

# BOARD OF SUPERVISORS SENECA COUNTY

Waterloo, New York 13165

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*November 28, 2023 Special Board Meeting*

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Call to Order:

Chairman Enslow called the special meeting to order at 6:52pm

Roll Call of Members by the Clerk:

Fourteen members of the Board of Supervisors answered roll call.

Pledge of Allegiance and Moment of Silence:

Public Hearing: Supervisors held a public hearing to adopt Local Law “9” of 2023 to authorize and allocate surplus sales Tax Revenue in Excess of Budgetary revenue estimate to the towns and villages of Seneca County

RESOLUTIONS & MOTIONS

**ADOPT LOCAL LAW “9” OF 2023 OF 2023 TO AUTHORIZE AND ALLOCATE SURPLUS SALES  
TAX REVENUE IN EXCESS OF BUDGETARY REVENUE ESTIMATE TO THE TOWNS AND  
VILLAGES OF SENECA COUNTY**

RESOLUTION NO. 284-23, moved by Sprvr. Partee, seconded by Sprvr. Ferrara and adopted.  
Sprvr. Ferrara voted nay.

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on November 28, 2023 p.m. at 6:30 p.m. at the County Office Building, 1 DiPronio Dr, Waterloo, NY, to hear all interested parties on proposed Local Law 9 entitled “Local Law “9” of 2023 of 2023 to authorize and allocate Surplus Sales Tax Revenue in excess of Budgetary Revenue Estimate to the Towns and Villages of Seneca County; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the County of Seneca; and

WHEREAS, said public hearing was duly held on November 28, 2023 at 6:30 p.m. at the County Office Building, 1 DiPronio Dr, Waterloo, NY, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law; now therefore be it

RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts Local Law No. 9 of the year 2023, “Local Law “9” of 2023 to authorize and allocate Surplus Sales Tax Revenue in excess of Budgetary Revenue Estimate to the Towns and Villages of Seneca County”.

*See next page for Local Law 9*

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### SENECA COUNTY LOCAL LAW “9” OF 2023

#### **A LOCAL LAW TO AUTHORIZE AND ALLOCATE SURPLUS SALES TAX REVENUE IN EXCESS OF BUDGETARY REVENUE ESTIMATE TO THE TOWNS AND VILLAGES OF**

Be it enacted by the SENECA COUNTY BOARD OF SUPERVISORS:

#### **SECTION I – STATEMENT OF PURPOSE**

- A. Seneca County periodically receives a greater amount of annual sales tax revenue than the amount estimated for income in its annual budget. Based upon review and analysis of the historical data on anticipated or budgeted sales tax revenue and actual sales tax revenue, it has been determined by the Seneca County Board of Supervisors that when such income exceeds the budget year estimated income, a portion of such surplus sales tax revenue could be well utilized by the towns and villages for projects or programs at the town or village level that are otherwise beyond the fiscal means of such towns or villages, rather than utilized solely for fund balance or other reserve purposes.
- B. By action of Resolution No. 190-23, the Board of Supervisors directed that when the County’s actual budget year sales tax revenue is in excess of the amount of the estimated sales tax revenue set forth in that year’s annual county budget, after retention of the first \$750,000.00 of such surplus, such excess income shall be available for distribution to the local towns and villages of Seneca County. This distribution is limited to not exceed 10% of the prior budget year’s actual sales tax revenue.
- C. By adopting a specific formula for the determination of such surplus and its allocation would serve to address the concerns of all levels of government fairly and responsibly in the county for fiscal responsibility, economic development, as well as continuing to minimize property tax impact on all residents.

#### **SECTION II – DEFINITIONS**

“**Annual Budget**” shall be the annual budget, as finally adopted by required by law to adopt for Seneca County of an annual budget of expenditures to be made for a fiscal year for the general support or for the expenses of government of such municipal cooperation during such fiscal year. Such document shall also provide for sources and amounts of revenue to be used to pay for all budgeted expenditures. “**Budget/Adopted Annual Budget**”

The budget prepared, submitted, subject to public hearing, and adopted by the county for a specific year.

“**Distribution Formula**” – the mathematical application of the Equalized Assessed Value for each of the municipalities (towns and villages) within the county, by percentage, to the Surplus Sales Tax Revenue for Distribution.

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**“Equalized Assessed Value”** – using the equalization rate, which is the state’s measure of a municipality’s level of assessment (LOA). This is the ratio of total assessed value (AV) to the municipality’s total market value (MV). The municipality determines the AV; the MV is determined by the state.

**“Estimated revenue”** means revenue from a specific source which is expected to be received during a fiscal year and which is included in the annual budget as adopted for that fiscal year. **“Excess or Surplus Sales Tax Revenue”** -The difference in the amount of sales tax received by the County for the specific Budget Year, year after subtraction of the amount specified in the initially Adopted Annual Budget, and \$750,000, as specified herein.

**“Full Valuation of Real Property”** - The assessed valuation of real property divided by the equalization rate as determined in accordance with Article 8 of the Real Property Tax Law.

**“Sales Tax Revenue”** - the distribution of the collected sales tax, as referenced under NY Tax Law. Currently such tax is collected at the Seneca County level is 4%. The tax is collected by the state and the County’s share is distributed on a periodic basis to the Finance Department during the year. **“Surplus Sales Tax Revenue for Distribution”** - The Surplus Sales Tax Revenue as defined herein, shall not exceed 10% of the prior year’s actual sales tax revenue.

**“Surplus Sales Tax Valuation”** – During the review of the audited financial reports as filed with or by the Finance Director for the budget year, the Finance Director and the County Manager will prepare a report to the Board of Supervisors indicating the final determination of the surplus sales tax revenue available for distribution under the Local Law.

**“Town”** - A town is a municipal corporation comprising the inhabitants within its boundaries and formed for the purpose of exercising such powers and discharging such duties of local government and administration of public affairs as have been, or, may be conferred or imposed upon it by law. (New York Town Law § 2) For the purposes of this Local Law, the towns of Seneca County are Tyre, Junius, Waterloo, Seneca Falls, Fayette, Varick, Romulus, Ovid, Covert, and Lodi.

**“Village”** – A village is a general-purpose municipal corporation formed voluntarily by the residents of an area in one or more towns to provide themselves with municipal services.(New York Village Law Article 2) For purposes of this local law, the villages of Seneca County, with the portion of the town or towns that are included in the village taxing entity are: Village of Waterloo (Town of Fayette, Town of Seneca Falls, and Town of Waterloo); Village of Ovid (Town of Romulus and Town of Ovid); Village of Lodi (Town of Lodi); and Village of Interlaken (Town of Covert)

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### SECTION III PROCESS AND PROCEDURES

#### **A. Establishment of Baseline Estimated Sales Tax Revenue**

1. Pursuant to NY County Law Article 7, commencing with the initial budget processing period, the County Manager, Finance Director, and if not already designated, the County Budget Officer, will review prior and year to date sales tax revenues as received from the state. The Budget Officer shall determine the preliminary sales tax revenue component as part of the tentative County budget to be filed with the Clerk of the Board for submission to the Board of Supervisors.
2. During the review of the tentative budget, the preliminary sales tax revenue component may be addressed and adjusted pursuant NY County Law § 354.
3. Following the public hearing required prior to adoption of the budget, any further changes to the preliminary sales tax revenue component shall be made in compliance with County Law § 358.
4. The budget, as adopted, shall contain the estimated sales tax revenue for the budget year, as a component in the calculation of the remaining revenue to be raised through taxes or other sources. Said amount shall be used for the later determination of Surplus Tax Revenue as defined above.

#### **B. Establishment of Surplus Sales Tax Revenue**

1. Sales tax revenue for the budget year shall be monitored by the County Manager and the Finance Director.
2. No later than February 15 of the year following the budget year, a preliminary estimate of sales tax revenue shall be calculated. The Board of Supervisors shall be advised of this preliminary estimate for information purposes only.
3. Upon the completion and filing of the audited financial reports, the County Manager and Finance Director shall include a report on the actual received sales tax revenue compared to the budget year estimated sales tax revenue.
4. If there is a deficit when the actual sales tax revenue is less than the budgeted sales tax revenue, or, if any surplus is less than \$750,000, then no surplus sales tax sharing shall occur for that budget year. If, after application of Section III (B)4 above, there is a tentative Surplus Sales Tax Revenue, it shall then be compared to the amount of sales tax revenue from the prior budget year. The final Surplus Sales Tax Revenue shall be the lesser of tentative Surplus Sales Tax Revenue compared to 10% of the prior year's sales tax revenue.

#### **C. Determination of Distribution Formula**

1. In conjunction with the preparation by the Real Property Tax Services Office (RPTS) final data merge prior to the preparation of the Town and County tax bill (Generally November of the year prior to the budget year) the RPTS will take the merged date of equalized assessed values for each of the towns and villages and calculate a percentage said value for each municipality.
2. RPTS shall ensure that the calculated value assigned to the villages is not included in the values assigned to the towns.

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3. The determination of the percentage of equalized assessed valuation for each of the towns and villages shall constitute the Distribution Formula to be applied to the Surplus Sales Tax Revenue for Distribution.

### **D. Notice and Distribution**

1. Once the Distribution Formula has been applied to the Surplus Sales Tax Revenue for Distribution, the resulting amounts shall be verified by the County Manager and Finance Director.
2. A report shall be made to the Board of Supervisors specifying the total amount of Surplus Sales Tax Revenue for distribution and then to be paid to the towns and villages. This report shall contain a list of any accounts due the County from any village or town for any services of any type
3. The Finance Department shall make distribution to the towns and villages within thirty (30) days of the report to the Board of Supervisors, pursuant to Section III (D)2 above, except that portion of the planned distribution to any such municipality shall be withheld by the County until such time as the arrears or account payable is cleared.

### **SECTION IV EFFECTIVE DATE AND IMPLEMENTATION**

This Local Law shall take effect immediately upon its filing in the office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

### **SECTION V SEPARABILITY**

If any provision of this local law or application thereof to any person or circumstances is held invalid, the remainder of this local law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

*~MOTION MADE AND SECONDED~*

Sprvr. Hayssen stated that the water charge rates are incorrect on the chart along with the date. The resolution has \$7.75 per 1,000 gallons listed for the current water charge rate for out of district users. The proposed rate listed is \$64.04 per 1,000 gallons and it should be \$8.13 per 1,000 gallons. These proposed rates would commence in January 2024 not July 2018 billing. Sprvr. Hayssen made a motion to amended the resolution and Sprvr. Partee seconded the motion.

**BOARD OF SUPERVISORS APPROVES CHANGES IN WATER RATES  
FOR SENECA COUNTY WATER DISTRICT NO. 1 AND CALL FOR PUBLIC HEARING  
RESOLUTION NO. 286-23, moved by Sprvr. Hayes , seconded by Sprvr. D. Trout and adopted.**

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WHEREAS, Resolution No. 141-18, adopted a rate change for the sale of water for both in-district and out-of-district sales, and established fixed Operations and Maintenance (O&M) charges; and

WHEREAS, the Village of Waterloo has increased wholesale water purchase rate, which was passed on from the Town of Varick, in the amount of \$0.38 per 1,000 gallons October 1, 2023 as the cost of Water to District No. 1; and

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WHEREAS, the District Administrator recommends the following rate increases for both in-district and out-of-district consumers; and

<b>Seneca County Water District Water Rates</b>		
<b>In Seneca County District Water Customers</b>		
	<u>Current Rates</u>	<u>Proposed Rates to commence with bills issued after January 1, 2024</u>
<b>Water Charge</b>	<b>\$7.75 per 1,000 gallons</b>	<b>\$8.13 per 1,000 gallons</b>
<b>O &amp; M</b>	<b>\$53.00 / quarter / unit</b>	<b>\$ 65.00/quarter/unit (O &amp; M Fixed Charge)</b>
<b>Minimum Bill 8,000 gallons per quarter</b>	<b>\$62.00</b>	<b>\$65.04</b>
<b>O &amp; M</b>	<b>\$53.00</b>	<b>\$65.00 (O &amp; M Fixed Charge)</b>
<b>Minimum Bill per quarter</b>	<b>\$115.00</b>	<b>\$130.04</b>
<p>A unit is defined as a single family home and for commercial users, it is 60,000 gallons per year or part thereof for average use 2023,2023</p>		
<b>Out of Seneca County District Water Customers (there are town water districts, sharing meters)</b>		
	<u>Current Rates</u>	<u>Proposed Rates to commence with the January 2024 billing</u>
<b>Water Charge</b>	<b>\$7.05 per 1,000 gallons</b>	<b>\$8.13 per 1,000 gallons</b>

WHEREAS, changes in rates established for a County Water District require a public hearing and must be approved by the Board of Supervisors pursuant to §266 (1) County Law; and

WHEREAS, this Resolution was approved by the Board of Supervisors Water & Sewer Treatment Management & Operations Committee at its meeting on November 21, 2023; now, therefore be it

RESOLVED that the proposed rate increase for Seneca County Water District No. 1 is hereby introduced before the Board of Supervisors for consideration; and it is further

RESOLVED, that a public hearing is scheduled on December 12, 2023 at 6:00 PM, or as soon thereafter as possible, in the Board of Supervisors Meeting Room, Seneca County Office Building, 1 DiPronio Drive, Waterloo, NY, to receive comment from the public on a the recommend water rate increase for Seneca County Water District 1 and the intent of this resolution; and it is further

RESOLVED that the Clerk of the Board of Supervisors is directed to post and publish notice of said Public Hearing no later than five (5) days prior to said hearing

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### **SENECA COUNTY HEALTH DEPARTMENT TO PURCHASE ONE 2024 CHRYSLER PACIFICA TOURING L MINIVAN**

RESOLUTION NO. 287-23, moved by Sprvr. Borst, seconded by Sprvr. D. Trout and adopted.

WHEREAS, the Seneca County Health Department is requesting to buy one (1) 2024 Chrysler Pacifica Touring L minivan; and

WHEREAS, the Seneca County Health Department will be purchasing this vehicle from Bob Johnson Chrysler Dodge Jeep Ram, 1695 Interstate Drive, Avon, New York 14414-9540 off the NYS Marketplace Contract No. PC69261, Bid No. TB4083; and

WHEREAS, funds for the purchase of one (1) 2024 Chrysler Pacifica Touring L minivan for the amount of \$41,600.00 is budgeted in the 2024 Health Department budget; and

WHEREAS, the Health & Human Services Standing Committee reviewed and approved this resolution at their November 28, 2023, meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Health Department Director to purchase a 2024 Chrysler Pacifica Touring L minivan in the amount of \$41,600.00 with funds appropriated in the 2024 budget; and be it further

RESOLVED, that the Director of Finance is authorized to amend the 2024 County Budget and to make the necessary accounting entries consistent with the intent of this Resolution.

### **SENECA COUNTY HEALTH DEPARTMENT TO PURCHASE ONE 2024 CHRYSLER PACIFICA TOURING L MINIVAN**

RESOLUTION NO. 288-23, moved by Sprvr. Borst, seconded by Sprvr. D. Trout and adopted.

WHEREAS, the Seneca County Health Department is requesting to buy one (1) 2024 Chrysler Pacifica Touring L minivan; and

WHEREAS, the Seneca County Health Department will be purchasing this vehicle from Bob Johnson Chrysler Dodge Jeep Ram, 1695 Interstate Drive, Avon, New York 14414-9540 off the NYS Marketplace Contract No. PC69261, Bid No. TB4083; and

WHEREAS, funds for the purchase of one (1) 2024 Chrysler Pacifica Touring L minivan for the amount of \$41,600.00 is budgeted in the 2024 Health Department budget; and

WHEREAS, the Health & Human Services Standing Committee reviewed and approved this resolution at their November 28, 2023, meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Health Department Director to purchase a 2024 Chrysler Pacifica Touring L minivan in the amount of \$41,600.00 with funds appropriated in the 2024 budget; and be it further

RESOLVED, that the Director of Finance is authorized to amend the 2024 County Budget and to make the necessary accounting entries consistent with the intent of this Resolution.

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### Unfinished Business

None

### New Business

~MOTION MADE & SECONDED~

Sprvr. D. Trout made a motion introduce the following resolution and any and all new business to come before the Board in accordance with the Rules of Order #29. Sprvr. Ferrara seconded his motion. Sprvr.

**SUPERVISORS SUPPORT THE ALLOCATION OF AMERICAN RECOVERY ACT (ARPA) FUNDING TO SUPPORT THE CREATION OF A SENECA COUNTY HOUSING TRUST FUND RESOLUTION NO. 285-23, moved by Sprvr. Partee seconded by Sprvr. J. Trout and adopted.**

WHEREAS, by Resolution 222-23 the Seneca County Board of Supervisors accepted the findings of the 2023 Housing Needs Assessment resolving that Housing Development is Economic Development; and

WHEREAS, the Chairman of the Board of Supervisors issued an Emergency Declaration on August 29, 2023, citing key findings of the Housing Needs Assessment regarding the lack of available affordable housing for the majority of the County's population and stating that the necessity for adequate housing is a critical cornerstone to economic development, community growth, economic stability considering; and

WHEREAS, the Emergency Declaration stated that all available County resources be directed and utilized to address this immediate and pressing need for housing development, and until such a time as adequate levels of housing be established to meet the current demand within the County, the facilitation of residential housing development shall remain a priority for Seneca County; and

WHEREAS, by Resolution 278-23 the Seneca County Board of Supervisors voted in support of Seneca Housing Inc. to become a New York State designated Rural Preservation Company (RPC) to expand non-profit development capacity, an identified need in the Housing Needs Assessment; and

WHEREAS, the Housing Needs Assessment made a series of recommendations including the creation of a Housing Trust Fund, which is a flexible and locally controlled resource to pursue local housing goals including incentivizing and attracting housing development by the closing of financing gaps; and

WHEREAS, the Finger Lakes Regional Land Bank Corporation ("FLRLBC") identified through a strategic planning process the need for Seneca County to become regionally competitive in attracting nonprofit and private housing development by identifying a source of local funding to contribute to financing gaps associated with housing development projects; and

WHEREAS, this Resolution has been considered Pursuant to Rule 29 of the Rules of Order; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors supports establishing a Seneca County Housing Trust Fund within the Department of Planning & Community Development, utilizing \$500,000 of ARPA dollars; and be it further



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RESOLVED, that the Department of Planning and Community Development in coordination with the County Manager, County Attorney, and Finance Director are authorized and directed to develop guidelines and implementation procedures for programs under the Seneca County Housing Trust Fund consistent with rules and regulations required by ARPA or any other potential funding source; and be it further

RESOLVED, that priority will be given to housing applications associated with the Finger Lakes Regional Land Bank Corporation, Seneca Housing Inc., and Willard Redevelopment; and be it further

RESOLVED, that the Department of Finance is authorized to make the necessary budgetary and accounting entries to affect the intent of this resolution.

**Special Order of the Day:**

*~MOTION MADE & SECONDED~*

Sprvr. Rhinehart, made a motion to enter into Executive Session Pursuant to Sections 105 (1) (F) of the New York State Open Meetings Law to review the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, and invite the following individuals to attend: all members of the Board of Supervisors, County Manager, and Supervisor Elects. Sprvr. Brownell seconded the motion. The Board of Supervisors entered into executive session at 7:00pm, the executive session adjourned at 8:00pm. No action was taken. The meeting adjourned at 8:00pm