

## SPECIAL SESSION – TUESDAY, OCTOBER 29, 2019

The Yates County Legislature met in special session, Tuesday, October 29, 2019 at 9:00 a.m. with Chairman Paddock presiding and Legislator Gleason absent.

Chairman Paddock stated this is the beginning of our scheduled workshop on the annual budget. Chairman Paddock thanked the Budget Officer Nonie Flynn for putting together a very good budget document to work from. Chairman Paddock also thanked the Department Heads for participating in doing what they can to keep costs under control.

Dr. Dennis stated that in reflection on how we have handled this in the past, when we come to the end of this either in workshop or at a Legislative meeting, it will take a majority of the Legislature, eight votes, to pass the budget. Dr. Dennis moved for workshop that the rules of the Legislature be suspended. Any decision made in the workshops be ruled by the majority of those present, seconded by Mr. Holgate.

VOTE: Roll Call – Cutler, Bronson, Chilson, Church, Banach, Holgate, Multer, Percy, Dennis, Willson, Paddock voting “Yes”; Morrison, Button voting “No”. Motioned carried.

Budget Officer Flynn thanked the Department Heads and the Deputy Treasurer for their help in assembling the budget together.

Budget Office Flynn reviewed fund balances.

**NOTE: Workshop minutes only reflect motions made and discussion pertaining to the motion.**

### **Legislature**

Connie explained that if the Legislature wanted to lower the copier cost, Chromebooks could be put on all their desks and instead of printing the agendas they would be on the Chromebooks.

Mr. Bronson moved to lower line item 1010/54507 copier charge by \$1,000 to \$3,000 and use Chromebooks for those that want to try them, seconded by Mr. Cutler.

VOTE: Roll Call – Cutler, Bronson, Holgate, Multer, Percy voting “Yes”; Morrison, Chilson, Church, Banach, Dennis, Button, Willson, Paddock voting “No”. Motion lost.

### **District Attorney**

Dr. Dennis moved and Tim Cutler seconded to add \$60,000 to line item A1165/51039 Assistant District Attorney with the understanding that benefits would also be increased if passed. The total cost with benefits is estimated to be \$84,149.

#### **DISCUSSION:**

Mr. Button questions the salary as the DA had originally asked for a salary range to give himself some options. DA Casella confirmed that he has asked for a salary range because he has no idea who may apply. If it is someone straight out of law school then the salary would be on the low end. If it is an established attorney then it might be more toward the high end.

Mr. Willson stated that we don't know what the workload is going to be, we don't know exactly how or when that will engage as we go along. Mr. Willson does not have a problem bringing back a half of a position or at some point funding a whole position. Mr. Willson is ok with funding this but is not ok going out and hiring someone right away.

Mr. Morrison questioned DA Casella whether he had a preference on which position to fill, the Assistant DA or the clerical one. Mr. Morrison stated he is more inclined to fund the clerical

position and look at the Assistant DA later. DA Casella stated that the clerical position could not watch the videos that are submitted and determine if the content is admissible evidence. Also, some information from videos has to be redacted which a clerical position would not be able to do.

Mr. Cutler stated this issue is a real thing. It is going to happen on January 1<sup>st</sup>. We have to come up with a number. Mr. Casella has given us a range, but we have to come up with a number to put in the budget. We can start at the \$60,000 and if he can get someone for that fine, if not, we will have to look at it again. But we have to move forward.

Ms. Chilson stated with the two position the DA is asking for this is a \$149,000 increase in the budget. Ms. Chilson stated that she recognizes the public safety concern coming up in the county with the new bail and discovery reform. She is also questioning if this position is needed more than the liaison position.

Dr. Dennis stated there is a motion on the floor and it has been seconded and that is to add a full time Assistant District Attorney. It does not authorize the creation of the position; that is the action of the Legislature not at budget workshop. There will be another discussion, but you can't have that discussion if there is not a number in the budget.

VOTE: Roll Call – Morrison, Cutler, Bronson, Chilson, Church, Banach, Holgate, Multer, Percy, Dennis, Button, Willson, Paddock voting “Yes”. Motion carried.

Dr. Dennis moved that line item A1165/51108 Law Enforcement Liaison be funded at \$42,000 with the understanding that with benefits the total estimated cost would be \$64,772, seconded by Mrs. Percy.

#### DISCUSSION:

Mrs. Chilson stated that as she looks at the position that is requested she sees the need for it, but she doesn't know how to justify putting the burden on the County of the additional \$65,000 for basically a secretarial position when the work flow will be increased by one full time position. Mrs. Chilson will not support this position.

Mr. Bronson questioned how this position will differ from the current secretarial position. DA Casella explained the current secretary is doing the work now but on a smaller percentage of cases than she will have to in 2020. The idea is to have two people working together to do this. This position will facilitate the receiving and processing of the evidence from law enforcement - the digital evidence, scanning and paper evidence. The secretarial position will still do the clerical operations of the office.

Ms. Chilson feels the workload could be moved around for extreme cases to fill in when the secretary is out.

Mr. Morrison stated the Assistant DA position was funded and he would like to see some hard data before anything further is done.

Chairman Paddock stated that the Legislature may want to consider increasing the amount in contingent based on obtaining data after several months next year to determine whether the additional position is necessary or whether the DA has been able to rearrange things and assign things in his office.

Mr. Holgate stated not to lose sight that this is another unfunded mandate.

Chairman Paddock stated that a representative from the Governor's office will be at the Public Safety meeting next Tuesday to discuss bail and discovery reform.

Dr. Dennis stated that you can put the funding in the budget but you don't have to spend it. You can fund this line but you don't have to create and fill that position until sometime into the year, should you deem it necessary.

Mr. Cutler stated DA Casella, at several Public Safety meetings, gave us a lot of information on the work flow and it is going to change come the first of the year. Mr. Cutler echoed Dr. Dennis in that just because it is in the budget doesn't mean we have to spend it. There are many things we have to deal with. As things become more certain and if we can figure out how to get away without it, we can maybe save some money. Right now we have to be prepared to deal with the reality of January 1, 2020.

VOTE: Roll call – Cutler, Bronson, Church, Banach, Holgate, Percy, Dennis, Button voting “Yes”; Morrison, Chilson, Multer, Willson, Paddock voting “No”. Motion carried.

Mrs. Percy moved to increase revenue line item 1325/41090 Interest & Penalties – Real Property Tax by \$5,000. Motion died for the lack of a second.

Mrs. Church moved to increase line item A7560/54202 Yates County Arts by \$4,000, seconded by Mrs. Percy.

VOTE: Unanimous

Mrs. Church moved to increase line item A3110/51735 Deputy Tech/Criminal Investigator Deputy Sheriff to \$54,548 including fringes for a total estimated cost of \$78,280, seconded by Mrs. Percy.

DISCUSSION:

Mr. Willson questioned the Sheriff as to whether there was a way to coordinate this investigator with the District Attorney so that we are not watching the same film over and over, so that one person can process it through. Sheriff Spike explained one of the things that has been talked about is if new body cameras and Tasers are purchased, then there has to be a digital evidence tool that we need that will come with the bundled pricing in order to manage all the evidence. Sheriff Spike would like it to manage all other sources of digital information and WAV files and image files that they deal with. Sheriff Spike is looking at the system that the DA already has in place to see if the department can upload the digital images that they currently have into his system. That way both the Sheriff's Department and the DA can look at the information at the same time. Sheriff Spike feels that this can be done.

Mr. Bronson questioned if there was any way that the Sheriff and the DA could share a position. Sheriff Spike stated that there is so much to coordinate and keep together for the cases. Sheriff Spike explained the department could help but there is no way they can replace someone.

VOTE: Roll call – Cutler, Bronson, Chilson, Church, Banach, Holgate, Multer, Percy, Dennis, Button, Willson, Paddock voting “Yes”; Morrison voting “No”. Motion carried.

Mr. Morrison moved the following, seconded by Mr. Button.

- Reduce revenue account A3150/42260 Public Safety Services to “0”
- Reduce revenue account A3150/44389 Other Public Safety to \$100,000
- Reduce funding for A3150/51020 Correction Officer to “0”
- Reduce funding for A3150/51821 Correction Officer to “0”
- Reduce funding for A3150/51822 Correction Officer to “0”
- Reduce line item A3150/51952 Overtime Co. 82 Other to \$100,000

- Also reduce the FICA, Medicare and Insurance that go with the above positions

#### DISCUSSION:

Sheriff Spike explained that you have to remember that when the SCOC did the man power study 14 years ago, they said we needed close to 44 people to operate the jail. At the time we had 38 and they said the difference could be made up with part time people. Over the years the planning base has changed due to vacations and so on. There were things the SCOC also left out of the planning base (transports, constant watch, SWEAP detail, etc.) When the Sheriff used their formula to figure out what the manpower should be, it came close to 48. The Sheriff's fear is, that if the SCOC were to do a manpower study they would require more staff. Based upon the vacation hours, the sick leave, comp time, the holidays, the personal time, FMLA, bereavement time, discipline time, court security time, cancer screening time, the Sheriff is trying to cover right now over 14,000 hours of time. This equals 7 positions just in itself. Those are the challenges that the Sheriff has to deal with.

Chairman Paddock stated that, in a presentation the Sheriff gave at a Public Safety meeting, if there were not sufficient prisoners, the dorm is closed. The Sheriff confirmed this. Chairman Paddock questioned if the Sheriff wanted to close the dorm permanently would the SCOC have to approve this. Sheriff Spike confirmed that they would, as the maximum facility capacity would have to be changed to something less. This would also trigger a manpower study.

Mr. Cutler stated he does not feel Elden's recommendations are the right thing to do. He does not feel qualified to tell the Sheriff or Jared how to run the jail. We do know that Criminal Justice Reform is coming. We know that the jail population will very likely drop. We need to understand what bail reform is going to do to reduce the jail budget. If we get it wrong, we will have to correct it later. We are just as likely to be wrong on the discovery side as we are on the bail reform side.

Mr. Morrison stated that what he has proposed would have no effect on the head count today. The three positions that Mr. Morrison named are vacant today. As far as the dorm is concerned, we won't let it be closed. We keep importing people to keep it at a level where we need to keep it open and run all this overtime to keep it open.

Mr. Bronson stated with bail reform coming very shortly, we have no crystal ball saying that the population is going to go down.. Mr. Bronson feels that the population will go down for a period of time. But when those people start getting sentenced, and have to serve their sentences, it is going to rise back up. The Sheriff needs to have the flexibility to have any flow over the next year to see where it goes.

VOTE: Roll call – Morrison, Button voting "Yes"; Cutler, Bronson, Chilson, Church, Banach, Holgate, Multer, Percy, Dennis, Willson, Paddock voting "No". Motion lost.

Mr. Morrison moved to reduce line item A3150/54023 Hospital Charges to \$40,000, seconded by Mr. Bronson.

#### DISCUSSION:

Mrs. Percy questioned what about the individual that may have to go back into psychiatric care.

Chairman Paddock explained that is in the forensic line and not in this line item.

VOTE: Unanimous

Chairman Paddock recessed the session at 4:25 p.m.

**October 30, 2019**  
**Budget Workshop continued**

Chairman Paddock opened the session and Legislator Gleason was absent.

Mr. Banach reported he sent around an information sheet in regards to park statistics for the Village of Penn Yan. Last year the Village spent \$97,972.81 on operating the parks.

Mr. Banach moved to increase line item A7310/54355 Lifeguard Services by \$20,000 to go to the Village of Penn Yan to help offset the costs for operating the parks. Seconded by Ms. Chilson.

**DISCUSSION:**

Ms. Chilson stated Mr. Banach makes a good point. The Village carries a huge cost for programs for the children. It is important to have the programs and we are working on shared services for someone to give swimming lessons and having that person go from park to park. This would be a good investment to invest in our young people in the community because that is where our growth is and that is where our future is.

Mr. Banach stated that if the County did this increase, the Village Mayor will proposed that the Village will suspend costs for outside the Village participants. This would be approximately \$1,600. We are a County that touches three lakes. This County chooses not to have any County parks. The Village has picked up the slack, we have two parks that are on Keuka Lake. In Middlesex the slack has been picked up by having a swimming area at Vine Valley.

Chairman Paddock clarified there is no consideration in Mr. Banach's proposal for increasing the amount to the other towns that offer recreation programs. Mr. Banach stated that if someone wants to amend the motion that is fine with him. Chairman Paddock stated that the total amount that would be going to the Village of Penn Yan would be \$30,260.

Mr. Holgate pointed out that not all towns participate in this. Starkey, Barrington, and Italy do not participate. To make everyone pay for something they are not using doesn't seem fair.

Mr. Willson stated he is watching access to the public's own property, which are the Finger Lakes, and it is slowly dwindling. There is also pressure from developments. We as a County need to make sure we maintain the public's ability to get to their property, which is the waters and the lakes. This is one of the ways we can do it. We have not developed public parks, we should be developing public parks and we need to maintain the public's access to the lakes. Mr. Willson fears that as pressures on the outside develop, if the Village chooses not to work with the County or Towns, there will be people, including many Mennonites who use those parks to go ice fishing, that won't have access and they will have to pay for that access. We are going to have to pay one way or another and Mr. Willson would like to support people's access to the lakes.

Mr. Morrison agreed with Mr. Holgate. He doesn't know how many people in Branchport go to the Village Parks and also go ice fishing. These parks are both downtown and our hotels are downtown. Mr. Morrison wonders whether those two parks are an asset to our tourism. We draw sales tax and occupancy tax from tourism, could we consider the County contribution based on the sales tax and occupancy tax brought in.

Mr. Banach stated that in the summer recreation programs there were a total of 67 youths.

Ms. Chilson stated we are giving young people the opportunity to be around the water and to take advantage of being supervised and have lunch provided. These are kids that would probably be home. We are giving them the opportunity of being involved with our community. The village is taking care of all of this and they are just asking for a little help so that access to the parks can continue.

Dr. Dennis would have liked to have had more notice that this issue was coming up.

Mrs. Percy stated she felt the request should go to the towns that use the parks than the County because Barrington and Starkey does not participate.

Mr. Willson stated that many people use the parks. People come from all over and go to Indian Pines or Red Jacket and eat their lunch. Mr. Willson stated that he would support spending more money on county parks in the community because we don't fund them and we do not have a county park here. There is a certain piece of this that relates to the quality of life.

Mrs. Church questioned where the extra funding would come from. Chairman Paddock stated at this point it would come from the tax levy.

Mr. Bronson stated he totally supports activities for kids. As a County, we need recreation activities for our residents. Mr. Bronson feels the \$20,000 should be divided amongst all the swim sites and summer recreation programs not just one.

Mr. Cutler stated the Town of Jerusalem funds a youth program at the State Park. Middlesex has Vine Valley and that is a good program. Someone needs to inventory what we do, not just at the county level, but the villages and towns and get a view of what this represents so that funding can be done broadly across the county.

Dr. Dennis moved to postpone this issue until the Budget Public Hearing to allow for additional information is obtained, seconded by Mr. Morrison.

VOTE: Unanimous

Dr. Dennis moved to lower line item CT9951/59106 Transfer to Capital Fund to \$16,300 along with the corresponding reserve appropriation, seconded by Mrs. Percy.

VOTE: Unanimous

Mrs. Percy moved to lower line item A1990/54905 Contingent Fund to \$785,000, seconded by Mr. Button.

DISCUSSION:

Mr. Cutler questioned if \$100,000 was enough of a reduction.

Mrs. Percy stated that it is a start. You don't want to lower it too much because of what is still unknown.

Mr. Holgate stated that we basically increased the budget by \$100,000 so taking a \$100,000 from the Contingent Fund to cover those increases is fine and the Budget Officer is ok with it.

Mr. Willson stated he is kind of okay with this but he is nervous because there are some things that are coming up next year that we may need some of this funding for.

VOTE: Unanimous

Mr. Bronson moved to increase line item A1010/51020 Personal Services – Legislators by \$10,500 along with increasing line item A1010/51000 Personal Services – Chairman by \$750, seconded by Mr. Willson.

**DISCUSSION:**

Ms. Chilson stated she did some research on Legislators' salaries and benefits. Yates County Legislators currently are paid \$8,183 with no health insurance. There has been no raise since 2009.

Mr. Cutler stated he has a hard time supporting a raise. If folks came in and said you guys are really under compensated then he may feel differently.

Ms. Chilson stated that she doesn't feel it is self-serving and she doesn't know how many hours everyone else puts in. If a younger person comes in to run for this position, perhaps they want to get a part-time job and they have a full time job already. Mr. Cutler had stated that it is only a few hours a month; this stops anybody from getting any kind of additional work because of the schedule that is here. You are cutting the ability for someone to make more money if you are looking at it from a financial view point. We want to bring people in that will be able to fill this position and be compensated for the position and not have to work additional jobs to be able to fund their families and homes. We are looking at this from a viewpoint of someone who may be retired, not someone that might have a flexible schedule in their life.

Mr. Button stated he appreciated what he saw when Dr. Dennis filled in for the County Administrator. He appreciates what Chairman Paddock does. He knows it is a lot of hours. Mr. Button stated he is willing to have this discussion if the Legislature is willing to have the discussion regarding other people in our county at that time.

Mr. Banach stated approximately 10 years ago he applied to the state retirement system. In order to do that Mr. Banach had to keep track of his time for 3 months. He came up with 63 hours a month, you figure all the time you are on the internet, time when someone stops you at the grocery store and wants to talk about something. This is one of the things when you are in the public eye every day and it is not really a part-time position and he doesn't expect to be paid as a full time position. Mr. Banach would go along with a modest increase.

Mr. Bronson stated he does not think anyone is being a legislator for the money. He does not get paid enough to cover the gas or the mileage for the meetings he goes to. Mr. Bronson does not feel there is respect for the position, this maybe a small way to increase that respect somewhat. VOTE: Roll call – Bronson, Chilson, Church, Banach, Holgate, Multer, Percy, Dennis, Willson voting "Yes"; Morrison, Cutler, Button, Paddock voting "No". Motion carried.

Dr. Dennis moved to take additional funds from Unassigned General Fund Balance so that the tax levy increase would be down to .50%, seconded by Mr. Button.

**DISCUSSION:**

Mr. Morrison questioned what the tax levy was at? Budget Officer Flynn stated it was at 1.87%. Mr. Morrison stated it would be reduced by 1.30% which would be approximately \$200,000 and that would come out of the Unassigned General Fund.

Chairman Paddock stated that he feels Ms. Flynn put together a responsible budget. Some of you have lived through it and some of you have not. In the past when there have been no increases for a number of years and we are hit with budgets and unexpected expenditures and have to raise things 13%, he does think that is responsible. Chairman Paddock appreciates Dr. Dennis's thoughts and approach but he will not be supporting this.

Dr. Dennis stated that the Unassigned Fund Balance has grown substantially over the last 5 years and feels that the use of the additional funds would not make that much difference.

Mr. Cutler stated when things are really tough and we have to raise taxes, that happens. The fact that the fund has grown quite a bit in the last few years, this makes sense.

Mr. Button stated there are a lot of unknowns with expenditures and projects next year and he would like the levy to stay at \$1.87%.

VOTE: Roll call – Morrison, Cutler, Bronson, Chilson, Church, Banach, Holgate, Multer, Percy, Dennis, Button, Willson voting “Yes”; Paddock voting “No”. Motion carried.

### **RESOLUTION NO. 408-19**

Mr. Holgate offered the following resolution and moved its adoption, seconded by Ms. Chilson.

### **ADOPT TENTATIVE BUDGET**

WHEREAS, the Finance Committee recommends for adoption the Tentative Budget for the year 2020 as filed by the Budget Officer, and as modified and revised by the Legislature,

NOW, THEREFORE, BE IT RESOLVED that the Legislature hereby adopts the Tentative Budget, and sets the date of the Budget Public Hearing for November 21, 2019 at 6:00 p.m. in the Legislative Chambers; and be it further

RESOLVED, that a copy of this resolution be given to the Budget Officer and County Departments.

VOTE: Unanimous

### **RESOLUTION NO. 409-19**

Dr. Dennis offered the following resolution and moved its adoption, seconded by Mrs. Percy.

### **AUTHORIZE PAYMENT TO ACE AUTO**

WHEREAS, a claim was submitted for the repair of a vehicle that sustained overspray from striping;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is authorized to pay Ace Auto the amount of \$3,894.48 prior to audit; and be it further

RESOLVED, that a copy of this resolution be provided to the Treasurer.

VOTE: Unanimous

Workshop adjourned at 11:55 a.m.