

MINUTES

FINANCE COMMITTEE

Tuesday, February 9, 2021 8:32 a.m.

Present: Supervisors Leonard and Verkey, County Administrator Rick House, Fiscal Assistance Ken Blake, Self-Insurance Specialist Brian Sams, County Attorney Dan Connors, via ZOOM: Supervisors Bender, Groat, Robusto, Jacobs, Eygnor and Miller, Information Technology Director Matt Ury, Auditor Kristen Scott, Real Property Tax Director Karen Ambroz and Treasurer Patrick Schmitt.

Minutes from the January 12th Committee meeting were approved as written.

The Committee addressed the following pass-thru transmittals:

--Authorization for the Chairman of the Board to sign a renewal contract between the Department of Aging and Youth and the Clyde United Methodist Church for \$3,900 for the provision of space for a Senior Congregate Meal Site. Approved 5-0.

--Authorization for the Chairman of the Board to sign a renewal contact between the Department of Aging and Youth and Legal Assistance of Western New York for the provision of legal services for senior citizens at a cost not to exceed \$20,000. Approved 5-0.

--Authorization for the Chairman of the Board to sign an agreement between the Nursing Home and KSL Diagnostics Inc. for the provision of laboratory services for the billing of COVID laboratory services. Approved 5-0.

--Authorization to amend Board Resolution No. 044-21 in relation to the contract between the Nursing Home and RetirementHome TV Corp. for the provision of cable television for a five-year period at a cost savings of \$6,600 annually. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract amendment between the Nursing Home and AEGIS Sciences Corp. for the provision of laboratory services and the billing of COVID testing. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract amendment between the Nursing Home and UnitedHealthcare to allow for an insurance reimbursement increase in the per-member per-month rate, and a per-diem rate for a public health emergency for Nursing Home residents. Approved 5-0.

--Authorization for the Public Health Department to accept a Performance Incentive Award of \$21,893. Approved 5-0.

--Authorization for the Public Health Department to pay the annual maintenance fee of \$5,995 to OCV, LLC for the Department's app. Approved 5-0.

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--Authorization for the Chairman of the Board to certify the 2021 Public Health State Aid application. Approved 5-0.

--Authorization for the Chairman of the Board to sign the Pre-K Program Statement of Administrative Costs Incurred Report to the State Education Department for the Public Health Department. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract between the Public Health Department Rochester Regional Health Systems Department of Pulmonary Medicine for the provision of medical consultation for the Tuberculosis Program. Approved 5-0.

--Authorization for Wayne County to request a State Municipal Home Rule regarding legislation to impose a five percent hotel, motel or seasonal rental occupancy tax for the County of Wayne. Mr. Robusto questioned the amount of revenue this tax is anticipated to bring into the County. Approved 5-0.

--Authorization to amend Board Resolution No. 521-20 regarding the renewal of a specific excess Employers Liability Insurance policy between the Human Resource Department and Eastern Shore Associates. Approved 5-0.

--Authorization for the Planning and Economic Development Department to submit a Community Development Block Grant application for \$50,000 for a comprehensive housing study. Approved 5-0.

--Authorization to approve the official undertaking of a Public Employees Fidelity Bond for the Genesee/Finger Lakes Regional Planning Council. Approved 5-0.

--Authorization to amend the Economic Development budget and place 2020 remaining Industrial Site Development funds totaling \$1 million into the 2021 budget. Approved 5-0.

--Authorization to extend the Community Development Block Grant sub recipient agreement between the Planning and Economic Development Department and the Wayne County Regional Land Bank. Approved 5-0.

--Authorization to set the date for a public hearing for the inclusion of land into a certified agricultural district. Approved 5-0.

--Authorization for the Chairman of the Board to sign State Environmental Protection Agency documents for the Planning and Economic Development Department that are necessary to implement Brownfield access agreements. Approved 5-0.

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--Authorization for the Chairman of the Board to sign a Community Development Block Grant Microenterprise Grant application for the Planning and Economic Development Office for up to \$200,000. Approved 5-0.

--Authorization to create and fill the position of Deputy Director of Weights and Measures and amend the 2021 budget. Approved 5-0.

--Authorization to amend the Soil and Water budget to appropriate year-end 2020 fund balances from the Source Water Protection Septic Replacement Program and offsetting grant reimbursement revenues totaling \$94,370 into the 2021 budget. Approved 5-0.

--Authorization to declare three vehicles and two rollers in the Public Works Department surplus and sell at public auction. Approved 5-0.

--Authorization for the Public Works Department to accept bids for highway construction and maintenance materials. Approved 5-0.

--Authorization for the Chairman of the Board to sign a renewal lease agreement between the Public Works Department and Congressman John Katko for space in the Public Safety Building. Mr. Robusto questioned if the one dollar a month fee falls within the County's policy for utilization of County space. Mr. House said he will have to review the issue with the County Attorney and Superintendent of Public Works. (After the meeting, contact was made with the County Attorney and Deputy Superintendent of Public Works; there is no policy on rent charges for County office space.) Mr. Groat questioned if Senator Helming and Congressman Katko could share one space so the office space currently used by Senator Helming's Rep. in the Court House could be utilized for County purposes. The Committee did not take a vote, requesting additional discussion on this at next week's Board meeting.

--Authorization for the Public Works Superintendent to reject bids for janitorial services at the Hall of Justice due to security concerns within the building. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract extension between the Public Works Department and ABM Janitorial Services Northeastern, Inc. for janitorial services at the Hall of Justice. Approved 5-0.

--Authorization for the Chairman of the Board to sign an agreement between the Public Works Department and Mentis Landscaping for the provision of lawn care at County parks for a price of \$26,500. Approved 5-0.

--Authorization for the Public Works Department to accept bids and award contracts for the 9 Pearl Street Renovation Project and amend the budget. Bids will be approved for the General Contractor for \$994,777, electrical contractor \$200,400, plumbing contractor \$78,000 and HVAC contractor \$843,124. Approved 5-0.

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--Authorization to allow the Superintendent of Public Works to approve and sign change orders up to \$10,000 on the 9 Pearl Street Building Renovation Project. The Public Works Chairperson and County Administrator will also need to approve these change orders. Approved 5-0.

--Authorization for the Chairman of the Board to sign an agreement between the Public Works Department and Watchdog Building Partners for construction management services in conjunction with the 9 Pearl Street Renovation Project for a price not to exceed \$155,000. Approved 5-0.

--Authorization for the Chairman of the Board to sign an amendment to the LaBella Associates agreement with the Public Works Department for construction administration services, air monitoring, project design issues and monitoring of abatement materials related to the 9 Pearl Street Renovation Project. The additional cost for these services is \$113,250. Approved 5-0.

--Authorization for the Public Defender's Office to pay the annual Public Defense Case Management Maintenance and Support Agreement of \$5,000. Approved 5-0.

--Authorization for the Sheriff's Office to purchase touchscreen software upgrades to the Black Creek Integrated Jail Management and Security System for a cost of \$50,495. Approved 5-0.

--Authorization to modify the Sheriff's 2021 budget to pay for new vehicles. Approved 5-0.

--Authorization for the Sheriff's Office to enter into an agreement with Oak Park Marina for free boat space rental during 2021. Approved 5-0.

--Authorization to amend the 2021 Sheriff's budget to carry over remaining 2018 Stonegarden Grant funds totaling \$30,217. Approved 5-0.

--Authorization to amend the 2021 Sheriff's budget to carry over remaining 2019 Stonegarden Grant funds totaling \$85,718. Approved 5-0.

--Authorization to amend the Sheriff's Office budget to carry over remaining 2020 State Law Enforcement Terrorism Prevention Program funds totaling \$42,488. Approved 5-0.

--Authorization to amend the Sheriff's budget to carry over remaining 2020 State Law Enforcement Terrorism Prevention Program funding in the amount of \$40,571. Approved 5-0.

The agenda included the monthly activities report for the Information Technology Department. During January W2's and 1099s were processed, 345 support tickets were received and 12 computers and four printers installed. Work on the new County telephone system continues, wiring occurred for the relocation of the District Attorney's Office and Lasherfiche document imaging has been setup on public computers in the County Clerk's Office. The phone system in the Social Services Building will be installed the weekend of February 20th. Staff is working on the relocation of the County Clerk's Office during the upcoming renovation project.

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The 2020 Annual Report for the Information Technology Office was received and filed, a copy e-mailed to Supervisors prior to the meeting. The Department is responsible for approximately 1,000 computers, 12 physical and 195 virtual servers, 2 data centers, 15 data closets and network security. A list of technical support services provided during the year were listed in the report, along with a list of activities that included, but were not limited to: receipt of 5,510 support tickets to the help desk, installed 221 pieces of computer hardware, upgraded 52 computers, installed all networking and hardware in renovated 16 William Street Offices, upgraded the County's e-mail system and printed, processed and mailed tax bills. The report included a list of projects planned for 2021.

Mr. Ury presented a transmittal requesting authorization for the Chairman of the Board to sign a renewal contract with Tyler Technologies for MUNIS financial software and for operating system and database administration support for \$261,276. Mrs. Bender noted her assessor likes the MUNIS system. Approved 5-0.

Ms. Scott updated the Committee on her activities since the last meeting. Staff audited 1,652 claims, denying seven, primarily due to expired contracts and altering 10 invoices prior to payment. The Department implemented a new method of documenting Purchasing Policy violations and is working with the Board of Elections on a recent violation of the Policy. Ms. Scott attended a virtual IRS meeting about new 1099 NEC forms; the County's 1099's were successfully submitted to the IRS prior to the January 31st deadline. The Department is in the process of reviewing a payroll issue with the Compliance Officer that may result in an audit of that Department. Upcoming projects were reviewed. Ms. Scott said she and the Purchasing Clerk will be holding a meeting with Department Heads and appropriate staff to review the County's Purchasing Policy. Mrs. Jacob requested Supervisors be included in this meeting.

The Annual Report for the Audit Department was received and filed and e-mailed to Supervisors prior to today's meeting. The Department audited and approved over \$57 million in claims for payment and completed internal audits on units in the Sheriff's Office, a Business Associate's Audit, bi-annual Risk Assessment Audit and an audit on County Department timesheets and payroll. The report included a list of activities within the Department and listed errors found during the bi-weekly audit process that resulted in unpaid claims. A list of anticipated projects for the coming year was included in the report.

Paul Schenk, his wife and son, came into the meeting to discuss paying owed taxes and penalties at 7098 Fisher Road in Williamson. Mr. Schenk reviewed many hardships endured by his family and their inability to pay the taxes. He stated he did not receive mailings that sent by the Treasurer's Office regarding the taxes. Mr. Schmitt prepared an activity timeline for this parcel that began in 2014 when a tax payment contract was entered into with the County to pay delinquent 2013 and 2014 taxes. The final payment on these taxes was made in November 2016. Certified letters were sent to the address in the fall of 2016; these tax enforcement letters were not claimed and returned to the Treasurer's Office. A contract to pay delinquent taxes for 2015

and 2016 was entered into. The down payment was received on this contract; however, no further payments were received. Mr. Schmitt stated non-payment of their property taxes placed them in default under the terms of the tax payment contract. The County sent letters regarding this default in both February and March of 2017. The timetable Mr. Schmitt presented detailed all activities regarding property taxes on the Fisher Road property through April 21st 2020 when letters were sent to Mr. Schenk and his son stating the property would go to auction as soon as the executive order is lifted from the COVID pandemic. Mr. Schenk stated this tax foreclosure case was in court before Judge Barrett who ruled in his favor. Mr. Connors stated the County filed for an appeal to the New York State 4th Department and both times the Court voted in favor of the County. The matter was then taken before the State Court of Appeals; that Court dismissed the appeal. Mr. Schenk said he expended over \$25,000 in court fees on this case. Mr. Schmitt reported over \$25,000 are owed in taxes on the property. Having an installment contract in place does not end the foreclosure process, if payments are not made foreclosure is recommended. Mr. Schenk questioned the true County loss in taxes. He was informed the County had to make other taxing entities whole during the years the Schenk's did not pay their taxes. Mr. Schenk's son is currently residing in the home.

Ms. Leonard stated the letter of the law was followed regarding tax enforcement notifications to the homeowner. She told the Schenk's not paying their taxes is the problem. Ms. Leonard stated the need for the Finance Committee to consider all details of this case Mr. Robusto noted this is an emotional time for the Schenk family; however, he believes established policies and procedures the County has in place to handle tax foreclosure properties have been followed. He did not want the County to set a precedent by accepting this late property tax payment. Mr. Schenk said he did not receive notification of the property going into foreclosure. Mr. Connors noted Mr. Schnek's son arranged for two installment payments for taxes, so was aware taxes on the property were owed. If this issue should be reviewed in executive session since, it is a matter of ongoing litigation was questioned.

After a lengthy discussion, Ms. Leonard made a request the Schenks review the timetable submitted by Mr. Schmitt and bring forth any questions they have regarding its accuracy to Ms. Leonard. The Finance Committee will hold a meeting in executives session immediately following the February 16th Board meeting to make a decision if a in full tax payment will be accepted on property at 7098 Fisher Road in Williamson.

Mr. Connors commented these property owners have not paid property taxes since June 2017. He does not think the County should be approving this late payment; noting there could be future legal challenges in doing so. The County followed the tax foreclosure law as it was written, while the Schenk family have shown an extreme lack of good faith.

Ms. Leonard thanked Mr. Schmitt for the time he put into developing a timetable of events for this case.

Mrs. Ambroz reviewed activities in her Department during January. The report included a list of meetings and events she and staff members took part in. The Department received and

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responded to several corrections of error and refund requests, received revised Agricultural Assessment, reported property transfer information and made updates to assessment rolls available for assessors. The report included many more activities within the Office during the month. Approximately 188 transfers of property occurred in January. Mrs. Ambroz noted the State is again talking about making changes to the STAR tax exemption.

The Annual Report for the Real Property Tax Office was received and filed. The report listed employees and County Assessors. The Towns of Galen and Rose successfully completed reassessment projects in 2020. The Towns of Butler, Galen, Huron and Rose have 100% equalization rates. Wayne County has over 293,000 acres of land in their Agricultural District, of this amount; 169,429 acres are receiving an Ag exemption. Staff reviewed Ag. Exemptions to make sure they are appropriate. The Office recorded over 2,600 transfers of property and over 2,700 properties during the year. The report included a list of services the Real Property Tax Department provides.

The following transmittals were presented for the Real Property Tax Office:

--Authorization to approve applications for corrected tax rolls in the Town of Arcadia. Approved 5-0.

--Authorization to approve a tax refund due to an error on the tax roll in the Town of Ontario. Approved 5-0.

Mr. Groat questioned the County's ability to collect taxes after certain dates. This will be looked into.

The monthly activities report for the Treasurer's Office was e-mail with the agenda. The Office will be changing their short-term investment strategies to try to take advantage of the best short-term rates. During January 10 new delinquent taxpayer contracts were written. County financial books will be closed on February 15th and external auditors will begin their audit of 2020 books in early March. As of last week there were 56 parcels facing foreclosure from 2018 taxes and 174 from 2019 taxes. The numbers continue to slowly reduce, but are still high. The Governor signed legislation that would allow municipalities to extend their tax collection deadline for 120 days. Each taxing jurisdiction would have to submit paperwork to do this. Mr. Schmitt said his Office would need to be contacted if this is going to be done in any municipality. He received notice from the State Court of Appeals that said they determined the County is liable to make Towns and Villages whole for the cost of demolition and property maintenance done and placed on tax bills. The County will obey with this order. However, Treasurer Schmitt asked that Towns and Villages collaborate with the County to address these issues and manage the cost; as this could become very expensive for the County and the County will not recover these cost via the foreclosure process.

Mr. House questioned anticipated revenue if the County's implements a five percent hotel, motel or seasonal rental occupancy tax. Mr. Schmitt said he believes the last time this issue was discussed by the County the amount was around \$100,000.

Mr. Schmitt reported 90% of the anticipated interest revenue in his 2020 budget was received. The State is discussing opening up some avenues for municipalities to invest in.

Mr. Schmitt presented a transmittal requesting authorization to restore 13 properties to non-exempt portions of the tax roll. It was determined these parcels should be reinstated so taxes can be collected on them. If property taxes are not paid on these properties, the County has the right to foreclose on them in two years. Approved 5-0.

Ms. Leonard questioned why municipalities are not notified when Land Bank projects are taking place in their townships. Mr. Humbert said all efforts are made to do this.

Self-Insurance Specialist, Brian Sams, presented a transmittal requesting authorization for the Chairman of the Board to sign renewal insurance policies with Eastern Shore Associates for property, general liability, inland marine, automobile liability, public official liability, law enforcement liability, catastrophic excess liability, cyber liability, healthcare general ability and healthcare professional ability for an annual premium of \$405,392. Representatives from both NYMIR and Eastern Shore attended the meeting via ZOOM to review the quote. The high increased cost in Health Care, Law Enforcement Liability, and Cyber Security were discussed at length. Renewal costs could be lowered if the deductible for Healthcare General Liability was increased from \$50,000 to \$100,000 the quote would be reduced \$20,096. If the coverage limit for Cyber Liability was increased from the existing \$250,000 to \$500,000 the increase in premium would be \$1,761, for \$750,000 limit \$2,369 and for \$1 million coverage limit an increase of \$3,919. A decision could be made at today's meeting on changing either or both of these options. Training programs offered through NYMIR, at no additional cost, were reviewed. Participation in some of these trainings could reduce premium costs. Mr. Sams presented graphs on where claims are occurring and a list of claims and their incurred value. Information Technology Director Matt Ury was asked to join the meeting to review an increase in deductible limits for cybersecurity. He noted many municipalities are increasing their deductible to \$1 million or \$2 million. Mr. Ury said the County has a multi-level cyber security system. Mr. House asked if the MUNIS financial program was vulnerable from an outside attack. Mr. Ury said a software program is in place that should keep attacks from occurring and secured firewalls. Cyber security audits are performed on a monthly and quarter basis to make certain the County's computer system is secure. Eastern Shore said they could obtain a quote with a \$2 million deductible for the Committee's review. The request was not voted on today; however, if resolved will come before the Board next week as Other Business or a Rule 14.

Ms. Sams presented pie charts reflecting the cost of Workers' Compensation to the County from 2016-2020. The largest number of comp. claims were from the County's healthcare workers. NYMIR said they could offer training modules to reduce the number of claims. The NYMIR

Representative in the meeting said he would participate in County claims review meetings if asked. NYMIR offers a great deal of trainings through their on-line University.

The Annual Report for the Wayne County Regional Land Bank Corporation was received and filed. During 2020, the Land Bank demolished one commercial property in the Town of Lyons, demolished six residential properties throughout the County, demolished a combined residential/commercial property in the Village of Sodus Point and began an abatement project on a residential structure in the Town of Lyons. A property in the Town of Wolcott was sold with the buyer being responsible to demolish the structure, a property in the Town of Sodus was sold with the owner responsible for the demolition and clean-up of the property and a property in the Town of Sodus was sold with the buyer responsible to renovate the property. A purchase offer was accepted for a vacant lot in the Town of Palmyra and a purchase offer was accepted on a residential property in the Village of Sodus. The Land Bank secured additional grant funding from the Office of the State Attorney General. The Land Bank worked with the Town of Lyons for emergency demolition of a building, and purchased the former Sodus Hotel in the Village of Sodus from bankruptcy, the structure will be demolished. There were several other projects the Land Bank participated in and plans to be involved in during 2021.

Mr. Humbert noted the demolition of Land Bank owned property on Broad Street in Lyons occurring today.

In other business, Mr. Miller said he would be naming members to a sub-committee that would be requested to review the County's sales tax distribution as related to the amount given to school districts.

The meeting adjourned at 11:05 a.m. The next meeting of the Finance Committee is scheduled for Tuesday, February 16th following the Board meeting.