administering or paying the contract, it is not a prohibitive interest so both under the GML and the County's Ethics Policy, this is acceptable.

Chair Sauerbrey reported she would like to hear from the employee at the November 12<sup>th</sup> Legislature meeting before casting a vote.

On a straw poll vote, Legislators Monell, Ciotoli, Brown, and Flesher were in favor of pursuing the purchase through the lowest responsible bidder with Legislator Roberts voting no, and Legislators Mullen and Sauerbrey abstaining.

County Attorney DeWind reported the purchase price is over \$10,000; therefore, a resolution will come before the Legislature at the November 12, 2024 Legislature meeting and the

employee will also attend to publicly disclose his affiliation with the company. Both the verbal and written disclosure will then become part of the official Journal of Proceedings.

Legislator Mullen suggested developing a database of outside employment and businesses that our employees are involved in that could be a potential conflict of interest for the County.

**ACTION ITEM: Chair Sauerbrey will research other counties to determine if they have a policy or guidelines on how to handle potential conflicts of interest with employees doing business with the County.**

## **County Administrator Report/2025 Budget Update:**

**2025 Budget Update:** County Administrator Bailey reported that following today's meeting, the budget will roll from Legislative (Level 3) to Tentative (Level 4).

Mr. Bailey reviewed the following documents:

- ***Preliminary Budget by Fund – Level 3 (Legislative):*** At this point in the budget, the County is expecting to appropriate \$6,866,934 from Fund Balance in the 2025 budget.
- ***General Fund Balance Worksheet*** - For year-end 2024, the fund balance is anticipated to be \$32,806,802. This amount will roll to next year with less the appropriated fund balance of \$6,866,934 bringing the fund balance to \$25,938,868. The breakdown will leave the County with a \$22,818,000 unrestricted fund balance. Regarding the County's Fund Balance Policy, the County will be \$2 million under the high-end of 25%.
- ***Capital Fund Balance Worksheet*** – For year-end 2024, the capital fund balance will be \$19,678,846. This amount will roll to next year with only appropriating \$107,047 out of fund balance. A portion of this will come from the reserves, therefore effectively not tapping the fund balance at year-end 2025. This breakdown will leave the County with an estimated total year-end fund balance for 2025 at \$19,571,845. Currently, \$17,501,290 is the total of the restricted fund balance.
- ***Tax Cap 5-Year Analysis Worksheet*** -The Real Property Tax Levy for prior fiscal year was \$26,296,389, which will roll into 2025. With the reduction of \$120,000 that comes from the Richford Sales Tax offset, the total estimated is \$26,176,389. Calculating the Tax Base Growth Factor, Allowable Levy Growth Factor, and PILOTs Receivable for the current year, this results in \$26,887,599 as a maximum allowable taxability without overriding the tax cap. This is a \$591,210 increase or 2.25%. On a straw poll vote, all Legislators in attendance were in favor of proceeding with the maximum allowable taxability of 2.25%.

Mr. Bailey reported that following the 2025 Tentative Budget Public Hearing on November 12, 2024, the Legislature cannot raise the tax cap.

Mr. Bailey reported at the November 7, 2024 Legislative Worksession he will review final revisions and the budget brief presentation for the public hearing.

**Approval of Worksession Minutes:** On motion of Legislator Brown, seconded by Legislator Ciotoli, the October 10, 2024 minutes were unanimously approved.

## **Action Items:**

### **ACTION ITEM #1 – 5/23/24 Legislative Worksession – Confidential Databases/Software Programs**

The Legislature was in favor of County Attorney DeWind speaking to Chief Information Officer Loveland regarding the amendment of the Comprehensive Security Policy to include language regarding access and usage of confidential databases/software programs and disciplinary action for improper usage or access to unauthorized users. The Legislature expressed there was no immediate urgency but did want the policy revised at some point to address this issue.

Chair Sauerbrey reported at some point the Legislature will need to make the decision to continue carrying this action item or removing it.

Legislator Monell reported this is being taken care of by Information Technology, therefore motioned to remove this action item, seconded by Legislator Ciotoli. All Legislators in attendance were in favor of removing this action item.

## **Other:**

- ***Narcan Training*** – Legislator Flesher reported he is currently speaking with Public Health Educator Holochak and the Newark Valley School District to determine whether the County could offer a Narcan training to the teachers and administrators, if the district is interested.
- ***Inter-Municipality Shredding Agreement*** – Legislator Flesher reported he is currently speaking with Sustainability Manager Pratt to determine whether the County can do a shredding agreement for the residents in Berkshire, Newark Valley, and Richford.
- ***Harris Trial Postponed*** – County Attorney DeWind reported the trial has been postponed until April 2025.
- ***Public Health Wellness Day*** – Chair Sauerbrey reported the Public Health Wellness Day event was held yesterday at the Health & Human Services Building. This was a positive event and Public Health Director Vroman and her staff are doing a great job.

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

Meeting adjourned at 10:55 a.m.

Next Worksession scheduled for Thursday, November 7, 2024, at 1:00 p.m.

Respectfully submitted,

*Cathy Haskell*

Legislative Clerk