

**ALLEGANY COUNTY BOARD OF LEGISLATORS
COMMITTEE OF THE WHOLE**

February 12, 2018

CALL TO ORDER: The meeting was called to order at 9:09 a.m. by Chairman Curtis W. Crandall

LEGISLATORS PRESENT: Chairman C. Crandall, G. Barnes, J. Burdick (10:30a.m.), W. Dibble, K. Graves, B. Harris, S. Havey, D. Healy (10:25 a.m.), J. Hopkins, J. Ricci, P. Stockin (Absent: P. Curran, D. Decker, D. Fanton, D. Root)

OTHERS PRESENT: T. Boyde, H.B. Budinger, J. Budinger, J.R. Carter, P. DiCola, L. Edwards, E. Farah, P. Fogarty, M. Hennessy, B. Kelley, B. Riehle

DEPARTMENTAL PRESENTATIONS AND TOURS:

Real Property Tax Department

Real Property Tax Director Joseph Budinger stated that his department was created in 1970 when the New York Real Property Tax Law (NYRPTL), as amended by Chapter 15, added Article 15A which required each county (except the five New York boroughs) to maintain a Real Property Tax Service Agency. The Real Property Tax Director is appointed by the Board of Legislators to a six-year term, and Mr. Budinger indicated that he was first appointed in June 2013. Mr. Budinger indicated that in addition to becoming certified, he has to take a minimum of 12 continuing education credits per year. The services provided by the Real Property Tax Service Agency include:

1. Maintain tax maps that may also serve as base maps for GIS
2. Provide advisory appraisals of moderately complex properties to the local assessor
3. Explaining the effects of proposed NYS Real Property Tax legislation
4. Providing education and advice to localities regarding local option exemptions
5. Explaining the effects of Equalization Rates
6. Processing applications for corrected tax billings
7. Providing assistance to the general public regarding Real Property matters.
8. Serving as the clearing house for the collection and distribution of assessment information
9. Performing tax levy apportionment for various tax levying bodies
10. Calculating various tax rates
11. Developing procedures associated with the preparation and maintenance of assessment rolls
12. Training members of the Board of Assessment Review
13. Assisting the NYS Board of Real Property Services with the training of local assessors
14. Printing assessment rolls, tax rolls and tax bills

Mr. Budinger indicated that they process about 2,000 deeds per year, and they print approximately 100,000 tax bills every year. Although they are the clearinghouse for

assessment information, they do not do assessments. That is a town function, and our RPT office provides support to each of the 29 towns' assessors. Legislator Karl Graves asked about County-wide assessing. Mr. Budinger stated that there are currently 9 assessors for the 29 towns. We would have to have a contract with each town that they could opt in or out of at any time. Mr. Budinger stated he believes it might be more expensive if the County did it. It currently costs about \$7/parcel, and it would probably go up to \$12/parcel if it was County-wide, but there would be some efficiencies on the other end. A few counties have county-wide assessing, and it has also come up in shared services conversations. Legislator Brooke Harris questioned why the cost would go up if the County was performing the assessing, and Mr. Budinger stated that in addition to counting legacy costs and benefits, our assessors do not charge a lot compared to some counties. There was a brief conversation regarding capping state land assessments, and Mr. Budinger indicated that the proposal is to cap it at 2 percent.

Human Resources Office

Personnel Officer Harold "Bobby" Budinger stated that he was appointed as Personnel Officer in August of 2012. In addition to the Personnel Officer position, Mr. Budinger indicated that there is a Human Resources Specialist and two Human Resource Assistants in his office. They carry out human resources duties for the County, and they also act as the County Civil Service Agency and oversee all classified employees working for any school or municipality. They maintain personnel and health records for all current and former employees, and Mr. Budinger indicated that they typically process about 100 new employees per year. Overseeing the health insurance program is one of their biggest and most involved roles, and we currently have 1,287 members and dependents. Mr. Budinger noted that a change in our Third Party Administrator to Independent Health is expected to save the County approximately \$350,000 per year. Although the Human Resources Office doesn't have a lot of revenues, they did oversee the Retiree Drug Subsidy (RDS) Program which reimbursed the County over \$55,000 for qualified retiree prescription drug costs last year. They are involved in contract negotiations, and the cycle will start again with the Deputy Sheriff's contract which expires at the end of the year. Mr. Budinger stated that on the Civil Service side of things, his office is responsible for the administration of civil service law to 2,177 classified employees in county government, 29 towns, 10 villages, 12 school districts, and the Soil & Water Conservation District. They reviewed 275 civil service applications, and administered 171 examinations to eligible applicants. They also maintain roster cards for 2,200 employees, many of which are town and school district employees.

Public Defender

Public Defender Barbara Kelley stated that she received her law degree from SUNY Buffalo in 1985, was admitted to practice in 1986, and has 32 years of experience. Attorney Kelley introduced her staff and provided a summary of their educational experience and qualifications as follows:

First Assistant Public Defender Patricia Fogarty received her law degree from Catholic University of America in 1974, was admitted to practice in 1975, and has 43 years of experience.

Second Assistant Public Defender J.R. Santana Carter received his law degree from the Florida Coastal School of Law in 2007, was admitted to practice in 2008, and has 10 years of experience.

Third Assistant Public Defender Paul DiCola received his law degree from the University of Buffalo in 2013, was admitted to practice in 2014, and has four years of experience.

Fourth Assistant Public Defender Elias A. Farah received his law degree from the University of Buffalo in 2015, was admitted to practice in 2017, and has one year of experience.

Attorney Kelley stated that they have been working in very cramped quarters, and they are excited about moving into their new offices on the third floor. Legislator Karl Graves brought up the subject of electronic home monitoring, noting that he believes that the inmate population is artificially held high when we could use home monitoring. Legislator Graves asked if the individuals are such a threat that we need to keep them in custody. Ms. Kelley indicated that in order for someone to participate with the electronic home monitoring, they used to have to have a landline, and the defendants also had to pay to use the service. Although keeping them in custody is more expensive for us, that cost doesn't get passed onto the defendant. Attorney Kelly did agree that the home monitoring could be used more. Attorney Kelly stated that it does appear that we are getting more appearance tickets which reduces the jail population. Legislator Graves asked if having so many town justices is an issue, and Ms. Kelley stated that it can be difficult for her office. Centralized arraignments would be preferable; and although there is a lot of resistance, it may be coming down the road. Legislator Brooke Harris asked Public Defender Kelley to explain the process that is followed when someone is arrested in the middle of the night and how eligibility for representation is determined. Attorney Kelley explained that County Dispatch usually contacts her, and they are very good about providing an estimated timeframe of when an attorney will be needed. The defendant is present, and the judge and attorney usually arrive at the same time. Eligibility requirements are not made at the same time. Occasionally someone will say that they do not want our services. The defendant is eligible to have representation by an attorney initially even if they do not end up qualifying for a Public Defender. The standards for qualification are very generous at 250 percent of the poverty level. Legislator Harris asked if someone can ever be placed in jail without representation and gave the example of a defendant being intoxicated, and Attorney Kelley commented that everyone is entitled to representation. Legislator Graves said that they once talked about having a central booking area, and the concept was to leave the defendant at a central area, rather than waking attorneys up, etc. Public Defender Kelley stated that would have been her preference, noting that some counties do have a central arraignment area and do arraignments at specified times. Ms. Kelly stated that her biggest objections to the current process are that it leads to burnout and it's difficult to fill the positions and find people that are willing to be called out at all hours. Legislator Graves commented that when this issue was initially talked about, the Sheriff's Office was very opposed, and they said they would have to hire more employees if they became a central booking area. Legislator Gary Barnes asked how many cases are drug related, and Public Defender Kelley indicated that a pretty high percentage of general cases are drug related, and family court is over 50 percent. Although alcohol is the number one drug, they are starting to see a lot of opioid issues.

Veterans' Service Agency

Veterans' Service Agency Director Michael Hennessy stated that he is appointed annually and has been in the position for six years. The other employee in the office is Assistant Director Pamela Fanton. Several years ago they changed the employment criteria, and all employees in the Veterans' Service Agency must now be veterans. Mr. Hennessy indicated that both his and Ms. Fanton's accreditation are with the American Legion which is considered the highest level you can get. They are required to go to Syracuse every other year and pass a three-hour exam to remain accredited. Mr. Hennessy stated that he assists with a lot of service connection claims. If a veteran was hurt in the service, Mr. Hennessy collects and submits the paperwork in an effort to try to get services for the veterans. He acts as an intermediary between the VA and the veterans, and he spends a lot of time on VA insurance issues. They not only assist the veterans, but they also work with widows, family members, and advocates. Some additional services they offer or assist with include pension benefits, home loans, property tax exemptions, insurance claims, educational benefits, survivor benefits, burial markers, ordering military medals, etc. Mr. Hennessy talked about file management, noting that they just reviewed their WW II files, and found that they had over 750 files for people that were either not living in Allegany County, or they were deceased so those files were closed and sent to cold storage. They also found a file box of Civil War veterans. Although they are trying to operate in the 21st Century, they are still behind VA standards. Mr. Hennessy asserted that they should be moving away from so much paper and operating more electronically, and they need to be able to process things directly with the VA electronically. They are going to need money to buy equipment to scan files. Mr. Hennessy stated that he is keeping his eye on 4,200 veterans, and he is working with 500 widows. In Allegany County, the VA paid out over \$34 million in 2016, and Mr. Hennessy assisted with \$18 million of that. Mr. Hennessy belongs to five veteran organizations where he is either a commander, trustee, or advisor. In addition, he took training at the Hart House so he can offer reassurance to dying veterans. Mr. Hennessy stated that he has not requested an increase to his \$100,000 budget, they continue to work hard and maintain the line, and many things they do are at no expense to the County. Mr. Hennessy stated that he is currently taking a correspondence course that the American Legion is financing. After completion of the course, Mr. Hennessy will be authorized to get in the VA system and look at notations and monitor their claims. Once he is able to get into the system, it will be much easier for Mr. Hennessy to monitor and assist veterans. Mr. Hennessy indicated that he also sometimes goes out to nursing homes and makes home visits to assist veterans. Legislator Gary Barnes asked what makes a veteran eligible to use the VA hospital. Mr. Hennessy indicated that there are eight categories or tiers to enroll in the VA health. If a Veteran's injuries are 100 percent service connected, the VA covers it at 100 percent. Purple Heart recipients also receive free care, but after that, coverage is based on income. If a veteran has other resources or independent insurance available to them, Mr. Hennessy suggested that they might want to exhaust those sources first.

STOP-DWI/Youth Bureau

STOP-DWI Program Coordinator and Youth Bureau Director Linda Edwards has held these positions for nine years, and she has been working for the County for over 33 years. Mrs. Edward indicated that 2/3 of her time is spent on the Youth Bureau and 1/3 is spent on the STOP-DWI Program. The Youth Bureau has a budget of \$89,709 for 2018 and anticipates receiving \$7,000 in revenue from the state. Ms. Edward indicated that they also receive money from the Office of Children and Family Services (OCFS) for a variety of programs that they help support. Funding has been drastically reduced over the years. In 1998, we received almost \$200,000 from the state, and last year we received about \$51,000. Mrs. Edwards indicated that they do everything they can to get the most out of that money. Mrs. Edwards talked about how they do a Resource Allocation Plan (RAP) every year, and we have a contract with each agency that we give money to. Mrs. Edwards stated that the Youth Bureau dinner is a big piece of what they do, and it is primarily to thank the Youth Board for what they do. They also take this opportunity to honor a youth. Mrs. Edwards talked about the selection process of picking a youth to honor, and noted that giving back to the community is one area that weighs heavily on their decision. The STOP-DWI Program was founded by the state in 1981. Mrs. Edwards indicated that the program has been supported by fines collected, and with fine collections down significantly, they have had to make some major changes to their budget. Mrs. Edwards stated that the program is all encompassing and includes enforcement, education, rehabilitation, etc. Mrs. Edwards described the impact panel, noting that it includes a fireman or EMT, police officer, and a victim or family member. Mrs. Edwards stated that they hold a TOP COP dinner every year to recognize those officers that made the most DWI arrests as well as those that help with the impact panels. Mrs. Edwards mentioned different programs and projects they are involved in including the Amy Stock trailer, decorating a Christmas tree in memory of lives lost to DWI, etc. Mrs. Edwards ended by saying that a crash that occurred due to a DWI is not an accident, people make a choice to drink and drive.

ADJOURNMENT:

There being no further business to come before the committee, the meeting was adjourned at approximately 10:00 a.m. to attend the Tobacco 21 presentation at the Crossroads Center.

Respectfully submitted,

Brenda Rigby Riehle, Clerk of the Board
Allegany County Board of Legislators