

## **FINANCE COMMITTEE**

**September 6, 2023**

Committee members: Bill Holgate, Doug Paddock (absent), Tim Cutler, Mark Morris, Dan Banach (absent)

Others present: Bonnie Percy, Dick Harper, Terry Button, Rick Willson, Leslie Church, Carlie Chilson (Zoom), Ed Bronson, Jessica Mullins, Nonie Flynn (Zoom), Emilee Miller, Meghan Kincaid, Jeff Ayers, Marian Walrath, Marsha Devine, Jesse Jayne (Zoom at 3:49 p.m.)

Bill & Dan will do the audit this month.

Minutes of the August meeting were approved as submitted.

Legislative Zoom Attendees: 1 Other Zoom Attendees: 6

### PUBLIC COMMENT

Grant Downs, Town of Torrey Councilman, stated that the Torrey Station saga is nearing its closure and he's there in support of the County Treasurer. Marsha Devine has a resolution to have Torrey station placed back on the tax rolls. As they probably are aware, the town of Torrey took the previous owner of this property to court for failure to abide by the town's building codes. The town prevailed, of course, though the key to this situation with this property was to get the DEC to enforce its regulations regarding environmental cleanup. Certainly, this was a result of Marsha Devine's engagement with the DEC to move the issue forward. On behalf of the taxpayers of the Town of Torrey, he would like to express their appreciation for Marsha's persistence, steadfastness, and patience in pursuing this matter. He would like to make a suggestion for the legislature to consider, if a property is taken off the tax rolls in a similar situation, the town or village affected should be made whole for the town or village taxes that would be due. Grant stated that they please remember that the town and villages rely almost exclusively on property taxes and does not have available sales tax.

Leslie stated that she would just like to welcome all the town supervisors and mayors there, but while she has them there, she would like to just remind them that the end of November is their next supervisor meeting. They have plans to talk about the shared service plan that will be submitted to the State. Just a little reminder and she will let them know the date.

Holly Easling, Village of Penn Yan Clerk-Treasurer, and Taylor Fitch presented the following Sales Tax Sharing Proposal on behalf of the Villages & Towns:

**8/24/2023**

**To: Yates County Finance Committee and Yates County Legislature**

The following sales tax sharing proposal is being submitted for consideration with the support of the Towns and Villages within Yates County. Our goal is to come to an agreement that provides an ongoing sales tax sharing arrangement, with payments starting in 2024, that is fair and beneficial for Yates County and all of the Municipalities within.

The Villages and Towns in Yates County are facing significant cost pressures to maintain current levels of operations, services and public safety, without taking into account the ongoing maintenance and critical infrastructure projects that need to be completed that are well beyond current budget levels. Limited additional revenue sources are available. It is not feasible to burden Village and Town taxpayers alone to fund these necessary expenditures that are required to keep up with the flourishing economy and tourist environment that is directly contributing to the continued growth in sales tax collections for Yates County.

Villages and Towns offer many advantages and are home to several drivers that contribute to the thriving economy that benefits all Yates County residents including parks with Keuka Lake access, sports complexes, connection trails, a walkable downtown business district, commercial, agricultural, and industrial business development, local police department, hotels, attractions, festivals, history, and art.

Of the 57 Counties outside of NYC, 21 do not have cities within their borders and are not legally required to share sales tax. Of those 21, 11 do share sales tax with Seneca County being the most recent County to approve a sales tax sharing agreement in 2023, leaving just 10 that do not.

The Villages and Towns in Yates County are in need of additional continuous revenue streams. The goal is to continue to support all aspects required to maintain a vibrant community and County including infrastructure, parks, recreation, walkability, public safety, activities, lodging, and local commercial, agricultural, and industrial businesses while keeping the property tax rate stable. A sales tax sharing agreement between the County and Towns and Villages within would contribute to achieving this goal.

Below is a proposal for Yates County to share sales tax with the Villages and Towns in the County that are supporting the infrastructure, services, and community character necessary to continue generating sales tax revenue growth.

The Villages in Yates County have significantly higher tax rates than most of the Towns, while they tend to offer the most opportunities, have the most traffic, and be the center of activities for residents in the County. This was taken into consideration and our proposal is to distribute \$100.00 per resident based on the 2020 census to each of the four Villages and \$50.00 per resident based on the 2020 census to each of the nine Towns, as calculated below.

### Sales Tax Sharing Proposal

Municipalities	Population	Distribution
<u>Villages</u>		
Dresden-T/Torrey	293	\$ 29,300.00
Dundee-T/Starkey	1,690	\$ 169,000.00
Penn Yan-T/Milo, Benton, Jerusalem	5,056	\$ 505,600.00
Rushville-T/Potter	457	\$ 45,700.00
 <u>Towns</u>		
Barrington	1,541	\$ 77,050.00
Benton	2,985	\$ 149,250.00
Italy	1,099	\$ 54,950.00
Jerusalem	4,405	\$ 220,250.00
Middlesex	1,377	\$ 68,850.00
Milo	6,803	\$ 340,150.00
Potter	1,858	\$ 92,900.00
Starkey	3,407	\$ 170,350.00
Torrey	1,299	\$ 64,950.00
 Total Yates County	 24,774	 \$ 1,988,300.00

I will be in attendance, along with representatives from the Villages and Towns, to present this proposal at the September Finance Meeting on 9/6/2023 at 3 p.m. Please distribute this proposal to the Committee members and Legislature in advance of this meeting.

Respectfully Submitted on Behalf of the  
Villages and Towns in Yates County,



Holly Easling  
Village of Penn Yan Clerk-Treasurer  
[heasling@villageofpennyan.com](mailto:heasling@villageofpennyan.com)  
111 Elm Street  
Penn Yan, NY 14527  
315-536-3015

Cc:

Mayor Bill Hall, Village of Dresden  
Mayor Fred Cratsley, Village of Dundee  
Mayor Danny Condella, Village of Penn Yan  
Mayor David Le Clair, Village of Rushville  
Supervisor Steve Perry, Town of Barrington  
Supervisor John Prendergast, Town of Benton  
Supervisor Richard Craig, Town of Italy  
Supervisor Jamie Sisson, Town of Jerusalem  
Supervisor David Adam, Town of Middlesex  
Supervisor Leslie Church, Town of Milo  
Supervisor Larry Lewis, Town of Potter  
Supervisor George Lawson, Town of Starkey  
Supervisor Peter Martini, Town of Torrey  
Taylor Fitch, Former Chairman of Yates County Legislature

Valerie Brechko stated that they've had the internet sales tax for quite a few years. They've heard from the towns and the villages for quite a few years that they need money because they only get sales by property tax. They get nothing else. She stated that it's sad to hear that, it almost sounds like they're putting it off. It certainly should be done for this year's budget, so she's hoping that they are planning on doing it for this year's budget and not saying they'll have a committee. They'll talk about it, they have talked about it for a long time. It's time to actually make a decision and make sure that the towns and villages get some money this year in this year's budget.

Bill stated that it has never been talked about formally, in a committee or anything else. This is definitely a good way to start it. He didn't say that there's nothing happening at this point, but the fact is that this just came forward. They all have their budgets coming up, so it's going to be difficult, he thinks, to put together something that's going to be a working plan going forward in the amount of time they have. But, perhaps there's something they can do for this year, but still continue to make a plan for the future.

Rich Stewart stated that he wanted to take them back about 2 hours ago, he was listening to the Government Operations meeting on Zoom. There was a big concern about how the towns will pay for the Board of Election full-time staff, maybe sales tax would help that.

Terry Button stated that they've done this in the past on certain things. You can start a committee, probably ought to have a deadline timeline in place. But they also do things sometimes retroactive. So if it was into the budget time year, next year they looked, how they were. There's always things that they can go back to, so it's an option.

Tim Cutler stated that Taylor brought up the matter of the Community Center, but that was a decision they made last year in the fall. They managed to act on that fairly quickly implementing. It always takes more, but he thinks when they go into the budget workshop, which they'll have at the end of next month, they can act on something for 2024, and it's in the same ballpark. He thinks what Bill is recommending is that they'll have a committee that looks at it for the long haul. That doesn't mean they can't make a decision for 2024.

Jessica Mullins stated that she just wanted to make them aware that Holly did put the proposal in for the Village of Penn Yan. So it goes into the recommendations that will be discussed at the Budget meeting when they have it at the end of October. That amount goes into what the Village of Penn Yan is asked for, because it was a "to be determined". So it will be discussed again at that point upon having committee meetings and forming that and such.

### **Real Property: Meghan Kincaid**

Meghan reported that she completed the 2023-2024 school tax bill processing. School tax bills came out the beginning of September and if anyone did not receive their tax bill or needs another copy, they should contact their school district. The school tax rates are posted on the County's Real Property webpage.

Meghan reported that she reached out to officials in all of the Yates County towns, villages and school districts to inform them of the new local law (LL 1-2023) increasing the income limits for the low-income senior property tax exemption. She encouraged them to increase their limits to match the County's and some towns will be bringing forth a resolution at their meeting this month to set a public hearing.

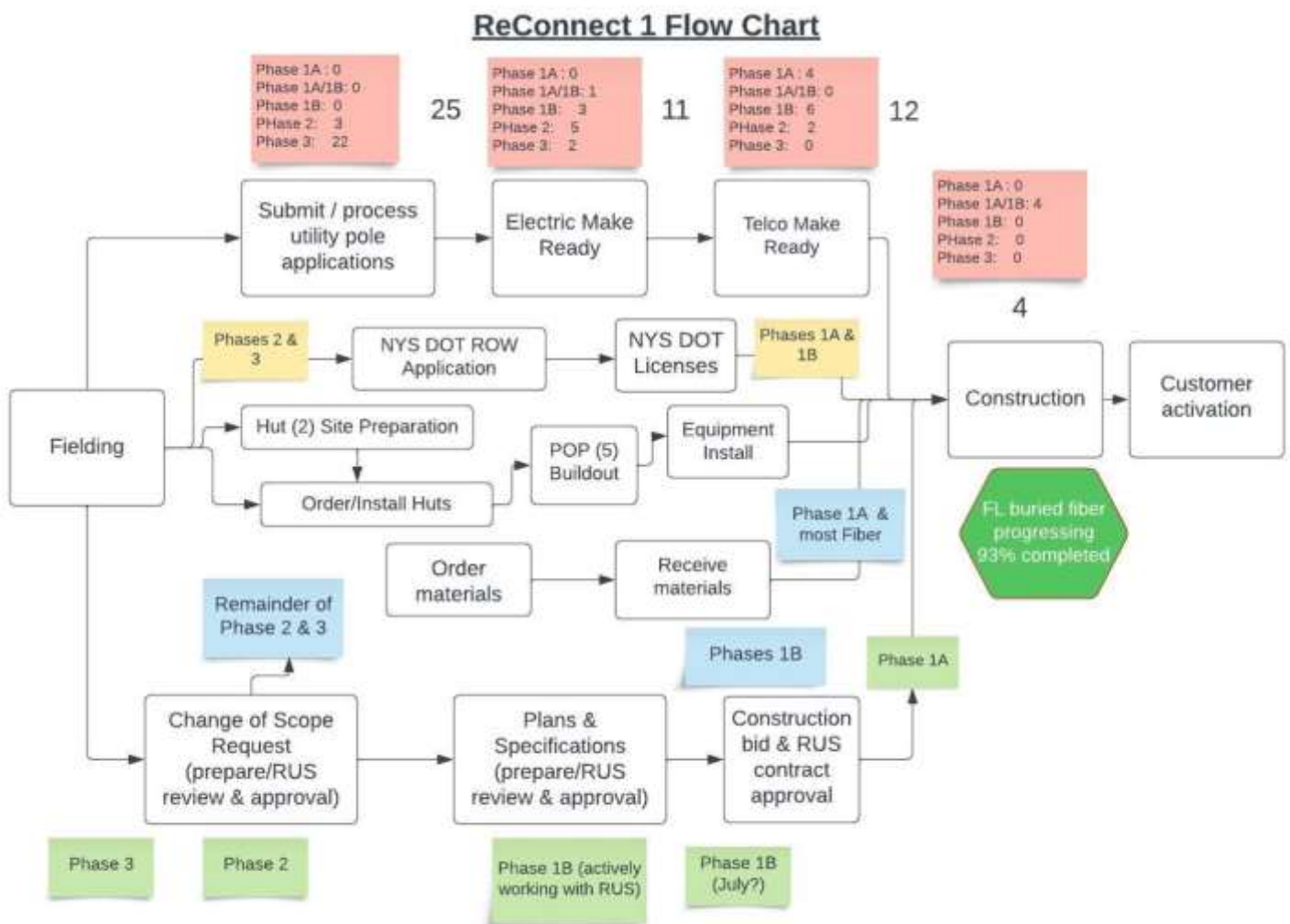
Meghan reported that they have received reimbursement from the state for the expenses from when she attended the winter Real Property conference.

Meghan reported that she has sent Nonie & Jessica the initial 2024 County Apportionment working spreadsheet and updates will be made, as needed.

Meghan reported that the initial preparation for the Town & County tax season is underway.

**ReConnect: Marian Walrath & Jeff Ayers**

Jeff reviewed the main paths of project activity for the ReConnect 1 Engineering & Construction:



Jeff reported on ReConnect 1 Engineering & Construction, highlighting: Phase 1A (Trunk Route), Phase 1B (Distribution in Italy/Middlesex), NYS DOT Permitting, Railway Permitting, Points of Presence (POPs) & Uplink Node.

Jeff reviewed the Overall Schedule:

<u>Phase</u>	<u>Construction Window</u>	<u>Collect Orders</u>	<u>Install Orders (start)</u>
1A Backbone	1Q 23 – 2Q 23	NA	NA
1B Middlesex	2Q 23 – 2Q 24	1Q 24	2Q 24 (target pulling forward 1Q)
2 Italy, NE Penn Yan	2Q 24 – 2Q 25	1Q 25	2Q 25
3 SE Penn Yan, Dundee	2Q 25 – 4Q25	3Q 25	4Q 25

Jeff reported that they are now receiving grant funds and \$99,795 was requested and paid on FRS #24 and reviewed the Financial Reporting:

Report approved 8/2/23 (FRS#24)	Total advances to date	Advances now requested	Invoices paid and waiting RUS contract
Make Ready	\$1,907,614	\$66,108	\$0
Engineering	\$900,684	\$18,055	\$0
Construction	\$404,125	\$118,573	\$0
Equipment (Nokia)	\$276,427	\$0	\$0
Materials/other	\$369,938	\$0	\$1,572,388.90 (balance)
Bidding Costs	\$616	\$0	\$0
Total	\$3,096,435	\$290,048	\$1,572,388.90 (balance)
Balance in Pledged Deposit Acct.: \$78,174.87			
Project Total: \$17,159,012 which includes \$3,631,625 County match			

Jeff continued reporting on ReConnect 1 Engineering & Construction, highlighting: Supplemental Funding announcement from RUS, Materials & Storage, Make-Ready Construction (CRITICAL PATH).

Jeff reported that there is no update for the Grant Applications:

Funding	Opportunity (Mbps download / upload)	Status
ReConnect 1 (current project) - \$10.4M with \$3.6M match	~1635 Premises <10/1 Mbps plus other USDA rules	Awarded 2020 Proceeding on schedule
ReConnect 4 Grant – Funding category - if 90% of households lack access < 100/20 Mbps, no matching funds required.	Access if $\geq$ 100/20 Mbps fixed broadband.  Identified 680 unserved households across 58 PFSA's  Was NOT permitted to include Frontier RDOF areas as Frontier application is in “ready to authorize” status.	Application submitted Nov. 2, 2022  Requested \$9,087,389 with no match  Grant notification around end May 2023

Jeff reported that in the news it has been reported that an unknown group of RDOF awardees are banding together and trying to get out of the contracted build outs or are asking for more money. Contact was recently made with Frontier requesting an update on their RDOF build-out plans in Potter and based on the USDA/RUS rules, this area had to be excluded from the ReConnect 4 application. There are about 308 premises in the RDOF area some of which are served.

Jeff reviewed the following resolutions that would be needed. After discussion the Committee approved.

- Enter into an Agreement with Norfolk Southern Railroad via RailPros to bring Fiber Across Railroad Tracks at Various Locations
- Modify Resolution No. 175-21 Authorize Chair to Sign Contract with New York Engineering Services for Engineering Services on the Yates County USDA/RUS ReConnect Broadband Project

### **Planning: Jeffrey Ayers**

Jeff reported that there were 6 GML 239 Referrals and all were found to have no county-wide impact or a positive impact. There is already a review submitted for the September meeting for a moratorium on Short Term rentals in the Village for Penn Yan.

Jeff reported that the CDBG was successfully submitted and there is no update yet.

Jeff reported in regards to the 8 Year Agricultural District 8/9 was the close of the drop add period. There are 32 properties, 7 being Yates County Properties, asking to come out of the district. Next month the Farmland Protection Committee will issue a recommendation with a report, which will also require a public hearing, and the Legislature has broad latitudes to include or remove parcels at their discretion.

Jeff reported that a draft Farmland Protection Board plan has been produced and comments have been submitted. The draft plan has also been submitted to an informal review by NYS Ag & Markets and the comments were positive. Their latest invoice submitted to NYS puts us into the 10% hold back on the grant.

Jeff reported that the draft Local Solid Waste Management Plan has gone back to GFLRPC with their changes. The Household Hazardous Waste Day event will be held 9/23 from 9:00 a.m.-12 p.m. at the Yates County Fair Grounds. As of 8/22 they had 60 registered participants.

Jeff reported that YTS Drug and Alcohol Review came back with 22 findings, largely record keeping and procedure findings. Yates County will likely have very little to do with fixing these deficiencies and the 2023 5311 Comprehensive DOT Review findings are still not released.

Jeff reported that Real Property is finalizing this year's parcel map to go into the GIS Portal. Milo requested a water and sewer district map, which has been created and lives on the Portal under Galleries. Office of Emergency Management requested a number of files for the Hazard Mitigation Plan and they have what they were able to provide.

Jeff reviewed the following resolutions that would be needed. After discussion the Committee approved.

- Resolution Recognizing Marian Walrath's Contributions to the Advancement of Broadband Deployment in Yates County

### **Finance: Jessica Mullins**



Jessica reported that at this time one year ago, NYCLASS interest rate was 1.9950%. Today's interest rate is 5.2040% and the County has earned \$357,708.91 to date and has \$5 million invested.

Jessica reported that the paperwork for the eight properties that are in non-compliance with the local occupancy tax law are now with the County Attorney. He will be sending out a notice before filing a tax lien on the property.

Jessica reported that she met with five of the Town Supervisors and Village Mayors on 8/25. The consensus was to focus on the I.T. services. Laserfiche and cyber security trainings have been identified as a need for the towns/villages for the 2024 Shared Services plan. She is working with Tim Groth to provide the Towns/Villages an estimated figure of costs they will need to budget for. A few towns showed interest in partnering together to have a waste collection day for those who are unable to make the HHHWD when provided by Yates and Schuyler County. Medical insurance was discussed as a possible shared service. Conversations were favorable to discuss more for possible implementation in 2025.

Jessica reviewed the 2023 Appropriations and the Sales Tax Report.

Jessica reviewed the following resolutions that would be needed. After discussion the Committee approved.

- 2023 Budget Transfers
- Appropriate Additional Aid (YB)
- Appropriate Additional Aid (Daycare)
- Appropriate Additional Aid (DSS)
- Appropriate Additional Aid (DSS)
- Appropriate Additional Aid (DSS)
- Appropriate Reserve Fund (Infrastructure)
- Appropriate Additional Aid (DSS)

**Treasurer: Marsha Devine**

Marsha reviewed the following Tax Enforcement tables and indicated Delinquent Properties.

<b>Delinquent 2021 Properties</b>												
July 31, 2022	Aug 31, 2022	Sep 30, 2022	Nov 3, 2022	Dec 1, 2022	Jan 30, 2023	Feb 28, 2023	Mar 28, 2023	April 25, 2023	May 30, 2023	June 28, 2023	July 30, 2023	Aug 28, 2023
85	75	74	70	60	31	11	9	7	7	6	6	5

<b>Delinquent 2022 Properties</b>								
Dec 29, 2022	Jan 30, 2023	Feb 28, 2023	Mar 28, 2023	Apr 25, 2023	May 30, 2023	June 28, 2023	July 30, 2023	Aug 28, 2023
226	207	188	150	123	116	114	108	105

<b>Delinquent 2023 Properties</b>							
May 30, 2023		June 28, 2023		July 30, 2023		Aug 28, 2023	
1171		1150		513*		339	

*\*Revised list as prior list had tax exempt and non-taxed properties included.*

Marsha reported that there are some adjustments being made to Town reconciliations in regards to Franchise taxes and Interest payment modifications.

Marsha reported that there are no updates to the In Rem and Auction issues, although the President of the NYSCTFOA and Dave Lucas from NYSAC are working on plans going forward.

Marsha reported that she and the Director of Finance continue to meet as needed to keep processes moving smoothly.

Marsha reported that she attended several finance and real property workshops during the Summer Conference and has shared the information with the County Administrator and the Director of Finance.

Marsha reported that the property at Torrey Station, T.M# 39.75-1-3 was sold following the completion of the DEC clean up and spill mitigation. Should the resolution to restore this property to the tax roll be approved by the Legislature, the property will return to the Tax Roll in July 2024, with the first tax bill being the School District taxes in September of 2024.

Marsha reported that she requests the renewal of the software maintenance agreement. Marsha reviewed the following resolutions that would be needed. After discussion the Committee approved.

- Resolution Concerning Restoration of Tax Parcel to the Taxable Portion of the Assessment Roll (Torrey Station Inc.)
- Authorize Renewal of Tax Collection Software Maintenance Agreement

**County Administrator: Nonie Flynn**

- Nothing to report

**Airport: Dick Harper**

Dick reported that the Reiff easement paperwork was submitted back to FAA. The fuel truck projected delivery date is now mid-October. The generator agreement has been submitted back to NYSEG and they are now awaiting final transfer switch connections by the contractor. The NYSDOT has announced that they will be performing a close out audit of the Sewer project. The terminal apron rehab project is still waiting on final grant approval. The 3<sup>rd</sup> deice pad bid ended up with two bidders, with both above the projected cost of \$388,000. Dick reported that since the costs are still \$150,000 above the potential grant award, the airport council is recommending declining these bids and they are already working with C&S on potential lower cost alternatives.

	<b>Massa</b>	<b>Elliott</b>
<b>Base Bid</b>	679,235	683,889
<b>Deduct</b>		
discharge piping /elect.	141,000	83,395
2500 vs 5000 gal tank	3,000	3,100
<b>Project Total w/ deduct for discharge piping and electronics</b>		
	<b>Massa</b>	<b>Elliott</b>
	538,235	600,494

Dick reviewed the following resolution that would be needed. After discussion the Committee approved.

- Authorize Chair to Execute Agreement with C & S Companies for a Storm Water Pollution Prevention Plan Evaluation of the Penn Yan-Yates County Airport

**Legislative Operations: Emilee Miller**

Emilee reviewed the following resolution that would be needed. After discussion the Committee approved.

- Set Date For Public Hearing on Proposed Local Law 2-2023 Entitled “Renewing a Local Law Establishing an Additional Mortgage Tax for Mortgages on Real Property Situated in Yates County”

Meeting adjourned at 4:25 p.m.