

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, March 21, 2017

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Robin K. Lattimer	Scott J. Van Etten, Vice Chair	Carol A. Feratella
STAFF:	Jack K. Wheeler Kelly Penziul Andy Morse	Mitchell Alger Alan Reed Nate Alderman	Vicki Olin Jennifer Prossick Judy Hunter
LEGISLATORS:	Joseph J. Hauryski Gary B. Roush	Kelly H. Fitzpatrick Gary D. Swackhamer	John V. Malter
ABSENT:	Hilda T. Lando		
OTHERS:	Mary Perham		

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:00 a.m. and asked Ms. Lattimer to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 14, 2017, MEETING MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. Law Department

1. **Contract Renewal – Barclay Damon** – Mr. Reed requested authorization to extend the contract with Barclay Damon under the same terms and conditions. He also requested authorization to include three, one-year renewals as long as the rates remain the same. He commented that Barclay Damon handles some of our tort claims.

MOTION: AUTHORIZING THE COUNTY ATTORNEY TO EXTEND THE CONTRACT WITH BARCLAY DAMON UNDER THE SAME TERMS AND CONDITIONS FOR AN ADDITIONAL YEAR, WITH THE OPTION FOR THREE, ONE-YEAR RENEWALS MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Sheriff's Indemnification** – Mr. Reed explained presently the State statute does not list the Sheriff as one of the officers under the indemnification resolution from the County. The language was removed in 1989, but the statute did not change. However, there is recent case law that allows counties to indemnify Sheriffs. We do have insurance coverage for the actions of the Sheriff, but it does not provide indemnification. He requested authorization to present a local law to identify the Sheriff as one of the officers recognized for indemnification. This will put the Sheriff and the County on notice if there is a contemplated suit against the Sheriff or the County.

MOTION: PROVIDING INDEMNIFICATION FOR THE STEUBEN COUNTY SHERIFF MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. FOR DISCUSSION.

Mr. Reed clarified, if the actions of a Sheriff are outside of the scope of what we have defined, then we do not have to provide indemnification. Mr. Van Etten asked will this cover all future Sheriff's, or will we have to do this each time? Mr. Reed replied it covers the office.

Ms. Lattimer asked is there a downside to doing this? Mr. Reed replied there is only one, which is relative to the technicality of having the right to have notice of a claim filed within the first 90 days of an incident. With this indemnification, it extends the time from one year to one year, 90 days.

VOTE ON PREVIOUS MOTION. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

B. Elections

1. **Contract Renewal – NTS Data Services** – Mrs. Olin requested authorization to renew their contract with NTS Data Services for five years. There is an increase of \$2,943 from the previous contract; all other terms and conditions remain the same. We do have money in the budget to cover the increase.

Mr. Van Etten asked are there other software options? Mrs. Olin replied there is only one other vendor, ES&S, however, usually in order to use that software you need to have the ES&S voting machines. Mr. Van Etten asked what is the annual cost? Mrs. Olin replied the annual cost is \$34,925.

MOTION: AUTHORIZING THE BOARD OF ELECTIONS TO RENEW THE CONTRACT WITH NTS DATA SERVICES FOR FIVE YEARS AT A COST OF \$34,925 PER YEAR FOR FIVE YEARS MADE BY MR. VAN ETTEN. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **School Contract** – Mrs. Olin informed the committee that last year a couple of schools, Bath and Corning-Painted Post, came and asked to use our voting machines for their elections. We agreed because we want to form a good working relationship with the schools and we also want everyone to vote the same way, every time. Those contracts worked very well. We are not allowed to charge the districts for the use of the machines since federal funds were used to purchase them. However, we can charge for supplies and other incidentals. Last year the Bath School District paid \$210 and the Corning-Painted Post School District paid us \$720. We have now received requests from Addison, Canisteo-Greenwood, Hornell and Avoca to use our machines.

Mr. Wheeler commented we want to be compensated for our time and costs, and this strikes a good balance.

Mr. Schu asked do we provide staff? Mrs. Olin replied we only provide the equipment. They have to use our inspectors and those individuals are paid directly by the school. We do ballot design for them and they have to use a printer of our choice and pay for the ballot printing. We do the delivery and upkeep of the machines. We will charge for gas and staff time to do that.

Mr. Van Etten asked is there a requirement that the machines be kept in a secure location? Are the schools responsible for that? Mrs. Penziul replied the schools are required to secure the machines while they are in their possession. We usually deliver the machines the day prior.

Mrs. Ferratella asked do the schools have to use our machines? Mrs. Olin replied they can do paper ballots; however, they cannot use the lever machines. Mrs. Ferratella commented that is very inexpensive for the schools. Mrs. Olin commented last year we charged \$50.00 per machine, all-inclusive. This year we have increased that to \$100 per machine. Mr. Schu commented if that is covering our costs then we are providing the service at cost.

Mr. Van Etten asked what are the options for the schools if we opt not to contract with them? Mrs. Olin replied they would have to do paper ballots and hand count, or they would need to purchase their own machines.

MOTION: AUTHORIZING THE BOARD OF ELECTIONS TO ENTER INTO ELECTION SERVICES AGREEMENTS WITH THE SCHOOL DISTRICTS MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Machine Warranty Extension** – Mrs. Olin stated three years ago we did an extended warranty for the voting machines and that warranty expired December 31, 2016. The warranty is with Dominion and they provided a three-year extension or a five-year extension. We have money in our budget to cover the three-year extension which totals \$78,097.50.

Mr. Malter asked what is the useful life of the voting machines? Mrs. Olin replied we have had the machines for nine years and some would say that maybe we would get a couple more years. Mr. Van Etten asked what goes wrong with the machines? Mr. Wheeler replied they are essentially rolling computers and could experience wear and tear.

Mr. Van Etten asked why extend the warranty if we will be purchasing new machines in the future? Mr. Wheeler replied the three-year extension gives you time to save money toward the purchase of new machines.

Mrs. Ferratella asked is the cost of the machines going down? Mrs. Olin replied no. Mr. Malter asked do you have any backup machines? Mrs. Oline replied yes and we have had to use them. She stated the cost of a new BMD is \$11,500 and the scanner only is \$8,500. Then you have to purchase all of the attachments.

Mr. Van Etten asked do any of the new machines have touch screen voting? Mrs. Olin replied ES&S has a model that is somewhat of a touch screen. She will look into that further. We are open to looking at another company, but the question is do we purchase for all sites, or mix and match? Mr. Van Etten commented it would be interesting to know if you would save money by going with the touch screens.

MOTION: AUTHORIZING THE BOARD OF ELECTIONS TO ENTER INTO AN AGREEMENT WITH DOMINION FOR A THREE-YEAR EXTENDED WARRANTY FOR 60 BMD MACHINES AND 9 SCANNER ONLY MACHINES FOR A TOTAL THREE YEAR COST OF \$78,097.50 MADE BY MS. LATTIMER. MOTION FAILS DUE TO A LACK OF A SECOND.

Mr. Van Etten commented for a difference of \$22,000 per year for two additional years, it would be better to look at the five-year extended warranty. Mr. Wheeler commented that if you go with the five year warranty, we will need to fund the additional cost out of the Contingent Fund.

MOTION: AUTHORIZING THE BOARD OF ELECTIONS TO ENTER INTO AN AGREEMENT WITH DOMINION FOR A FIVE-YEAR EXTENDED WARRANTY FOR 60 BMD MACHINES AND 9 SCANNER ONLY MACHINES FOR A TOTAL FIVE YEAR COST OF \$122,931.25 MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. Purchasing

1. **Bid Awards – Custodial Paper Products, Stationery Supplies and Polyethylene Bags** – Mr. Morse requested authorization to award the bids for Custodial Paper Products, Stationery Supplies and Polyethylene Bags to the low bidder on a line item basis.

MOTION: AWARDING THE BID FOR POLYETHYLENE BAGS TO THE FOLLOWING BIDDERS ON A LINE ITEM BASIS: CENTRAL POLY AND INTERBOROR; AWARDING THE BID FOR CUSTODIAL PAPER PRODUCTS TO THE FOLLOWING BIDDERS ON A LINE ITEM BASIS: CENTRAL POLY, VENDOR ECONOMY PRODUCTS, SANICO, AND VASCO; AWARDING THE BID FOR STATIONERY SUPPLIES TO THE FOLLOWING BIDDERS ON A LINE ITEM BASIS: EATON AND STANDARD MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **GST BOCES Printing Contract Renewal** – Mr. Morse requested authorization to renew the contract with GST BOCES for printing services under the same terms and conditions.

MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO RENEW THE CONTRACT WITH GST BOCES FOR PRINTING SERVICES UNDER THE SAME TERMS AND CONDITIONS MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING, OR CURRENT LITIGATION MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

V. OTHER BUSINESS

A. *Cyber Security Presentation* – Mr. Van Etten commented that he is asking a contact at Corning, Inc., if they would be willing to come in and give a presentation on Cyber Security and how they are addressing those issues.

MOTION: TO ADJOURN MADE BY MS. LATTIMER. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****

**Tuesday, April 11, 2017
Legislative Committee Room
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, April 5, 2017.**