

**April 27<sup>th</sup>, 2006  
Meeting Minutes****Location**

6<sup>th</sup> Floor Legislative Conference Room, Broome County Office Building, 44 Hawley Street, Binghamton, NY

**Attendance**

**Constituent Members:** Supervisor Debbie Preston, Town of Conklin; Mayor Kevin Burke, Village of Port Dickinson; Supervisor Margaret Turna, Town of Chenango; Carol Poklemba, Town of Barker; Supervisor Peter Andreasen, Town of Vestal; Tim Whitesell, Town of Binghamton; Supervisor John Bernardo, Town of Union; Supervisor Mike Marinaccio, Town of Dickinson; Mayor Harry Lewis, Village of Johnson City; Ed Mosher, Town of Colesville; Deputy County Executive Pat Brennan, Broome County

**Associate Members:** Jim Dimascio, Greater Binghamton Coalition, Dr. Joseph Busch, Broome-Tioga BOCES

**Other Attendees:** Darcy Fauci, Nathaalie Maxwell, Kathy Bevelacqua, Broome County; Rita Petkash and Jeremy Evans, Broome County Department of Planning and Economic Development; Louise Vanderkulk, Barbara Carter, Clare Simeone, Mary Johnson, League of Women Voters; Kim Nostrom, Binghamton; Binghamton University MPA students

**Convene**

Supervisor Debbie Preston convened the meeting at 4:02PM.

**Shared Services**

Supervisor Preston said that shared services and the sales tax issue were on the agenda. Broome County Legislature Chairman Dan Schofield would be addressing the supervisors and mayors at the Association of Towns meeting and talking about the sales tax issue as well. She wanted to discuss shared services first.

She said that the Council would meet in May because Binghamton University Master's of Public Administration students would present their findings regarding municipal budgets and services. She said that more would be discussed later in the meeting.

Supervisor Preston asked Deputy County Executive Pat Brennan to give the Council an update on shared services.

Deputy County Executive Brennan said that health insurance consultant George Brigatti was still looking at the costs of municipalities joining the local school district health insurance consortium. The school districts don't have a problem with municipalities joining because current costs are similar. Because the County's RMSCO policy administrative fee of \$17 is the best around and the consortium fee is \$24, the County would probably see costs go up \$250,000 if it joined the consortium. However, the County would probably still join the consortium if the municipalities could save more than that total.

Deputy County Executive Brennan then updated the Council on highways. He got a very good response from highway superintendents with only two not returning surveys and equipment inventories. Jeremy Evans compiled the results and the inventory was passed out to Council members. The inventory and survey results will also be placed on the Council website. Deputy County Executive Brennan said that some superintendents didn't know what formal agreements were in place so he and Jeremy are contacting municipal attorneys to find out what highway shared service agreements exist.

Supervisor Peter Andreasen asked if the survey included agreements with school districts and Deputy County Executive Brennan said yes. He added that in one case an agreement with a Pennsylvania municipality was listed.

On the subject of parks, Deputy County Executive Brennan said that local parks supervisors were going to join the American Public Works Association and County Parks Commissioner Dave Cody was working with them to become a subgroup of the APWA. He said he hopes they will soon begin sharing ideas and equipment.

He is also working on a study of police protection in Broome County. He has been collecting data and talking to police chiefs. He thinks that through attrition there might be good ways of consolidating some police forces.

Deputy County Executive Brennan also discussed code enforcement. He said that there has been some interest in countywide code enforcement and wondered what the Council thought about code enforcement issues.

Supervisor Preston said that she is interested in what options exist for code enforcement because it can be difficult to find qualified officers and that training new code enforcement officials can be expensive and time consuming.

In many municipalities, the code enforcement officer is responsible for building code and zoning code enforcement.

Planning Commissioner Rita Petkash said that contracting with a private firm or sharing a code enforcement officer between municipalities is allowed in New York State.

She also said that there is a code enforcement training schedule in NYS. There is also a new handbook for reviewing residential code drawings. She added that New York State is going electronic with a lot of their announcements and so the Planning Department is beginning to send newsletters to municipal officials about recent planning and zoning changes and new laws.

Supervisor Mike Marinaccio asked if building codes were similar between municipalities and Commissioner Petkash said yes. She added that building plans, residential, plumbing, and commercial codes were all governed by the State.

Executive Assistant Darcy Fauci asked if there was interest in looking at code enforcement options. She mentioned that Tioga County is looking at alternatives because some of the smaller towns can not afford to have code enforcement officers.

There was general agreement that it couldn't hurt to look at the issue. Commissioner Petkash can schedule a presentation by State representatives and a survey will be sent out in order to compile information on code enforcement in each municipality. The Planning Department is also going to work on completing a database of zoning codes to better understand what each municipality has.

Supervisor Preston asked Supervisor John Bernardo to update the Council on efforts to create a district court.

Supervisor Bernardo said that Senator Libous and Assemblywoman Lupardo are working to present legislation this session that would allow formation of a district court. It would also be subject to a town wide referendum. He mentioned that he would love to have other municipalities jump on board.

Supervisor Preston asked how many municipalities could get on board and said that the Town of Conklin loses \$70,000 from courts. On justice is retiring and the Town is going to look at getting rid of one justice position permanently.

Supervisor Marinaccio said that three years ago Dickinson would have said yes to joining a district court but that things can change quickly. He said that the town court has been getting busy and last year the town made \$50,000.

Supervisor Tim Whitesell said that the Town of Binghamton is hoping to get rid of one justice as well because the court is not busy and it doesn't make sense to keep two.

Supervisor Andreasen said the Vestal town court is getting busier as well. He said there are several questions that need to be answered regarding a district court. Who is waking up in the middle of the night for arraignments? How do you have a district court without central booking? Who will handle code enforcement issues and small claims? What are the savings?

Supervisor Bernardo said that those questions are valid but that local taxpayers are already paying for district courts to operate around the state and that towns would keep the same revenues they do now.

Supervisor Preston asked Supervisor Bernardo to keep the Council informed on the progress of the district court. She asked where the central booking issue stood.

Commissioner Petkash said that it is still being looked at. It was studied closely several years ago but there was not enough support at the time to continue.

Deputy County Executive Brennan noted that the space requirements are being analyzed in conjunction with the study of the Justice Building renovation.

Supervisor Preston turned the time over to Jeremy Evans from the Planning Department to discuss a project that Dr. Tom Sinclair and students from the Binghamton University Masters of Public Administration were working on.

Mr. Evans said that the students were working on analyzing all of the municipal budgets and determining the different services each municipality provides and the costs to provide those services. He said the project is part of the shared services capacity building initiative that the County submitted for a Shared Municipal Services Incentive Grant.

Mr. Evans then asked if the students in attendance could elaborate more on the project. The students explained that they were building a matrix that shows how much each municipality spends on different services and that they used statistics to measure relationships between some of their findings. They noted that there were some instances where the costs were disproportionately high compared to other municipalities. They said they were finishing up the project soon.

Supervisor Preston thanked the students for coming and said that the next meeting would be held on Thursday May 25<sup>th</sup> in the Legislative Conference Room. Dr. Sinclair and some students would come to the meeting to present their findings.

### **Sales Tax**

Although the sales tax issue would be discussed at the Association of Towns meeting, the Council decided to discuss it because Broome County Budget Director Nathaalie Maxwell had come prepared with some notes.

She began by saying that even with the removal of the sales tax on clothing, the County may still reach its 2006 sales tax revenue projections because the projections are always very conservative.

The County will lose an additional \$2 million in revenues for 2007. She said that some have suggested that the increase in gas tax revenue would offset the loss of revenue from the sales tax

on clothing. The truth is that to make up the \$5 million loss of revenue an additional 16 million gallons of gas would have to be sold in Broome County.

Supervisor Preston said that gas tax argument was out of the equation. She expressed concern that the municipalities are to last ones to know about these decisions such as dropping the sales tax on clothing. She said that the removal of the clothing sales tax is great but asked about changing the sales tax distribution to give municipalities back their fair share.

The budget director said she would rather all of the decisions regarding the sales tax be made during the budget process. Last year the legislature gave part of the sales tax back to the municipalities in the middle of the year. And the State decided at the last minute to rescind the sales tax.

Supervisor Preston said that municipalities were going to have to scramble to make up for the lost revenue.

Supervisor Andreasen pointed out that one theory is that more people from other places will shop in the area because of the sales tax drop thereby offsetting the revenue loss. He expressed concern at all of the tax changes and proposals that are out there.

Ms. Maxwell also reminded the Council that Medicaid expenses are still increasing because the state imposed a cap on the rate of increase and there is still a small increase every year.

Supervisor Preston asked why the decision to get rid of the clothing on sales tax wasn't postponed if there were concerns about the effects of the loss of revenue.

Deputy County Executive noted that the Administration doesn't have control.

Supervisor Marinaccio thanked Ms. Maxwell for coming so that she could explain the Administration's point of view. He predicted that the County would come out OK or ahead despite of the revenue loss. He agreed the timing for the elimination wasn't good but that the elimination of the clothing sales tax itself is good.

Supervisor Preston said they are getting both sides of the story. All they want is to get the truth and to have good communication.

Ms. Maxwell emphasized that she and Legislative Chairman Schofield just disagree on the issue. She added that based on trends, fuel consumption is remaining steady or declining and the gas tax is not going to make up the \$5 million necessary. She said that unemployment and sales tax are highly correlated and that unless jobs were created there is not going to be a magic increase in tax revenue.

Supervisor Turna urged the County not to balance its budget on the backs of the municipalities.

Ms. Maxwell said that the County would be able to cover the loss of the revenue from the clothing sales tax but couldn't also cover the additional loss if the sales tax distribution formula was revised.

Supervisor Whitesell asked how the County fared the last time the sales tax on clothing was rescinded.

Ms. Maxwell said that the County came out OK but added that the local economy was in much better shape a that time.

Executive Assistant Fauci reminded the Council about bicentennial preparations and events.

### **Adjourn**

The meeting was adjourned at 5:15 PM

Recorded and edited by: Jeremy Evans

Approved by: Debra A. Preston