

**Herkimer County Legislature
Ways & Means Committee Meeting
Thursday, September 3, 2020
Via Zoom**

Follows Public Safety & Emergency Management and Ways & Means

Persons Attending:

Patrick E. Russell (Committee Chairman)
Kurt J. Ackerman (committee member)
Raymond Smith (committee member)
Raymond Johnson (committee member)
Frederick J. Shaw, Jr. (committee member)
John P. Stephens (committee member)
Vincent J. Bono, Chairman of the Legislature
James W. Wallace, Jr., County Administrator
Brandy Serow, Sec. to County Administrator
Lorraine Lewandrowski, County Attorney
Sheri Ferdula, Budget Officer/Purchasing Agent
Steve Billings, Personnel Officer

(Non-Committee Members Signed In)

Legislator Gregory Malta, Sr.
Legislator Mark Gaworecki
Legislator Robert J. Schrader
Legislator Bob D. Hollum
Legislator William E. Keeler, Sr.
Legislator John L. Brezinski
Legislator Peter F. Manno
Legislator Ray Donley
Legislator Peter Campione
Legislator William Weakley

Absent:

N/A

Mr. Russell called the meeting to order at 11:19 a.m.

Items discussed:

WAYS AND MEANS:

1. Approve transfer within the COVID-1 project in Public Health
2. Approve transfer for expenses claimed to the Childhood Lead Poisoning Prevention Program in Public Health
3. Approve transfer of funds in the 2020 budget
4. Approve transfer of funds in DSS
5. Request for extension for use of vacation time
6. Set Public Hearing for Introductory Local Law A of 2020 - Mortgage Tax
7. Other

Committee Vote Record:

WAYS & MEANS:

Mr. Russell: "First thing on the agenda is to approve transfer within the COVID-1 project in Public Health."

Item #1 - On motion of Mr. Smith, seconded by Mr. Shaw, Item #1 was voted on, approved and moved for Resolution. Unanimous.

Mr. Russell: "Number two, approve transfer for expenses claimed to the Childhood Lead Poisoning Prevention Program in Public Health."

Item #2 - On motion of Mr. Stephens, seconded by Mr. Shaw, Item #2 was voted on, approved and moved for Resolution. Unanimous.

Mr. Russell: "Number three, approve transfer of funds in the 2020 budget."

Item #3 - On motion of Mr. Ackerman, seconded by Mr. Bono, Item #3 was voted on, approved and moved for Resolution. Unanimous.

Mr. Russell: "Number four approve transfer of funds in DSS."

Mr. Wallace: "Can Tim talk on this?"

Tim Seymour: "We got hit pretty hard this year with JD and Raise the Age program and placement costs. I would say the bulk of these expenses right here are contributed to Raise the Age which should be reimbursed to us at 100%. This is a good opportunity to tell everybody that when we did an update on June rates we were only reimbursed from the State of New York for about \$400,000 so this is to cover payments anticipated in the future. It is about \$75,000 without anything further."

Mr. Russell: "Now Tim, are you saying we are not going to be able to get that money?"

Tim Seymour: "No, I am saying that they just haven't reimbursed our claims in so many areas."

Mr. Russell: "That's good to know for the folks as we go forward. We know that Mr. Wallace has a lot of concerns. I'm not sure if Jim wants to talk on this."

Mr. Wallace: "Tim and I and the other department heads work on this every day with Sheri. It is a real concern for us. We just don't see any money being released out of the state. One of the concerns I had the other day, I think everybody knows Safety Net, which most of the states in the country don't fund after 60 months, we fund it. It used to be 50/50, now it is 71% county, 29% state. Tim put in a \$28,000 claim and they cut us the 20%. So they are paying peanuts on a program that no one else in the country pays for. The taxpayers of the county are paying for it. I just don't think it is fair. In Albany they just don't care."

Mr. Russell: "I think under other, maybe we should address what we are going to do in regards to these payments."

Mr. Bono: "Would it be an idea to pass a resolution to ask the state to extend our budget deadline in light of seeing what happens with these state and federal bailouts?"

Mr. Russell: "That's why I said in number seven we should probably take a look at what we are going to do."

Mr. Bono: "Maybe if we get other counties to do that and put pressure on the state and see what shakes out at the end of the year with everything. At the very least they owe us that. Give us time to redo our budget accordingly instead of guessing. Because we are going to end up redoing it again once it shakes out in the end."

Mr. Russell: "Do we want to do anything public in regards to any of this for our constituents. In speaking with Jim we are doing very well with our fund balance and stuff but also now we are getting hit with the State not paying us and who knows if they are going to reduce any more of the formulas."

Item #4 - On motion of Mr. Shaw, seconded by Mr. Stephens, Item #4 was voted on, approved and moved for Resolution. Unanimous.

Mr. Russell: "Number five request for extension for use of vacation time. Steve."

Steve Billings: "I received a request from an employee in the Highway Department that is going from a union position to a non-union position and under his union contract he was allowed to carry 30 days' vacation forward each year and under the non-union agreement we only allow him to carry over one week. Five days. So he has a tremendous amount of vacation and the request is can he have some addition time to use the vacation he has on the books. Partially because he is in the engineering department and he is working a few projects and it's going to be difficult for him to use the vacation. I said I would bring it forward to committee for discussion. I guess my recommendation would be maybe we give him an extra six months to try and use up that time."

Mr. Russell: "Yes. What have we done in the past? Have we ever had anything like this?"

Steve Billings: "We have had some employees down there that we kind of grandfathered in. This goes back to John Rathbun when he moved and we have allowed them extra time to use up their vacation but that was years ago. It was actually before me. I don't think we are going to get caught in a real precedence problem here because the only union contract that allows somebody to carry over this many vacation days is Highway so it would only be Highway guys so it's only a few. I think it's the right thing to do to be honest with you."

Item #5 - On motion of Mr. Ackerman, seconded by Mr. Stephens, Item #5 was voted on and approved. Yes: Russell, Ackerman, Johnson, Shaw, Stephens, Bono (6). No: Smith (1).

Mr. Russell: "Set Public Hearing for Introductory Law A of 2020 for Mortgage Tax. Can I have a motion?"

Item #6 – On motion of Mr. Shaw, seconded by Mr. Johnson, Item #6 was voted on, approved and moved for Resolution. Unanimous.

Mr. Russell: "So number seven we talked a little bit about. Jim Wallace, we talked about the COVID testing. Is that something you want to talk about today?"

Mr. Wallace: "I just wanted to bring it up guys. It's something that Christina, myself, Diane, Tim, Steve, and Jimmy have been talking about you know, the need for testing, rapid tests. The state may be able to get some of those but of course they are bankrupt so they can't pay any money. It's \$5 a test, 15 minute response time and again, I know I threw out a crazy number of 50,000 tests but I thought anything to be considered is kind of important. I think it keeps schools involved, keeps parents working, etc. I heard DJ from West Canada talk about every morning from October through March, April, May, They have eight kids with a 102 fever. Are you going to close the whole school down if somebody has a cold or flu? If you can test that, and it can be done by the nurse in the school. If you can test and keep the school open you will keep the parents working. I thought it was something we should at least take a look at and consider."

Mr. Bono: "I'm going to jump in if you don't mind Pat. Jim and I are on those calls every day and that's a big issue right now, is the testing, and I know up your way Pat we've had issues with no testing up there and some of the residents up there are concerned and I agree. At the very least, if not buying the 50,000 units that Jim is talking about, maybe start off with 10,000 and let's see how it goes and take it from

there. We buy those at State bid, right Jim? They are \$5 a hit there but my question is this, and I talked with Diane Ward the other day in regards to something like that and Christina I think you are still on and please jump in here. If we passed these tests out would the people who administer them, would they have to have some type of certification? Diane mentioned something. I can't remember the term or the certification but please jump in here and give us some insight."

Christina Cain: "Historically any time anyone is performing a laboratory kind of test like that, whether it's diagnostic or rapid you have to have listed under CLIA with like a certified laboratory license for anybody doing any type of testing in New York State. I have not heard whether or not there is a go around or not by some waiver or something but New York is pretty finicky about making sure those CLIA licenses are involved so I would tend to say it's probably going to be a requirement. It's not necessarily a very difficult thing to acquire but it does go under a different designation and I am not sure how that would look for a school if the school was performing them or how that really would shake out at this point because we haven't been given any direction on that yet."

Mr. Bono: "We can ask that in our control group today if that would be a hiccup. Jim, what do you think?"

Mr. Wallace: "Absolutely."

Mr. Bono: "In any regard, if that's not an issue, and they can do that I have no objection to at least purchasing 10,000 or 20,000 units and getting them up to the schools, up north where we can do residents and maybe Pat, you can jump in here too, you have maybe 1,800 year round residents up there. At least give it to the year round residents and those people in another month or so that are seasonal. They are pretty much going to leave and go back to their homes."

Mr. Russell: "Well I am hearing that more and more people are going to stay. Whether that's true or not, I don't know."

Mr. Bono: "Okay, that is a good point."

Mr. Wallace: "We would use some here as well. That's an issue for us. Do you have the flu or do you have the virus. It's a big deal on how sick time is handled and all that stuff. I think it will make it a lot easier for Steve. Steve, any thoughts on that?"

Steve Billings: "I think it would be very important. We are getting very nervous about this fall that we are going to have employees come to work and have flu cold like symptoms and other employees are going to get nervous and then we have to get into a situation where are we going to be sending employees home, and if we do and don't allow them to work, can we make them use their own accrued time? I think we are getting into a real mess and if we had a rapid test and we could send someone for a rapid test and get the results very quickly and we find out it's not COVID, it's just the flu then it's going to put our other employees at ease. Then the employee has a choice, you either go home, you know we all come to work at some point not feeling well so the employee will have to make the decision what they are going to do. We are going to have so many scenarios this fall I think we are going to have employees screaming foul that sick employees are coming to work and everybody is nervous. If we had these tests, I think it would be very important for us."

Mr. Russell: "How many schools do we have within the County? Do we know that?"

Mr. Bono: "You have to remember Pat that some of the students are virtual, like the high schools are virtual, k-6 are going to be live and there are different scenarios in every district."

Mr. Wallace: "About 7,000 students. And that varies."

Mr. Schrader: "Mr. Chairman, Can I make a suggestion? Do you think we should order the amount that Jim recommended of 50,000 due to the possibility of the availability not being there? Steve makes a valid point that this could be a major problem with our County workers. I would rather have more than not enough."

Mr. Russell: "Well \$5 at 50,000 is \$250,000. We understand how much it's going to cost. Obviously for our own departments and even the college up there too we should get some of these."

Mr. Bono: "And even the private sector Pat, would we allow these to go to the private sector? The Remington's, god willing they're still here or the Northern Safety's or whoever has a large workforce. Even the small workforces for that matter. Anybody and everybody I guess."

Mr. Russell: "I think that would come from Public Health and how they would deal with that. We can do stuff for schools. I'm not sure if you can do it for the others. We would have to find out."

Mr. Ackerman: "Jim, what is the accuracy of these?"

Mr. Wallace: "97.1%."

Mr. Bono: "Are these a swab of saliva?"

Christina Cain: "Nasal."

Mr. Bono: "Christina, are there any special requirements that you need, refrigeration to be stored or are they dry goods?"

Christina Cain: "I have absolutely no idea."

Mr. Bono: "We can look into that. We will ask that today and then Christina, if you in your network, could find that out. That would be great."

Christina Cain: "I will see if it's put away and I will also check into the logistics about storage and usage and that. I do know that I read that they are starting to mass produce a lot this month and then ramping up to full production in October. We might want to see what the time line would be to get access the amount we are looking to potentially purchase."

Mr. Russell: "Let's get this all together and see what we can do prior to our next meeting and maybe we can have a Resolution to that affect."

Mr. Bono: "Committee meeting you're saying Pat you think before the 16th or on the day of the 16th maybe? Is that what you are recommending?"

Mr. Russell: "Yes. Obviously it's been discussed here. We know what's going on. It's a matter of how much we want to spend. If Jim Wallace and Sheri can get that together and then Public Health can do their job or whatever you have to do Jimmy on the phone. I got thinking about it. I don't necessarily like spending money for schools per se but I think in the long wrong it's going to be cheaper to keep people in and out of school than having them close down."

Mr. Bono: "I agree."

Mr. Russell: "These kids need to be around their friends in school."

Christina Cain: "I just wanted to say that it looks like it's an immediate test so there would be nothing to store so it would just be swipe the swab on, stick it in the machine and get a one line or two line which

gives you your answer and then they deliver it via the app. So it's very quick. No storage or anything like that. The other this I just wanted to throw out there for you all is I did see something come across, and I haven't had a chance to look at it yet, but about an hour ago I believe there was some talk of potentially the Federal Government delivering a lot of these tests for schools so I don't know what they are looking at."

Mr. Wallace: "We will check with the Feds on what they are going to do with them."

Mr. Russell: "Is there anything else for Ways & Means?"

Mr. Wallace: "Pat, can I just talk about the issue you and I talked about very briefly the other day? About the payroll holiday?"

Mr. Russell: "Yes."

Mr. Wallace: "We made a decision locally not to move forward with that. I'm sure you guys are all well aware that the President offered by Executive Order, which is not binding, a possibility not to charge Social Security. We have to charge Medicare but you would not have to charge Social Security and then the individual and the County would have to pay it back before May of next year. We just see no positive reason to do that. There is no action from Congress to forgive that so if you have to go chasing people down for Social Security next year we think it would be a tremendous problem. And for us, we're struggling but we can pay our bills. I would rather pay the Social Security today than push it off. This is something that Kim and Sheri brought to us. Just brought it to our attention."

Mr. Russell: "I agree with that."

Mr. Wallace: "I just wanted to make sure people were aware of that Pat and if anybody had any questions we could try and answer them."

Item #7 -N/A

Ways & Means continued with Administration/Veterans' Affairs reconvening.

On motion of Mr. Stephens, seconded by Mr. Bono, the Ways & Means committee adjourned at 12:07 p.m.