

Minutes

Audit & Control Committee

August 16, 2018, 8:35 a.m., Room 331

Gerace Office Building, Mayville, NY

Members Present: Chagnon, Nazzaro, Muldowney, Niebel, Gould

Others: Tampio, Ames, Crow, Gustafson, Lis, Gerace, Cresanti, Caflisch, Abdella, Dennison, Martello, Wendel, Bobseine, Garrasi, Potter, Kneer, Gregory, Geise, Barmore

Chairman Chagnon called the meeting to order at 8:35 a.m.

Approval of Minutes (7/19/18)

MOVED by Legislator Nazzaro, SECONDED by Legislator Niebel

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time

Proposed Resolution- Authorizing the Sale of Property Adjacent To County Road 18
In North Harmony, New York

Mr. Abdella: Mr. Spanos did speak to this at Public Facilities, but he was unable to be here this morning. This involves a piece of property that the County had acquired back in 2000 to address some site line distance issues. Those were addressed. I think it involved taking down trees or buildings and they have now decided that they only need to retain a certain portion of the property and would prefer to go ahead and convey that remainder back to an adjoining property owner. That would put it back on the tax rolls and allow them to no longer have to maintain it.

Chairman Chagnon: OK. Questions? Comments? Steve, I have a curiosity question. In the third “whereas,” the last sentence indicates that this is permitted when a frontage immediately in front of their premises on a new highway right away when completed. So, looking at the tax map, this parcel that is in question is really at the corner of the property and

nowhere near the house on the property. I don't know if that is limiting or if that language is truly applicable in this case. The house is way down here.

Mr. Abdella: OK, I guess it is giving them additional frontage. It's not their exclusive frontage but it is giving them additional frontage at the corner on the two county roads. I think it is still accurate.

Chairman Chagnon: I was thinking about this and trying to imagine a situation where this would not be- if we are considering this to be appropriate, I'm trying to think of a situation where it would not be appropriate according to the County law.

Mr. Abdella: Yeah, I think you still can convey property under other authority, but I think the drafters thought that section 125 was applicable so it was referenced in the resolution. I think it is, to the extent that it does add frontage on the two county roads.

Chairman Chagnon: But if a municipality is giving up part of a property that they have acquired adjacent to the road, when would it ever not be frontage immediately in front of their premises?

Mr. Abdella: I'm not sure. I think that was probably- that statute deals more with situations where the realignment of the road ends up land locking in some respect, that adjoining landowner.

Chairman Chagnon: Oh, OK.

Mr. Abdella: That is probably its primary intent.

Chairman Chagnon: Thank you. Any other questions or comments on the proposed resolution? All those in favor please say aye. Opposed?

Unanimously Carried

Proposed Resolution- Authorizing the Sale of Curtis Street Residential Property Owned by
JCC

Mr. Martello: A little while ago we had brought this before you to approve the sale of the property. At that time, we were only expecting to sell eight acres. Now, we are looking to sell 37 acres and we do have an offer to sell the property so we would like you to approve the sale of the property with 37 acres.

Chairman Chagnon: OK. Questions? Comments? I know that the assessed value- the full market value on this property is \$368,000 with all 50 acres.

Mr. Martello: Yeah, we received two appraisals and they came in between \$340,000 and \$360,000 or so with the acreage. However, when we put it out on the market at \$340,000 we virtually got no offers. There was very little interest. Our realtor recommended that we lower the

price so we did lower the price to \$319,000 and we received an offer for \$285,000. The realtor did provide us with a market analysis and with that particular analysis the average was around \$285,000. We think that we are in the right ballpark. The appraisals were done about a year or so ago and they may have taken some things into consideration that the market wasn't ready to pay for.

Chairman Chagnon: Well, I'm not an assessor or a realtor, but I know that I am in the company of a couple of those individuals. What struck me was that the price of \$285,000 is 18% below the assessed value for the property.

Legislator Niebel: Pierre, I guess my question would be, when you first put it on the market was it on for three months, six months-

Mr. Martello: Probably about four months.

Legislator Niebel: About four months and you had no offers?

Mr. Martello: Correct. We had no offers. As a matter of fact, when we put it out at \$319,000 the first offer we got was \$250,000 and we rejected that.

Legislator Niebel: Verbal offer?

Mr. Martello: No, it was in writing.

Legislator Niebel: OK.

Mr. Martello: We got it for \$250,000 and we rejected that offer and then we put it back out there and we received a few other offers and the best offer that we had was \$285,000 with 37 acres.

Legislator Niebel: And the second time you had it out there, how long was it before you had an offer?

Mr. Martello: It wasn't-

Legislator Niebel: Three or four months?

Mr. Martello: It might not have even been that long. Once we lowered the price we started to see more activity going on.

Legislator Niebel: Pierre, I guess the assessed evaluation was based on the total of 50 acres-

Chairman Chagnon: The amount that I just referenced- the 18% below assessed value is for the 37.5 acres that are proposed to be sold with the house.

Legislator Niebel: OK, but I think the assessment was on the total 50 acres.

Chairman Chagnon: Yes.

Legislator Niebel: So, the 37 is a little less than 50- I don't think that is entirely out of line, I think that is reasonable.

Legislator Muldowney: I do too.

Chairman Chagnon: Well, thank you for those professional comments. Any other questions or comments on the proposed resolution? All those in favor please say aye. Opposed?

Unanimously Carried

Proposed Resolution- Amend Chautauqua County Purchasing Policy

Chairman Chagnon: I would like to note that we have an amended resolution on the table this morning and has been amended twice. Once amended to add the names of the employees with purchasing authority and the second amendment is from the Administrative Services and Olivia will explain that to the Committee.

Ms. Ames. Yes, under "2. Credit Card Usage," the last sentence in the last paragraph has been changed. They struck out "or view," and then also, "available on the Chautauqua County Intranet."

Chairman Chagnon: OK, thank you. That is the second amendment to the proposed resolution. Is everybody straight with that? Steve?

Mr. Abdella: Yes, Mr. Chairman. The purchasing policy is called for it to be reviewed on a periodic basis. This is in part, leading up to that requirement including the updating of the names of authorized purchasers. There are some other amendments in here that pertain to a few topics. One is a couple of amendments to improve the purchasing climate, if you will, for local vendors. There are provisions that allow in certain circumstances, local vendors if they are within 10% of the proposal of an out of county vendor to be able to match that price and potentially obtain the work. Also, there is a provision that provides that in the event of tie bids that the County would be authorized to award the contract to a local vendor over a non-local vendor. In addition to that, there are provisions relating to limitations on firms putting in proposals when they have been involved in drafting or reviewing RFP's prior to the (*inaudible.*) If a firm is retained by the County to help draft an RFP that firm would not be able to make a proposal in that circumstance. In addition, a violation provision is added to just make it clear that failure to adhere to the policy can create a situation where employees might be subject to discipline or other penalties or referral to the ethics board. It is just to make clear the seriousness of the policy and conformance to it. I think Kitty has a couple minor items to discuss.

Ms. Crow: Well, really just the paragraph that was amended to require the annual purchasing training. We offer that now two times during the year and multiple days each time.

We are also able to utilize our financial system so we can keep track of who is up to date in the training.

Chairman Chagnon: OK, thank you. Questions? Comments? Steve, with regards to the added paragraph giving preference to local suppliers- my understanding, which may help clarify for the committee, is that many of our purchases are grouped into commodities. For example, hand tools would be grouped into a commodity and bid as a commodity. So shovels, hammers, screwdrivers would all be bid as one big package. If one of the departments needed a shovel, they couldn't go to a local supplier and buy a shovel based on this preference that has been added to the purchasing policy. Is that correct?

Mr. Abdella: Yes. That is generally going to be the case in a number of instances. State Competitive Bidding Law has certain thresholds. In the case of goods or commodities, that would be \$20,000. However, the courts and the state comptroller interpret that threshold as applying to broad categories of items. So, it's not that are you buying \$20,000 worth of hammers this year, it's that we have to bid it out in groups of related items. That might be in a hardware bid where office supplies would be another category bid where in most cases we do exceed as County the \$20,000 threshold.

Chairman Chagnon: Per year.

Mr. Abdella: Yes, per year. In those instances it is based on the amount of purchases within a fiscal year, in our case a calendar year. Those, we end up being required to bid pursuant to State Competitive Bidding Law which does not allow for a local preference. The language in here refers to procurement's between \$5,000 and \$35,000 which are procurement's where they may not be subject to competitive bidding depending on the nature of the service or the goods being purchased. It's \$35,000 when you are actually doing a project- a small construction project. This is tying to where we can capture the possibility of a local preference when we are not otherwise subject to State Competitive Bidding Law. You're right, in many cases we are subject to it.

Chairman Chagnon: Right. The majority of our purchases are under commodity contracts.

Mr. Abdella: Most likely, yes. This would pertain more to what might be unusual items when you are talking about goods. When you are talking about services there may be more applicability here.

Chairman Chagnon: Thank you for that. Are there any other questions or comments on the proposed resolution? All those in favor please say aye. Opposed?

Unanimously Carried

Proposed Resolution- Authorize Transfer of Tax Foreclosure Property in the Town of Ellicott

Mr. Geise: Good morning. This resolution authorizes the transfer of a .6 acre site in the town of Ellicott, 173 Jackson Street, to a limited liability corporation affiliated with the Chautauqua Region Economic Development Corporation. This property has been vacant for many years. It's not only an eyesore but it is also a safety issue. The County has been out there and has had to board it up. It is in very bad shape. Regal Services- Regal trucking is the neighbor and they are interested in the site. It needs to be demolished. We want to transfer the property over to this limited liability corporation, which has already been formed. It is called Chautauqua Property Holdings LLC. This limited liability corporation could facilitate the demolition and transfer ultimately this property to Regal. If there are any proceeds from that property that go beyond the cost of the demo, the proceeds will return back to the County if it exceeds the amount of that (*inaudible*) on the property.

Mr. Abdella: I'll say that this property has been a concern of us for many years. We did insert the provision about the proceeds of sale just in case there was a (*inaudible*) but the realities are that the costs of the remediation are going to be significant. We are just hopeful to be able to strike a deal with a neighboring property owner that will get the building demolished and take care of it once and for all.

Legislator Muldowney: Who will do the clean up?

Mr. Abdella: It will be the neighboring property owner working with the LLC that is being formed with the assistance of CREDC.

Mr. Geise: We don't think that there are any environmental issues. It was a furniture manufacturing facility. There was never any kind of- as far as we know any us of chemicals or petroleum or anything like that.

Legislator Niebel: You did do a phase one?

Mr. Abdella: It is in the process of being done.

Legislator Gould: The LLC is just being formed so we have no history on them?

Mr. Geise: Correct. It is going to be an affiliate of CREDC. We formed it for this purpose.

Chairman Chagnon: Any questions or comments?

Legislator Muldowney: Once you sell it will the LLC go away?

Mr. Geise: No, because the idea is that we may have other properties like this in the future. Originally, the thought was maybe to create- we could have called it 173 Jackson Street LLC, but then if we had other instances in the future where we wanted to try to do this- this is kind of a pilot, if you will and we could use the LLC for those purposes.

Chairman Chagnon: Other questions or comments? Steve, this may be a question for Jim, but I noticed on the country records that this property was acquired by the County in 2009 for \$71,000. How did we come about acquiring this?

Mr. Abdella: That was through tax foreclosure and it did go to auction at one point and there was a buyer who bid on it but then withdrew once they more closely saw the condition of the property. It has been unable to be sold since that time.

Chairman Chagnon: Why did the County acquire it?

Mr. Abdella: It took a tax deed at that point. I think that was right about the time period where we started not taking tax deeds immediately until a purchaser was identified. That was a case where a tax deed was taken.

Chairman Chagnon: OK. If there is no expectation of environmental issues with the property, what have we been doing with it for the last nine years?

Mr. Abdella: Looking wherever possible for any potential developer to take it but there has been none until recently with the adjoining property owner.

Chairman Chagnon: So, we were actively trying to market it?

Mr. Abdella: To the extent that was possible. It was not a very marketable building

Chairman Wendel: If I could, I travel that route all the time. The building is a large brick structure and the fire service was wondering if and when someone was going to light it on fire and since then the roof has collapsed. The structure has been in disrepair for a long time.

Mr. Geise: I should also mention that it's the gateway to the new Harbor Hotel.

Chairman Chagnon: Please don't misconstrue my questions. I applaud the initiative here to do this. As PJ points out, this is not just an eyesore, but it's a liability to the County. I applaud the approach to deal with this; I was just questioning how we got to this point. Any other questions or comments? All those in favor of the proposed resolution please say aye. Opposed?

Unanimously Carried

Proposed Resolution- Authorizing Contract for 2019 Administration of Chautauqua County
Self-Insurance Plan (Workers' Compensation)

Chairman Chagnon: I would like to point out to the committee that an amended proposed resolution has been placed on the table for you this morning.

Ms. Crow: This resolution and another one are both related to the workers comp plan rates for 2019. One resolution is to establish the administrative cost. The plan in the other one is the participant assessments per municipality.

Chairman Chagnon: So, we are just dealing at this point with the contract for the administration of the workers comp and the amendment has changed the amount? Could you explain that, please?

Ms. Crow: The administrative fees are- when I originally calculated them, I had included the administrative cost plus the actuarial cost and then applied a percentage. I should not have included- the actuarial costs have not been included in the charge out to the municipalities in the past and that inflated the increase which Legislator Chagnon had questioned. When I looked at that I realized it included the actuarial fees so I took that out and recalculated. The revised amount is \$172,020.00.

Chairman Chagnon: That amounts to a 5% increase for 2018.

Ms. Crow: Correct. Last year, just as a side note, there was a larger increase but the administrative costs are mainly for the wages and benefits of the staff in the insurance office and just the general costs of the office.

Chairman Chagnon: Questions or comments? All those in favor please say aye. Opposed?

Unanimously Carried

Discussion- County Clerk Budget Transfer- Larry Barmore

Proposed Resolution- Quit Claim Deeds

Mr. Abdella: Mr. Chairman, there are some individuals who are here who intended to speak during privilege of the floor relating to this resolution. It's relating to three parcels that I've informed the Legislature about. They were delayed down in security, but I know they would still like the opportunity to speak. I suggest it would be at this point, as a privilege of the floor item.

Chairman Chagnon: OK. Steve, just to be clear, the three parcels in question are not on the proposed resolution that is in front of the Committee at this point?

Mr. Abdella: That's correct. They were considered at Administrative Services to potentially be amended onto the resolution. An amendment was proposed but did not pass. It was a two-two vote, so those properties are not at this point on the resolution.

Chairman Chagnon: Alright, thank you. Those people that would like to address the committee at this point please come forward. Please introduce yourself for the record.

Mr. Bobseine: Mr. Chairman, my name is James Bobseine and I am an attorney at Phillips Lytle. I am speaking today on behalf of Mr. Garrasi who is sitting beside me.

Mr. Garrasi: Good morning.

Mr. Bobseine: Thank you for giving us the opportunity to speak. As Steve mentioned, we were somewhat delayed at security and I apologize for missing the original privilege of the floor. As was mentioned though, the parcels that we would like to discuss briefly are not actually included in the resolution as it currently stands. They have been twice considered at the Administrative Services Committee. Back in July the resolution was tabled as it was determined to understanding that further investigation was needed before making a conclusion- a recommendation with respect to the parcels. In August, just on Monday, the parcels were considered again and the Administrative Services Committee was not able to reach a definitive resolution. There were four members there that day and it was a two-two split. I want to address primarily two issues. The first relates to procedure and the second relates to finances. Just so that you understand where we are coming from, I don't know the extent to which you have been briefed on the subject- I do just want to provide a bit of background if that would be acceptable.

Chairman Chagnon: Sure.

Mr. Bobseine: So, Mr. Garrasi is the owner several parcels that were included in the June 16th tax auction and Mr. Garrasi- so first, just to set the stage a little bit, the County as you know has thousands of properties and it is their responsibility to assess the property value of those properties and then collect taxes associated with those.

Chairman Chagnon: If I could- we should move this along because this may or may not come into consideration today. This may have to come back to us in the future.

Mr. Bobseine: Sure. I don't want to belabor the point and feel free to step in with any questions. Mr. Garrasi's concern, and my concern, relates to a visit that Mr. Garrasi made to the Real Property Tax Office on May 29th. That is 17 or 18 days before the tax auction took place. Mr. Garrasi, at that time had learned the day before because of the placement on one of his properties of a notice of its inclusion in tax foreclosure sale, that his properties were in arrears as far as the property taxes and that they would be up for auction. He learned the day before on May 28th. Now, Mr. Garrasi came down to the Real Property Tax Office on May 29th and presented himself, without any paperwork, but with his last name and-

Mr. Garrasi: And identification.

Mr. Bobseine: And identification- and gave that identification to an employee of the Real Property Tax Office and then that individual indicated to him that the property taxes- that his properties could be looked up by his last name and whether or not back taxes were owed on any of his properties could be determined based upon the information that he provided to the County employee. Mr. Garrasi asked several times for confirmation that other than the property on which a sign had been placed- he asked if any other property that he owned according to the County's records were associated with taxes that had not been paid. Mr. Garrasi was again repeatedly informed that no, there were no other issues related to back taxes. Mr. Garrasi left the County office building, went to a bank in Westfield, obtained a check to pay for the back taxes that he been informed he owed in the amount that the County employee had told him were owed, and then he paid those taxes. So, the issue that we have- what I have described at this point relates to the procedure. The fact is that Mr. Garrasi did exactly what I believe we would expect any

reasonable tax payer to do on that day, which was to show up prior to the tax sale of his properties and present himself with the ability and the desire to pay his back taxes on that property. To the extent that a clerical error was made, the burden should not fall on the taxpayer given what is at stake here. The point that I was going to go on and on about earlier relates to what is at stake here and the- that it's a valuable property that Mr. Garrasi has owned since 1994, but I don't want to dwell on that but there is something very deeply important to Mr. Garrasi and his family at stake here. What we are focused on is the procedure here because the mailings that Mr. Caflisch's Office sends to tax payers in this County, the thousands of tax payers in this County, ask those taxpayers to come to the Real Property Tax Office with the address that we all know and attempt to pay their taxes. That is what Mr. Garrasi did. Now, the other issue- to the extent- the other issue here is relating to finances. Mr. Garrasi- It is my understanding that to the extent that this Committee and your fellow Legislators would accept- would give Mr. Garrasi the opportunity to pay the back taxes that he understands he owes on these properties. The County would actually come out ahead in finances as compared to the money that was bid on the property. That is not even taking into consideration the time and the effort and the financial resources that will be expended if this goes further- if the County attempts to issue the Quit Claim Deed with respect to the property owner who made the bid. Those are the two points that I wanted to make- the procedure and the finances and I understand that the Administrative Services Committee is the home committee, but I wanted to take this opportunity to speak to you gentleman because this is what I feel is an important issue. Now, if you have any questions at all, we are here. Obviously the factual details of what happened on May 29th are very important so please just feel free to ask us any questions that you have.

Chairman Chagnon: Any questions from the Committee?

Legislator Niebel: Yes, I have a few. Mr. Bobseine, you claim that Mr. Garrasi asked if there were other properties that he owed taxes on.

Mr. Bobseine: That's right.

Legislator Niebel: OK. I read the minutes from the Administrative Services Committee for July. It does appear in there that he asked about the other properties that he owned at least twice before he went down to Westfield to the bank to get a certified check to pay for his taxes.

Mr. Garrasi: Yes.

Legislator Niebel: After you came back Mr. Garrasi, after you paid you again at least once asked again if you owed anything else?

Mr. Garrasi: That is correct, sir.

Legislator Niebel: Jim, as long as you're here, let's hear from the County. You mentioned that he had only one requisition letter with him and it only mentioned one property- the property on Maytum Road. Do you- to the best of your knowledge, did he ask if he owed taxes on any other properties?

Mr. Caflisch: According to my staff, Mr. Garrasi came to our office unannounced, he had one reacquisition letter with him-

Legislator Niebel: I understand-

Mr. Caflisch: He presented that letter because our staff member knew from that letter to get the file on that property. Mr. Garrasi then asked about another property he owned on Maytum road. That was looked up and there were delinquent taxes on that property. It was not in foreclosure. At that point, Mr. Garrasi was told that he had to have a certified check to reacquire the property that was in foreclosure. He didn't have one with him-

Legislator Niebel: That's when he went to Westfield to get the certified check?

Mr. Caflisch: Those were the only two properties that Mr. Garrasi asked about while he was in the office.

Legislator Niebel: OK. Specifically, but did he ask if there were any other properties that he owed back taxes on because that seems to be the essence of the problem here. He is claiming that he did ask that.

Mr. Caflisch: My staff says no.

Legislator Niebel: Your staff says no?

Mr. Caflisch: Because if he had, we would have done more to pull the other files. Everything is numeric based. It's not our intent to withhold any property from being reacquired-

Legislator Niebel: Yeah, but Jim, my question is when your staff- look, I'm not placing blame on anybody but when the staff looked up his back taxes on the one property that he had the reacquisition letter for-

Mr. Garrasi: If I could, sir-

Legislator Niebel: No, just a second. When your staff looked that up and the Maytum road property, wouldn't they have seen the other three properties that he owns?

Mr. Caflisch: There were other Garrasi properties in the lookup. Now, if they would have- when a lookup comes up you may have a hundred properties, you might have ten properties-

Legislator Niebel: Jim, we are not talking about somebody with the last name of Smith or Carlson, we are talking about the last name Garrasi. How many Garrasi's are there?

Mr. Caflisch: In the lookup, I think there were eight or ten parcels. There were some in the name of Bernard Garrasi and there were some in the name of Bernard II Garrasi. Mr. Garrasi

had identified himself previously as Bernard the 2nd. So, whether the staff was confused at that point or didn't look at the very end- but he only asked about two properties.

Legislator Niebel: I understand that-

Mr. Caflisch: There could be other Garrasi's in the County. We are a numeric based system. Had Mr. Garrasi presented more of the letters or more information and asked if he had any other properties in foreclosure-

Legislator Niebel: OK. Jim, I understand that. When you look up the back taxes do you- what do you look up? Do you go under the County GIS?

Mr. Caflisch: No. It's a tax program. You can look it up two ways. You can look it up by parcel number-

Legislator Niebel: The section- (*Crosstalk.*)

Mr. Caflisch: It's a PID. It's the swiss plus the SPI which is PID. Or you can do an alpha search and alpha will bring up anything that- letters that are in it. If you spell-

Legislator Niebel: OK, I just- a few days ago I went to the County GIS, I typed in his name, Garrasi, and seven parcels came up- five for a Bernard Garrasi and two for a Bernard Garrasi II.

Mr. Caflisch: Right.

Legislator Niebel: Two of the parcels we took care of. One was Maytum Road and one was this other parcel that was delinquent and he paid it. When somebody looked it up and especially when you have a guy that comes in and he has just seen a foreclosure notice on his property, he is distraught, he's really concerned about his back taxes- I'm just asking, why wouldn't we have clicked on one of these other properties just to see if those were delinquent?

Mr. Caflisch: Mr. Garrasi asked specifically about two properties-

Legislator Niebel: I understand that.

Mr. Caflisch: We have a lot of people that come in who have multiple properties-

Legislator Niebel: Like Mr. Garrasi, who owns five properties?

Mr. Caflisch: We have people that come in with 15 or 20-

Legislator Niebel: Well, we are just talking about Mr. Garrasi.

Mr. Caflisch: Correct, but what people do is typically they will pick and choose which properties that they are going to let go for taxes. We don't get into a lot of cross discussion. If Mr. Garrasi had been more plain the day he came in and asked about other properties he owned-

Legislator Niebel: He did-

Mr. Caflisch: He did not-

Legislator Niebel: According to the minutes from Administrative Services, he asked if he owed any other-

Mr. Caflisch: That is Mr. Garrasi's take on this. My staff is very certain that he never asked. He asked about two parcels and that was it.

Legislator Niebel: OK. Mr. Chairman, Mr. Abdella is here, could I ask him a question?

Chairman Chagnon: Steve, would you come forward please?

Legislator Niebel: Steve, you are involved with this?

Mr. Abdella: Yes.

Legislator Niebel: When you talked with the staff from the Tax Department did they say that Mr. Garrasi had only asked about the two properties? Did you- I mean you talked to them, did they say anything about him asking about these other properties owing back taxes?

Mr. Abdella: What has been reported to us, as Jim is saying-

Legislator Niebel: I'm not asking about what he is reporting to you. Did you talk to the people in the Tax Department?

Mr. Abdella: Mr. Gustafson spoke with them directly.

Legislator Niebel: And he- well he is here. Kurt? Your take on it?

Mr. Gustafson: Yes, Mr. Niebel: I asked Becky Cady to review the minutes of the first time that we got together and Becky went through and annotated those minutes. What she did at my request, was to go through and compare what was listed in the minutes to her recollection of her interaction with Mr. Garrasi and his girlfriend-

Legislator Niebel: What her recollection was compared to the Administrative Service Minutes?

Mr. Gustafson: Yes, last month's minutes.

Legislator Niebel: For July?

Mr. Gustafson: Correct. There are two different stories.

Legislator Niebel: Her story corroborates with what Jim just said?

Mr. Gustafson: Yes, sir.

Legislator Niebel: So we have two differences in opinion as to what transpired at the office, I guess.

Mr. Bobseine: From our perspective, one quick point is that what Mr. Caflisch has noted and the notes that you are referring to reflect that Mr. Garrasi brought a reacquisition letter and- I will just state to you that Mr. Garrasi handed me four- he did not at that time- it is my understanding, have those reacquisition letters in his presence. When I did take possession of them all four reacquisition letters were sealed and had not been opened. So, unless the SBL number is stated on the cover of the letter what the County is relying on is simply not true. Now, as to the question about the facts, if there are two contradicting stories- again, we are not suggesting that there is any malign intent by the County employee we are just suggesting that you have a very credible tax payer that has demonstrated an ability and a desire to pay his taxes since 1994 and then you have a County employee saying something different. Well, as a lawyer I say that is a factual dispute that if it comes to it, we can discuss it in a different forum, but we would like to do it in an administrative forum.

Legislator Nazzaro: What was the reason the four letters- why weren't they brought in at one time?

Legislator Niebel: And why weren't they opened?

Legislator Nazzaro: That's where I'm confused on this issue.

Mr. Bobseine: That's a fair question.

Mr. Garrasi: I guess I'm the best one to hit this one-

Mr. Bobseine: I can speak to it briefly and then if you have any issues- so, my understanding is that Mr. Garrasi's partner Chris who is here today, is generally as a lot of families do divide and conquer the responsibilities. I'm no good at math so my wife handles the things that incorporate those skills and Mr. Garrasi and his partner do the same thing. Ms. Potter did sign for the letters that we are discussing. The reacquisition letters that she signed for and received were never opened and never showed to Mr. Garrasi. The first time that Mr. Garrasi became aware that his properties were owing taxes was May 29th. Again, May 29th is 18 days before they are sold at tax auction and then-

Legislator Niebel: Before June 16th.

Mr. Bobseine: Before the June 16th auction. Mr. Garrasi does not suggest that he didn't know the taxes or that an error wasn't made on his part, the suggestion is just that he should be able to rectify that error, given what transpired. That is why they weren't opened.

Legislator Niebel: Mr. Chairman, you guys- Bernie, you bear part of the responsibility because you were sent delinquent tax notice, you were sent a petition notice of foreclosure, and finally you were sent a foreclosure reacquisition notice which I guess Ms. Potter signed for.

Mr. Abdella: Just to clarify, the reacquisition letters are not sent certified, only the petitions of foreclosure are.

Legislator Niebel: OK, I misspoke. Bernie, you are part of the responsibility. If you had opened these letters we wouldn't even be here discussing this.

Mr. Garrasi: That's correct.

Legislator Niebel: Having said that, I am a little concerned that when you came into the Tax Department on the 29th and specifically discussed these two properties and then asked about back taxes on these other ones and were assured apparently a number of times at least according to you. What concerns me is that even if there is a difference of opinion here- Jim, I just wonder why when we look up and we see that he does owe back taxes on these other properties, somebody doesn't just click on- what would it take, 10 or 15 seconds to click on one of these other properties and notice that he has back taxes due on one of these other properties? You have got a guy here that's here questioning his back taxes to begin with, yes he only mentioned the two, but why didn't we go just one step further and do a little investigating of our own?

Mr. Caflisch: When those lookups are done as I have explained before, a lot of people own numerous properties and he asked about two-

Legislator Niebel: Jim, I understand. I went to the GIS. It took my 30 seconds to look up his name. There are only two Garrasi's with a total of seven properties and five of them belong to him. It wouldn't have taken that long to check out the other properties, it really wouldn't.

Mr. Caflisch: I'm not disputing you in that sense. What I am saying is when he asked about two specific ones because of the reacquisition process- if he had even called the office beforehand and said I'm coming and here are the properties that I own, we would have had the paperwork waiting for him. So when he gets there it's a process because he has to reacquire the property from the County.

Legislator Niebel: Wait a second. Wasn't there a phone call made and didn't he say that he was on his way?

Mr. Caflisch: We have no record of any phone call.

Mr. Garrasi: Sir, if I- I have sat here quietly. I appreciate all your service. Being a prior civil servant myself, I realize it's often times a thankless job. I would be remised if I didn't say

hello to Sheriff Gerace. Last time I saw him we were up on a barricaded subject up in Ripley, New York. It has been awhile Sheriff, but it is good to see you. I'm here because Chris unfortunately did not follow through with some of the bills that were owed. We found them and provided them to Mr. Bobseine. I'm here because I'm trying to avert going forward with a law suit against the County, which is going to be quite expensive for both parties. I believe in a jury of my peers that most people would agree with me. I did show up on the 29th. I was fully ready to pay. The motivation to ask if I had any other properties that were due was because she informed me that anything that was in foreclosure would require a certified check from the bank and I certainly didn't want to run down to Westfield more than once if I didn't have to. Inconsistencies as reported by Mr. Caflisch and misrepresentations. We both left that morning in a hurry because we wanted to make sure that we got there promptly. We called on the way and informed the staff in Mr. Caflisch's department that we had left our paperwork on the kitchen table. They informed us that with identification and our last name they could look up everything and it would be OK. We came in- myself and Chris as a witness, so it was not just me and Mrs. Cady. There was also another woman in Mr. Caflisch's department that we first introduced ourselves to. Subsequent phone call on June 20th when I found out that this other property had been sold, which blew me away because here on the 29th of May I thought I had rectified any miscommunications. I informed Ms. Cady who either recognized either my situation or my voice on the phone that we brought no paperwork on that day. In addition, she informed that her director, Mr. Caflisch, would be contacting me and I still have not received that phone call from Mr. Caflisch. Unfortunately this is the third committee meeting we have been before just simply looking for the opportunity- I apologize Mr. Muldowney, for the repetition because you were there on the July 16th meeting so you have heard this before, I'm just simply looking for the opportunity that I would have been afforded on May 29th to come in and pay my property taxes. I understand there are penalties and there is interest on those. I am fully willing to pay that. I have spoken with the treasurer from Catt County, Mr. Keller, who informed me that in his system my name would automatically be flagged and any outstanding balances on any properties would come up. I have spoken with Mrs. DeFrank from Orleans County who informed me the same and that their policy is that if someone comes in paying on taxes they do a search on the person's name and then those tax payers are notified then and there of all outstanding taxes that are due to avert any such situations. Hopefully we can avert going forward with a lawsuit. I am also suggesting that the procedural policies in place in the Tax Department be changed so that from this point forward a situation like mine doesn't come up. If someone presents themselves to the Tax Department before the auction date, they are informed of any outstanding balances that are due at that time. I did also, when I returned from the bank request again, and Chris was with me, whether or not anything else was outstanding and I was assured that there wasn't. You can imagine my surprise when my investments for my children's future were put on the line and apparently one of those parcels had been sold even though I had been there on the 29th assured that no other outstanding taxes existed.

Legislator Niebel: Mr. Chairman, I hate to belabor the point here- but look Mr. Garrasi, so what triggered you to come in on the 29th was that you saw a sign-

Mr. Garrasi: Yes, next door to my parents.

Legislator Niebel: What about the other properties that you owned?

Mr. Garrasi: I immediately went over to the other property that day with my son and a couple of his friends and there was no placard, no sign and no indication.

Legislator Niebel: What about that?

Mr. Caflisch: Those are auctioneer signs.

Legislator Niebel: The County doesn't do it?

Mr. Caflisch: The auctioneer does that. It's just a marketing tool that we use for the auction. It is not meant as a notification.

Legislator Niebel: But is it suppose- are there supposed to be foreclosure signs?

Mr. Caflisch: No, there is no legal requirement.

Legislator Niebel: Then why do we do it?

Mr. Caflisch: As a marketing tool so that people when they drive around and look and see-

Legislator Niebel: So some properties have them and others don't?

Mr. Caflisch: Some vacant- (*Crosstalk*) Some signs go up in five minutes and they are down in two minutes. Sometimes-

Legislator Niebel: OK. OK, I understand. Yeah-

Mr. Caflisch: Sometimes they put a sign up and someone comes out screaming at him-

Legislator Niebel: Understood. Last question, Mr. Chairman.

Chairman Chagnon: Promise? (*Cross Laughter*)

Legislator Niebel: I promise. Jim, according to the July 16th minutes there is a thing in here that says the Maytum Road property that Mr. Garrasi owns, the bill was sent to the wrong address?

Mr. Caflisch: That's because it was a recent purchase and the tax bills hadn't caught up with the change in ownership.

Legislator Niebel: So it had gone to the wrong address?

Mr. Caflisch: Yes. That happens all the time.

Legislator Niebel: Yeah, I know. Again, here is the problem as I see it, we have got a long time tax payer who comes in and allegedly asks about any other back taxes that he owes-

Mr. Caflisch: I would dispute that-

Legislator Niebel: I understand that. Even in looking up the property that he mentioned and the Maytum Road property, we noticed that a bill may have been sent to the wrong address wouldn't that be a red flag? Wouldn't that be- wouldn't somebody think that well maybe I better check out these other three properties just to see?

Mr. Caflisch: Not necessarily. Again, when it comes down to it the tax payer has to take some responsibility and when they bought property they know that taxes come with it. These taxes have been delinquent for two years and thirty-two notices have been sent out. There was one piece of paper that came back to our office to indicate that Mr. Garrasi was interested in reacquiring one property-

Legislator Niebel: Jim, I understand all that, but the guy was still here on the 29th asking about the back taxes.

Mr. Caflisch: He asked about two parcel and-

Legislator Niebel: That appears to be in dispute. Look, Mr. Chairman, under the circumstances I can't- and I don't know what we are going to do- whether we refer it back to the home committee or what, but under the circumstances I can't support a Quit Claim Deed back to the person who bought the property at the auction.

Chairman Chagnon: Terry, I will address that in a moment. First, I would ask if there are any other questions or comments from the Committee? Gentlemen, we appreciate you coming in this morning. Terry, to address your point, we have a proposed resolution in front of us that does not include these properties in question that we discussed. If we were to discuss how we would deal with those properties we would have to amend the resolution and I would point out that the home committee for the Real Property Tax Office, the Administrative Services Committee, and they have not taken a position on those three parcels. If we passed the proposed resolution that is in front of us that does not include these three parcels, then the matter would go back to the Administrative Services Committee next month. If a Legislator so desired they could bring this up for further consideration at the full Legislature meeting.

Mr. Caflisch: Are there any further questions on the resolution as it stands?

Chairman Chagnon: You took the words right out of my mouth. We have a proposed resolution in front of us, is there any other questions or comments on the proposed resolution as it stands? All in favor of the proposed resolution please say aye. Opposed?

Unanimously Carried

Proposed Resolution- Authorize Acceptance of Aid to Prosecution Funds 2018-2019

Mr. Gregory: Rachael Kneer and I are here on behalf of the District Attorney's Office. We are asking the Committee to authorize the County Executive to accept Aid to Prosecution Grant. There are no matching funds. It is a formula grant that the State gives out to all the prosecutors across the State and we have been receiving this grant for many years and it is already included in our budget.

Chairman Chagnon: You remember all the right words. OK. Questions or comments on the proposed resolution?

Legislator Gould: How is it spent?

Mr. Gregory: It pays for one prosecutor- a portion of the salary.

Legislator Gould: Thank you.

Chairman Chagnon: Other questions or comments? All those in favor please say aye. Opposed?

Unanimously Carried

Proposed Resolution- Authorize Agreement with Bemus Point Central School District
For School Resource Officer

Sheriff Gerace: Mr. Chairman, the Bemus Point School District is requesting a school resource officer for the upcoming school years. We have put together a very similar contract proposal for them as we have for the other schools.

Chairman Chagnon: Questions or comments on the proposed resolution? This is a growing trend, isn't it?

Sheriff Gerace: I would hope that we would go to every school. Unfortunately, the money from the districts is so tight and my hopes is that the federal government eventually brings back their grant system that was used some years ago to allow schools to have this service without having to dig into their own budgets to pay for it.

Chairman Chagnon: OK. All those in favor please say aye. Opposed?

Unanimously Carried

Proposed Resolution- Amend 2018 Budget for Office of the Sheriff Accounts

Ms. Cresanti: Mr. Chairman, these amendments are budget neutral. One is grant funding for equipment and the other is just because we need more fuel for the helicopters and Medi- Vac account. That is fully reimbursed.

Chairman Chagnon: Questions or comments? Even though it is budget neutral I have to ask what happened? Why are we moving around that much money?

Ms. Cresanti: It's really just a need as far as our radio equipment-

Sheriff Gerace: It's a 2017 award and we didn't think that we were going to be able to complete the entire project in the calendar year of 2018, but we do now believe that it is something that we can do. After two years of trying for a lease agreement at the Windstream building we can finally move ahead with the purchase of the equipment to put into that.

Chairman Chagnon: So, this is a grant that we had been awarded which we hadn't anticipated the opportunity to spend it this year?

Sheriff Gerace: Correct.

Chairman Chagnon: But now we have been able to complete work and we are able to bring the money into 2018?

Sheriff Gerace: That is correct.

Chairman Chagnon: Any other questions or comments from the Committee? All those in favor please say aye. Opposed?

Unanimously Carried

Proposed Resolution- Authorize Lease of Cage and Office Space at 201-209 East Fourth Street, Jamestown for the Chautauqua County Sheriff

Sheriff Gerace: This is not a holding center. It is an equipment unit that is caged in because there is other equipment owned by Windstream in the same proximity. That is the core for the 911 system, which is replicated. The main core is at the Windstream building. For two years we have been negotiating with Windstream as a big company and it was hard to get answers from them. We are already there. We have collocated on a verbal agreement and with the help of Kurt Gustafson and Jennifer has worked really hard on this, we have finally negotiated an agreement with Windstream. What will happen is we will be paying for a lease that will include this equipment room and they have agreed to give us other space that we can use for our much needed backup center for the 911 system. This provides adequate space for us to duplicate, in essence, what we have here in Mayville.

Legislator Gould: I thought the County moved 911 to the County from Jamestown? Now we are going back?

Sheriff Gerace: No. The main 911 dispatch center- we are only talking about the equipment and the backup center, which we had a very small area in the City Hall that was dedicated to that. It was not something we could fully function from, but if we absolutely had to keep some of our functionality going we could have used some of that space. This provides us so

we can have pretty close to a redundant system. If something happens to our main center, we are still dispatching the same way. This is the core of the equipment- the brains. This would give us space to fully function if something happened here in Mayville. This is such a critical service that we can't be offline.

Legislator Nazzaro: Do you need a budget amendment?

Ms. Cresanti: Actually, it is already included in the budget since these negotiations have taken place for so long. It's already been budgeted with the anticipation of the lease (*inaudible*.)

Legislator Niebel: This came before Public Safety, last night. For the first two years of the lease the square foot rate of the lease is \$3.62 per square foot. For years three and four its \$4.34 and for year five its \$4.71. I'm not as familiar with the square foot lease space agreements in the City of Jamestown as maybe Kevin or Chuck, but this seemed reasonable to us. This also includes electric. I thought it was a reasonable amount.

Legislator Nazzaro: I agree with that.

Legislator Muldowney: I do, too.

Chairman Chagnon: OK. Any other questions or comments from the Committee? All those in favor please say aye. Opposed?

Unanimously Carried

Proposed Resolution- To Accept New York State Department of Health 2018-19
Legislative Award to Support Nurse Family Partnership

Ms. Lis: Good morning.

Chairman Chagnon: I would like to point out to the committee that we have an amended version of this resolution on the table before us.

Ms. Lis: I think you are all pretty familiar with the Nurse Family Partnership Program. Recently we have received two legislative awards. We had written this resolution up for the first one which was about \$47,000. On Tuesday, the County Executive's Office got an email that we got another one for another \$27,000. So, we amended the resolution to be a little broad to cover both of these legislative awards.

Chairman Chagnon: Questions or comments on the proposed resolution as amended? All those in favor please say aye. Opposed?

Unanimously Carried

Other-

Proposed Resolution- Authorizing 2019 Levy of Participant's Share of Chautauqua County Self-Insurance Plan (Workers' Compensation) Costs

Ms. Crow: This resolution is to establish the participant assessments for the workers comp plan by municipality. Year after year our total budget has not increased. It decreased from 2017-2018 by \$200,000 and we were able to keep it flat from 2018-2019. Dennis has really done a good job at managing the plan and keeping costs low. Any particular changes by municipality would be due to- their share of the plan is based 40% on their evaluation and 60% on their experience. They might experience a change, but overall the total budget for the plan is remaining flat.

Chairman Chagnon: Questions or comments? All those in favor please say aye. Opposed?

Unanimously Carried

Discussion- Financial Advisor Review of Investments by Kitty Crow and Chairman Chagnon

MOVED by Legislator Nazzaro, SECONDED by Legislator Gould to enter Executive Session to discuss threatened litigation.

Unanimously Carried (10:03 a.m.)

MOVED by Legislator Nazzaro, SECONDED by Legislator Gould to close Executive Session.

Unanimously Carried (10:30 a.m.)

MOVED by Legislator Gould, SECONDED by Legislator Muldowney to adjourn.

Unanimously Carried (10:31 a.m.)

Respectfully submitted and transcribed,
Olivia L. Ames, Committee Secretary