

FINANCE/TAX REDUCTION/MANDATE RELIEF COMMITTEE

Tuesday, February 16, 2021 - 10:30 AM

Clerk's note - This meeting was held virtually.

Thomas Scozzafava, Chairperson
Noel Merrihew, Vice-Chairperson

Chairman Scozzafava called this Finance Meeting to order at 10:41 am with the following Supervisors virtually in attendance: Clayton Barber, Robin DeLoria, Archie Depo, Stephanie DeZalia, Shaun Gilliland (in person), Joseph Giordano, Charlie Harrington, Roy Holzer, Kenneth Hughes, Steve McNally, Jim Monty, Noel Merrihew, Jay Rand, Tom Scozzafava, Jeffrey Subra, Ike Tyler, Joe Pete Wilson and Davina Winemiller.

Department Heads present: Dan Palmer (in person), Judy Garrison, Dan Manning and David Wainwright. Joseph Provoncha was previously excused

Also virtually present: Sun News, Tim Rowland and Joe Keegan - NCCC.

SCOZZAFAVA: Okay, we'll move into Finance. First on the agenda, is our County Clerk, Joe Provoncha.

GARRISON: He called in and needs to be excused Tom.

SCOZZAFAVA: Okay. Auditor, Laura? Laura Carson on? Okay, we'll go to Real Property, Dave.

WAINWRIGHT: Good morning. I'm here. I don't have anything other than my budget and I just wanted to mention that our 2021 annual reports are done. We put them in everyone's boxes and I know that people aren't always coming in here to the county so if you want, if someone wants their report we can figure out a way to get it to them. Dina, down in Judy Garrison's office offered to mail them or we can mail them if anybody want to give us a call or Judy or Dina a call and we'll get them out to you.

SCOZZAFAVA: Just about everything on that report, with the exception of the charges, which is a very good report, I mean is that something that can be done electronically? Save you printing all those the reports and all that? I guess that's a question for Dan or Dan? Is it required Dan that we print them annually or is it something we can do electronically?

PALMER: I don't honestly know Tom but I know it would be a pretty massive electronic file.

SCOZZAFAVA: It would be?

WAINWRIGHT: Yeah, it would be a very large file but like you say Tom so much of it is available on the website, our website or the county's website it may be redundant for some people.

PALMER: I would think we just send them out to you Judy, maybe we would just get them out to them. Those books are so handy. There's almost everything that you can even think of in your

town, you can pull out, look at and it'll give you information so my recommendation would be to get them out there so you physically have them in your offices.

SCOZZAFAVA: So this report, just goes to the Board of Supervisors?

PALMER: That's correct.

GARRISON: We will mail them out.

SCOZZAFAVA: Okay, thank you. Anything else Dave?

WAINWRIGHT: Nothing from me, no.

SCOZZAFAVA: Any questions for Dave? Okay, thank you. Michael Diskin, Treasurer.

DISKIN: Laura is on if you want to go back to the Auditor? She must have been muted or something before.

CARSON: I had muted myself. Good morning.

SCOZZAFAVA: Good morning.

CARSON: I submitted my report. I don't have any additional comments. Does anybody have any questions for me?

SCOZZAFAVA: I guess not. Thank you.

CARSON: Thank you.

SCOZZAFAVA: Okay, Mr. Diskin.

DISKIN: Alright, it's the usual good information on sales tax you know where it's going. The first payment in February they took out the fiscally distressed hospital money to the tune of \$186,165.14. If they hadn't done that we would have had a positive not a lot, not a big positive but it would have been a \$3200.00 positive. So this is just the beginning of a lot of deductions that are going to happen this year. There's three more of these that are going to happen with the Fiscal '21-'22 budget for the State. There'll be three deductions I believe there's one in May, August and November those amounts are \$46,723, each time. There's going to be more of the AIM related money as we talked about before because we're going to add in all the towns that were no longer were previously paid directly by states so we're looking at three-quarters of a million or maybe \$850,000 sales tax being withheld from us this year, through these various schemes happening with the State. It's interesting with the AIM money, we're actually paying the states aid, the counties' actually paying the state aid they are calling it state aid with municipalities but actually counties are paying it. It's counties aid to municipalities really. Other than that, the sales tax it is what it is there we got a, we just got more in on Friday and I didn't include it in there because we just read it this morning. Sales tax was actually down another \$55,000, so we're about a quarter of million off so far this year in cash hopefully that'll bounce

back when things get a little better here but if the State keeps taking this money then we're going to continue seeing negatives like this.

SCOZZAFAVA: Any questions on sales tax? Okay, thank you.

DISKIN: Occupancy – I gave you a summary where we ended up with for the year. We broke over four million when you look at the cash that came in for the year. As I said previously it took us, the first year we got a little over a million dollars back in 2000, then it took us quite a few, it took us about 13 years to get to two-million, another six years to get to three-million and this year we jumped to four-million so money has gone up. The Visitor's Bureau is still getting 95% of it. The Visitors' Bureau as you may recall got some money upfront from us last year and it was supposed to be paid back in increments.

SCOZZAFAVA: I lost my audio, I can't hear.

DISKIN: Everyone else alright? They were supposed to pay back the \$250,000 increments starting next month and instead because they had such a good year with this money apparently they paid us all \$250,000 last week so we have all that money back rather than waiting for it over a six or eight-month period that they will pay it back. Other than that, occupancy is still coming in we're not seeing as many new ones, we were earlier in the year. We do get a few registrations each month but not like we were earlier this year.

Other than that, I just had my usual cash flow. You can see quickly that the cash flow is about a little over two-million down last years from what we spent verses what we took in.

SCOZZAFAVA: While Dan Manning is here I want to ask about the, Mike I know you sent something out and I know Robin inquired about it the charge back issue. I guess there was a lawsuit by a county or by a township against –

DISKIN: We call it the demo.

SCOZZAFAVA: What's that?

DISKIN: The demo you're talking about.

SCOZZAFAVA: Yes, in other words if you put something on their tax bill and they don't pay it or don't pay the tax is the county stuck with a warrant back to the town including that demo charge?

DISKIN: There was a recent Court of Appeals change in this and Dan probably can provide better legal information on it than I can but basically what happened there was some towns in Monroe County that sued Monroe County because the county stopped taking the demolition charges they were doing, treating them like what Essex County has been in saying they are not a tax, they could not be added to the tax bill because of re levy. Originally the State Supreme Court out in Monroe County agreed with the towns said that yes, you have to accept it. The county appealed to the and Dan, correct me if I'm wrong the Court of Appeals or the Appellate Division I should say and the Appellate Division reversed it and said the county is right it's not a tax. The towns turned around and went to the highest court in the state which is the Court of Appeals and it's been reversed again. Now the Court of Appeals is saying it is considered it can

be equal to a tax and it can be added to the bill and the county is liable for it, they can't charge it back to the town. Am I correct in everything I said Dan?

MANNING: You are. For years the opinions of the State Department of Taxation where it was not a tax and the only things that could be taxed on your taxes are collected were water, sewer, garbage any other districts that were actually what they call and define special assessments. This case kind of did some fancy footwork and said, well I really don't care what you call it we're going to put it on the tax. You can collect it through your taxes.

DISKIN: So now we're back to if you have a charge in your town or demolition for cleanup for anything like that apparently it's going to go on the bill as a special assessment. If it doesn't get paid by the taxpayer the county is on the hook for it until we sell the property. I don't know about retro, if we can go back on it?

SCOZZAFAVA: I've dealt with this situation in my town and I certainly am wearing my county hat, I wouldn't support it. I don't know if we even have the option of supporting it or not supporting it but this thing could grow so far out of hand.

MANNING: It's the law of the land now.

DISKIN: It's a law and it's not going to matter if we support it or not.

SCOZZAFAVA: So how do you set some kind of parameters? I mean you can hire a contractor; you get into an asbestos removal on a building that you're going to have to tear down you're going to be talking hundreds of thousands of dollars here that the county could be on the hook for.

DISKIN: That's correct.

SCOZZAFAVA: I mean, if it's the law of the land I guess this question will be for Dan Manning can we set some guidelines, parameters? I mean, just so you don't you know the community start sending bills in you know? You've got to have something here to control this.

MANNING: Yeah. It only relates to unsafe buildings, tearing down unsafe buildings. I think it's under Section 64, the town law.

SCOZZAFAVA: It is, yes.

MANNING: And if it's not paid when we make the town whole we can foreclose on the property of course but the property may not be worth what the back taxes are. As far as setting parameters I think we'll just have to all work together to ensure that everybody is fiscally responsible with how they tear down buildings.

SCOZZAFAVA: The issue isn't so much in the tearing down, it all comes back to the A word, asbestos. That's where all your costs lie right there.

MANNING: That's true. I mean, you all know that.

DELORIA: Tommy, it is but one thing that I have researched and I will look it up again is that if these buildings are condemned by the local code officer because these buildings cannot be entered safely, I believe that circumvents a lot of this asbestos removal because you simply can't get into to do that. So I would say, demolition occurs, the roof is in the basement.

SCOZZAFAVA: I wish that was the case but it certainly wasn't the case when we had to building on the Main Street in Moriah that we ended up leveling.

PALMER: What happens under an unsafe building, if you're unable to get into it to remove asbestos you have to treat the whole building as asbestos so that means you have to dispose of the whole building like it was hot as opposed to going in and pulling out a couple of stands of wire.

DISKIN: One of the things and I certainly wouldn't advocate this possibly but as you may realize, the county when they go to foreclose on a building, has the option of pulling these properties off the auction block by saying they are a detriment to the county and taking this in a foreclosure would be detrimental to the county we could just leave them on the tax roll well, that certainly doesn't solve any problems it just runs up additional tax bills that never get solved but the county, if this thing got out of hand the county could say we're not going to take this property because it's going to cost more to foreclose on it and it's a detriment to the county. I can see counties starting to do that in some areas.

SCOZZAFAVA: So, Dan Manning I guess the question would be it would have to be a condemnation by the community, in other words if I go over to John Doe's because somebody called and they got garbage, trash all over the yard, I send the highway over they pick it up is that a charge back on their property tax?

MANNING: That's garbage.

SCOZZAFAVA: Exactly, that's my point.

MANNING: Section 64, this case only relates to unsafe buildings.

SCOZZAFAVA: Okay, thank you.

MANNING: Now under the code, they can be violated under the code or you might have litter laws for garbage.

SCOZZAFAVA: That's what I was saying, we need a little more information before we get claims in. I mean, Mike asked a good question, is it retroactive? I know Joe took a building down in Ticonderoga.

MANNING: It's not retroactive, no.

SCOZZAFAVA: Okay, thank you.

DISKIN: Don't be surprised if a town doesn't come up with a way to use this court case to add unsightly properties and so on based on this court case. I wouldn't be surprised that at some

point it gets challenged in court as well.

MANNING: Yeah, but as I recollect Mike I haven't read it in maybe a month but I think if you look at Section 64, the town law, it explicitly says, tells you what you do on an unsafe building and at the very last paragraph there's about three lines that say, expenses thereof can be placed, assessed against the property in the same manner as a real property tax. That's what they hung their hat on, Section 64 and that language so I think it relates to only unsafe buildings but you're right, some smarty pants lawyer might figure something out.

DISKIN: That's all I have Tom unless you have something else?

SCOZZAFAVA: Okay Dan Palmer, County Manager. Yeah, the one thing I did have is I sent this morning and I don't know if it's too early or how it is but the committee did interview for the Director of Weights and Measures. The person we recommended was Daniel Woods and I did speak to him directly this weekend and he is willing to accept the appointment. He does have a start date of March 15th but truthfully we would have to have a resolution by March 1st. So I didn't know if you wanted to move that today or wait until Ways and Means or however it is the preference of the committee.

TYLER: I would be willing to move that today.

DEZALIA: I will second it.

RESOLUTION AUTHORIZING THE PROVISIONAL APPOINTMENT, SUBJECT TO CIVIL SERVICE TESTING, OF DANIEL J. WOODS AS ESSEX COUNTY WEIGHTS AND MEASURES DIRECTOR AND OCCUPANCY TAX COLLECTOR. Tyler, DeZalia

SCOZZAFAVA: Discussion?

PALMER: That would be hiring him as a provisional because this is a testable position although we would not, at this point, expect to see a test from the State for quite some time. The State has been, everybody seems to be working from home, we are not getting those kinds of tests very quickly so I would expect probably a year before we see a test. We, as a committee made him aware of that. He's willing to accept the appointment as a provisional and it would be for \$52,000 in county funds and \$23,000 ROOST funds because the second part of that position is the occupancy tax collection enforcement and that pays \$23,000, so the total would be for a salary of \$75,000.

SCOZZAFAVA: I haven't, I'll support it but I haven't seen anything on this at this point in time, you said you mailed it out this morning Dan?

PALMER: It was emailed this morning Tom.

SCOZZAFAVA: Okay, alright I'll support it through committee. Any further discussion? Being none, all in favor, opposed – carried.

PALMER: Then under discussion is Assembly Bill A4074 and I'm not really sure.

MANNING: Yeah, I was going to talk about that but I'm not ready yet.

SCOZZAFAVA: I have something that I did speak to Dan Palmer about briefly a couple times and I also talked to Allison McGahay who is the Commissioner for the Board of Elections one of the Commissioners and I also spoke to a couple supervisors and we absolutely feel that especially supervisors in the southern end of the county that we need an early polling place. I mean, no way people from Crown Point, Ticonderoga, Moriah, Schroon Lake, Minerva, Newcomb are going to drive up to North Elba to go vote. It's insanity and I know it wasn't a choice that the commissioners made on their own and something that they were mandated to do by New York State and we really feel that we do need a location in the southern end of the county. I spoke with Dan Manning on it; Lewis is one possibility where it has worked before but we also did you discuss it with Stephanie yet Dan?

PALMER: I did. Stephanie can speak to this but I did speak to Stephanie and I notified both commissioners but again, keep in mind that it still has to be a decision of the commissioners, a joint decision that they agree upon before the board can consider what to do with it. In terms of the funding, I did say that we would look at you know either contingency account or unexpended fund balance, whichever direction I think is appropriate probably contingency. But Steph, I'm not sure if they contacted you or not Steph?

DEZALIA: We haven't met yet but we are going to. I do think our location can handle it I just had a few, extra questions that I wanted answered from the Commissioners so we'll be talking soon on that and then hopefully we can get some more information back to the board on that.

GILLILLAND: Tom, it's Shaun. I did talk to Allison on it as well just a couple of things you know, you've got to go through very carefully on security and access particularly security things because whatever you know and I know Stephanie; commending her for standing up there but there is going to be a liability with it because the first thing you know if there's any breach of security whatsoever, then you're taking a look at the most, possible litigate stuff.

SCOZZAFAVA: How are they doing it in North Elba?

GILLILLAND: I'm not sure where they are yet in North Elba.

SCOZZAFAVA: Okay. I thought a town hall. They have a nice town hall there and I did speak, you're right Shaun some of those issues with Allison I just felt that – I don't have any place in Moriah. I don't think Joe has any place in Ticonderoga. You know the only other location would be probably in Lewis again but the point being is that we absolutely need a place down at this end of the county.

GILLILLAND: I agree with you.

SCOZZAFAVA: So, Stephanie we'll wait to hear back from you and your board at this point?

DEZALIA: Yeah, well I'm going to talk to the Board but also I need to get some answers from the Commissioners about like Shaun said the liability, the security, the weekend hours and the evening hours those types of things. Can my people here at their offices still conduct business

throughout the day in their offices that pretty much are opened right up to the meeting room so I had a few questions like that.

SCOZZAFAVA: Okay, thank you. Dan, is there anything else you want to add to any of this?

PALMER: No, like I say until Stephanie is comfortable and the Commissioners are comfortable then I think that's a decision for the board to allocated money at that point.

SCOZZAFAVA: Alright, thank you. Anything else Dan?

PALMER: No, that's all I had.

SCOZZAFAVA: Joe Keegan, North Country.

KEEGAN: Good morning Tom. Good morning everybody. Nice to see you all. I hop you're all doing well. I want to just give you a few updates on things that are going on at the college. We have begun classes. We started as the board will remember on February 1st and that was an effort to align our schedule with SUNY's request and not have a spring break. So that began a couple of weeks ago. We're in week three already. We're expecting to have our students that will be coming to campus will begin to roll in they were scheduled for today but the snow sort of circumvented we'll expect to see some later this week and then starting next week as well. It's been great to have students back on campus, gives us some hope that maybe by fall we'll begin to see some normalization of operations.

Later today we have a meeting with the Director of Public Health, Linda Beers as well as her counterpart in Franklin County about establishing a vaccination pod here at the Saranac Lake campus and we're really delighted to be able to help out there in any way we can.

You probably all saw the executive budget from the Governor's office that's now at the Assembly and the Senate. I can tell you that from a community college perspective we were pleased with the proposal. It's proposing a one-time 5% cut for this current, operational year but the 20% hold back from our operations stretching all the way back to the fourth quarter of last year will ameliorate that which is really helpful and then the proposal calls for restoring that 5% cut into the '21 – '22 year and I can tell you that you will all remember back in 2007-2008 when we had the great recession and we lost about 20-25% of our operating support from the state and it took a long time for that to come back. So if it holds that would be a really good thing for the college and for the students that we serve.

The executive budget also from the student perspective is looking to hold students harmless so that tap would be held certainly at current levels which would be very beneficial that's a tuition assistance program for students so there were a number of good things that came out of that.

SCOZZAFAVA: Okay is there anything further to come before this committee?

PALMER: I don't think Joe was actually done.

SCOZZAFAVA: Oh, I'm sorry.

KEEGAN: That's okay. I did want to share three other things with you. I don't think I shared this the last time we received a notice from the Federal Government that the Pell eligibility to

incarcerated individuals has now been restored to all incarcerated Federal and State facilities, individuals incarcerated in those facilities. It's not scheduled to take place until July of 2023. Our program which is a PILOT program you'll recall part of an experiment is we were told will continue until that transition is made and that's a good thing for the students in that program. It's a good thing for the college.

There was another item in the executive budget I just wanted to give you a heads up on in case you hear anything on it. It is a proposal for new programs that come forward within New York State. If they don't change your charter, you know sort of your master plan or they don't require a licensure for the SUNY schools for them not to have to go to State Ed to get registered. Currently if we decide to put a new program into place it literally takes years to get from the idea to the time that it makes its way through our internal processes through SUNY and then through State Ed this proposal is to stop those programs that don't require licensure or don't change our master plan to be able to end at SUNY which will cut the time for program registration significantly I think the average extension is about 200 days. So that would be you know a much quicker time for us to be able to respond with setting up programs.

And the last thing I wanted to share with you all and invite you to participate is that the college back in last March we stood up some free continuing education opportunities through Zoom there are lecture series and we just began the spring lecture series which has the first two started last Thursday they focused on the history of the colleges campuses the first one was in the Ticonderoga, it was a really wonderful account of that area, and its historical significance. Next month's is all focusing on environmental issues and then that will continue and do April. It's free. It would be another meeting on Zoom but we'd love for you or your constituents to participate if you're interested and that's it Tom.

SCOZZAFAVA: Okay, any questions for Joe? Okay, Mr. Chairman I have one question, when do you think we will be back into meetings in person?

GILLILLAND: I will work on that this week Tom and then try to come up with a plan.

SCOZZAFAVA: Okay, thank you. Anything further?

GILLILLAND: Yeah, I do have a couple of things if you don't mind. I have a meeting today I guess a phone call with the Governor to talk about vaccine distribution and at 3:00 we got another meeting with Larry Schwartz who is the Governor's appointed guru for vaccine distribution. You all may get blasted by your constituents you know, vaccine distribution and to put it kindly is not going as I think it should be planned. You have counties that are getting a lot more and that should not be neighboring counties. You know the grand plan is not working. We don't have distribution of pharmacies that they have in Albany or Rockland counties and things. I know we're all frustrated by the fact we're only getting dribs and drabs of 100 apiece and then the coordination between what comes in through the FGMC's like Hudson Headwaters and stuff, you know that will come at the same time we are doing pods in certain towns so I will report back and see if there's going to be any relief on this problem that's going on right now. We have been promised and we're going to get you know percentage increases to each of the local health departments and stuff we really haven't seen that yet, probably get an update today.

Then the other thing I would like to advance is I was wondering if I could get a resolution of condolence to the family of Otis Gay. Otis Gay is a life-long fireman for many decades and fire commissioner in the Town of Willsboro and Willsboro employee with the golf course and also is

the father of our Director of OFA, Krissy Leerkes.

TYLER: I will move that.

SCOZZAFAVA: Unanimous second, thank you.

RESOLUTION OF CONDOLENCE TO THE FAMILY OTIS W. GAY. Tyler, unanimous

SCOZZAFAVA: Okay anything further to come before this committee? If not, we stand adjourned.

As there was no further discussion to come before this Finance Committee it was adjourned at 11:11 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors