

MINUTES

FINANCE COMMITTEE

Wednesday, June 13, 2023 9:00 a.m.

Present: Supervisors Leonard, Bender, Groat, Robusto, VanLaeken, Johnson and Eygnor, County Administrator Rick House, Fiscal Assistant Brian Sams, Auditor Kristen Scott, Information Technology Director Matt Ury, Purchasing Director Chris O'Connor, Real Property Tax Director Karen Ambroz, Land Bank Director Mark Humbert, Land Bank Deputy Director Kaleigh Flynn, Treasurer Patrick Schmitt and Deputy Treasurer Megan Fralick.

Minutes from the May 9th Committee meeting were approved as written.

The Committee was updated on Land Bank activities:

- Staff have been involved with discussions with the Land Bank Association and Wayne County officials regarding the Tyler v. Herrepin case that stated excess funds from tax foreclosure sales violates the taking clause of the 5th Amendment which blocks the government from taking private property without just compensation. Mr. Humbert voiced concern with the lack of guidance provided with the legislation. Most recently, the County gave these surplus tax auction funds to the local Land Bank for work they do in the County to improve housing stock. How this loss of revenue will affect Wayne County with their upcoming tax foreclosure sale later this month was discussed. Mr. Humbert noted each municipality handles their tax foreclosure process a little differently. All 25 Land Banks in the State participate with their municipalities in the transfer of property through their tax foreclosure process. This year's profits from the County's tax foreclosure sale will not be appropriated to the Land Bank.
- Grant funds the Land Bank has been awarded were discussed. Land Bank Revenue is being generated after properties are demolished and the land sold, or homes rehabilitated, sold, and placed back on the tax roll. The Land Bank received NYS Land Bank Grant funding to be used for administrative costs for the next three years. The Office continues to seek grant funding for projects. Mr. Humbert is optimistic the State will continue to appreciate Land Bank efforts and provide funding for their efforts across the State to continue to deal with derelict, blighted and abandoned properties.
- Environmental Protection Act funding of \$800,000 was received by the Land Bank to deal with environmental issues in the Canal/Geneva Street neighborhood in Lyons. The Land Bank also received \$1 million in NYS Land Bank Initiative funding to assist with the acquisition and demolition of several vacant Canal/Geneva Street properties and their proposed demolition. The Town of Lyons received millions of dollars to support efforts to remove blight, reinvigorate downtown and generate economic opportunity in the Canal/Geneva Street area. Mr. Humbert noted some properties are in such poor condition they can only be demolished.
- The Village of Clyde received \$200,000 through a Restore NY Grant program to allow for an overhaul of a building located at 17 Columbia Street. They are also submitting a NY Forward grant to deal with downtown properties.

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The following transmittals were referred to the Finance Committee:

--Authorization for the Chairman of the Board to sign an affiliation agreement between the Department of Social Services and State University of New York at Plattsburg for a student intern. Approved 5-0.

--Authorization for the Commissioner of Social Services and the Director of Aging and Youth to sign an agreement on behalf of the County for area school districts to participate in the Families and Communities Together Program for a cost of \$40,000. Approved 5-0.

--Authorization to approve a three-month extension of the contract between the Department of Social Services and Catholic Charities of the Finger Lakes for the provision of early crisis intervention services. Approved 5-0.

--Authorization for the Chairman of the Board to sign an application for the Department of Social Services with the United States Food and Drug Administration for the provision of SNAP (food stamp) funding to make process and technology improvements. Approved 5-0.

--Authorization for the Chairman of the Board to sign an amendment to Board Resolution No. 247-23 to allow the Department of Social Services to rent booth space at the County Fair. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract between the Department of Aging and Youth and Wayne County Action Program for the provision of paying mileage reimbursement for drivers in the Retired Senior Volunteer Program for a cost not to exceed \$11,581. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract between the Department of Aging and Youth and Sodus Bay Junior Sailing Association, Inc. for the provision of youth sports development programming for a cost of \$13,685. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract amendment between the Mental Health Department and Delphi Rise for the provision of mental hygiene services for a cost not to exceed \$125,000. Approved 5-0.

--Authorization for the Director of Community Services to apply to the Department of Health and Human Services/Substance Abuse and Mental Health Services Administration for a Community Behavioral Health Clinic Expansion Grant. Approved 5-0.

--Authorization for the Mental Health Department to contract with Catholic Family Center for the provision of mental hygiene services for a cost of \$792,285. Approved 5-0.

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--Authorization for the Chairman of the Board to sign an affiliation agreement between the Public Health Department and the University of Phoenix to allow a Public Health employee to pursue a Bachelor's Degree from the online college. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract between the Public Health Department and Wayne-Finger Lakes BOCES for the provision of transportation services to children enrolled in Early Intervention or Pre-K Programs. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract between the Public Health Department and Lisa Stone to provide related services to the Preschool Children with Handicapping Conditions Program. Approved 5-0.

--Authorization to create and fill the position of full-time Public Health Program Coordinator and abolish the vacant position of full-time Public Health Educator and amend the Public Health Department budget. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract between the Public Health Department and Oswego CITI BOCES for the provision of vision therapy services for children enrolled in the Physically Handicapping Conditions Program. Approved 5-0.

--Authorization to abolish one vacant Early Intervention Services Coordinator position in the Public Health Department and, create and fill one Public Health Program Coordinator position, and amend the budget. Approved 5-0.

--Authorization to approve out of title pay of \$672 bi-weekly to the Assistant Director of Nursing at the Wayne County Nursing Home for performing the tasks and functions of the Director of Nursing while that position was vacant. Approved 5-0.

--Authorization for the Wayne County Nursing Home to purchase Medicare claim interface software at a price of \$4,940 to assist with Medicare claim submission. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract between the Nursing Home and Ultramobile Imaging Inc. for mobile diagnostic services. Approved 5-0.

--Authorization to transfer \$317,705 from the County Reserve Fund into the Board of Elections budget for the purchase of 28 voting machines. Approved 5-0.

--Authorization for the Board of Elections to purchase electronic poll books. Approved 5-0.

--Authorization to set a date for a Public Hearing on a local law in relation to the publication of local laws by the County. Approved 5-0.

--Authorization to appoint Jane Milem as Wayne County Historian. Approved 5-0.

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--Authorization for the Chairman of the Board to sign an agreement between the County Clerk's Office and Community Development Solutions for digital enhancements to expand and enhance the existing laserfische document management software system in the County Clerk's Office. Approved 5-0.

--Authorization for the Chairman of the Board to sign a Smart Growth Community Planning and Zoning grant application for the Economic Development/Planning Department for \$100,000. Approved 5-0.

--Authorization to award Requests for Proposals for the former Butler Prison Site Market Study to MRB Group for a cost of \$67,000. Approved 5-0.

--Authorization for the Chairman of the Board to sign two project amendments between the Public Works Department and Trane US in relation to the Hall of Justice HVAC Replacement Project. Approved 5-0.

--Authorization for the Chairman of the Board to sign a proposal between the Public Works Department and Trane US for installation of ductwork reheat coils in a section of the Highway Building on Route 31 in Lyons for a cost of \$11,470. Approved 5-0.

--Authorization for the Chairman of the Board to sign a supplemental agreement between the Public Works Department and Bergmann Associates for detailed design and construction documents for the County's Highway Patrol Barn located in Savannah for a price of \$108,500. Approved 5-0.

--Authorization to declare two vehicles and various equipment surplus in the Public Works Department and dispose of through auction. Approved 5-0.

--Authorization for Wayne County to collaborate with the Genesee Transportation Council as a co-applicant on a Safe Streets and Roads for All Grant. Approved 5-0.

--Authorization to amend the County Roads budget for receipt of \$5.8 million in CHIPs funding. Approved 5-0.

--Authorization to create projects in the Highway Department totaling \$735,000. Approved 5-0.

--Authorization to amend Board Resolution No. 147-23 in relation to the Sheriff's Office utilizing the remaining balance of a 2019 State Law Enforcement Terrorism Prevention Program grant. Approved 5-0.

--Authorization to create six part-time Deputy Sheriff Road Patrol positions in the Sheriff's Office. Approved 5-0.

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--Authorization for the Chairman of the Board to sign an agreement between the Sheriff's Office and Wayne Finger Lakes BOCES for one 12-month Deputy Sheriff School Resource Officer for a total cost of \$102,347. Approved 5-0.

--Authorization for the Chairman of the Board to sign an agreement between the Sheriff's Office and Wayne Central School District for two Deputy Sheriff School Resource Officers for the entire 2023-24 school year at a cost of \$204,694. Approved 5-0.

--Authorization to create the new position of Sergeant at the Sheriff's Department and pay the \$60,787 cost with 2022 Domestic Terrorism Prevention Program grant funding and amend the Sheriff's budget. Approved 5-0.

--Authorization for the Public Defender's Office to accept a New York State Office of Indigent Legal Services Grant in the amount \$317,250. Approved 5-0.

--Authorization to fill the position of full-time Assistance District Attorney and set the salary at \$92,196. Approved 5-0.

--Authorization to create the position of part-time Assistant District Attorney and set the salary at \$52,701. Approved 5-0.

--Authorization for the Chairman of the Board to sign a renewal contract between the District Attorney's Office and Thompson Reuters for access to Westlaw Legal Research Services for a price of \$20,359. Approved 5-0.

--Authorization to release and award the purchase of two ambulances for Wayne County EMS for a cost not to exceed \$450,000. Approved 5-0.

--Authorization for the Chairman of the Board to sign an agreement between the Emergency Management Services Department and FoamFrat to continue use of the EMS Education Learning Management System. Approved 5-0.

--Authorization for the Emergency Management Services Department to issue request for quotes for professional services to upgrade the WebEOC Crisis Information Management Software System. Approved 5-0.

The monthly activities report for the Information Technology Department was included with the agenda. Work continues on American Rescue Plan Act (ARPA) funded projects. The grant-funded Wi-Fi Access Points Program is underway, as is the installation of new computers in many County Departments and upgrade of medical records software at Wayne Behavioral Health Network. The Department received 626 support tickets during May. Mr. Ury reported a staff member visited all 37 polling sites in the County for verification of internet capability. The Department will continue to work with the Board of Elections to make the new electronic polling book system

successful for upcoming fall elections. Mr. Groat questioned where the information in computerized election equipment is kept; Mr. Ury said it is stored in the cloud. He will know more about the new system once a vendor is selected.

Mr. Ury is working with the Human Resource to have positions in his Department properly titled. Over the years, some titles have become outdated and the tasks and functions of position need to have the correct title. He will review potential changes with this Committee once a determination of changes is made.

The IT Department is looking into a shared services project with the State regarding enhanced cyber security. Mr. Ury noted the high demands of the State and Federal Governments for computer security.

The Mental Health Department asked if internet service can be made available in the Health Services building for clients. Mr. Ury noted residents of the County's Nursing Home have access to the internet; this was accomplished through a contractor. He recommended, if internet services is approved in the Health Services Building for non-County employees, it be done through the same contractor.

Ms. Scott reviewed work performed in the Audit Office during May. Staff audited 1,693 invoices, denying payment on 13. The total dollar value of the audits was over \$5.2 million. The Audit and Contract Specialist is assisting the new Internal Audit Clerk learn his job. The role of the new Audit and Contract Specialist, concerning the County's contract process, was reviewed with the County Attorney. Ms. Scott said she met with the County Administrator and County Attorney regarding increased assigned counsel attorney rates. External auditors are on-site this week and next; she thanked Mr. Schmitt and staff for generating necessary reports for the auditors. Ms. Scott said she is working with the Nursing Home and County Attorney on making changes to a contract for many services used at the Facility that would be financially advantageous.

Mr. O'Connor informed the Committee he issued 45 purchase orders during May for a total cost of \$697,675. He created 62 vendor accounts, modified 240 vendor records, and released three request for proposals and one competitive bid.

Mr. O'Connor presented a transmittal requesting authorization for the Chairman of the Board to sign an agreement with International Data Base Corp BidNet for bid/RfP evaluation software and amend the budget to pay \$10,818 for this three-year contract. He stated the use of BidNet has increased vendor outreach, resulting in greater competition and more bids and proposals to review. The module requested allows for bids and proposals to be automatically pulled into the evaluation module, provides them to evaluators without additional steps, provide a secure process for ranking vendor proposals, which, will provide for a cleaner audit trail. Mr. O'Connor said the vendor's demo of the program was impressive. Approved 5-0.

Mr. O'Connor informed Supervisors he recently reviewed the MUNIS self-service function. This would allow vendors of the County to access and updated their information within the MUNIS

system, to request reimbursement of expenses, update banking information and change their 1099 status, if needed. It is a convenient and secure way for vendors to manage their information online. He also investigated the MUNIS punch-out feature that could simplify the County e-procurement process, such as purchases through Amazon. It would supply vendor catalogs and allow for purchases from their website. The purchaser can add items to their shopping basket and check out the same way other e-commerce sites do. The system should improve accuracy and efficiency in purchases. Account Clerks would still be involved in the purchasing process; this would simplify the work they have to do in relation to purchasing. Mr. O'Connor would like to see the County slowly implement this MUNIS feature.

The monthly activities report for the Real Property Tax Office was distributed with the agenda. Board of Assessment Review (BAR) training occurred on-site with 21 attendees; copies of certificates earned by participants were sent electronically to the State. Ms. Ambroz asked Supervisors whose BAR is lacking members, to start looking for replacements. Grievance Day for most municipalities was held on May 23rd; there were very few issues, as only the Town of Rose went through a re-val this year. Work the Real Property Tax Department did to assist villages with their tax files was reviewed. Municipalities selected different services from ABS in regarding to printing and mailing their tax bills. The Department assist with 187 property transfers on 208 properties during the month.

Ms. Ambroz presented a transmittal requesting authorization for the County to hold a public auction for the sale of real property acquired by the County for delinquent taxes and amend the date to complete the purchase of contracts and addendums. The Committee was informed there are currently 21 parcels on the County's tax foreclosure list. The auction will again be held on line, with registration and preview of properties from June 1st-22nd. The terms and conditions updated in the purchase contract were reviewed. Approved 5-0.

Mr. Schmitt informed Supervisors Deputy Treasurer, Katie Cahoon, will be retiring; she has been training staff to perform her Office functions for the past several months.

Mr. Schmitt updated the Committee on the following:

- Tyler v. Herrepin: The case, regarding the government seizure of property for unpaid taxes when the value of the property seized is greater than the tax debt, was heard in United State Supreme Court. The Court stated the surplus value of property through a tax foreclosure sale, under the 5th Amendment, could not be taken from the property owner. Wayne County has always retained the funds received in excess of taxes when properties were sold through the tax foreclosure auction, most recently giving those fund to the County's Land Bank for work they do in the County to improve housing stock. This will not occur this year.
- Mr. Schmitt reported the County wrote-off approximately \$295,402 in taxes this year.
- Year-end reporting is underway; new staff are being trained on how to complete these reports. The external auditors have been made aware of one report that will be filed late.
- Staff are spending a great deal of time cleaning-up balance sheets in many funds.

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- During May, the County earned \$231,034 in interest. This makes total interest earnings for 2023 over \$1.5 million.

Mr. Schmitt presented the following transmittals:

--Authorization to approve tax enforcement fees for 2024, 2025 and 2026. Mr. Schmitt said the amount charged in the past was \$150; however, the County is now not allowed to keep profits from the tax sale, they will need to charge more realistic fees for their services. The new fee is \$350 a year. Approved 5-0.

--Authorization to rescind Board Resolution No. 343-18 that allowed the County to transfer profits from their annual property tax foreclosure auction to the Land Bank to address derelict properties. This action is being taken so the Treasurer's Office complies with current tax foreclosure rules. Approved 5-0.

Mr. Schmitt discussed the upcoming tax foreclosure sale.

Mr. Schmitt is sending a letter to schools, towns and villages regarding their responsibility to reconcile paid and unpaid tax reports at the end of their collection time. The County has reconciled paid and unpaid taxes in the past; however, it is the responsibility of the collector to do so. Each taxing unit will be responsible for providing duplicate receipts to taxpayers for taxes paid to the local collector, as the County will no longer be maintaining this information.

Mr. Sams presented the following transmittals:

--Authorization to adopt the 2024-2028 Wayne County Capital Plan. Department Heads and Standing Committees have reviewed projects/expenditures within the Plan. Approved 5-0.

--Authorization to amend the budget to allocate Court Security contract increases. The \$22,020 will come from the County's contingent fund. Supervisors were informed a three-year contract was made with this Union. Approved 5-0.

--Authorization to amend Board Resolution No. 256-23 regarding the adoption of the mortgage tax report and distribution of payments to town and villages. Mr. Sams questioned numbers on the request. The matter was placed on the table until later in the meeting when the numbers were confirmed and vote taken. Approved 5-0.

Mr. Sams informed Supervisors he anticipates County sales tax income to reach \$45 million by the end of this year. This not only benefits the County, but towns and villages as well. It was noted school districts receive \$5.4 million of County sales tax receipts annually. Currently they receive their appropriation in two payments; if this could be changed to one payment once sales tax revenue for the current year is received will be looked into.

Mr. Schmitt noted the County's request to the State for a sales tax extension and implementation of a hotel/motel tax passed through both the Assembly and Senate and are waiting for the Governor signature.

Mr. House noted a great deal of time was spent discussing asylum seekers at the recent NYSAC meeting he attended. The NYSAC Board has taken a stand against the State withholding Federal Medicaid funds; the lawsuit against the State accuses them of withholding funds from counties illegally. At this time, Wayne County is owed \$4 million from the State for Federal funds they have not received.

Wayne County OTB Representative, Ken Lauderdale, came before the Committee to request consideration of a letter he received from the former Vice Chairman of the OTB Board of Directors asking Wayne County to participate in a legal action against recent changes implemented through the State budget that affected termination of all OTB Board membership. Many terminated members have since been re-appointed to the OTB Board. The majority of OTB Board members would like to have an attorney hired to investigate the changes as a violation of the 1974 founding agreements, and if warranted, file an injunction against those changes made to the OTB Board regarding the weighted vote system, as they believe it is unconstitutional. Mr. Lauderdale stated the recent change in the weighted vote formula for OTB Board members, substantially diminished most members influence. Voting on the Board is now proportional to the population of each municipality represented; this allows the Cities of Rochester and Buffalo and the Counties of Monroe and Erie to dictate every action the Board takes, as they control the overwhelming sum of the weighted vote.

Mr. Groat questioned if the change in OTB Board voting will affect revenue Wayne County receives from OTB. Mr. Lauderdale said there is no action at this time to change it; however, he does not know what action the new Board may take. County Attorney Dan Connors said he received a telephone call from the Genesee County OTB Representative asking the County to consider being involved in this legal action with a \$5,000 contribution. Mr. Connors was waiting for a follow-up call from the individual to provide lawsuit details and what the funding would be used for. Mr. Lauderdale said he is in the process of obtaining original legislation that established OTB and its member counties to see how Board membership should be considered. He will also contact other member counties requesting additional information be supplied to Wayne County regarding the lawsuit.

Mr. Groat made a motion the Committee enter into executive session to discuss personnel/litigation matters at 10:30 a.m. with Mr. House, Sheriff Milby and Mr. Connors present, Mr. VanLaeken second. The meeting adjourned at 11:03 a.m. The next meeting of the Finance Committee is scheduled for Tuesday, July 11th at 9:00 a.m.