I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE DECEMBER 10, 2019, MEETING MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. DEPARTMENT REQUESTS

A. Risk Manager

   1. Administrative Code Revision - Mr. Sprague explained there is a process for CDL holders relative to positive alcohol/drug test results and our process in the past has not been well detailed. During the past year we have worked hard to come up with a process to explain what a positive test result means and how that impacts the employee. He had sent out for review a draft revision of the Administrative Code relative to Rehabilitation/Employee Assistance/Reinstatement, along with the DOT SAP Process for Steuben County. This follows the New York State DOT policy.

   MOTION: AUTHORIZING A REVISION TO THE ADMINISTRATIVE CODE RELATIVE TO REHABILITATION/EMPLOYEE ASSISTANCE/REINSTATEMENT TO INCLUDE THE DOT SAP PROCESS FOR STEUBEN COUNTY MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

   Mrs. Ferratella asked how is the Union with this? Ms. Prossick explained in our agreement we have reserved our rights to do this at any point in time and just need to inform them. We did send this to Roemer and they reviewed it. Mr. Wheeler stated we have made changes based on the Federal requirements.

   Ms. Fitzpatrick asked how many departments have employees with CDL’s? Mr. Sprague replied we have a total of 152 drivers, mostly in Public Works and a couple in Buildings & Grounds. We do administer pre-employment
and random drug testing for the municipalities in the County, but this has nothing to do with the municipalities. This is just our internal process.

Mr. Van Etten asked is the NYS DOT process new? Mr. Sprague replied no, this has been in place for quite a long time, however, we need to make improvements. We just put the SAP (Substance Abuse Professional) portion in place this past year and are now getting the process more streamlined. Mr. Van Etten commented that we should make sure that the municipalities at least have this information. Mr. Sprague stated Thursday, January 16, 2020, there is a meeting with the municipalities and Occustar to review the new drug testing clearinghouse. If there is a positive test, that individual’s name goes into a DOT database. We will be meeting with all of the municipalities and Occustar to take them through that process and what the County will be doing. We will also be holding an internal meeting with all of our CDL drivers as well. Mr. Sprague explained we will still do the drug program as we always have, but with the new clearinghouse, that will be up to each municipality to set up.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

Ms. Fitzpatrick asked are there other areas that we should be concerned about involving non-CDL drivers? Mr. Sprague replied with any new hires we run the license and we also subscribe to NYS LENS and we get a daily activity report that we check. Ms. Prossick commented we have also cleaned up the policy relative to accidents. Mr. Van Etten stated previously with our alcohol and drug testing services we were not meeting the Federal standards and we have corrected that.

B. Elections

1. **Budget Transfer** – Mrs. Olin requested authorization to transfer a total of $109,000 from various 2019 accounts into the Voting Machines Capital Project for the future purchase of voting machines. She explained they did not have a full primary last year and there was some extra money.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO TRANSFER A TOTAL OF $109,000 FROM VARIOUS 2019 BOARD OF ELECTIONS OPERATING ACCOUNTS INTO THE VOTING MACHINES CAPITAL PROJECT MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Ms. Fitzpatrick commented there was a significant amount left over in the budget. The printing line was in excess of $55,000. Is that all from not having a full primary? Mrs. Olin replied we never know what will happen in our budget. We have to plan for a complete, full roll out. We don’t know if we will end up with a special election and that is what we have to try to figure out. This year we had 209 offices up for re-election and we also had a couple of countywide offices up. Mr. Wheeler stated this is not typical. The Board of Elections has done a good job managing their finances. This is not a continual issue.

Mr. Van Etten asked have we done this in previous years? Mrs. Olin replied probably four or five years ago we had $50,000 that we had transferred over to the capital project. We know that the life expectancy of the voting machines is five years and we are now on year ten. Mr. Van Etten commented he does not know what the capital account currently has. You cannot do department budgeting by hedging funds; you need to put a line item in the budget for that purpose and know that’s what it is for. In your printing line, in 2018 you budgeted $50,000; in 2019 you budgeted $100,000. My concern is that for 2020 you budgeted $140,000 and is that amount legitimate? Mrs. Olin replied that amount is absolutely legitimate. We will have two Presidential and one Federal election. We have an idea that there will be 27 days of early voting. We have gotten eight or nine legislative bills that have already passed the Senate and the State is looking to change early voting and put it in as many places as they can. We do not know what is coming. What is budgeted for this year is based on the last Presidential election.

Mrs. Olin commented this also factors in that we increased the rate of pay for inspectors from $160 for a full day to $200 for a full day. The primary has gone from a half day to a full day and the inspectors are making approximately $12.50 per hour. Mr. Van Etten commented if we are building a capital account, then we should know that. To do that through department budgeting is not the correct way to do it. Mrs. Olin replied no, we
always look at the previous election and never look at our budget as a way to put money away. Mr. Van Etten commented your real dollar amount has not been spent yet in September when we are beginning to look at the budget. Mr. Malter stated the unexpended funds are calculated into the 2020 budget and you are short-changing the 2020 scenario.

Mrs. Ferratella commented one of the towns she represents is concerned about having WiFi available as their WiFi is so sporadic that they feel it will go in and out. Mr. Wolverton explained the electronic poll books are what require the WiFi. We can preload the electronic poll books prior to taking them to the voting site, however that is not the best way to do it. We are getting Verizon Hotspots and will take the electronic poll books to those locations. We went out and tested each site to make sure that the Hotspots will work. Mrs. Olin clarified by doing it this way we will not be using the towns WiFi.

Mr. Malter asked what did we put into this capital project last year? Mr. Wheeler replied last year we put in $100,000. The total amount in the project is $295,000. Ms. Fitzpatrick asked what is the estimated replacement cost of the machines? Mr. Van Etten replied $750,000. Mrs. Olin explained the cost will depend on the machine and what is certified by the State. We are looking at trying to consolidate districts to cut our costs. Ms. Fitzpatrick asked how many machines do we have? Mrs. Olin replied we have 70 machines. We have 54 poll sites and some of those sites get two machines. We also have to have a couple of machines available for early voting. This year we will have the school elections on top of the June primary.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

C. District Attorney
   1. Contract Addendum – Part-Time Victims’ Advocate – Mr. Terwilliger informed the committee that they currently have a contract through the Department of Social Services and the Institute for Human Services for part-time Victims’ Advocate services. The VOCA Grant allowed for funding for two part-time advocate services. He requested authorization to amend the contract with the Institute for Human Services to include additional part-time Victims’ Advocate services.

MOTION: AUTORIZING THE DISTRICT ATTORNEY TO AMEND AND EXTEND THE CONTRACT THROUGH THE DEPARTMENT OF SOCIAL SERVICES AND THE INSTITUTE FOR HUMAN SERVICES FOR ADDITIONAL PART-TIME VICTIMS’ ADVOCATE SERVICES TO BE PAID FOR WITH VOCA GRANT FUNDS MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

D. Purchasing
   1. Request Authorization to Purchase Copiers from Copier Capital Project – Mr. Morse informed the committee that he is in the third year of a four year project to replace all of the Ricoh copiers with Toshiba copiers. He requested authorization to purchase 14 copiers for a total cost of $54,841. He stated there is $169,000 available in the Copier Capital Project. The final phase will be purchasing another 14 copiers next year.

MOTION: AUTORIZING THE PURCHASING DIRECTOR TO PURCHASE 14 TOSHIBA COPIERS OUT OF THE COPIER CAPITAL PROJECT FOR A TOTAL COST OF $54,841 MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

   2. Authorization to Issue Bid for Printing – Mr. Morse requested authorization to issue a bid for printing services. We have not done this in the past as we had utilized BOCES. Last year we spent $55,000 on printing.

MOTION: AUTORIZING THE PURCHASING DIRECTOR TO SOLICIT BIDS FOR PRINTING SERVICES MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.
Ms. Fitzpatrick asked what did we send out for printing? Mr. Morse replied the printing is for department needs for business cards, brochures. If we do a multiple award that will fit our needs better. Mr. Van Etten asked what changed with BOCES? Mr. Morse replied their priority has been to service the schools more.

VOTE ON PREVIOUS MOTION. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

E. County Manager
1. Mortgage Tax Extension – Mr. Wheeler informed the committee that we are required to request an extension of our Mortgage Tax. He is requesting approval to request the legislation.

MOTION: REQUESTING AN EXTENSION OF THE MORTGAGE TAX UNDER TAX LAW SECTION 253- Resolution Required.

2. Broadband Expansion Study – Mr. Wheeler explained a broadband expansion study would encompass the counties of Steuben, Schuyler, Yates and Tioga. He stated STN (Southern Tier Network) has done a good job for business to business connection. This has also allowed Empire and other carriers to expand their networks. The one area that still remains an issue is rural access and there is no easy way to solve that. All of the counties are having discussions on what options there are for rural broadband access. We really need to fund a study to show where the gaps are, where we can build, options to build, the costs and governance models. These types of discussions are going on throughout the nation. Fujitsu was evaluated and selected by STN as they can guarantee build costs within five percent. Schuyler County has adopted a resolution to fund a portion of this study. Yates and Tioga counties are in the process. Chemung County is doing their own study.

Mr. Wheeler requested authorization to enter into an inter-municipal agreement with Schuyler, Yates and Tioga counties for the broadband expansion study, contingent upon Law Department review and approval. This agreement is important because Fujitsu and STN want to see formal action that the municipalities are committing to the study.

MOTION: AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH SCHUYLER, YATES AND TIOGA COUNTIES FOR A BROADBAND EXPANSION STUDY MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.

Mr. Schu asked is this due to the State’s inability to expand broadband? Mr. Wheeler replied yes. We will still face a challenge with State funding. There are significant Federal grants and loans. The Governor considers all of the residents served. Ms. Fitzpatrick stated she would like to see this move forward. It is a hindrance when you do not have internet and it is a shame that we do not have internet everywhere. Mrs. Ferratella commented she hears this complaint every month at one the town meetings she attends.

VOTE ON PREVIOUS MOTION. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

Mr. Wheeler requested authorization to spend up to $75,000 out of the Southern Tier Fiber Capital Project. This project currently has $500,000. He explained our portion of the study is $54,743. Mr. Malter asked if the other counties do not participate, will the cost come down? Mr. Wheeler replied yes it would. Yates and Schuyler are in. Tioga has never really bought into STN. The eastern expansion goes through Tioga and they have not been an active participant so their share of the cost is higher.

MOTION: AUTHORIZING THE COUNTY MANAGER TO SPEND UP TO $75,000 ON THE BROADBAND EXPANSION STUDY, THE COST TO BE PAID OUT OF THE SOUTHERN TIER FIBER CAPITAL PROJECT MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.
MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS LAW, ARTICLE 7 § 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: AMENDING THE MANAGEMENT SALARY GRID TO REFLECT THE FOLLOWING SALARY CORRECTIONS FOR 2020: JUDY HILLMAN (PARALEGAL ASSISTANT) - $51,074; JOSETTE MORSE (PERSONNEL CLERK) - $51,074; RYAN CARBONE (PERSONNEL TECHNICIAN TRAINEE) - $51,307; DANA STRATTON (SENIOR TYPOIST - PERSONNEL) - $43,430; VICKI JONES (SENIOR TYPOIST – RISK MANAGER) - $45,871; ANGELIA CORNISH (ASSISTANT TO ELECTION COMMISSIONER) - $46,647; COLLEEN HAURYSKI (ASSISTANT TO ELECTION COMMISSIONER) - $48,123; SAMANTHA JAMISON (SENIOR CLERK) - $37,329; AND CHAD CLELAND (SENIOR CLERK – ELECTIONS) - $40,990 MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, February 11, 2020
Legislative Committee Room
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, February 5, 2020
I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 14, 2020, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. EXECUTIVE SESSION

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7 § 105.1.F. 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 MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

IV. DEPARTMENT REQUESTS

A. Personnel

1. 16B Waiver – Conflict Defender – Mr. Alderman stated the Conflict Defender is requesting a 16B Waiver to create one, part-time Assistant Conflict Defender position, Management Grade H. The Conflict Defender has indicated that they currently have two Conflict Defenders. Their caseloads are increasing, they are
getting a lot of discovery materials and two people cannot cover 1,400 square miles. Mr. Alderman stated he would recommend approval of this position. Mr. Wheeler explained this position is covered under Hurrell-Harring and the cost will be offset by State revenues. This should also help to divert cases from having to go to Assigned Counsel.

MOTION: WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE PART-TIME ASSISTANT CONFLICT DEFENDER POSITION, MANAGEMENT GRADE H, IN THE CONFLICT DEFENDER’S OFFICE MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

2. 16B Waiver – District Attorney – Mr. Alderman stated the District Attorney is requesting a 16B Waiver to create one part-time Assistant District Attorney position, Management Grade H. Mr. Baker explained he had a shared services contract with Schuyler County for a part-time ADA. Schuyler County can no longer fulfill this contract. He requested authorization to create one part-time ADA and the cost would be the same as what they were paying through the contract with Schuyler County.

Ms. Fitzpatrick asked Mr. Baker to define part-time? Mr. Baker replied part-time is 50 percent; they would be working 20 hours per week. This position would be covering the eastern half of the County.

MOTION: WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION, MANAGEMENT GRADE H, IN THE DISTRICT ATTORNEY’S OFFICE MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

3. Request for District Attorney to Hire Above Mid-Point – Mr. Baker requested authorization to hire an Assistant District Attorney, Bruce Rosekrans above the mid-point of Grade H, which would be step 8. The salary would be $74,775 annually. Mr. Rosekrans has over 35 years of experience, 20 of which was as Assistant District Attorney in Wayne County. Currently, Mr. Rosekrans is handling the implementation of the new discovery requirements and that is going very smoothly. Ms. Fitzpatrick asked is this is a full-time or part-time position? Mr. Baker replied this is a full-time position at 100 percent in-house employee.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO HIRE A FULL-TIME ASSISTANT DISTRICT ATTORNEY, BRUCE ROSEKRANS, AND SETTING HIS SALARY ABOVE THE MID-POINT AT $74,775 MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

4. 16B Waiver – Public Defender – Mr. Alderman stated the Public Defender is requesting a 16B waiver to create one Typist, Grade IV position; one Senior Typist, Grade VI position; 1 Paralegal Assistant, Grade XI position; and one Senior Assistant Public Defender position, Management Grade I. Mr. Wheeler explained all of these positions are budgeted and covered under the Hurrell-Harring settlement. The Senior Typist position is the most critical as Hurrell-Harring requires the Public Defender to have a Data Control Officer. The other positions are to fill the needs and requirements of Hurrell-Harring.

MOTION: WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE TYPIST POSITION, GRADE IV; ONE SENIOR TYPIST POSITION, GRADE VI; ONE PARALEGAL ASSISTANT POSITION, GRADE XI; AND ONE SENIOR ASSISTANT PUBLIC DEFENDER POSITION, MANAGEMENT GRADE I MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

5. Reclassification – Office of Community Services – Mr. Alderman stated Dr. Chapman is requesting the reclassification of one vacant Recreation Therapist position, Grade XII to a Social Work Assistant position, Grade XII. Dr. Chapman explained the Recreation Therapist position was created about 20 years ago and the individual who held that position retired in November. He no longer needs a Recreation Therapist, but
does need care management services and that is what a Social Work Assistant does. There is no difference in cost.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT RECREATION THERAPIST POSITION, GRADE XII TO A SOCIAL WORK ASSISTANT POSITION, GRADE XII IN THE OFFICE OF COMMUNITY SERVICES MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

6. Reclassification – Office of Community Services – Mr. Alderman stated Dr. Chapman is requesting the reclassification of one zero-based Staff Psychologist position, grade XIX to an Assistant Director of Community Services position, Management Grade I. Dr. Chapman stated for the past eight years he has run the department without a deputy and he is at a point now with managed care that he needs to have an individual to help oversee the programs and make day to day decisions. This would also be the start of a succession plan. Dr. Chapman stated the individual he has in mind for this position is Lynn Lewis who is a Mental Health Coordinator. She has 30 plus years of experience in the field as she has worked for us for the past 24 years and prior to that worked at the St. James inpatient unit. He is asking to hire her above the mid-point of Grade I at $89,376 which is step 11 in the grade. He does have money available in the budget to cover this. She will continue to oversee the Children & Youth Program and he will delegate some of her duties to other staff to free up time to do deputy duties. Dr. Chapman stated at some point in the future he would envision filling her current position. Mr. Wheeler commented the reason for hiring her above the mid-point is her current salary in the union grade is higher as a clinical practitioner. Dr. Chapman stated her current salary is $82,757.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE ZERO-BASED STAFF PSYCHOLOGIST POSITION, GRADE XIX TO AN ASSISTANT DIRECTOR OF COMMUNITY SERVICES POSITION, MANAGEMENT GRADE I MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

MOTION: AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO HIRE THE ASSISTANT DIRECTOR OF COMMUNITY SERVICES POSITION ABOVE THE MID-POINT AT $89,376, CONTINGENT UPON THE LEGISLATURE APPROVING THE RESOLUTION RECLASSIFYING THE POSITION MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

B. Purchasing

1. Quarterly Copy Paper Award – Mr. Morse recommended awarding the quarterly copy paper bid to the low bidder, W.B. Mason for $25.17 per case.

MOTION: AWARDING THE QUARTERLY COPY PAPER BID TO THE LOW BIDDER, W.B. MASON FOR $25.17 PER CASE MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

C. Information Technology

1. Request for Inter-Municipal Agreements – Mr. Wolverton requested authorization to enter into Inter-Municipal agreements with the municipalities and the school districts for the purpose of printing tax bills. He commented they also provide IT services to the City of Corning.

MOTION: AUTHORIZING INTER-MUNICIPAL AGREEMENTS WITH THE MUNICIPALITIES AND THE SCHOOL DISTRICTS FOR THE PRINTING OF TAX BILLS, AS WELL AS FOR PROVIDING INFORMATION TECHNOLOGY SERVICES TO THE CITY OF CORNING MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.
D. Department of Social Services

1. Personnel – Ms. Muller informed the committee that she has two attorney vacancies in the department. She would like to appoint the current Social Services Attorney to the Senior Social Services Attorney position and hire that individual above the midpoint. This individual has 28 years of experience and came from Chemung County. She requested authorization to hire at Management Grade I, Step 8 for an annual salary of $82,246. Mr. Van Etten asked is this a full-time position? Ms. Muller replied yes.

**MOTION: AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO HIRE A SENIOR SOCIAL SERVICES ATTORNEY ABOVE THE MID-POINT AT $82,246 MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

Ms. Muller requested authorization to hire a Social Services Attorney above the mid-point at Management Grade H, Step 8 for an annual salary of $74,775. This individual has 18 years of experience and also comes from Chemung County. Ms. Fitzpatrick asked is this a full-time position? Ms. Muller replied yes.

**MOTION: AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO HIRE A SOCIAL SERVICES ATTORNEY ABOVE THE MID-POINT AT $74,775 MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

E. County Manager

1. Renew Vehicle Lease Agreement – Mr. Wheeler requested authorization to renew the vehicle lease agreement with Enterprise Fleet Management, Inc. We have 16 vehicles that we lease at a monthly rate of $5,800 per month. We have had a great experience. These vehicles are replaced every three to five years and our mechanics are doing just regular maintenance. Mrs. Ferratella asked has this amount increased since we initially started this? Mr. Wheeler replied we initially started with 5 vehicles and over the past two years have added vehicles. The entire motor pool is lease vehicles. We are encouraging the Department of Social Services, Probation and Office of Community Services to lease their vehicles as well.

**MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE VEHICLE LEASE AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT, INC. MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

2. Part-Time Court Security and 911 Dispatcher Pay – Mr. Wheeler stated we have part-time temporary Court Security Officers and 911 Dispatchers that have not had a rate increase since 2013. Currently they receive $16.00 per hour. With the changes to minimum wage and the fact they have not received an increase in many years, he is proposing to increase the rate to $17.00 per hour effective upon adoption. This will have an overall impact on the budget of approximately $14,000; $12,000 for the Court Security Officers and $2,000 for the 911 Dispatchers.

Ms. Fitzpatrick asked for an explanation of temporary part-time? Mr. Wheeler explained this is a civil service designation and individuals can be appointed for up to 18 months. They do not receive the benefits of a permanent part-time individual. Mr. Alderman explained these employees work as needed. We have been doing it this way for the past 20 years. The Sheriff can use these positions wherever and whenever needed. The difference is that permanent part-time employees work 20 hours per week every week.

Mr. Maio asked what do permanent part-time employees get paid? Sheriff Allard replied they are paid $18.36 per hour. Mr. Wheeler explained we have enough in the overall salaries budget to cover this increase in wages. Mr. Van Etten asked are a lot of these employees retired officers? Sheriff Allard replied almost all of them are retired corrections officers and they can also carry a weapon.
MOTION: AUTHORIZING AN INCREASE IN SALARY FOR TEMPORARY PART-TIME COURT SECURITY OFFICERS AND TEMPORARY PART-TIME 911 DISPATCHERS TO $17.00 PER HOUR MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Mrs. Ferratella asked how many vacancies do we have at 911? Mrs. Goodwin replied we have three vacant full-time positions. The dispatcher test was given a couple of weeks ago and we are waiting to see the results of that.

MOTION: TO ADJOURN MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, March 10, 2020
Legislative Committee Room
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, March 4, 2020
I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 11, 2020, MEETING MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENT REQUESTS

A. Purchasing
   1. Request to Bid Polyethylene Bags and Custodial Paper Products – Mr. Morse requested authorization to issue bids for polyethylene bags and custodial paper products. He commented last year we spent $7,500 on the polyethylene bags and $23,000 on custodial paper products.

   MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO ISSUE BIDS FOR POLYETHYLENE BAGS AND CUSTODIAL PAPER PRODUCTS MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. County Clerk
   1. Amendment to RPL 291 – Mrs. Hunter informed the committee that the Governor signed an amendment to RPL 291 which requires County Clerks to send a notice to the owner/owners of record of residential real property when a conveyance is recorded affecting their property. The New York State County Clerks Association has determined that a $10 fee is reasonable for that document. In Steuben County, this fee will be applied to residential deed conveyance recording on and after March 11, 2020. Our vendor, IQS, is working on our software to accommodate this change. We also have notified the Steuben County Bar Association. The concept behind the amendment is to avoid deed fraud across the State. This amendment does not apply to commercial properties.
2. **Donate Life Month** – Mrs. Hunter stated April is designated as Donate Life Month. Our DMV offices will be promoting the organ donation program and the theme this year is Garden of Life. She asked for a resolution or proclamation designating April as Donate Life Month.

**MOTION:** **DESIGNATING APRIL AS DONATE LIFE MONTH IN STEUBEN COUNTY MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

3. **Green Light Law Update** – Mrs. Hunter informed the committee that the New York State County Clerks Association supports the concerns raised by the Sheriff’s Association and the Police Chiefs Association regarding the data contained within the driver’s license. She stated the association sent a letter to the Governor and the Legislature urging immediate attention to restore access to the DMV database for all law enforcement agencies, including border patrol and customs. In addition to public safety, the Green Light Law creates a strain on New York’s economic health. This affects the vehicle industry as well as the trucking industry as border patrol and customs cannot clear vehicles with NYS titles.

C. **Personnel**

1. **Request for RFP for EAP Services** – Mr. Alderman informed the committee that they are in the last extension of their current contract for EAP services. He requested authorization to issue an RFP for EAP Services.

**MOTION:** **AUTHORIZING THE PERSONNEL OFFICER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR EAP SERVICES MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **Request for RFP for Personnel/Civil Service Software System** – Mr. Alderman stated they are on the last extension of their current software contract. This is a specialized program that we use for the NYS Civil Service exams, employee lists, etc. He requested authorization to issue an RFP for a Personnel/Civil Service Software System.

**MOTION:** **AUTHORIZING THE PERSONNEL OFFICER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR PERSONNEL/CIVIL SERVICE SOFTWARE SYSTEM MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **Reclassifications – Public Works Department**

   a. **Reclassify One Vacant Motor Equipment Operator Position, Grade VIII to an Automotive Mechanic Position, Grade X** – Mr. Alderman stated the Commissioner of Public Works is requesting the reclassification of a vacant Motor Equipment Operator position to an Automotive Mechanic Position which will be used at the Landfill. There has been an increased amount of garbage which has required more equipment and more maintenance. This position could also be used at the main shop.

   **MOTION:** **AUTHORIZING THE RECLASSIFICATION OF ONE VACANT MOTOR EQUIPMENT OPERATION POSITION, GRADE VIII TO AN AUTOMOTIVE MECHANIC POSITION, GRADE X WITHIN THE PUBLIC WORKS DEPARTMENT MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

   b. **Reclassify One Vacant Motor Equipment Operator Position, Grade VIII to a District Supervisor, Grade XV** – Mr. Alderman stated many years ago the number of District Supervisors was cut down to one. The Commissioner of Public Works is requesting an additional District Supervisor which would allow for one District Supervisor for the northern portion of the County and one District Supervisor for the southern portion of the County.
MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT MOTOR EQUIPMENT OPERATOR POSITION, GRADE VIII TO A DISTRICT SUPERVISOR, GRADE XV WITHIN THE PUBLIC WORKS DEPARTMENT MADE BY MRS. FERRATELLA. SECONDED BY MR. SWACKHAMER FOR DISCUSSION.

Mr. Wheeler explained we have expanded the job duties of the District Supervisor to focus additionally upon safety. This will now be a formal responsibility under the job specifications.

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

c. Reclassify One Typist Position, Grade IV to an Account Clerk-Typist Position, Grade VI

– Mr. Alderman stated his office reviewed the duties and this position has morphed into additional duties, particularly financial, and that is consistent with an Account Clerk-Typist position.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE TYPIST POSITION, GRADE IV TO AN ACCOUNT CLERK-TYPIST POSITION, GRADE VI WITHIN THE PUBLIC WORKS DEPARTMENT MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

4. 16B Waiver – District Attorney - Mr. Alderman stated the District Attorney is requesting a 16B Waiver to hire one part-time Assistant District Attorney, Management Grade H. He previously had a part-time position that was shared with Schuyler County and Schuyler County is no longer sharing that position. The District Attorney would not be adding people over what he already had.

Mr. Baker explained this is a budgeted position and we have had it since 2012. He is requesting filling this position due to Discovery Reform and CAP Court. As part of this process, he has spoken with Mr. Wheeler and one of the concerns that was raised was excess capacity. Mr. Baker stated he has been unable to find a paralegal and his intent is to zero-base that paralegal position. In order to keep our head above water with 245, we are utilizing a law student until she passes her bar exam. If we fill this part-time position and zero-base the paralegal position and not fill it until we have the need, we are saving money in our budget. This part-time position is a 50 percent position.

MOTION: WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION, MANAGEMENT GRADE H, IN THE DISTRICT ATTORNEY’S OFFICE MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Swackhamer asked what will this position do the other half of the time? Mr. Baker explained this is a half-time position. We pay for 50 percent of their time. This is the part-time position we have always used. Mr. Swackhamer asked do they have set hours? Mr. Baker replied no, just their court hours. As far as knowing exactly the number of hours, no, they do not have set hours. Mr. Schu commented the time you spend varies from court to court.

Mr. Swackhamer asked how are we keeping track of the part-time positions? Mr. Baker replied they are being kept track of based upon their job responsibilities. They do not punch in and out. If the job does not get done, we find out and then they are let go. Mr. Wheeler explained they are exempt employees like management and they only punch in once a day. They do not have start and stop times.

Mr. Baker stated as part of the retirement reporting, they report each hour they work which includes phone calls and setting up trials. They do have those court responsibilities. Mr. Swackhamer asked we have more part-time people; how are we controlling that? Mr. Baker replied they have assigned jobs. Mr. Swackhamer stated some of these positions are more than part-time and how do we take care of that? How is your office supposed to make
them accountable for their hours? Mr. Baker replied we know how long it takes to do the jobs they need to do. If the tasks are getting done, they are doing what they are supposed to do.

Ms. Fitzpatrick asked is it true that you are not able to fulfill the duties that need to be done? Mr. Baker stated we cannot get everything done right now. What is suffering is CAP court and we have reassigned how we do that. I have discussed this with the employees in the office and we are shifting one of our clerical positions to a morning shift. Right now we cannot get everything done. We cover 62 local court appearances every month along with County Court.

Mr. Swackhamer stated he just wants to know how everyone is getting checked. Mr. Baker stated he checks with the local courts to make sure the attorney are there. There is a report he runs monthly and he also gets regular input from the local court judges. In the past, if people fail to show up to court, they get fired. They are at-will employees. There is no other way that he can do it.

Mr. Van Etten stated as important as your concern about doing the work, my concern is how we know what they are doing the other half of the time and making sure there is no conflict with the County. We need to make sure that the part-time attorneys are not doing work that is against the County’s interest. Mr. Baker stated attorneys have multiple codes of professional responsibility. District Attorneys have strict codes regarding conflicts. We have to determine who the client is when considering a conflict. We are employees of the County, but the County is not our client; the State of New York is. He is working with Ms. Prossick to create a code for people in our office that outlines the general code as outlined in the Administrative Code, the District Attorney’s code and that for any and all conflicts, we would treat the County as a client. We will put all of this information into one document and that will be impressed upon all of the attorney’s in the office.

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

D. County Manager

1. Request Insurance Waiver for Three Rivers Development Corporation – Mr. Wheeler requested an insurance waiver for Three Rivers Development Corporation. He explained we have a contract with them, in conjunction with Chemung and Schuyler for the I-86 Workforce Study Coordinator, Fred Arcuri. Our share of the contract is $50,000.

**MOTION: AUTHORIZING AN INSURANCE WAIVER FOR THREE RIVERS DEVELOPMENT CORPORATION RELATIVE TO THE CONTRACT FOR THE I-86 WORKFORCE STUDY COORDINATOR MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. Request Adoption of Senate Bill S7816 and Assembly Bill A9796 – Mr. Wheeler informed the committee that we have received the bill numbers for extending Steuben County’s Mortgage Recording Tax. He requested adoption of the Senate and Assembly bills.

**MOTION: REQUESTING ADOPTION OF SENATE BILL S7816 AND ASSEMBLY BILL A9796 RELATIVE TO EXTENDING STEUBEN COUNTY’S MORTGAGE RECORDING TAX MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

3. Census Grant – Mr. Sousa stated in December the County had submitted a letter of interest for a grant to target the hard to count population. There was $180,000 available for the County and as part of the process we had to put out an RFP for a not-for-profit to conduct that count. Mr. Sousa stated four not-for-profits responded; Cornell Cooperative Extension, ProAction, Institute for Human Services and STLS. The funding will be distributed among the four agencies. We submitted our grant application in February and we are waiting on a final award amount and the date for the grant disbursement. He requested authorization to accept this grant funding. There is no match and this is just pass through funding. The census starts in April and runs through July.
MOTION: AUTHORIZING THE ACCEPTANCE OF A CENSUS GRANT IN AN AMOUNT UP TO $180,000 TO BE DISBURSED TO CORNELL COOPERATIVE EXTENSION, PROACTION, INSTITUTE FOR HUMAN SERVICES AND STLS FOR THE PURPOSE OF TARGETING THE HARD TO COUNT POPULATIONS IN STEUBEN COUNTY MADE BY MS. FITZPATRICK, SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

4. Broadband Expansion — Mr. Wheeler stated you authorized additional funding to STN (Southern Tier Network) for the Rural Broadband Initiative. This originally was going to be for the four counties of Steuben, Schuyler, Yates and Tioga, but Chemung is now back in. In the meantime, the USDA has come out with reconnect grants which require a 25 percent match. They will award up to $25 million and the grant is due next Monday. STN, on behalf of the five counties, is applying for the reconnect grant. They made the decision that they would pay for the consultant to submit the application. If, for some reason, we all cannot determine a way to come up with the local match, we could always say that we are not interested in the grant. STN felt it was important enough to apply. The other four counties are in a similar situation with regard to whether they can come up with the match. The consultants are Fujitsu and Hunt. Mr. Wheeler stated they will be looking at the underserved areas, particularly those areas they would target first. He will email a map to the Legislators showing the underserved areas. We will be working with you to make sure you are informed as this grant process moves along. This is just informational for now and these efforts will be integrated into Fujitsu’s study.

Mr. Malter asked how would the funds be distributed? Mr. Wheeler stated STN is working on that. Our area is the largest geographic area that has gaps. We would have a significant portion. Ms. Fitzpatrick commented it is really important to get this access and this needs to be a top priority.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTER LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. 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 14, 2020
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 1, 2020
**MINUTES**

COMMITTEE:  Brian C. Schu, Chair  Robin K. Lattimer, Vice Chair  Carol A. Ferratella  Kelly H. Fitzpatrick  Gary D. Swackhamer

STAFF:  Jack K. Wheeler  Christopher Brewer  Nate Alderman  Jennifer DeMonstoy  Tammy Hurd-Harvey  Brenda Mori  Jennifer Prossick


I.  CALL TO ORDER

Ms. Lattimer called the meeting to order at 10:05 a.m. as Mr. Schu was not yet on the call.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7§ 105.1.E. COLLECTIVE NEGOTIATIONS PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW; AND ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT STATUS OF A PARTICULAR INDIVIDUAL OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MRS. FERRATELLA. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE)

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature
I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:00 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MARCH 10, 2020, AND APRIL 1, 2020, MEETINGS MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SWACKHAMER ABSENT FOR VOTE)

III. GRIEVANCES

1. Clarifying the Legislature’s Designee for the Filing of Grievances by All Bargaining Units – Mr. Alderman explained with two of the bargaining units, when a grievance is filed it comes to my office and we bring it to you when it comes to the second stage. For some reason, the Deputies Association Unit has it set up that the first stage is a verbal grievance to the Sheriff. If he answers in the negative and it goes to a second stage that is delivered directly to you, the Legislature, and completely bypasses my office, and my office generally does the background work for you. He requested, in an effort to make the process the same across the units, that the Legislature designate the Personnel Officer to receive second stage grievances.

MOTION: DESIGNATING THE PERSONNEL OFFICER TO RECEIVE SECOND STAGE GRIEVANCES FROM ALL BARGAINING UNITS ON BEHALF OF THE LEGISLATURE MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SWACKHAMER ABSENT FOR VOTE). Resolution Required.

IV. DEPARTMENTAL REQUESTS

A. Risk Manager
1. **Approval to Add Village of Hammondsport to Workers’ Compensation Plan** – Mr. Sprague explained the Village of Hammondsport has been directly with PERMA for five or six years and they would like to come on our plan. The premium for them to join our plan would be $10,900 with no losses. They would like to join our plan effective with their renewal which would be July 1, 2020.

**MOTION:** AUTHORIZING THE VILLAGE OF HAMMONDSPOR TO JOIN THE COUNTY’S WORKERS’ COMPENSATION PLAN FOR A PREMIUM AMOUNT OF $10,900, EFFECTIVE JULY 1, 2020 MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Cyber Security Insurance** – Mr. Sprague stated the conversation regarding cyber security insurance was started several months ago by Mr. Brewer. Currently we have a cyber security policy through Chubb Insurance. This policy has a $1 million liability limit with a $25,000 deductible for an annual cost of $11,854. We looked at increasing the coverage to $3 million, which will cost an additional $14,605 bringing the annual total to $26,459. Lastly, we looked at increasing the coverage to $5 million which will cost an additional $23,993 bringing the annual total to $35,847.

Mr. Sprague stated this conversation started back when we were talking about the Sheriff’s Department and their laptops, but was brought up again given the current circumstances and the number of employees working from home. Mr. Wolverton explained we have 200 laptops and one of the Sheriff’s MDT’s got encrypted. That laptop is not connected in any way to the County’s network, but is connected to the Sheriff’s network and we had to reimagine the laptop. That’s what started this conversation. During 2019 there were numerous cryptoware attacks in Upstate New York. These occurred in the Syracuse City School District, the Onondaga Library, City of Albany government, Hamilton County and in 2017, Schuyler County.

Mr. Schu asked what are your thoughts? Mr. Sprague replied I think the $3 million would give us a level of coverage that would be sufficient. With what is going on in the country, you will see a lot more of this. The $5 million is way more than what we need.

Ms. Fitzpatrick would the deductible be at the $25,000? Mr. Sprague replied there would be the same deductible option. He stated he can look to see if there is a higher deductible available. Ms. Fitzpatrick stated her main concern is with budgeting extra money. She would like to see what the price would be with a higher deductible. Mr. Sprague stated he will reach out and find out the prices for higher deductibles.

Mrs. Ferratella asked do you have money in the budget for this? Mr. Wolverton replied no, we were only budgeting for the $1 million coverage.

Mr. Van Etten stated his opinion is that we need to go to the $3 million. Given the fact that we have ordered 100 new laptops, we definitely have increased exposure. Whether we ask for different deductibles or not, we need this insurance because the risk is out there.

Mr. Schu asked would you like a special meeting before the Board meeting? Ms. Fitzpatrick stated she would be in favor of that.

Mrs. Lando asked what does that insurance buy us? Mr. Sprague replied it buys you protection from ransomware. It would cover your costs for everything that we would need to do to get back up and running. The $1 million will not go very far.

Ms. Lattimer asked can you restate the cost for the $3 million coverage? Mr. Sprague replied the $1 million coverage would have an annual cost of $11,854. The $3 million coverage would cost an additional $14,605 bringing the total annual cost to $26,459.

Ms. Fitzpatrick asked are there other things being put into place to protect us? Mr. Wolverton replied there are other tools to monitor the network. We are in pretty good shape now. We purchased DarkTrace to monitor the
internet and FireEye to monitor all traffic in and out. There are a few additional things that we could purchase such as logging software. Ms. Fitzpatrick asked have you investigated that option and is there a process on every laptop while working remotely? Mr. Wolverton replied we have the firewall. Every laptop is connected back through the VPN. We have installed anti-virus and malware on each laptop. What we can’t stop is people using the county device for things that are not county related. If they do get a laptop infected, then our network is infected. Mr. Wheeler stated we do have a computer use policy and we did send out another communication to employees on that. Mr. Wolverton commented this is not a new issue, it is just bigger because we have more laptops out there.

MOTION: TABLING FURTHER DISCUSSION UNTIL A SPECIAL MEETING TO BE HELD PRIOR TO THE APRIL 27, 2020 LEGISLATIVE MEETING TO ALLOW THE RISK MANAGER ADDITIONAL TIME TO PROCURE QUOTES AT A HIGHER DEDUCTIBLE AND TO ALLOW THE DIRECTOR OF INFORMATION TECHNOLOGY TO PURCHASE ADDITIONAL SOFTWARE TO TRACK LOGGING ACTIVITY MADE BY MS. FITZPATRICK, SECONDED BY MRS. FERRATELLA, ALL BEING IN FAVOR, MOTION CARRIES 4-0. (MR. SWACKHAMER ABSENT FOR VOTE)

C. Personnel

1. Reclassifications – Sheriff’s Office - Mr. Alderman stated he has three reclassifications for the Sheriff’s Office and he believes that everyone received the Sheriff’s narrative.

   a. Reclassify One (1) Vacant Senior Criminal Investigator Position, Grade XIV ($71,101) to One (1) Criminal Investigator Position Grade XIII ($67,917) – Mr. Alderman stated this is a downgrade.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE (1) VACANT SENIOR CRIMINAL INVESTIGATOR POSITION, GRADE XIV TO ONE (1) CRIMINAL INVESTIGATOR POSITION, GRADE XIII IN THE SHERIFF’S OFFICE MADE BY MS. FITZPATRICK, SECONDED BY MR. SWACKHAMER, ALL BEING IN FAVOR. MOTION CARRIES 5-0.

   b. Reclassify One (1) Deputy Sheriff Position, Grade XI ($38,825 - $61,384) to One (1) Deputy Sheriff Corporal Position, Grade XII ($64,726) – Mr. Alderman explained this reclassification will allow for a Supervisor that is lacking on one of the shifts.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE (1) DEPUTY SHERIFF POSITION, GRADE XI TO ONE (1) DEPUTY SHERIFF CORPORAL POSITION, GRADE XII IN THE SHERIFF’S OFFICE MADE BY MRS. FERRATELLA, SECONDED BY MS. FITZPATRICK, ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

   c. Reclassify One (1) Vacant Full-Time Corrections Officer Position, Grade X ($38,813 - $49,368) to Two (2) Part-Time Criminal Investigator Positions, Grade XIII ($23.00/hour)

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE (1) VACANT FULL-TIME CORRECTIONS OFFICER POSITION, GRADE X TO TWO (2) PART-TIME CRIMINAL INVESTIGATOR POSITIONS, GRADE XIII MADE BY MS. FITZPATRICK, SECONDED BY MS. LATTIMER, ALL BEING IN FAVOR, MOTION CARRIES 5-0.

D. County Manager

1. Rural Broadband IMA – Mr. Wheeler stated since we last met, Chemung County has formally joined the coalition. The original IMA specifically identified all counties in the coalition, with the exception of Chemung. He requested authorization to amend the IMA to include Chemung County. With Chemung joining, this will reduce our contribution $7,000 - $10,000.

MOTION: AUTHORIZING THE COUNTY MANAGER TO AMEND THE RURAL BROADBAND IMA TO INCLUDE THE ADDITION OF CHEMUNG COUNTY IN THE COALITION, AND ADJUSTING THE
SUBSEQUENT COUNTY SHARE TO REFLECT THIS ADDITION MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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, AND ARTICLE 7§ 105.1.E. COLLECTIVE NEGOTIATIONS PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: APPROVING A MEMORANDUM OF AGREEMENT WITH THE THREE BARGAINING UNITS FOR ADDITIONAL LEAVE COMPENSATION RELATIVE TO THE COVID-19 PANDEMIC RESPONSE MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

MOTION: TO ADJOURN MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, May 12, 2020
Legislative Committee Room
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, May 6, 2020
I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:00 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 14, 2020, AND APRIL 27, 2020, MEETINGS MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Risk Manager

1. Approval to Add City of Hornell to the Worker’s Compensation Plan – Mr. Sprague stated he would like to add the City of Hornell to the County’s Worker’s Compensation Plan and that requires committee approval. If approved, the annual premium would be $160,000 and that will save the City about $60,000 annually.

MOTION: ADDING THE CITY OF HORNELL TO THE WORKER’S COMPENSATION PLAN MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION

Ms. Fitzpatrick asked does this include the fire department? Mr. Sprague replied yes this includes both the fire and police department. Mr. Van Etten asked was the city part of our fund before? Mr. Sprague replied they were not part of our fund, but they were with PERMA until 2014 and then moved to Comp Alliance. This will be a huge win for the City and for us.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.
B. **Elections**

1. **Charging for Village Poll Books** – Mrs. Olin stated we normally provide services for the village elections and print out the poll books. We had already done the printing, sent the books out and billed the villages. Now the village elections are not happening until September and they will require new poll books to be printed. Do you want us to do the printing for the villages again and not charge or do we charge them when we reprint? When we did the printing in March we spent $497.75. That cost will be more as we get closer to the Presidential Primary as the voter registrations will go up.

Ms. Lattimer stated my first reaction is that the cost will be a little over $500, but the election date changed through no fault of their own. We are not talking $4,000. I don’t think we should charge back. Ms. Fitzpatrick, Mr. Swackhamer and Mrs. Ferratella stated they agree.

**MOTION:** **DIRECTING THE COMMISSIONERS OF THE BOARD OF ELECTIONS NOT TO CHARGE BACK THE COST FOR REPRINTING POLL BOOKS FOR THE VILLAGE ELECTIONS TO BE HELD IN SEPTEMBER MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **Election Chargebacks for Ballots Ordered for Presidential Primary** – Mrs. Olin stated this is still in the air. Last week they were looking at not having an election. We had already purchased the ballots and we did not know if we should chargeback to the towns or if they end up not having the election, if we just eat the cost.

Ms. Lattimer asked what is the cost? Ms. Penziul replied the cost is a little over $4,000. Ms. Lattimer asked how will this affect your budget overall? Mrs. Olin replied the ballot cost was about $3,400. We were able to contact the truck in April and there will be no impact. That will be a $10,000 savings. Now we don’t know what we are going to do. We are in the process of mailing applications to every voter, which is about 15,500. That will be a huge cost for postage, ad, and then we have to pay the postage for everything that comes back. We will need to pre-postage the self-addressed stamped return envelopes and if we do end up having to send the ballots out, those will also require postage paid envelopes and we will have to pay to have all of those printed along with the 15,500 absentee applications.

Mr. Schu asked will the grant cover these expenses? Mrs. Olin replied the grant will cover the envelopes and the absentee applications and additional postage. It will not cover the expense for the ballots. Ms. Lattimer asked is this just for the Presidential Primary? Ms. Lattimer replied it will cover the Presidential Primary for printing and mailing the applications and the postage. Whatever is left over in the grant will go toward costs for the general election as well.

Ms. Lattimer asked is it likely that the general election will be done by absentee ballots? Mrs. Olin replied we don’t know yet; there is a big debate about that. She would not be surprised if there was an Executive Order that we would have to offer that possibility to everyone and if that is the case, then it will cost a lot of money to get all of this done. Mr. Swackhamer asked how much money? Mrs. Olin replied it would be close to $10,000 in printing fees to get mailings done for 16,000. Ms. Fitzpatrick asked that would not be covered by the grant? Mrs. Olin replied the grant will not cover the cost for the ballots that were already printed. Mr. Wheeler clarified that is not because there is not enough money, but it is about eligible costs and what they allow you to spend it on.

Mr. Van Etten asked what is wrong with the ballots? Mrs. Olin replied the ballots are fine if we have an election. They will not be good if they decided not to hold the election. We hope to hear something by the end of the week. At this time, we don’t know if an election will happen.

Mr. Schu stated assuming it does happen, with the chargeback it is premature to make a decision.

Mrs. Lando stated so there will be no election poll books and no inspectors? Mrs. Olin replied no. If we have a primary, we have to do early voting and we have to open the poll sites. Mrs. Lando asked even with the absentee
ballots? Mrs. Olin replied correct. She stated she just wanted to make the committee aware and it is okay if they wanted to table this for now.

**MOTION:** TABLING ACTION ON ELECTION CHARGEBACKS FOR BALLOTS ORDERED FOR PRESIDENTIAL ELECTION UNTIL THE JUNE MEETING MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **CARES Covid-19 Grant** – Mrs. Olin requested authorization to accept the CARES Covid-19 Grant in the amount of $116,778. The State is going to cover the 20 percent match on this. This grant will be used to cover any expenses required because of the pandemic and only for the federal election.

**MOTION:** AUTHORIZING THE COMMISSIONERS OF THE BOARD OF ELECTIONS TO ACCEPT THE CARES COVID-19 GRANT IN THE AMOUNT OF $116,778 MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Ms. Lattimer asked Mrs. Olin if she could work up some numbers on the projections for the fall election. That would give her a better sense as to whether we will have the money to cover it. Mrs. Olin stated she can do that and she should know more information today. Ms. Lattimer stated this will be good information for all of us to know.

Ms. Fitzpatrick stated I think that all of the municipalities will be in a tight budget spot and if the County is in a better position to absorb the costs, then we should. She stated that when she has been doing tax returns, some of the elections inspectors have been told that if they receive a payment from Elections that is $500 or less, then it is not taxable. Mrs. Olin stated we do not provide the inspectors with a 1099 form. Ms. Fitzpatrick stated that amount is taxable but you do not have to issue a 1099 if the amount is below $600.

C. **Information Technology**

1. **Approval to Purchase Video Conferencing Subscription** – Mr. Wolverton requested approval to purchase a video conferencing subscription for use by the County. He stated he received three quotes and all are on State contract. The two major players were Webex and Zoom. Zoom was the low quote at $23,667 annually which works out to $1,900 per month for 150 licenses. Webex came in at $39,021 annually for 150 licenses. He stated that he did reach out to all of the departments and he received requests for 170 licenses. We have room to work with the departments and possibly share licenses between departments.

Mrs. Ferratella stated your handout showed that Zoom is HIPAA compliant. Is Webex? Mr. Wolverton replied both have encryption. With Webex we would have to jump through some hoops to say that they are compliant. Zoom will actually do a Business Associate Agreement with us and that is already set up. They will also allow us to keep any of our communications within the United States. They also have a waiting room for callers; an example would be that an employee in Mental Health can set up a meeting for one day and the client can check into the waiting room but they will not get on the call until the Mental Health workers lets them in. Webex does not have that capability.

Ms. Lattimer asked can you summarize what you get with Webex for the additional $15,000? Mr. Wolverton replied I can tell you what you don’t get. With Zoom you get unlimited cloud storage and with Webex you get 10 gig. Both have branding which would allow us to put our logo on and that will show clients that it is a legitimate video conference. In reality both are pretty similar except that Zoom will sign a Business Associate Agreement for HIPAA and they have unlimited cloud storage. Those are the big things and in addition we get a dedicated customer service manager. With Zoom they have automatic cloud recording and they have auto transcription which generates a written transcript. The downside to the transcription is that it picks up everything, including a rustle of paper, but it is better than nothing.

Mr. Wheeler stated one of the reasons for the high count of users is Mental Health will be using it for telehealth services. This is a valuable service and they need the ability to run sessions at the same time.
Mr. Swackhamer asked is the security better with one over the other? Mr. Wolverton replied they both have the same encryption capabilities. When he polled the departments, the total came to 170 and the majority of those, 139, are between Mental Health and the Department of Social Services.

Mr. Schu stated from what you are telling us, Zoom is a superior product and it is significantly cheaper. Mr. Wolverton replied yes.

Mr. Van Etten stated we use Zoom for the IDA meeting and it works fine. Mr. Wolverton commented it is basically the same as what you have been using, it is easier on the client side as you just attend the meeting.

**MOTION: AUTHORIZING THE DIRECTOR OF THE INFORMATION TECHNOLOGY DEPARTMENT TO PURCHASE A SUBSCRIPTION FOR 150 LICENSES FOR ZOOM VIDEO CONFERENCING AT AN ANNUAL COST OF $23,667 MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.**

Mr. Malter asked what has been our cost for using Webex? Mr. Wolverton replied with Webex we have not had any costs as they had put out a free trial which was equal to basically their enterprise version. This is free for 90 days and ends June 12th. Once we reach the end of the trial, the limit on the free version will be 40 minutes per conference. That is not enough time for DSS or Mental Health as they have to meet for one hour.

Mrs. Ferratella asked is there a cancellation clause for this? Mrs. Wolverton replied with Zoom we would be purchasing licenses for one year. It would cost more money per year if we went to a monthly subscription.

**VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

D. County Clerk

She stated that she would also like to inform the committee that their goal has been to e-record. Because of Covid and the building closure, we were able to meet with our vendor and we were up and running and able to begin e-records on April 6th. This has worked out quite well.

Mr. Schu asked is there a possibility that the Clerk’s Office could make arrangements to send individuals in on a limited period of time. We are unable to do searches before 1970. Mrs. Cranmer stated I have been working on an email address devoted to that and having abstractors putting in requests for old documents. We have been able to provide that. I don’t know how we will handle the abstractors coming in. We will certainly do everything we can to accommodate.

Mr. Wheeler stated we will have more to come this week. We are waiting for clarification from the Governor. Starting next week we will do appointments only for the majority of these things. He stated he needs to do a little more coordination on the prepping plan.

Mr. Mullen stated with the abstract companies, it has been sort of workable with what is going on but for the staff that is not going to the Clerk’s Office, it is so much more cumbersome and it would be better if someone could get an appointment. It turns into a chain of follow-up questions. The Clerk’s Office is doing a nice job with that process, but it is limited by the process itself. Mrs. Cranmer stated as soon as we hear from Mr. Wheeler, we will work as hard as we can to get these abstractors in. We will do things so that they are only in there for a limited time period. Mr. Mullen stated that will work and the remote access provided has been a good way to go to take care of things.
MOTION: APPROVING AND ACCEPTING THE SEMI-ANNUAL MORTGAGE TAX DISTRIBUTION AS PRESENTED MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Van Etten commented from the public’s standpoint, the DMV and Pistol Permits are as important as the Title Clerk and he hopes that is included in the first phase of reopening. Mr. Wheeler stated we are working with the County Clerk but the one caveat is the DMV is closed by Executive Order. As soon as we can do it by appointment we will.

E. Purchasing
   1. Authorization to Issue Copy Paper Bid – Mr. Morse requested authorization to reissue the copy paper bid. We award it quarterly, but it is a one year bid.

MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO ISSUE BIDS FOR COPY PAPER MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

F. Real Property Tax Service Agency
   1. Tax Certiorari – Mrs. Jordan stated they received a request to participate in a review of the appraisal documents the City of Corning received from the petitioner. This is just a review of the appraisal submitted. The total cost of the appraisal was $800 and the County share would be $340.64.

MOTION: AUTHORIZING THE COUNTY TO PARTICIPATE IN TAX CERTIORARI PROCEEDINGS IN THE CITY OF CORNING MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

IV. OTHER BUSINESS
Ms. Fitzpatrick stated she is seeing a lot of people still having trouble with their unemployment claims. She is curious as we plan to reopen and there are staff on administrative leave, could we use those staff to make phone calls to help speed up the process for our constituents? Mr. Wheeler stated that is a good question. A couple of weeks ago he had a conversation with Dan Porter from CSS Workforce. Their career center has been closed and Mr. Porter put in a request to the State to allow his staff to help process unemployment claims and his request was denied by the Department of Labor. Mr. Wheeler stated he can escalate it and forward the request to Senator O’Mara and Assemblyman Palmesano to see if they would get a different answer. They may have some leverage as they know the system. He will work on that.

Ms. Fitzpatrick stated I understand that there are certain things that the State is pushing down on us and I understand that vocalizing against that doesn’t get us anywhere, but our constituents would like us to sometimes put it out there that we don’t agree. She stated that she also doesn’t understand why Chris Moss has been put in charge of our region when Mr. Wheeler has been here longer and why it can’t be county by county. People don’t understand why they can go to Walmart, but they can’t go to their favorite running store with one other person in the store (staff). I think we should put something out there. Sometimes it is good to fight battles that cannot be won.

Mr. Wheeler stated we do that. When callers have questions or comments we are pushing those up to the State to get clarification. Posts about putting information out there have been helpful. In terms of those sorts of things, I am happy to put out there whatever you direct. I am walking a fine line trying to speak for the whole Board and I don’t want to say something the entire group doesn’t agree with. We are doing this behind the scenes and pushing for a common sense for small businesses to do things safely but to do it publicly I need direction from the Board. I don’t want to speak for you if I am not approved to.

Ms. Fitzpatrick asked how do we get you the authority to do that? Mr. Wheeler replied if you wanted to formalize, it would be a memorializing resolution.
Mr. Swackhamer stated he got a question yesterday from the radio station about why we are not fighting against the Governor more. Mr. Wheeler stated on many fronts we are working with Albany, but we are fighting them on the fronts you know of. I am happy to communicate anything you folks want to.

Mr. Swackhamer stated we understand, but through email we need to take a poll so you can speak out.

Ms. Fitzpatrick stated I think it is really important for residents to see that we are fighting. I have full faith in you and Mrs. Smith, but what is going on behind the scenes is not being seen on the outside. I want everyone to understand that we all feel their pain.

Mr. Swackhamer stated we are the closest representatives that they know. They don’t know we are fighting behind the scenes and it is time to get public.

Mrs. Ferratella stated the newsletter is good and it goes to a lot of municipalities and then filters down to the residents. Mr. Wheeler stated we can definitely do that. It is just a matter of policy setting for the Legislature. There are many things I feel comfortable saying, but when we get into how aggressive against the Governor or the region, I need you to tell me collectively what you want. The other action is to do that through Chairman Van Etten as the chief elected.

Ms. Lattimer stated I think the more perfect vehicle to get the word out is through Mr. Van Etten as Chairman; even more so than Mr. Wheeler. With regard to unemployment insurance, having professional experience in that arena, when we went through the recession, unemployment claims were backed up and our representatives didn’t have any magic numbers to call and we could not fix it. Granted, they can push really hard on the Governor, but the system is the system. She stated she is not saying to not go question our representatives, but as far as publishing a magic number for claimants to use, that will not happen. When we were calling, we had to use the same numbers.

Mrs. Lando stated Mr. Wheeler is doing great blurbs on television and she is wondering if Mr. Van Etten should start doing that. A lot of people watch television and the more we can be on the television, the better.

Mr. Van Etten stated this is a good conversation. Mr. Wheeler and Mrs. Smith are as frustrated as all of us with the misinformation and the changed information that comes down from the State through the whole process. We were talking yesterday about the details of the phased reopening and in the retail section it lists 20 types of businesses that can open, however all must be curbside. It’s interesting that in Phase 1 you have to buy shoes curbside from a shoe store, but during this entire time you can walk into Walmart and buy a pair of shoes; there is no logic. I don’t mind being the voice of the Legislature. One concern is that I don’t want to give a bad impression of Mr. Wheeler or Mrs. Smith that they are not working for us. I think it has to be balanced.

Mr. Wheeler stated the workers out here are doing an awesome job with messaging and Ms. Perham is helping as well. They are giving out as much information as they can. We would be happy to draft things that come from you. I have no problem speaking out in areas that are not policy related; but when we get into the policy realm, that is you folks. Our press releases get picked up immediately and we can start doing releases under Mr. Van Etten on your behalf with his contact information.

Ms. Lattimer stated that is an excellent suggestion and it doesn’t have to be all negative. It can be a very positive message in recognizing the actions that the County has taken. Ms. Fitzpatrick stated it is a good idea. We need to be more vocal about the positives. It is important for the constituents to see that we are doing this.

Mr. Wheeler stated we can share the tense conversations that we have behind the scenes. We can document those experiences.

Mr. Malter stated I have no problem with Mr. Wheeler and Mr. Van Etten putting something together, but it should be sent to all Legislators in case someone has an opposition to the wording.
Mrs. Ferratella asked would it make sense to use Ms. Perham to go to the businesses for their perspective? Mr. Wheeler stated that is a good question. I will talk to Ms. Perham. She has helped a ton. The question would be how to do that. He stated we have had calls with the School Superintendents about graduation. We also have a call next week with the Conference and Visitors Bureau about best practices, but we could put that out in a more vocal way.

Ms. Fitzpatrick stated she has received letters from the business community in towns from when I wrote the resolution last month and I can forward those to you.

Mr. Swackhamer stated as long as we mention all the names and all the Legislators behind the statements, then I don’t see a problem.

Mrs. Lando stated Mr. Johnson has been doing a great job with the IDA newsletter and if we can follow a positive format like that, the positive feedback about what we are doing and the details behind that, that will go a long way.

Mr. Potter stated our board assessment reviews are coming up. These are face to face meetings to speak about grievances and we are doing that with social distancing and face masks. If we have the face masks and require them to wear them, can we deny admission into the building? Mr. Wheeler stated I don’t know, that would be a question for Ms. Prossick.

Ms. Prossick stated this is a good question. There is not really a law, but I think you can set a policy. She knows that one town will being doing it by appointment and everyone will be six feet apart. The concern is with masses of people coming in and not wearing masks. Mr. Potter stated even so, a lot of us are at the age of high risk and would prefer they wear a mask. Ms. Prossick stated it is an enforcement issue. Mr. Wheeler stated there are no formal guidelines coming on actually enforcing face masks. Like Ms. Prossick said, it becomes about enforcement. We will be doing something when we open the building more.

Ms. Prossick stated the best advice would be if you can limit the number of people, then you can spread the people out. Then you have mitigated the risk. Mr. Potter stated we were planning on limiting to one person at a time anyway.

Mr. Horton stated in the Town of Campbell, the town attorney said there is nothing we can do to make them wear a mask because it is a HIPAA violation. Ms. Prossick stated we work in a public building. That is where the issue lies and we cannot deny people to come in and do the things they have a right to do.

**MOTION: TO ADJOURN MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**  
Tuesday, June 9, 2020  
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office  
NO LATER THAN NOON  
Wednesday, June 3, 2020
I. **CALL TO ORDER**

Mr. Schu called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

II. **APPROVAL OF MINUTES**

**MOTION:** Approving the minutes of the May 12, 2020, meeting made by Ms. Fitzpatrick. Seconded by Ms. Lattimer. All being in favor. Motion carries 5-0.

III. **DEPARTMENT REQUESTS**

A. **Purchasing**

1. **Issue RFP for Auctioneering Services** – Mr. Morse requested authorization to issue an RFP for auctioneering services for the county surplus auction. This is typically a one year contract with the option for four, one year renewals.

**MOTION:** Authorizing the director of the purchasing department to issue an RFP for auctioneering services for the county surplus auction made by Mr. Swackhamer. Seconded by Ms. Fitzpatrick. All being in favor. Motion carries 5-0.

2. **Authorize County Surplus Auction** – Mr. Morse requested authorization to set the date for the County surplus auction for Thursday, September 24, 2020.

**MOTION:** Setting the date for the county surplus auction on Thursday, September 24, 2020 made by Ms. Lattimer. Seconded by Ms. Fitzpatrick. All being in favor. Motion carries 5-0. Resolution Required.

B. **Personnel**

1. **Extending Contract with Catalog and Commerce Solutions** – Mr. Alderman explained this is the program we use for all of the civil service exams, roster cards, employee history, etc. We purchased Catalog and Commerce in 2016 and it will expire at the end of July. He requested authorization to waive the RFP process and extend the contract under the current RFP and pay the annual maintenance fee of $5,700.
MOTION: WAIVING THE RFP REQUIREMENT AND AUTHORIZING THE PERSONNEL OFFICER TO EXTEND THE CONTRACT WITH CATALOG AND COMMERCE UNDER THE CURRENT RFP UNDER THE SAME TERMS AND CONDITIONS AND PAYING A $5,700 ANNUAL MAINTENANCE FEE MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Schu asked what kind of prices did we get from other companies? Mr. Alderman replied this is pretty much the only game in town and he would say 60 – 70 percent of agencies use this product. Ms. Fitzpatrick asked is this the reason why you are requesting waiving the RFP? Mr. Alderman replied yes. This program was designed specifically for NYS Civil Service. Other providers would need to build a program. This program cost around $30,000 when we first purchased it. The annual $5,700 is a maintenance fee and the program has been working pretty well.

Mrs. Ferratella asked is this on State contract? Mr. Alderman replied no, this is a private company. They were one out of three or four that originally bid, but this is the only company authorized for this sort of work.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. Requesting Authorization to Increase Salary of District Attorney Investigator – Mr. Alderman requested authorization to increase the salary of the District Attorney Investigator, Walt Mackney, from $30,000 to $35,000 retroactive to January 1, 2020. The reason for this is that the NYS Section 211 Waiver changed the salary threshold for retired individuals. Mr. Baker explained Mr. Mackney has worked for us for the last six years with no raise and is doing a phenomenal job. I would like to make his salary equivalent to the new part-time investigator that was recently hired. This will not have any impact on our budget.

Ms. Fitzpatrick asked how many hours does Mr. Mackney work? Mr. Baker replied he records 19.5 hours per week, but he works a lot more than that as he is on call 24/7. He is working closer to 30 hours per week. In addition to his work for us he also provides training to law enforcement and businesses. He is very experienced.

MOTION: INCREASING DISTRICT ATTORNEY INVESTIGATOR WALT MACKNEY’S ANNUAL SALARY TO $35,000 RETROACTIVE TO JANUARY 1, 2020, PURSUANT TO THE CHANGES MADE TO THE NYS SECTION 211 WAIVER MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Clerk of the Legislature

1. Retirement Reporting – Ms. Mori requested authorization to put forth the annual retirement reporting resolution for the June Legislative meeting. It is not yet completely together as she is lacking records of activity from part-time attorneys. She is hoping to have this ready for the June Legislative meeting. Mrs. Ferratella asked how many are you lacking? Ms. Mori replied she has not received any reports of activities from any of the part-time attorneys in the District Attorney’s Office and the Public Defender’s Office.

Mr. Van Etten asked did we institute a penalty? Ms. Mori replied pursuant to the Administrative Code, if they do not submit their record of activity they will not receive a raise the following year, if raises are given. Mr. Baker commented his ADA’s will get a reminder today. Ms. Mori stated any of the individuals who have submitted their record of activity will be included on the resolution.

MOTION: APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. County Manager

1. CHIPs Funding – Mr. Wheeler reported that last night they received word from NYSAC that the NYS Department of Transportation has released the CHIPS funding. It appears from everything we have seen that the State is preparing to grant 80 percent of what was budgeted with the other 20 percent pending any Federal
stimulus package. We are awarded $4.4 million so 80 percent is $3.5 million. In talking with Mr. Spagnoletti and Mr. Rapalee, we will proceed as Mr. Spagnoletti had discussed with the Public Works Committee; allocating funds for the road projects up to $3.5 million. This looks to be positive news.

Mr. Nichols asked does this include Enhanced Winter Recovery and Marchiselli? Mr. Wheeler replied they only released CHIPs, PAVE NY and the other pod. We are still waiting on the Enhanced Winter Recovery and bridge funds. Mr. Van Etten asked is the Marchiselli funding at risk? Mr. Wheeler replied those are federal funds, but 20 percent does come from the State. We are moving forward with the projects, but we will certainly be delayed in getting the reimbursement.

IV. OTHER BUSINESS
A. **Future Committee Meeting** – Ms. Fitzpatrick stated I would like to put forth a motion that from this point forward we have our committee meetings in person. I would rather see us get together in person to have better conversations, as long as it doesn’t violate the Governor’s Executive Order, and I would also like to have the Legislative meeting in June in person as well.

Mr. Schu stated we would need to limit it to just members of the committee. Mr. Wheeler stated with early voting, we will need to check to see when the annex conference room is being used. He stated he knows they will be using those rooms for the July meetings, but he will check to see if it is available for the June Legislative meeting. We may be able to use part of it.

**MOTION:** D**IRECTING THAT FROM THIS POINT FORWARD, ALL STANDING COMMITTEES OF THE LEGISLATURE, ALONG WITH THE JUNE LEGISLATIVE MEETING, SHALL BE HELD IN PERSON IN LINE WITH THE GOVERNOR’S EXECUTIVE ORDER RELATIVE TO PUBLIC GATHERINGS MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER FOR DISCUSSION.**

Ms. Mori stated we are still under the Executive Order relative to gatherings until June 27th. Ms. Fitzpatrick stated I understand and I spoke with Mr. Wheeler last night and there was a thought that it may expire. Ms. Mori stated for the June Legislative meeting, I’m not sure if we could do that. Mr. Wheeler stated from what we are hearing, July is certainly doable, pending any strange thing happening. The question will be the Legislative Meeting this month.

Mr. Schu stated so this will be subject to the Executive Order and we will do what we can as soon as we can. Ms. Mori stated we will have to make that decision for when we publish the agenda. If the Executive Order expires after the agenda is out, I don’t know if we will be able to make the change.

**VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

B. **Videoconferencing** – Ms. Mori stated we will be transitioning from Webex to Zoom. If the Legislators are unable to download Zoom on their tablets, they will need to bring those in to Information Technology and it will be a quick fix. Today will be our last Webex meeting.

C. **Onsite Staffing** – Mr. Wheeler stated yesterday he received an email stating the Governor had amended the Executive Order and removed the 50 percent onsite staffing requirement. He has talked with Mr. Van Etten, Mrs. Smith and the Sheriff. We will activate our 75 percent onsite plan and bring back most of the employees that cannot telework and that will put us very close to normal operations. We will implement that Monday. We are still going to try to do client and citizen services by appointment. DMV will be opening during Phase III and only by appointment. We will try the 75 percent onsite for one week, reassess and go from there.

Mr. Swackhamer asked how will people make appointments for DMV? Will they do that by calling the local office? Mr. Wheeler replied yes, people will call the local office. We will do a press release later on in the week. Mr. Van Etten suggested doing the press release and posting the number on the website along with posting on signs at the offices. Mr. Swackhamer asked are we only permitting one person at a time, or one person at each window? Mr. Wheeler replied we
will have the same number of people as windows and do social distancing. Mr. Van Etten asked with DMV, what will be the interval for the appointments? Mr. Wheeler stated we will need to work through that.

D.  **Phase III** – Mr. Wheeler stated one other thing to mention is we are hearing that Phase III guidance was posted last night at midnight and includes indoor dining at 50 percent occupancy as well as personal care services. We are anticipating the Governor will look Friday and review the data. Mr. Van Etten commented it will be interesting to see if the Corning City Council votes to shut down Market Street.

Ms. Fitzpatrick asked have there been any improvements in getting test results? Mr. Wheeler replied no. The 4 – 7 day window is not good. *The Post* did a story on that. Now in Phase III workers in personal care, massage therapist and tattoo artists will be required to be tested. Insurance companies are fighting this saying that these tests are not medically necessary. Ms. Fitzpatrick commented my nursing home clients are being told that the labs are twelve weeks behind. Mr. Wheeler stated in a best case scenario people are getting tested twice before they are getting results back.

Ms. Lattimer stated this is counter to everything we are trying to accomplish. This is hard to hear as government officials and people are trying to comply with the guidelines and it is not productive. Mr. Wheeler stated we have had calls with Congressman Reed, the Steuben County Industrial Development Agency and private testing labs. Even the large labs have increased capacity and are having difficulty in processing the tests in a quick fashion.

Ms. Fitzpatrick commented a test is great if you get the results. Mr. Malter asked what about the five minute tests? Mr. Wheeler replied the liquid medium used in the labs for the rapid testing is in very short supply. One of our local hospitals, as of last week, is no longer able to do the rapid testing.

**MOTION: TO ADJOURN MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**  
Tuesday, July 14, 2020  
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office  
NO LATER THAN NOON  
Wednesday, July 8, 2020
**MINUTES**

COMMITTEE: Brian C. Schu, Chair  
Robin K. Lattimer, Vice Chair  
Kelly H. Fitzpatrick  
Gary D. Swackhamer

STAFF: Jack K. Wheeler  
Christopher Brewer  
Brenda Scotchmer  
Scott Sprague  
Jennifer DeMonstoy  
Wendy Jordan  
Andy Morse  
Tammy Hurd-Harvey  
Nate Alderman  
Patty Baroody  
Vince Spagnoletti  
Pat Donnelly

LEGISLATORS: Jeffrey P. Horton  
Hilda T. Lando  
John V. Malter  
Frederick G. Potter  
Gary B. Roush

ABSENT: Carol A. Ferratella

OTHERS: Mary Perham

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JUNE 9, 2020, MEETING MADE BY MS. LATTIMER, SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. Risk Manager

1. **2021 Workers’ Compensation Budget and Apportionment Schedule** – Mr. Sprague informed the committee that this year PERMA put together an actuarial report for us and this is the first time it has been done in four or five years. Our plan is in fantastic shape and is well funded. Our reserve should be in the $6 million to $7 million range and we are at $10 million. Our budget should be in the $2.3 million to $2.4 million range and for 2020 we were at $3.3 million. This will be reduced as our main goal is to get closer to where we really need to be. For 2021 our budget is $2.7 million which is a significant drop over last year. Looking ahead to 2022, we could see an additional decrease as well.

Mr. Schu asked is that because of the safety training? Mr. Sprague replied we have seen a real low number of claims this year and that is due to safety trainings. PERMA does a great job with the claims that we do see. The other thing that has helped our budget is that we have added the Village of Bath, Town of Urbana, Village of Hammondsport and the City of Hornell to the plan and that helps.

Mr. Malter commented in your breakout of the apportionment schedule, several communities have the same appropriation for 2020 and 2021. Are those the new participants? Mr. Sprague replied no. Now when the budget goes out we do the apportionment breakdown by participant. We initially started the conversation when we did the allocation change that we needed to be 8 – 10 percent below market value and now we need to be at 15 percent below market value. With the allocation report it shows a number of the municipalities went down.
Those that went down are due to a combination of the budget decreasing, rate of claims, etc. and they are seeing a good rate of decrease. The Village of Wayland went down because the fire district had originally been included with the village, and they are separate and have their own insurance so we pulled them out. When we looked at the remaining municipalities and, given the world situation, we kept things flat. There are six or seven that will need to come up and that will get them closer to being 15 percent below market; that will be a project for next year.

Mr. Sprague noted the County’s cost for premiums decreased to $540,000. We do typically pay $2.1 to $2.2 million and this year we are paying $1.5 million. We are trying to get that number down.

Mr. Sprague explained we put all types of programs together and all of the municipalities have attended and participated. PERMA does a great job of getting out on the street with this information. Our claims are very, very low and we are in great shape. Mr. Swackhamer commented Public Works puts on a lot of training sessions for their staff. Mr. Sprague stated we are always trying to add more training.

Ms. Fitzpatrick asked does the Village of Bath include the fire district? Mr. Sprague replied yes.

Mr. Van Etten asked is there any way to communicate what the position of the plan is with the non-participating municipalities so they understand they would be below market? Mr. Sprague replied right now we are working with the Town of Wayland and the Town of Caton to have that conversation. It makes sense for them to cap their premium level.

**MOTION:** APPROVING THE 2021 WORKERS’ COMPENSATION BUDGET AND THE 2021 WORKERS’ COMPENSATION TABLE OF APPORTIONMENT MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

B. Clerk of the Legislature
   1. Ethics Local Law – Mrs. Scotchmer stated she, Ms. Prossick and the Ethics Board have been working on a revision of the Ethics Local Law. She asked if there were any questions or comments.

Ms. Lattimer stated the Local Law (codified version) states that members of the Ethics Board shall not serve more than two, three-year terms. On my copy that is lined out. Is that because of Article 18 of the General Municipal Law? Mrs. Scotchmer explained each member serves a three-year term and may be reappointed without term limitations. Ms. Lattimer asked what is the reasoning for that? Mrs. Scotchmer replied the original Local Law removed the term limits because we were having issues finding people to serve. We used Sullivan County as a template as they are a Charter county with a County Manager and they included a term limit and they have five members which are politically appointed. She commented she does not believe they are supposed to be political appointments if they are a Charter county. Ms. Lattimer asked so the alternative is to serve in perpetuity? Mrs. Scotchmer replied yes.

Ms. Lattimer suggested once this is put into action, if approved, that you have the financial disclosure in this. Mrs. Scotchmer stated the new law allows the Ethics Board to promulgate the financial disclosure to suit the County’s needs.

Ms. Fitzpatrick asked for an explanation of the ability to investigate without a formal request and link to employee discipline. Mrs. Scotchmer referenced Section 5, b, in the new law. While the board could always recommend an employee be reprimanded, suspended or removed from office/employment, they couldn’t investigate without a formal complaint being filed. Now the ability to recommend reprimand, suspension or removal is subject to the provisions of the Civil Service Law or collective bargaining agreement and if the Ethics Board becomes aware of a potential violation, they can start an immediate investigation versus having to wait until someone reports it.
Mr. Malter asked who is on the Ethics Board? Mrs. Scotchmer replied me, Mitch Alger and Joe Rumsey. Mr. Malter asked why do we only have three? Mrs. Scotchmer replied it is hard to find people to serve.

MOTION: PRESENTING LOCAL LAW NO. 1 OF 2020, AMENDING THE STEUBEN COUNTY ETHICS AND DISCLOSURE LAW IN COMPLIANCE WITH ARTICLE 18 OF THE GENERAL MUNICIPAL LAW MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

2. Charter – Mrs. Scotchmer stated another project that she has been working on with Ms. Prossick is the codification of our local laws and a review of the charter. In the course of doing the codification, which is required by the State, I went through all the local laws to make sure they were included in the Charter. Once the codification is all put together, it will be 120 pages. She stated Ms. Prossick is in the process of reviewing the changes to the Charter; however, we learned that we need the Legislature’s permission. She requested a resolution authorizing her, the County Manager and the County Attorney to conduct a complete review of any potential changes to the Charter. Once that is done, the changes to the Charter will require a mandatory referendum and would go on the ballot next year. The codification will become an appendix to the Administrative Code and will also require an annual local law. She explained that when a Local Law needs to be added to the codified local laws, we will amend the appendix and at the end of the year adopt another local law amending the entire codification and file it with the State.

MOTION: AUTHORIZING THE CLERK OF THE LEGISLATURE, THE COUNTY ATTORNEY AND THE COUNTY MANAGER TO CONDUCT A REVIEW OF THE CHARTER AND RECOMMEND ANY CHANGES MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER FOR DISCUSSION.

Mr. Malter asked so we are authorizing a review of the Charter and then you will come back to the Legislature for approval of any changes? Mr. Wheeler replied yes. Mrs. Scotchmer stated that will be in the form of a local law which will be subject to mandatory referendum. Mr. Swackhamer suggested that the Legislature be given a couple of months to review any recommended changes.

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

C. County Manager

1. County Clerk’s Office/DMV - Mr. Wheeler stated he has been working with Chairman Van Etten on the DMV appointments schedule. He gives a lot of credit to Mrs. Cranmer who has been able to reduce appointment times down to 15-minute intervals for non-real ID transactions. That was not an easy task as she and a couple of other staff had to manually change the appointments. Mr. Swackhamer commented that should make things a little quicker.

Mr. Van Etten stated Mrs. Cranmer has done a great in being flexible. With Mrs. Hunter out on medical leave, Mrs. Cranmer has done a great job stepping up and making changes. I also pushed for drop boxes at the Corning and Hornell DMV offices and I wanted to see us increase the frequency in which people could come in. Mr. Wheeler commented this will also help our staff too and the drop boxes continue to be heavily used.

Mr. Malter asked will this be our new “normal” for this operation? Mr. Wheeler replied we keep pushing the State on when we can have walk-in’s. We don’t want to open the building for walk-in’s and have the crush of people coming in and being turned away from DMV.

2. Phased Reopening – Ms. Fitzpatrick asked has there been any word on the changes to the phases and will we ever get to a higher capacity for indoor dining other than 50 percent? Mr. Wheeler replied these are being individually decided. He would not expect to see an increase in the 50 percent capacity for indoor dining any time soon. We keep pushing daily on gyms/fitness center, bowling alleys, etc.
Mr. Swackhamer asked what about our workforce? Mr. Wheeler replied we are allowing telework, otherwise everyone is back on-site. We have about 15 percent that are teleworking and that is actually probably less. It is not a significant amount, but enough to help reduce our capacity. The majority of the teleworking is being done by staff in Mental Health and Social Services. Ms. Prossick commented attorneys are also teleworking as courts are still not being held in-person.

3. **Broadband** – Ms. Fitzpatrick asked has there been any mention of speeding up the process for high speed internet? Mr. Wheeler replied we applied for the USDA grant and the Fujitsu study is still ongoing. We are reviewing potential business models. We are hoping there will be another round of federal stimulus and State funding. Everyone is recognizing that rural broadband is super important. Mr. Swackhamer asked is there a State or Federal law that mandates that companies speed things up? Mr. Wheeler replied there is no Federal law, however, the State Regulatory Authority (Public Service Commission) could strongly encourage. Mr. Malter asked which companies are expanding? In my area they are running cable and putting it in place. Mr. Wheeler replied both Charter and Armstrong have been doing a lot of work.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT, OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISUAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, August 11, 2020
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, August 5, 2020
I. **CALL TO ORDER**

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

II. **APPROVAL OF MINUTES**

Ms. Fitzpatrick stated in last month’s meeting regarding the discussion about Workers’ Compensation, she had asked a question about the Village of Bath Fire Department, not the fire district.

**MOTION:** Approving the minutes of the July 14, 2020, meeting as amended made by Mrs. Ferrateella. Seconded by Ms. Lattimer. All being in favor. Motion carries 5-0.

III. **DEPARTMENT REQUESTS**

A. **Information Technology**

1. **Contract with Municipalities for Tax Preparation** – Mr. Wolverton requested authorization to renew the inter-municipal agreement with multiple municipalities for the printing of the tax bills. These are three year contracts.

**MOTION:** Authorizing the renewal of inter-municipal agreement with multiple municipalities for printing of tax bills made by Mr. Swackhamer. Seconded by Ms. Fitzpatrick for discussion.

Ms. Fitzpatrick asked what is the cost? Mr. Wolverton replied there is a $250 minimum size, but it depends on the size. Ms. Fitzpatrick asked how many municipalities do we do this for? Mr. Wolverton replied about 21, but some of them may have dropped out.

**VOTE ON PREVIOUS MOTION:** All being in favor. Motion carries 5-0.

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2. **Contract with Toshiba for Printer Services** – Mr. Wolverton reviewed a brief PowerPoint outlining the costs for a proposal for managed print services which would include all toner, parts, service and reporting. The monthly cost would be $2,439.71. With the reporting, we will get information that will allow us to be able to bill back those costs to the departments and this will simplify everything for the departments. Currently we are spending $2,459 just on toner alone. If approved, this contract would represent a huge savings.

**MOTION:** AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY TO ENTER INTO A MANAGED PRINT SERVICES INVESTMENT AGREEMENT WITH TOSHIBA FOR A MONTHLY COST OF $2,439.71 MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Mr. Van Etten asked what will be the length of the contract? Mr. Wolverton replied I would want to go with either a three year or five year contract. Mr. Schu asked is this a fixed cost? Mr. Wolverton replied the cost is per page. Mr. Wheeler asked is this state contract pricing? Mr. Wolverton replied yes. Ms. Fitzpatrick asked are the numbers based on each department? Mr. Wolverton replied you only pay for what you print. Mr. Wheeler explained we charge by department because there are certain larger departments that can leverage state funding. This would be a one-year contract with renewals. Mr. Wolverton commented Purchasing is already utilizing this for our copiers. Ms. Prossick commented there is a 30-day notice for either party to discontinue the contract.

**VOTE ON PREVIOUS MOTION:** ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. **Elections**

1. **Cyber Security Grant** – Mrs. Olin informed the committee that they have received a cyber security grant in the amount of $85,689.43 from the New York State Board of Elections. This is a non-matching grant and involves both our department and Information Technology. This will allow us to upgrade all of our cyber security. The State has been very vigilant in trying to make sure cyber security is up to snuff. Mr. Ryan has been working on the policies and procedures and the different things that need to be updated and fixed. The majority of this funding will go through Information Technology to update things and that will involve all of the county, not just our department.

Mr. Wolverton explained this dollar amount is the minimum that we would receive. This will allow us to secure our Elections infrastructure and expand that into the county infrastructure. This will help our network. Mrs. Olin stated they are guaranteeing the $85,000. If other counties do not use what was allotted, the money will go back into the pot and will be reallocated.

Ms. Lattimer asked with the concerns about cyber security and the upcoming election, how quickly will these upgrades be done and will they be done in time for the election? Mrs. Olin replied there are a lot of things that we have already put into place. The State Board of Elections has done a lot of those things as well. We are getting weekly notices from the State. If we start getting strange email or our voters are, we need to contact a specific department and they will look into it. We are conducting training with our entire staff.

Mr. Swackhamer asked will there be a service contract that we will have to continue after these upgrades? Mr. Wolverton replied these are all one-time upgrades to different parts of the network.

Ms. Fitzpatrick asked with regard to mail in voting, is the real cyber risk with having someone hack into the system and getting personal information? Mrs. Olin replied it is not so much the hacking as it will be causing confusion and putting misinformation out there. When we talk about someone hacking into the system, it doesn’t necessarily have to be our department. Any department could get hacked and take down the entire County. We have to make sure we can get to our backup and everything we have to make sure an election actually happens. Ms. Fitzpatrick asked if the system goes down do we have a backup? Mrs. Olin replied yes and there are a lot of moving pieces. If the law passes that would allow people to email their application to us and that will cause a huge problem for voting by mail. We sent out 14,000 for the Democratic primary and received 4,000 applications. We mailed out ballots and received over 3,000 absentee ballots back and we had to provide the return postage. Everything that is mailed is at our cost. We are looking at huge numbers for the upcoming
election. To be allowed to submit a ballot without an original signature is where we will have a problem. Ms. Penziul stated the voter does have to sign the envelope and we have to verify that signature.

Ms. Fitzpatrick asked will there be a continued cost to protect the network? Mr. Wheeler replied there will be operational and maintenance costs. Mrs. Olin stated we are better prepared than a lot of counties are.

Ms. Lattimer asked what happens if you get two competing requests for a ballot from the same person? Mrs. Olin replied we will reach out to the voter and if it comes down to it, if we have to do a home visit, we will. That has not happened and hopefully will not, but we have to be very vigilant and on top of things. If a signature does not match what we have on file, they would have to affirm their signature.

**MOTION: AUTHORIZING THE ACCEPTANCE OF A STATE BOARD OF ELECTIONS GRANT IN THE AMOUNT OF $85,689.43 MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

**C. Personnel**

1. **Authorization of Designation of EAP Services** – Mr. Alderman stated we put out an RFP for EAP Services. We are currently with ENI and have been for the past three years and they have done a fantastic job. The addition of the DOT SAP (Substance Abuse Provider) is massive as finding a certified DOT SAP has proven to be very difficult and expensive. They also are giving employees eight free sessions. Overall, we received five RFP’s with prices ranging from $7,038 to $14,250 annually. He requested authorization to contract with ENI to offer EAP services which includes unlimited training for employees and the additional unlimited DOT SAP.

**MOTION: AWARDING THE RFP FOR EAP SERVICES TO ENI FOR AN ANNUAL COST OF $8,160.00 MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.**

Mr. Swackhamer asked do you think offering eight free sessions is feasible? Mr. Alderman replied yes I do. The utilization is not massive. With the things that are going on now, we have seen an uptick in use. Most people go for two or three sessions and then they continue on at their own cost. I do think this is a benefit. It will be well used and I would be surprised if it was not.

Mr. Wheeler commented we have had a great experience with ENI and I have been impressed by the services they provide. Mr. Alderman stated ENI has also been very responsive. He requested authorization for a one year contract with four, one-year renewals. Mr. Wheeler stated this will need to come back for annual reauthorization.

Mr. Van Etten stated I appreciate your detailed explanation in the email you sent. The entire program is necessary and not a huge expense for us. Mr. Wheeler stated avoiding co-pays for someone who is in a crisis situation is huge. Mr. Alderman stated ENI also provides on-site crisis counseling which is another added bonus.

Mr. Swackhamer asked will there be an increase year to year? Mr. Wheeler replied they did not specify, but this would come back to you each year for approval.

**VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **Reclassification – Department of Social Services** - Ms. Muller requested approval of a reclassification which is needed in order to run the Child Advocacy Center. We lost the coordinator at the onset of the pandemic. This has been a challenge to manage and we need someone who has the expertise in child protection. She requested authorization to reclassify a Supervising Clerk, Grade XI to a Case Supervisor Grade B, Grade XVI. There is a lot that goes into running the Child Advocacy Center as we need to get certified and need to apply for funding and the center is starting to get very busy. Ms. Muller stated I have someone with child protective experience who is coming up through the ranks. This supervisor comes with the knowledge and would have the dedication to the county and to the mission of the Child Advocacy Center.
MOTION: AUTHORIZING THE RECLASSIFICATION OF A GRADE XI SUPERVISING CLERK TO GRADE XVI GRADE B CASE SUPERVISOR IN THE DEPARTMENT OF SOCIAL SERVICES MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Mr. Wheeler commented one of the things we discussed at HSH&E is we are holding almost all vacancies at this point and this was one of the priorities. Mr. Malter asked what were we paying the contractor? Ms. Muller replied we were paying $35,000 annually. Mr. Malter asked is the upgrade less? Mr. Wheeler replied no, the upgrade is more but the duties will also be more. Ms. Muller clarified the contractor was not full-time. Mr. Wheeler stated there will be more responsibility and more costs for services, but the individual will be doing significantly more. Mr. Swackhamer asked is this reimbursable? Ms. Muller replied yes, it is 100 percent reimbursed through the VOCA grant.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. Real Property Tax Service Agency
   1. RPSV4 Annual License Fee – Mr. Wheeler explained we charge back the cost for the RPSV4 license fee. The fee has remained the same and is based on parcel count.

MOTION: APPROVING THE ANNUAL RPSV4 CHARGEBACK TO THE TOWNS AND CITIES FOR LICENSE AND SUPPORT FEES MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Secretary’s Note: Mrs. Jordan was in attendance via Zoom, however, was experiencing some technical difficulties.

E. Purchasing
   1. Bids – Mr. Morse presented the results for the quarterly copy paper bid, the custodial paper products bid and the polyethylene bag bid. He recommended awarding to the lowest for all three bids.

MOTION: AWARDING THE QUARTERLY COPY PAPER BID TO THE LOW BIDDER, W.B. MASON FOR $25.67 PER CASE MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AWARDING THE CUSTODIAL PAPER PRODUCTS BID TO THE FOLLOWING BIDDERS ON A LINE ITEM BASIS: CENTRAL POLY BAG CORPORATION; ECONOMY PRODUCTS & SERVICES; PYRAMID SCHOOL PRODUCTS; REGIONAL DISTRIBUTORS, INC.; AND SANICO, INC. MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AWARDING THE POLYETHYLENE BAGS BID TO THE FOLLOWING BIDDERS ON A LINE ITEM BASIS: CENTRAL POLY BAG CORPORATION AND REGIONAL DISTRIBUTORS, INC. MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. Auctioneering Services RFP – Mr. Morse informed the committee that the surplus auction had been scheduled for Thursday, September 24, 2020. At this time, due to COVID, we will not be able to do it live. He requested authorization to postpone the surplus auction and possibly do it online, although traditionally it has always been a live, in-person auction.

Mr. Swackhamer asked how much equipment do we have in the auction? Mr. Morse replied we do not have as much as in previous years. We have four, 10-wheelers and one pickup truck. We do have an abundance of shelving.

Mr. Schu asked can we set up an auction online? Mr. Morse replied yes. The committee had authorized a RFP for auctioneering services and that was geared more toward live auctions. My recommendation would be to reject
all proposals relative to the Auctioneering Services RFP and then look at our options. We do have a vendor that we used a couple of years ago to sell a piece of equipment.

Ms. Fitzpatrick asked are we precluded from doing the live auction even though it is outside? Mr. Wheeler replied gatherings have to be 50 people or less.

**MOTION:** POSTPONING THE IN-PERSON SURPLUS AUCTION SCHEDULED FOR THURSDAY, SEPTEMBER 24, 2020; REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO THE RFP FOR AUCTIONEERING SERVICES AND DIRECTING THE PURCHASING DIRECTOR TO LOOK INTO ONLINE AUCTION OPTIONS MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Ms. Lattimer asked will you be moving the date of the auction? Mr. Morse replied he anticipates that an online auction would be held sometime in October.

F. **County Manager**

1. **Accepting NY Census Outreach Grant Funds** – Mr. Sousa stated back in March the Legislature had approved this grant and then everything shut down due to COVID. Last week we were notified that funding would be available at 50 percent of the original grant allocation. The new grant amount is $90,455.00 and we are contracting with four not-for-profit agencies to help with census education. Ms. Prossick commented we had adopted a resolution in March, so we will be rescinding that resolution and replacing with a new resolution.

**MOTION:** RESCINDING RESOLUTION NO. 063-20 ACCEPTING CENSUS OUTREACH GRANT FUNDS IN THE AMOUNT OF $180,910.00 AND AUTHORIZING ACCEPTANCE OF CENSUS OUTREACH GRANT FUNDS IN THE AMOUNT OF $90,455.00 MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. **Resolution Required.**

2. **Early Retirement Incentive** – Mr. Wheeler stated the Ad Hoc Reopening and Recovery Committee met in Executive Session on August 6, 2020 and reviewed a targeted early retirement incentive. In short, the discussion was based on the shutdown and they also discussed the sales tax losses and operating costs. We were very much looking to Washington for leadership, but they could not get there for the State and local funding. We are still facing a multi-million dollar deficit due to sales tax and potential cuts in state funding. All options are on the table. In looking at the NYSAC News and press releases, layoffs are on the table for all municipalities, and I don’t say that lightly. We are talking about a multi-million dollar budget hit and the State is looking at a multi-billion dollar hit.

Mr. Wheeler stated we wanted to look at reducing headcount without layoffs, hopefully. Chairman Van Etten and I talked a few months ago and it has been ten years since we offered the last retirement incentive and we determined it was time to offer another one. We have talked with the department heads and our goal is to reduce personnel costs, which is our highest cost. We have reduced staff over a number of years. Ten years ago we had 1,200 full time equivalents and we are down to around 900 full time equivalents. This is a way to reduce headcount without, hopefully, a significant reduction in services. In our discussions, Chairman Van Etten brought up the early retirement incentive.

Mr. Wheeler stated today I am passing along the Ad Hoc Reopening and Recovery Committee’s recommendation. We are modeling based on what we did ten years ago. The model is based on years of service. Those individuals 55 or older with 20 or more years of service would be eligible. Individuals with 20 – 24 years of service and age 55 - 65 would get an additional 25 percent of a single health insurance plan in retirement. Individuals with 25 or more years of service and age 55 – 65 would get an additional 50 percent of a single health insurance plan in retirement. The other option, which would be for those that don’t need or want the medical insurance or are 65 or older, is they can opt to receive a one-time payment of $20,000 if they have 25 or more years of service. If they have 20 – 24 years of service they can opt to receive a one-time payment of $10,000.
Mr. Wheeler stated we really want to fragment this enrollment window as we need to know the numbers for the budget. Our model shows there are 120 staff that would be eligible, however, there is no way you will get near that number as individuals are right on the fringe. The hope is to be able to shed staff and do it in a way that we can hopefully avoid layoffs. If there is action at the Federal level then all bets are off. This retirement incentive was successful ten years ago. Mr. Wheeler stated the Ad Hoc Reopening and Recovery Committee is an advisory committee and no motion came from them. This is being presented to you for your consideration for adoption. If you adopt this, then open enrollment would begin at the end of this month through the end of September. Individuals will need to separate from service 45 days after acceptance.

**MOTION: AUTHORIZING THE IMPLEMENTATION OF A VOLUNTARY RETIREMENT INCENTIVE WITH AN EXCLUSION FOR THOSE INDIVIDUALS WHO HAVE PREVIOUSLY RETIRED AND SUSPENDED THEIR STATE RETIREMENT; THEY WILL BE INELIGIBLE TO PARTICIPATE MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.**

Mr. Swackhamer commented this is a much easier way to go then to start laying off people. When you look, there are other counties and businesses that are laying off up to 25 percent of their workforce. This is a better way, but we may still need to look at that in the future. Mr. Wheeler stated without additional State help, if the Federal government doesn’t come through, we are facing a 20 percent cut in State aid, which is equivalent to $4 million. We are actually doing better than some with our sales tax losses, but still the decrease of $1.5 million is very concerning.

Mr. Van Etten stated this is a very fair offering for people who can take advantage. Even if we get 30 – 50 people, that would be good for us and actually possibly allow us not to furlough or layoff, but we don’t know. The concern is that when you do this, sometimes you lose your best people or those with more depth and breadth of experience. Ms. Lattimer stated you lose the institutional knowledge. Mr. Van Etten stated I raised the question a number of times and asked where we think we might have concerns, but we are confident that we can fill that with learning time. This will not cripple us, but it is a concern that we will have to deal with.

Mr. Wheeler stated losing that amount of experience in any staff member hurts. The larger departments have done a very good job with succession planning. If department heads go, we are in, for the most part, pretty good shape. I would like to commend you folks a lot as you have done everything you can possibly do to avoid layoffs. That is the absolute last resort. When we did this in the past we were hit by both the State and local retirement option and we got hit pretty hard. If we fragment this to close by the end of September, I don’t know if Albany can get something together, but we shouldn’t have that double payment on our part.

Mrs. Ferratella commented most departments are doing cross training and that will help us get through the initial hit. We have great staff from management to the union and we will get by. This is a way to significantly impact your personnel costs in a way we can control a little bit more.

Ms. Fitzpatrick stated with the current situation you may be surprised at how many people take this. I don’t want to see upper level staff leaving, but this will give people down the line a chance to shine and step up. It is really important for us to do that and we certainly want to avoid layoffs at all costs and we want employees to be confident and comfortable, but we need to be mindful of our taxpayers.

Mr. Hanna asked is there a way to bridge the gap if people are short on time or age? Mr. Wheeler replied no. The State typically gives an extra month of credit for every year in the system when they do an early retirement incentive. This incentive is the number of years of service in the County. The State incentives include time at other employers. Those individuals that are a little short may not be eligible. Mr. Hanna asked is there a monetary incentive? Mr. Wheeler replied that is part of the incentive; to take the boost to the health insurance coverage or take the one-time cash payout.

Mr. Van Etten commented one other aspect is when you do this and have to start backfilling supervisor positions, there will be a limit on the number of requests for upgrading certain people. You will have to fill supervisor
positions or other positions that are doing duties that they are not being paid for. Mr. Wheeler stated especially in the union contract, you cannot have them working out of title. What we have done in the past is upgrade a position, but you will still be down in headcount. We have had good experience in taking a hybrid approach and finding titles to upgrade to.

Mr. Wheeler clarified this incentive is for first-time retirees from the County or State retirement system. We do have a couple of individuals that have retired and have come back and suspended their State retirement. If someone has suspended their State retirement, they would not be eligible. Mr. Van Etten stated he would agree. Ms. Lattimer suggested that exclusion be part of the motion.

Mr. Van Etten stated that he would like to thank Mr. Brewer for all of the detailed work he did; it was very thorough and complete. Mr. Wheeler stated yes Mr. Brewer did a great job and Mr. Alderman and his staff did as well.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7§ 105.1.F. 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 MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: SETTING THE SALARY OF THE DEPUTY COMMISSIONER OF FINANCE AT $91,753.00, MANAGEMENT GRADE XII MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. SWACKHAMER. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, September 8, 2020
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
September 2, 2020
I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:30 a.m. and asked Mrs. Ferratella to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE AUGUST 11, 2020, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. Purchasing

1. **2020 Surplus Auction** – Mr. Morse requested authorization to proceed with the 2020 surplus auction using the low bidder, Roy Teitsworth, Inc. and next year we will issue another RFP. There will be a 10 percent buyer’s premium and for those using a credit card, there will be an additional 2 percent fee. For purchases over $5,000, the buyer’s fee percentage will drop. Ms. Lattimer asked will this be an online auction? Mr. Morse replied yes, this will be online only and will be held later in October. Mrs. Ferratella asked will the towns be participating? Mr. Morse replied no. Mrs. Ferratella asked is there any reason for us not to go forward with this? Mr. Morse replied no. I just wanted to make sure you were okay proceeding.

MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO HOLD THE 2020 SURPLUS AUCTION ONLINE ONLY USING ROY TEITSWORTH, INC. MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Information Technology

1. **IT Vehicle Lease** – Mr. Wolverton stated the 2020 budget had included a new vehicle. We did not purchase the vehicle prior to COVID and our current vehicle broke down. The estimated cost to repair is $2,400. He requested authorization to lease a vehicle for 2021, but to actually start the lease now. I do have $2,000 in the current operation of vehicles line item which would cover the lease for the remainder of this year.
MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY TO LEASE A VEHICLE FOR 2021 WITH THE LEASE STARTING IMMEDIATELY MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.

Mr. Malter asked are we getting the current vehicle fixed and then selling it? Mr. Wheeler replied the current vehicle is 12 years old and is in rough shape. Mr. Horton asked could we send it to auction? Mr. Wheeler replied yes, we could do that.

VOTE ON PREVIOUS MOTION. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Clerk of the Legislature

1. Adopting the LGS-1 Retention Schedule – Mrs. Scotchmer informed the committee that New York State Archives has adopted a new records retention schedule which is now called LGS-1. Before we can dispose of any records, the Legislature needs to formally adopt the new schedule.

MOTION: ADOPTING THE RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1) MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. Updating the FOIL Subject Matter List – Mrs. Scotchmer stated the Subject Matter List for FOIL needs to be amended to match the new records retention schedule, LGS-1.

MOTION: AMENDING RESOLUTION NO. 110-12 RELATIVE TO THE FREEDOM OF INFORMATION LAW AND, IN PARTICULAR, THE SUBJECT MATTER LIST MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. County Manager

1. USDA Broadband Grant Discussion – Mr. Wheeler explained Southern Tier Network (STN) has been working with the three counties, Schuyler, Chemung, and Steuben, on the USDA Reconnect Grant. There is $25 million that is available. Hunt Engineers was contracted by STN to come up with a design path. The maps that were emailed to you last week show the most significant portion of it. We wanted to discuss this with the committee and there will be more details in the future as it is still under evaluation. We don’t know if or when the USDA will make a decision on the award. No formal action is needed today, this discussion is just to gauge the support of the Legislature as a whole as this is still under review.

Mr. Manning stated we went for the maximum amount of the grant for $25 million. This mapping identifies the areas that Hunt determined met the USDA eligibility criteria. There are nine sectors in the three counties. The maximum speed in order to submit for the grant needed to be less than 10 megabytes down and 1 megabyte up. For today’s discussion we are focusing on Steuben sections 5, 1, 2, 9, 3 and 4. We will review the financials and the assumptions we made in submitting the USDA grant. We have worked very closely with the county and Hunt to define where these addresses are in these sectors.

Mr. Potter asked what are the USDA requirements? Mr. Manning replied internet service is a key focus. We are getting into the rural underserved areas with limited or no internet access. The USDA is saying any home that has less than 10 megabytes (slower speed than DSL). We identified that level of service as any home that did not have 100 megabytes of internet speed as underserved. We are looking to future proof for the next four years.

Ms. Fitzpatrick stated with the Town of Bath; I live in Savona off of SR 415 and the only internet is satellite internet and it is extremely limited. Our other access is through Verizon and that is very limited. That whole area is underserved as well. Mr. Manning stated you are a great example of the challenge across the country to identify the underserved. Under FCC data collection they require service providers to self-submit and do that every two years. There is no audit check. There are many census blocks in rural areas that Spectrum has built out and those are supposed to be completed by 2021. However, they may only be building out to two or three homes,
but there are many other homes in that census block. The Federal government and the counties are stepping up and applying for this grant.

Mrs. Ferratella asked since this is still under review, do we have any idea when it will be completed? Mr. Manning replied it should be completed this quarter. We are expecting to hear from the USDA in late October or November. Mrs. Ferratella asked if you don’t get the grant, will you have the ability to contract with providers to do the build out? Mr. Wheeler replied not for the amount of investment. This grant is a 25 percent match. It will cost $20 million to do a build out with the local cost of $5 million. If this is not successful, this dovetails with the Fujitsu study and we could drive investment into the broadband here. In order to do that, significant local dollars would be needed. For the amount we would put up, we would not be able to get that much bang for the buck.

Mr. Malter commented I am assuming that those sectors that are not listed in these districts have internet service that is adequate. Mr. Wheeler replied not necessarily. A large portion does. That is a policy decision on where these things are built out and I don’t want to choose an area on your behalf. We asked Hunt and Fujitsu to make the decision where to start the build out to maximize the investment. There are more, but these sectors have clearly met the USDA requirements. Mr. Manning explained as a comparison, there are 2,794 address points in Steuben County under this grant. The Fujitsu study total number of addresses with less than 100 megabytes was 7,828 in Steuben County. Mr. Wheeler stated the Fujitsu study is still being worked out and we anticipate being able to share that in October.

Mr. Van Etten stated given the new way we are educating kids, it is critical that we try to help people that don’t have internet service or have very poor service. If we are lucky enough to get the grant, what is the timing for completion? Mr. Wheeler replied the goal would be to do these things through the USDA grants. When the State has more economic development money, we will apply for that. To really accomplish this it would require a large investment on a municipal or co-op model.

Mr. Manning stated the USDA grant we applied for was for a 100 percent fiber build to those addresses and we are looking at future proofing for the next four years. Mr. Marzolino reviewed the financial breakdown for the committee. He stated the region has a PFSA classification and Steuben County comprises 81 percent of the total grant. He explained assuming we get federal funding of $15 million, the County would contribute $5 million. If the County paid that local match 50 percent cash and 50 percent borrowing then any revenues would be paid back by STN. With 2,794 subscribers there would be different take rates and that is calculated by STN. It costs STN $700 per mile to maintain the dark fiber network. The revenue is then broken down between the service providers and STN. If a subscriber paid $50 - $70 per month for 100 megabyte service, that would be split with the internet service providers. In this scenario we would need to see either a 50 percent or 60 percent take rate and both would generate revenue. The second scenario would assume 100 percent debt for the local match and the take rate would need to be at 60 percent. The third scenario is assuming 100 percent cash payment of the local match and both a 50 percent or 60 percent take rate would result in revenue. He commented that a 50 percent take rate is pretty common in the industry. Mr. Marzolino stated we would use dark fiber to get to these addresses as well and that will help reduce the buildouts.

Mr. Malter asked so would we be doing $2,400,000 cash and then borrowing the balance of the $5 million? Mr. Wheeler replied you could do all by bond, half cash and half bond or all cash. Mr. Malter stated if we don’t take the revenue into offset then that would be the County’s responsibility? Mr. Schu replied yes as you would not be recovering the money to cover the debt. This is being presented to get the general sense of the committee going forward. Mr. Wheeler stated if the grant is awarded, we would come back to you and have a discussion about how to finance it. We think this is a very good project and it shows the three counties working closely together, but a lot of communities across the country are also applying for funding.

Mr. Van Etten commented the other two counties both are very interested in this. Mr. Wheeler commented both Chemung and Schuyler took this to their Boards. Mr. Manning stated Schuyler has indicated they are moving forward with cash for their match. Chemung did not have final approval yet, but are very optimistic to use cash.
Ms. Fitzpatrick commented if we have learned anything from the situation we have been in the last six months, we desperately need this infrastructure and moving forward with the project is absolutely critical. Mr. Van Etten stated I agree and for us this is the next phase of when we signed up with STN to do the backbone and towers. We knew that would come in handy and now is the time to utilize that. We are looking at a concentrated area and this is not across the county. We are starting with the low-hanging fruit and with the Fujitsu study we will do the next phase. Ms. Fitzpatrick commented not having internet is like not having electricity and most people cannot comprehend that.

Ms. Lattimer stated the Legislature made a commitment to STN more than two years ago. The function of county government is to serve the overall good of the county. Our constituency will not be competitive unless we are able to do this. With online learning we have to have these dark areas lighted and give them the services. That is what county government is for.

Mr. Manning stated we have worked with the Community Foundation Group, United Way, Corning-Painted Post School District, and Corning, Inc. over the past two weeks. They did a regional survey to identify those homes that do not have internet and there are 170. We are still working as a group to see where they are and what services are available to those homes. We are also trying to address the needs of the K-12 students. With this USDA competitive grant there are at least four counties/towns in our region that are applying. If we knew collectively that all three counties were supportive, we could be more aggressive in applying for this.

Mr. Wheeler stated that was one of the reasons to have a discussion with all the counties so that STN or I can work with our representatives to help advocate for us. I think we push forward if that is your wish. Mr. Malter asked is there a timeframe for when the application will be approved or disapproved? Mr. Wheeler replied it will probably be this quarter.

Mrs. Ferratella asked what is the timing for looking at something wireless? Mr. Manning replied wireless is easier to get up and running operationally. With fiber, we have to pull it to the homes and there is an application process from the pole owner. Wireless is much quicker, but our terrain makes it very challenging. Discussion followed.

2. Full-Time and Part-Time Positions Discussion – Mr. Wheeler stated this discussion relates to full-time and part-time positions in the District Attorney’s Office, along with those that fall somewhere in between. We do have one legacy position, Joe Pelych, but the remainder of the employees are either 50 percent or 100 percent. In the District Attorney’s Office when an employee cannot practice as extensively as others based upon their requirements, that makes recruitment somewhat of an issue. For discussion today is the 80 – 90 percent positions and those are getting pretty complicated. A 50 percent position on average is working on average 20 hours per week; some are working more than 20 hours. A 75 percent position would be 30 hours. We are trying to find other alternatives for discussion purposes. Our recommendation would be for some to hire 50 percent, 75 percent or 100 percent and if the salary is more than that percent on Step 5 of the salary schedule that would come to the committee. This is another option that we had discussed internally.

Mr. Swackhamer stated I cannot be in favor of this; it is 50 percent or 100 percent, very simple. If it is 75 percent, who would judge the workload? Mr. Van Etten replied the department head would. I am not sure why you would be so strict in not giving flexibility. How does it hurt us to allow a department to make a decision to fund someone for 30 hours? What justification do you have to limit it? Mr. Swackhamer stated I don’t see why we need another category. If they work 30 hours, what do they do with their extra time? How do we stop their extra job from running into their County job? Mr. Van Etten replied that is the department head’s responsibility to manage. The employee has to get 30 hours. How do we manage that when they are 50 percent? We trust the department heads to manage. Mr. Swackhamer asked do we want to give them more responsibility? Why are we talking about this for basically one person at this point? Mr. Wheeler stated in my view we are not talking about the 80 percent person as they are already on the books. We are talking about the future.
Ms. Fitzpatrick stated are there other departments that take advantage of these situations with part-time and full-time? Mr. Wheeler replied the Public Defender and the District Attorney have part-time and full-time. We also have part-time staff out at the Jail, Sheriff’s Office and Buildings & Grounds.

Ms. Fitzpatrick asked if there is a part-time Sheriff’s Deputy, are we not concerned with what they do with their other hours? Are we having this conversation because of the outside attorneys? Mr. Wheeler replied yes, we are talking about managing that and recruitment.

Mr. Potter commented it is frustrating that we have to keep going to this conversation. There is a recruitment issue in getting experienced attorneys. If the department head is willing to take on that responsibility and it gives you experience in that department and they are a good employee, it is a good idea. The more flexible we can be, the more flexibility we have to bring in talent.

Mr. Malter commented of all the departments, the only one I know is the District Attorney that is not dealing with 50 percenters and 100 percenters. Mr. Wheeler replied that is correct. We have had intermittent discussions and this would formalize the process and would provide the options.

Mr. Malter commented I have no problem with the three options as long as we can control it. Ms. Lattimer stated the concern is not with the three options; the issue is the policing of it and having confidence in that person to actually control it. Mr. Wheeler stated it comes down to the department head to make sure there are sufficient hours and that they are getting the work done.

Mr. Potter stated I thought the concern was some part-time attorney and conflicts. Can we strictly define that? Mr. Baker replied we have done that and gone with a more strict position on conflicts. We have said that as an Assistant District Attorney, the County is not your client, but we have gone back to our staff and updated that to say that we treat the County as a client. If we have a client conflict with Steuben County, then they cannot defend under a private practice. That should eliminate the problems with the conflicts. I will write a more formal policy and that policy will apply to part-time and more than part-time. Ms. Prossick commented the revisions to the Ethics Local Law also makes that a little clearer.

Mr. Malter asked do we need to formally adopt the three tiers? Mr. Wheeler replied it will require a change in the Administrative Code. Mr. Van Etten commented this would affect all positions with the exception of the existing legacy employee. If we trust our department heads to manage the 50 and 100 percenters, we should trust them with the 75 percenters.

Ms. Prossick stated with the 50 percenters, they typically do not have office space and they do not report at a building. The full-timers are in the building. One of the problems with the 75 percenters is do they get an office and do they report to a building. That is the blurred line. Mr. Van Etten commented that is up to the department head and it is wrong to limit their flexibility because of the trouble they have finding attorneys.

Mr. Baker stated the advantage of getting a 75 percenter is that we can hire people with a lot more experience. This gives us the ability to bring people in that we don’t have right now. We just cannot find experienced attorneys. As an example, Mr. Pelych is doing more than I will get from someone newer.

Mr. Swackhamer asked how do we handle the benefits for these positions? Mr. Wheeler replied this does not change the benefit structure for the 50 percenters. We can write up the changes to the Administrative Code and bring that to committee for next month.
MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7§ 105.1.F. 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 MADE BY MS. FITZPATRICK. SECONDED BY MS. LATIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, October 13, 2020
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, October 7, 2020
STEUBEN COUNTY ADMINISTRATION COMMITTEE
Special Meeting
Monday, September 28, 2020
9:44 a.m.
Legislative Chambers, 3rd Floor, Annex Building
Bath, New York

**MINUTES**

COMMITTEE: Brian C. Schu, Chair Robin K. Lattimer, Vice Chair Carol A. Ferratella
Kelly H. Fitzpatrick Gary D. Swackhamer

STAFF: Jack K. Wheeler Christopher Brewer Tammy Hurd-Harvey
Mitch Alger Brenda Scotchmer Jennifer Prossick
Amy Dlugos Andy Morse Jennifer DeMonstoy
Tina Goodwin Brooks Baker Rob Wolverton
Nate Alderman Yvonne Erway

LEGISLATORS: Scott J. Van Etten K. Michael Hanna Jeffrey P. Horton
Hilda T. Lando Steven P. Maio John V. Malter
Robert V. Nichols Frederick G. Potter Gary B. Roush
Thomas J. Ryan Paul E. Van Caeseele

OTHERS: Mary Perham

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:44 a.m.

II. GENERAL BUSINESS
A. County Manager
   1. Amending the Administrative Code Relative to Title VI – Mr. Wheeler stated we just need to formally adopt the Title VI policy within the Administrative Code.

MOTION: AMENDING THE ADMINISTRATIVE CODE TO INCLUDE THE TITLE VI POLICY MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature
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 SEPTEMBER 8, 2020, MEETING MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. **DEPARTMENT REQUESTS**

A. **Personnel**

1. **Salary Adjustment – Assistant District Attorney** – Mr. Alderman stated Mr. Baker is here to explain the request. Mr. Baker requested authorization to adjust the salary of part-time Assistant District Attorney Thomas Bowes. This position was just filled. As you recall, we had a contract with Schuyler County for a part-time ADA and they backed out of the contract. He stated he hired Tom Bowes who is very experienced. Mr. Bowes was previously an ADA in the Chemung County District Attorney’s Office and also worked as a Public Defender. One year ago he left the Steuben County Public Defender’s Office and his salary at that time was $41,500. Mr. Baker stated I set the salary pursuant to the *Administrative Code* at half of mid-grade which was $35,000. I am asking to increase the salary to what he was previously making in the Public Defender’s Office as he is now doing essentially the mirror job and being paid for similar work. He noted this did go to Public Safety & Corrections where it was approved.

MOTION: AUTHORIZING A SALARY ADJUSTMENT FOR PART-TIME ASSISTANT DISTRICT ATTORNEY THOMAS BOWES UP TO $41,400 MADE BY MS. FITZPATRICK. SECONDED BY MR. VAN ETTEN FOR DISCUSSION.

Mr. Swackhamer asked how much is Mr. Bowes making now? Mr. Baker replied $35,000. Mr. Alderman clarified he is actually making $36,400. Mr. Baker stated I am looking for a $5,000 increase. This will bring him up to exactly what he was paid one year ago.
Mr. Van Etten asked why are you requesting an increase? Is this just parody with what the Public Defenders are being paid, or because of his exemplary work above and beyond? Mr. Baker replied I had intended to hire him back at what the Public Defender was paying him. He is very good at what he does and has fifteen years of experience in the District Attorney’s Office. He also did a good job working as a Public Defender. The job he had in the Public Defender’s Office is essentially the mirror job of what he is doing in the District Attorney’s Office. As far as court coverage, this position did not receive the CAP stipend and he is also covering that. There should not be a disparity between the different departments.

Mr. Schu asked how is his salary compared to the other ADA’s? Mr. Baker replied Mr. Bowes will make a little less than just about everyone else. He will be making $5,000 less than the two attorneys that do CAP. He is coming in at the low end of the ADA salary range.

Mrs. Ferratella asked what was he told his salary would be when he was hired? Mr. Baker replied I told him I would match what he was making at the Public Defender’s Office and I thought I could do that until I reviewed the Administrative Code. Then I had a discussion with Mr. Alderman.

Mr. Swackhamer asked how can you guarantee a salary that you cannot set? Mr. Baker replied I did not guarantee; I had told him I would attempt to get the same salary. I realized after that I could not do that and then had a conversation with Mr. Alderman. I told Mr. Bowes that I would make application with the Legislature to bring his salary up to what he made at the Public Defender’s Office.

Mr. Wheeler explained the Administration Committee approves salaries for individuals over Step 5 in the Management Salary Plan and the process is that Mr. Alderman reviews the appropriateness based on years of experience. This request appears to be in line.

**VOTE ON PREVIOUS MOTION: MOTION CARRIES 3-2. (MS. LATTIMER AND MR. SWACKHAMER OPPOSED.**

2. **Retirement Incentive** – Mr. Alderman informed the committee we had a very good response to the retirement incentive with 42 people. This was better than we had hoped. We do have a situation with a couple of employees who did not quite qualify and I would like to ask you to extend the enrollment period for a couple of weeks from October 26, 2020 to November 6, 2020. This will require the approval of the Full Legislature. He stated that he cannot guarantee that we would get a bunch more. Mr. Wheeler explained we had one employee who was interested but would miss the day they would need to retire by, by two days. We had another employee that was not legitimately available to file their paperwork. Mr. Swackhamer asked will this cause us any legal problems? Mr. Wheeler replied no, we had a similar situation in 2010.

**MOTION: AUTHORIZING EXTENDING THE ENROLLMENT PERIOD FOR THE EARLY RETIREMENT INCENTIVE FROM OCTOBER 26, 2020 TO NOVEMBER 6, 2020 MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.**

Mr. Horton asked will we receive complaints from those employees who made the original deadline? Mr. Wheeler replied we may get a couple of complaints, but they are still getting the same benefit. Mr. Van Etten stated we had a small window to do this as the intent was to get everyone in and committed before the State did anything. Mr. Alderman commented when we did the early retirement incentive in 2010, we did open the enrollment period back up for a couple of weeks.

**VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

Mr. Swackhamer asked what is the cost savings that we will see from this? Mr. Wheeler replied the salaries in the budget do not reflect the reduction in retirements. Whenever you want another budget meeting, we would bring those numbers to you. This will help get us where we need to be in the budget. Mr. Alderman commented getting over 40 should result in a pretty large savings.
Mrs. Ferratella asked will there be any positions that we will need to recruit for? Mr. Wheeler replied there will be a few; the highly specialized positions that would be more difficult to fill.

B. **Clerk of the Legislature**

1. **Retirement Reporting** – Mrs. Scotchmer stated we have three more individuals to report for this month and all are employees in the Public Defenders’ Office. She stated adoption of the standard work day and retirement reporting resolution is required by the State Comptroller.

**MOTION:** ADOPTING THE STANDARD WORK DAY AND RETIREMENT REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Van Etten asked of the people that are required to report, are they all doing it on time? Mrs. Scotchmer replied we are still missing Peter Glanville in the District Attorney’s Office along with two more newly hired attorneys. The record of activities for James Ferratella in the Conflict Defender’s Office and Thomas Bowes in the District Attorney’s Office are due in December. Mr. Schu asked are there any sanctions imposed for failure to submit? Mrs. Scotchmer replied the sanction is they do not get a raise if one is offered. Additionally the State Retirement System will suspend their membership in the retirement system until compliance is achieved.

C. **Planning**

1. **Extending Contract Terms for Census Outreach Grant** – Mr. Sousa explained a federal judge extended the census through the end of October. We had a contract for census outreach in place that specified September 30, 2020 as the completion date. He requested approval to amend our contracts to extend the date through October 31, 2020.

**MOTION:** EXTENDING THE TERMS OF THE CENSUS OUTREACH GRANT CONTRACTS THROUGH OCTOBER 31, 2020 MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Mr. Van Etten asked will this increase our cost? Mr. Sousa replied no. This is the same funding. This just allows us to expend the funds through the end of October.

**VOTE ON PREVIOUS MOTION:** ALL BEING IN FAVOR. MOTION CARRIES 5-0.

V. **OTHER BUSINESS**

A. **Legislator Benefits** – Mr. Roush stated the Legislature recently offered an early retirement incentive to employees. People are struggling with unemployment and other issues. I am proposing for the Legislature to demonstrate to the public and the employees that we have skin in the game by going to a 100 percent copay for health insurance. The 14 percent copay budgeted for 2021 is $3,124. That is less than the copay I pay for Medicare. We are providing to ourselves one very nice benefit. The benefit is actually the insurance and to have access to that if you are self-employed, you have to pay 100 percent. I think we should pay the full premium. Mr. Roush stated he added up the numbers and if we were to go to a 100 percent copay that would be a savings of $280,000 per year. That is what our taxpayers are paying for us to get a full-time benefit. It is time to bite the bullet and go to 100 percent copay. The City of Corning and the Town of Erwin have done this. It is time to set an example for the County and even the State, and try to help our communities which are really hurting.

Mrs. Ferratella stated it is difficult to yank the benefit away without some kind of compensation for those not taking it. It is difficult to take the full amount from families. I would ask if there is some compromise we can do without hurting those with family and single plans and to compensate those that do not take the insurance.

Mr. Horton stated I don’t take the health insurance, but I am not in favor of taking it away. People run for office and take jobs because of the benefits. We have a well-rounded group of people here; self-employed, attorneys, accountants, etc. I would hate to see us lose that because they run for the insurance. You choose a job for certain things.
Mr. Schu stated when we ran for office the benefit package was in place. That was part of the package we signed up for when we ran for office.

Mr. Van Etten stated I did not take the insurance when I worked for Corning, but now I do. In 2011 Mr. Hauryski and I pushed to increase the copay because we recognized this was a good benefit for the Legislators and we said we should show the employees that we were willing to pay more for it. We increased the copay 5 percent between 2012 and 2020 to get up to the full copay. A 30 percent copay is very fair as it shows that we are willing to pay more for what we are getting. This plan that Mr. Roush is proposing is nuclear – it will drive away anyone with any talent or experience from being a Legislator. To waste time trying to equalize things in a little group is not helpful. I did not like that we had gotten away from the 30 percent; it is just irresponsible.

Mr. Schu stated when Mr. Hauryski was leaving, he had suggested that the Chair and Vice Chair get an increase in pay and then that resulted in the remainder also getting increased. Now that has snowballed and under this plan, a Legislator who wants a family plan would basically pay $10,000 to come to work.

Mr. Swackhamer stated as a point of order, we do not have a first and second to this motion. Mr. Schu replied there is no motion, we are just discussing. Mr. Swackhamer stated this was presented as a resolution. Ms. Prossick stated it was presented as discussion for the budget.

Mrs. Lando stated the City of Corning was used as an example and I agree that people stayed on because of the insurance. To say you want to be a Legislator because of the insurance, in my opinion, is wrong. We can do this in a stepped format. At the City of Corning, they increased the salaries a little bit and then they took the insurance away in a stepped format. I don’t take the insurance, but that was not my reason for coming on the Legislature. We know we will never be equitable with everyone, but this sets a good example.

Ms. Fitzpatrick stated with this proposal, you are trying to make it equitable when in reality it is discriminatory. The benefits do attract people. I answer to my constituents for the amount of work I put in and the amount of compensation I receive. I value myself and my work. There is inequity in every single department of the county. Two people are doing exactly the same job and the compensation goes up for one when they start a family. We want to keep everyone here and keep them happy. We have a self-insured health insurance plan so it may not necessarily cost the County exactly the dollar amount we set as the value for a single or family plan. We are fortunate that we can offer it. We have made steps over the last several years to go out of our way to compensate good people. You set the tone at the top and it is a matter of how long it trickles down to the bottom. This is not the way to make things work.

Mr. Mullen stated we just went through this last year. We talked about tying it to the County policy generally. If it is good for the rest of the people that work for the County, I don’t understand why it is not a good policy for us. When we changed the insurance before it was because the Legislators compensation hadn’t changed in about a decade. We received less money without having a pay increase. Is this going to come back up every year? How often are we going to revisit it?

Mr. Schu commented any changes would have to take effect after the next election cycle to be fair; if it could be fair.

Ms. Lattimer stated people have to know what they are buying before they get in. It would have to be after your term. I think there is room for compromise on this, but I don’t believe any Legislator ran because of the compensation. I don’t think anyone comes into this job based on the insurance. I don’t think we should fiddle with this or have a discussion every year; we need to resolve the issue. There will be inequities and I don’t begrudge anyone that has access to it. It is just life choices.

Mrs. Ferratella stated I would be shocked if anyone looked up the benefits before they ran. Mr. Van Etten commented if this change was put into place that would happen. Mr. Schu declared the discussion closed.
MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7 §105.1.F. 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 MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION MADE BY MR. SWACKHAMER. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, November 10, 2020
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, November 4, 2020
I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:44 a.m.

II. GENERAL BUSINESS

A. County Manager

1. Broadband – Mr. Wheeler stated I am sorry for the lateness on the details regarding this; however, no formal approval is needed. About two weeks ago I was contacted by Armstrong and they informed me there was broadband money available under the CARES Act. They are looking to partner with us to submit an application for this funding. Armstrong has already partnered with Allegany and Cattaraugus counties for similar applications. We would be the primary applicant and if there was any award, it would come back to the Legislature for review and approval. I just wanted feedback from you.

Mrs. Ferratella stated I would support this and their track record shows they are a reliable company. Mr. Wheeler stated Armstrong has been great. Ms. Lattimer stated anytime we can expand our broadband available; let’s do it. Ms. Fitzpatrick stated I definitely support this because living in an area without internet makes life difficult. Mr. Potter stated I can attest to the quality of Armstrong’s services; it is great. Mr. Malter asked do we know the dollar amount? Mr. Wheeler replied we do not know yet, but I can circulate that information once I get it. Mr. Malter asked is this State or Federal funds? Mr. Wheeler replied it would be Federal funding.

B. Elections

1. Center for Technology and Civic Life Grant – Mrs. Olin stated we applied for the Center for Technology and Civic Life Grant in response to COVID and we were awarded $45,126. She requested authorization to accept this funding.
MOTION: AUTHORIZING THE BOARD OF ELECTIONS TO ACCEPT THE CENTER FOR TECHNOLOGY AND CIVIC LIFE GRANT IN THE AMOUNT OF $45,126 MADE BY MR. ROUSH. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Swackhamer asked are there any stipulations for use? Mrs. Olin replied no. We have a list of things that we are allowed to use these funds for.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 10-0.

2. Contract with Clear Ballot – Mrs. Olin informed the committee that earlier in the year they had received a little over $16,000 in CARES Act funds, and with this new grant that you just approved, she is requesting authorization to purchase Clear Ballot. This is software that would be totally separate from the scanning system and is not tied into the voting machine company. This is a stand-alone system that has been authorized and certified by the State. We also, with this software, can do our 3 percent audit. This would be a huge time saver instead of hand counting. We can also run all of the ballots through this system. Now is the time to do this. Once everything is in place for absentee voting, I don’t see that it will go away. The bill regarding absentee voting has gone through the House one time and it is anticipated they will pass it again in 2021 in order for a proposition allowing for no excuse absentee voting to be placed on the ballot in 2022. They are pushing this more and more and I think that is where we are headed. If that happens, we will see a huge influx of absentee ballots. This year we sent out over 6,000 absentee ballots and we have received 4,000 back.

Ms. Fitzpatrick asked will this new system be used to count the absentee ballots? Mrs. Olin replied yes. Ms. Fitzpatrick asked now you do that manually? Mrs. Olin replied we have another system, but it is very frustrating to use. With this election coming up, we are pretty sure we will have attorneys and others watching us do the count and we don’t want it to look like we are scanning the ballots two or three times because our current system does not work the way it should.

Mrs. Lando asked will this grant cover the cost? Mrs. Olin replied yes. Mr. Malter asked will there be yearly maintenance costs? Mrs. Olin replied yes. Mr. Van Etten stated the yearly maintenance cost is $1,977 per year. He stated he and Mr. Wheeler had a discussion with the Commissioners about this on Friday. This new equipment will allow them to do their 3 percent audit, but also tabulate all the ballots that are sent in. This is entirely separate from the existing voting machines and they cannot use the voting machines to process the absentee ballots. I think this is a good proposal. The company already has a machine set aside and it has been certified by the State. The goal is to get it set up and ready for next week.

Mr. Malter asked does the current system have an annual cost? Mrs. Olin replied no.

MOTION: AUTHORIZING THE BOARD OF ELECTIONS TO PURCHASE THE CLEAR BALLOT CLEARCOUNT/CLEARAUDIT SYSTEM MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 10-0.

Ms. Lattimer asked if the Commissioners could give a barometer of how the early voting, which started Saturday, is going. How vigorous has it been? Ms. Penziul replied it has been overwhelming. Mrs. Olin stated we had 1,235 voters this weekend. Saturday morning, according the Sheriff’s Deputy, the line started at 7am and went around the building and into the parking lot. On Sunday, by 8am, we had a line all the way around the building and into the parking lot. People were great and very patient. We only had one person who refused to wear a mask. We brought in extra inspectors to handle cleaning. Sheriff Allard came in Saturday morning and brought in an additional Deputy to help with crowds on both days. Buildings and Grounds had staff come in to help with cleaning the bathrooms.

Ms. Lattimer stated there have been conversations about having additional early voting sites. Would you give an opinion on that? Mrs. Olin replied our view at this point is if we open additional sites, we would need to open two. That would require more equipment, electronic poll books and an on-demand printer. We would also need...
additional staff; staff for all nine days with four inspectors and we would need to figure out security. Here, we can lock everything up. Off site, we would have to figure out how to secure everything at the end of the day, each day. Ms. Lattimer asked at this late date is it even possible? Mrs. Olin replied I do not believe so. It was amazing how many people came in. We had people from all over the County. I don’t think we can pull off having two additional early voting sites.

Ms. Lattimer stated there have been concerns expressed to me regarding COVID and how that may affect the voters and poll workers. I expect long lines again on Election Day. Do you have any accommodations for substitutes for Election Day? Mrs. Olin replied yes, we added 160 inspectors. There are people who are still interested and we sent an email and if people are willing and able, they can come in and clean, direct traffic, etc. For anyone who responded back to that email, we sent them information for the website so they can do the PowerPoint training classes. As we go forward people have been calling off due to COVID concerns and it is not unusual to have that happen. Ms. Lattimer asked do you have a plan B to take care of that? Mrs. Olin replied yes. We are hoping that early voting will take some of the pressure off on Election Day. Mr. Wheeler stated I spoke with the Commissioners on Friday and we put out a press release about the process for voting if under quarantine. Mrs. Olin stated we have also posted that information on our Facebook page. Mr. Swackhamer asked so there is a process if someone is in quarantine they can still vote? Mr. Wheeler replied yes and that is all detailed in the press release.

Mr. Mullen asked what if someone has COVID and they vote on Election Day; what will be the process for that? Mr. Wheeler replied if someone has broken their quarantine, then the Sheriff and Public Health would be involved. If there were a positive individual at one of the sites, we probably wouldn’t know for a couple of days and then we would have to do the contact tracing. Mrs. Olin stated we have hand sanitizer for people to use when they are coming into the building and when they are leaving. Everything is wiped down in between voters. We have masks for inspectors and for the voters if they do not have one. The majority of our inspectors are in the higher risk category as they are 70+ years old.

Mr. Swackhamer asked how does the area get cleaned? Mrs. Olin replied we are asking voters to place their privacy screen face down when they are done so that we know that area needs to be cleaned. We then go in with hand sanitizer and wipe everything down. Ms. Penziul stated we are also using disinfectant spray. We have 6 foot taping all set up ahead of time. We are wiping the stylus with sanitizing wipes and the tablets themselves. Everything is wiped down after every voter.

**MOTION: TO ADJOURN MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 10-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature
**MINUTES**

COMMITTEE: Brian C. Schu, Chair
Kelly H. Fitzpatrick

STAFF: Jack K. Wheeler
Judy Hunter
Wendy Jordan
Scott Sprague
Nate Alderman
Tammy Hurd-Harvey

LEGISLATORS: Scott J. Van Etten
Jeffrey P. Horton
Gary B. Roush

OTHERS: Youth In Government Interns
Mary Perham

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE OCTOBER 13, 2020, AND OCTOBER 26, 2020, MEETINGS MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. Personnel

1. Reclassification – Department of Community Services – Mr. Alderman requested authorization to reclassify a vacant funded Staff Psychologist, Grade XIX to a Social Services Clinical Coordinator, Grade XVIII. This was a position that was located in Social Services and they were able to leverage NYS funding for reimbursement. This is a position that works with the schools and assists with child care placements, etc. The individual that was in this position wanted to do more direct service and straight clinical work in the Department of Community Services, but there is still a need for the Social Services Clinical Coordinator piece. This reclassification is accounted for in the current year budget and in the 2021 budget. Mrs. Ferratella stated this was approved at the November Human Services, Health & Education Committee meeting. Mr. Swackhamer asked is the State still cutting Social Services 20 percent? Mr. Wheeler replied in some areas, yes. We have budgeted for a 10 percent reduction and we have not seen the cuts, but they could happen.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT FUNDED STAFF PSYCHOLOGIST POSITION, GRADE XIX TO A SOCIAL SERVICES CLINICAL COORDINATOR POSITION, GRADE XVIII WITHIN THE DEPARTMENT OF COMMUNITY SERVICES MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
B. Risk Manager

1. Approval to Add Towns of Wayland and Caton to Workers’ Compensation Plan – Mr. Sprague requested authorization to bring the towns of Wayland and Caton into the Workers’ Compensation Plan effective January 1, 2021. The Town of Caton was previously in our plan and the Town of Wayland has never been in the plan. With that, the inclusion of the Town of Wayland will most likely result in further discussions with the Wayland and Perkinsville fire district.

Mr. Sprague stated the Town of Wayland, by joining our plan, will save $10,000. Their first year charge will be $15,000 and each year we will look to readjust that. They have had no losses and their loss history is very good. The Town of Caton, by joining our plan, will save between $10,000 - $11,000. They do have a couple of older claims that we are looking with PERMA to potentially close.

MOTION: AUTHORIZING THE ADDITION OF THE TOWNS OF CATON AND WAYLAND TO THE STEUBEN COUNTY WORKERS' COMPENSATION PLAN EFFECTIVE JANUARY 1, 2021 MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Real Property Tax Service Agency

1. Review of Annual Reports for Tax Levy – Mrs. Jordan presented the Table of Equalization Rates, the Report of County Equalization for the Spread and Levy of the County Tax, the Percent Change Due to Equalization Rate and Valuation Change and the Exemption Impact Report for review. She noted on the Table of Equalization Rates there were a large number that fluctuated and we are still seeing a lot of sales. On the Percent Change report the largest change was the Town of Wayne as they just completed a revaluation project and saw an increase in their assessed value. She noted revaluations were also done in the City of Hornell, Avoca, Prattsburgh and Wheeler. The City of Hornell saw a change in their levy as they had a $30 million increase in their assessed value.

Mr. Van Etten stated the Town of Wayne was at 98.5 percent equalization last year and they did a reval and their assessed value changed to $30 million. Mrs. Jordan explained because they were at full value there was not as big a shift from the $283 million assessed value to $312 million assessed value. Mr. Van Etten commented that falls in the face of what the towns tell the residents which is that it will balance out. These residents have a 1.5 percent increase in their equalization rate but their taxes are increasing 7.3 percent. Mrs. Jordan stated there again, all the percent shift is because of the fact they may be getting a larger shift in the County levy when others are going down. Mr. Van Etten commented it seems to go in the wrong direction. Hornellsville’s assessed value decreased from $91 million to $84 million and their rate is going up 5.2 percent. The Town of Wayne is backwards. Mrs. Jordan stated some of these did surprise me, but the math works out. Ms. Fitzpatrick asked is there any other digging you can do into this for our purposes? It might be interesting to know why. Mrs. Jordan replied yes. Ms. Fitzpatrick asked are there are properties on the lake that changed? Mr. Van Etten stated we should be able to track across the page, but that one stands out. Mrs. Jordan stated she would double check it again.


Mr. Malter asked with the equalization rate per $1,000 it decreased in the Town/Village of Wayland but increased in the Town/Village of Cohocton. Is that due to the sales tax where the Town of Wayland does not take it; does it have an effect on that? Mrs. Jordan replied yes. Mr. Van Etten commented as long as there is not a change in what they take year to year. Mr. Malter asked why is there is an increase in the Town/Village of Cohocton versus the Town of Wayland; is that because of the decrease in assessed valuation and they just take it on that? Mrs. Jordan replied yes.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.
2. **Authorization to Add Penalty Taxes** – Mrs. Jordan requested authorization to add penalty to two parcels of converted forestland and one parcel of converted agricultural land.

Mr. Horton asked for an explanation. Mrs. Jordan explained if a property owner is receiving an agricultural exemption and the land is being used for agricultural purposes and then is converted to a non-agricultural use, they receive a rollback tax or penalty tax for five years for the conversion. The same is true for forestland except that the penalty tax is for 10 years. Ms. Fitzpatrick asked where are these properties located? Mrs. Jordan replied the agricultural land is located in Bath and one parcel of forestland is located in Addison and the other is located in Cohocton. Mr. Swackhamer asked do they have time to pay the penalty? Mrs. Jordan replied it will be added to their tax bill. Ms. Fitzpatrick asked how are the landowners notified? Mrs. Jordan replied the Department of Environmental Conservation (DEC) notifies the owners of converted forestland. With the agricultural properties, the owner is supposed to notify the assessor. This property was just discovered. Mr. Schu asked does the owner have to file for an agricultural exemption each year? Mrs. Jordan replied yes. Ms. Fitzpatrick asked has the property owner been doing that and it is not true? Mrs. Jordan replied yes.

Mr. Malter asked what is the amount of the penalty? Mrs. Jordan replied for the agricultural property the penalty is $987.21 for County tax, $504.07 for Town tax and $1,993 for school tax. For the forestland properties, it is five times the amount of taxes shared. So, for the parcel in Addison the penalty for County tax is $4,096.97, Town tax is $2,207 and school tax is $8,346.95. For the Cohocton parcel, the penalty for County tax is $5,573.59, Town tax is $2,312.76 and school tax is $8,136.

**MOTION:** AUTHORIZING THE ADDITION OF PENALTY TAXES FOR CONVERTED FORESTLAND AND CONVERTED AGRICULTURAL LAND MADE BY MR. SWACKHAMER, SECONDED BY MS. LATTIMER FOR DISCUSSION, ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. **County Clerk**

1. **Semi-Annual Mortgage Tax Distribution** – Mrs. Hunter informed the committee they collected $750,118.14 for the period April 1, 2020 through September 30, 2020. Mr. Schu asked if Mrs. Hunter would provide an explanation for the benefit of the Youth In Government students that are on the call. Mrs. Hunter explained the County Clerk’s Office records mortgages for properties throughout the County and collects a mortgage tax. Our rate is 1.25 percent and of that, 0.5 percent is the basic tax and that is distributed to all of the municipalities where property is located. Every six months we prepare a report: April through September and October through March. The total basic tax collected for mortgages was $784,643.99. We take out the interest we receive and recording office expenses for processing. Once we do that, the amount we pay to the Commissioner of Finance each month along with the interest and the tax distribution share is $750,118.14. That total is distributed on part two of the report to the 32 towns and 2 cities. Then it is broken down further to go to the villages. For the same time period last year we are up significantly, as well as over the whole year. The increase is due to an increase in the number of mortgages recorded and several mortgages were recorded at a higher dollar amount. The most significant reasons for the increase is the commercial development and projects mortgages that were recorded. In Bath, there were four projects recorded for a total of $30 million; Caton had one for $1,352,000; the City of Corning had two that totaled $11,437,126 and Erwin had three that totaled $21,113,720. Urbana also had one for $1 million and then there were several recorded for between $700,000 - $900,000.

**MOTION:** ACCEPTING AND FORWARDING TO THE FULL LEGISLATURE THE SEMI-ANNUAL MORTGAGE TAX DISTRIBUTION MADE BY MS. FITZPATRICK, SECONDED BY MRS. FERRATELLA, ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

E. **Purchasing**

1. **Quarterly Copy Paper Bid Award** – Mr. Morse informed the committee they received three bids. He recommended awarding to Contract Paper Group for $23.90 per case.
MOTION: AWARDING THE QUARTERLY COPY PAPER BID AWARD TO THE LOW BIDDER, CONTRACT PAPER GROUP FOR $23.90 PER CASE MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. Auction – Mr. Morse stated last month the committee authorized an auction for select items, primarily trucks. We held an online only auction that was facilitated by Teitsworth Auctioneers. We sold a total of 10 trucks and the average cost of $6,846. For the last two years the average cost was $2,770. We netted $154,903. Mr. Horton asked what was the commission rate? Mr. Morse stated it is between 10 – 13 percent. The buyer pays 10 percent. We did a comparative analysis with Auctions International, which is well known, but their rates were a bit higher. We will need to do an RFP for next year. For Teitsworth Auctioneers there was a 13 percent fee on credit card purchases and 10 percent for cash or check.

F. Commissioner of Finance

1. Stop Loss for Health Insurance – Mrs. Hurd-Harvey stated Gallagher did an analysis and put the stop loss coverage out to market for quotes and they also asked Excellus to submit a proposal. Currently we are paying $647.00 per year for single coverage and $1,469.00 per year for family coverage. SunLife submitted a proposal for $680.00 per single policy and $1,542 per family policy. The total cost per year would be estimated at $130,829.00 compared to the $125,000 per year we currently pay. That would result in a $6,000 per year increase in cost. Excellus was slightly higher with an increase of $12,000 per year. They were proposing $1,299 per policy, regardless of whether it was single or family. These numbers are based on our coverage and leaving the limit at $800,000. She recommended SunLife. Mr. Malter asked does Excellus handle claims for us and provide the stop loss? Mrs. Hurd-Harvey replied no.

MOTION: AWARDING THE QUOTE FOR STOP LOSS FOR HEALTH INSURANCE TO SUNLIFE AT A RATE OF $680.00 PER SINGLE POLICY AND $1,542 PER FAMILY POLICY FOR A TOTAL ANNUAL AMOUNT OF $130,829.00 WITH A STOP-LOSS LIMIT OF $800,000.00 MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

G. County Manager

1. Residency Waiver Request – Mr. Wheeler requested a resolution to waive the residency requirements for the Planning Director. I would like Matt Sousa to be Acting Director and I will bring his appointment as Director in December. He is the clear successor in my opinion and has been very good in everything that he has done. We have done residency waivers for various positions over the years.

MOTION: WAIVING THE RESIDENCY REQUIREMENTS FOR THE STEUBEN COUNTY PLANNING DIRECTOR MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Mr. Swackhamer asked is there any reason we don’t do this for everybody? Mr. Wheeler replied there are some positions, by statute, where you cannot waive the residency requirements. Mr. Swackhamer stated that is correct, but what about for everyone else? Ms. Prossick replied we have to look at each one independently by title. There are certain department heads that are elected and some that are public officers. The law is very convoluted. We have to review these by title and see if a waiver would be accepted by the State for a non-resident. Mr. Wheeler stated generally our approach favors County residents where possible. Certainly there are some cases where it makes sense to do the waiver and this is one of those cases. Mr. Van Etten asked does this sunset, or does it stay in effect permanently? Ms. Prossick replied it stays in effect permanently, however, you can also repeal it. The waiver rides with the title.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

V. OTHER BUSINESS

A. Legislators Benefits – Mr. Swackhamer asked why are we discussing this again? Mr. Malter stated two months ago I had suggested a change in how charges were handled for medical insurance for Legislators and I was told by Mr. Wheeler that this could be done through the budget process, but now I am being told that it has to go through the
committee for a resolution. My proposal is simple; there is a disparity between each Legislator and that has become much greater because we went from a 30 percent co-pay to a 15 percent co-pay. My proposal is to go back to a 30 percent co-pay for family coverage. Single coverage would be free and I would propose raising the buyback from $1,500 to $3,000. I did an analysis and that would save the County $792 by doing this change and would bring the disparity closer to something we could live with.

Mr. Schu asked if you are recommending going back to the 30 percent co-pay for family coverage and proposing that single coverage would be free? Mr. Malter replied under the current system, the total costs for 2020 are $143,544 and for 2021 the total cost would be $157,044. Under my proposal, if you move the three single plans to no cost and move the five family plans up to a 30 percent co-pay, the total cost to the County would be $124,545.35. This includes the $3,000 insurance buyout. This represents a savings of $792.41.

Ms. Fitzpatrick asked did you calculate how much a Legislator who takes insurance gets paid versus a Legislator who does not take the insurance? Mr. Malter replied there is quite a bit of disparity remaining. A family plan is $21,665.76 versus a single plan at $7,238.40. With the 30 percent co-pay there is still a disparity between the plans and I am trying to bring them somewhat more in line.

**MOTION: RECOMMENDING LEGISLATOR INSURANCE BENEFITS BE ADJUSTED TO REFLECT NO CO-PAY FOR SINGLE COVERAGE, A 30 PERCENT CO-PAY FOR FAMILY COVERAGE AND OFFERING A $3,000 BUYOUT FOR LEGISLATORS OPTING OUT OF COVERAGE MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER FOR DISCUSSION.**

Mr. Swackhamer stated the last time we discussed this, we talked about how there is always going to be people paying a little more or making more. The philosophy of trying to make everything equal; to me, I have had many phone calls from Legislators saying they are happy with it as it is and don’t want to see a change. I don’t think this committee should continue to address this.

Ms. Fitzpatrick stated I have had many conversations with Mr. Malter on this and I truly value being able to have the opportunity, not just for the health insurance, but for the experience and work. I understand where Mr. Malter is coming from. I am here and being compensated a lot more for exactly the same work. I have appreciated the lower co-pay, but I could support a higher co-pay.

Mrs. Ferratella commented I feel our previous plan made the disparity much worse and would appreciate moving back to Mr. Malter’s proposal.

Ms. Lattimer commented I don’t see the harm in going back to 30 percent because when you do, it will never be perfect, but there is no harm in the Legislators in general going to 30 percent. There are some that do not take the insurance and are not compensated equally. I don’t see the harm in reversing it.

Mr. Van Etten stated Mr. Schu and I were here when we did the increase. At that time, year by year the co-pay would go up in 5 percent increments until it got to 30 percent. I was not pleased when we changed it last year. I don’t agree that single coverage should be free; it is not free for any other employee. I would go back to the 30 percent for everyone. I do not like the increase to $3,000 for opting out and I think what we did last year with that was fine.

Mr. Malter stated my thought was those that don’t take insurance through the County are paying through Medicare and about $3,000 comes out of Social Security. Mr. Van Etten commented they have the right to take the insurance. Mr. Malter stated I understand, but I was trying to bring equality.

Mr. Nichols asked what does management pay? Mr. Wheeler replied we pay 14 percent. Mr. Nichols asked why should the Legislators be different than management?

Ms. Fitzpatrick stated I can understand that we, as part-time elected officials, should pay more and we are the better example. It is not fair to get a free single plan.
MOTION: AMENDING THE PREVIOUS MOTION TO REFLECT THAT LEGISLATORS INSURANCE CO-PAY SHALL BE 30 PERCENT FOR BOTH SINGLE AND FAMILY COVERAGE AND OFFERING AN INSURANCE BUYOUT OF $1,500 MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. FOR DISCUSSION.

Mr. Nichols asked what do the part-time attorneys pay? Mr. Wheeler replied they are the same as management. The insurance buyout for the Main Unit is $500, and we are looking to increase that for the next contract. Mr. Nichols commented if other part-time and management employees are at a 14 percent co-pay, why should we be different? Mr. Malter stated I agree; we shouldn’t go to 30 percent.

Mr. Swackhamer stated I think all part-time employees should be at 30 percent. When Mr. Haursyski talked to me about this we were doing it to show employees that we will take a cut. We just hired how many part-time attorneys and they are at a 14 percent co-pay.

Ms. Lattimer stated we are talking about two separate issues. First, we are talking about equating Legislators with part-time employees. Second, we are also talking about Mr. Malter’s proposal to make Legislators equitable among themselves. Mr. Swackhamer stated if we consider ourselves part-time, we should be compared. Ms. Lattimer asked are you rejecting the 30 percent? Mr. Swackhamer replied yes.

Mr. Van Etten stated I understand what we did many years ago was a good faith effort. Did that actually have an effect on the bargaining units; I don’t know. I feel better knowing that I am not taking advantage of the system.

Mr. Malter stated I will withdraw my proposal and leave it the way it is. I was looking at Legislators getting a $30,000 benefit versus someone getting a $17,000 - $18,000 benefit. We are only dealing with the Legislators. That is the reason I looked at it to begin with.

VOTE ON AMENDED MOTION: MOTION CARRIES 4-1. (MR. SWACKHAMER OPPOSED)

Mr. Wheeler commented this doesn’t change what is printed in the draft budget, but it does change the fringe a little bit, but it doesn’t warrant a reprint of the budget.

B. Charter Amendment – Legislators’ Term Limits – Mr. Van Etten stated we will be making changes to the Charter and there was a discussion in between meetings last month on term limits. Do we even need them? Basically every four years your term is up. I contacted the County Attorney and Mrs. Scotchmer and asked if we changed anything, when do we do it and they said soon to put it up for public referendum next year. He provided a handout of adjacent counties term limits. All across the board we did make a change to the terms when we did the charter eight years ago and increased the terms from three to four. I would like to look at them again and I would like to see them go away. When you get good people, you hate to see them get out because they have to, not because they want to.

Ms. Fitzpatrick commented when I ran initially, I took out one of the most experienced Legislators. When there is a perceived benefit for change in the community, they vote as such. I support removing term limits. Mr. Swackhamer commented I have gone through the term limits and when we termed out, we lost six great Legislators. There was actually an article in the paper about why we would dismiss Legislators that were doing the work and were involved in Steuben County. It was the popular thing to do at the time. When we were termed out, there were six of us and you lost a lot of good information and people because of it. I sat out for two years and then was re-elected.

Mr. Malter commented the term limits right now are 16 years. It is my understanding that under the Charter this Legislature could extend the term limits forward to 20 years. Mrs. Scotchmer stated if you extend the number of terms, you need a permissive referendum. If you are getting rid of them altogether than that is a mandatory referendum.

Mrs. Ferratella stated I would be willing to support 20 years. My reason is I just don’t think the appetite is out there right now to extend term limits or eliminate them. I don’t have an objection to doing the 20 years.
Ms. Lattimer stated my initial reaction when Mr. Van Etten brought this up was that it wasn’t going to happen through a mandatory referendum because of the voter appetite for term limits; my gut reaction is they are going to want term limits, but I am not opposed to putting it up for a vote and letting the voters decide. We have some long-serving Legislators but I think everyone, as a Legislator, knows when it is time to go. We did lose a great amount of institutional knowledge with the turnover with the last term limits. I would not be opposed to putting it up for a vote or referendum. Sixteen to twenty years is a long time.

Mr. Horton commented it almost sounds like if this is being proposed, we may want to extend it to 20 years and then have a motion to put it on the ballot. We wouldn’t want to do it the other way around with public perception. Mr. Van Etten commented I wasn’t aware that we could just add a term. I had said that we would need to separate this from other charter changes. I like the idea of adding an additional term.

MOTION: EXTENDING THE TERM OF LEGISLATORS TO FIVE, SUCCESSIVE FULL TERMS MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.

Mr. Malter commented over the time that I have been on the board, most people don’t last twenty years.

Mrs. Lando stated I agree with part of this. Yes, if there are term limits we will lose people with experience and knowledge, but you are also stifling those with new ideas and experiences. Sometimes people don’t know when it is time to step down. There should be term limits. Mr. Van Etten asked how would we be stifling new people? Mrs. Lando stated with incumbents, it is hard to find someone to run against them. Mr. Van Etten commented Ms. Fitzpatrick is a good example of beating someone with 30 years of experience and being a past Treasurer.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mrs. Scotchmer explained the Local Law will be presented this month with final adoption in December. In January, if you choose, you can put forth the recommendation to remove term limits and we would have until June to put that on the ballot for a mandatory referendum.

COVID Data – Mrs. Ferratella stated at the November HSH&E meeting there was a request for Public Health to provide breakdowns of data on COVID. My concern is Public Health has enough to do without going through and collecting data that will not change the issue of COVID. I would like to not have that happen.

Mr. Wheeler stated thank you. I have discussed this with Mrs. Smith and Chairman Van Etten. The issue we ran into is staff is overloaded and if we do it for one municipality, we cannot say no to the other 46 and that becomes untenable. I think what we have done in terms of providing the public with information is more aggressive than other counties. The public can track every day how many cases are in a municipality. We had received a request from a municipality as well as from other Legislators and they are asking for additional data beyond the level of what the EOC has, and then it just becomes work. Down the road that is fine, but it would be tough to make it a priority now.

Mrs. Lando stated I was the Legislator that asked and I was asked by my municipality if we can drill down the positive cases in the City of Corning. It is hard for them going into the GIS and they don’t want data on people; they want data on the numbers in the city. I just don’t see how we can drill down into that. We are not asking for hours and hours of work.

Ms. Prossick commented the City of Corning is asking for information that, technically, is a FOIL request. Since we don’t track the information that way, what they are asking for would be denied.

Mr. Van Etten stated Mrs. Lando did ask on behalf of the City of Corning, but there was another Legislator who asked for data on the different age groups. Mr. Wheeler stated we are working on Mr. Mullen’s request and that information will be helpful for our own tracking purposes. My concern was getting into the municipalities requests. If you look on the GIS map you can see the number of total cases. We also post a daily report which gives people a good idea of what is happening.
MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, December 8, 2020
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, December 2, 2020
I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE NOVEMBER 10, 2020, MEETING MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. Real Property Tax Service Agency

1. 1537 Agreement – Mrs. Jordan informed the committee the Wayland Town Assessor recently resigned. The town is asking for our office to do some clerical work until they find a replacement. This will not involve any assessing functions. We will be entering sales, transfers of ownership, photos, escrows, etc. We have done this for the City of Corning. We chargeback for the services and keep track of our time. We charge $37.86 per hour and that will be invoiced monthly. The contract will go through the end of 2021.

MOTION: AUTHORIZING THE DIRECTOR OF THE REAL PROPERTY TAX SERVICE AGENCY TO ENTER INTO A 1537 AGREEMENT WITH THE TOWN OF WAYLAND FOR CLERICAL ASSISTANCE THROUGH DECEMBER 31, 2021, AT A RATE OF $37.86 PER HOUR TO BE CHARGED BACK TO THE TOWN MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.

Ms. Fitzpatrick asked how do you calculate the hourly amount? Mrs. Jordan replied that is the hourly rate for one of our employees plus a little fringe. Mr. Van Etten asked what is the town’s plan? Mrs. Jordan replied they will advertise in the paper as well as through an online job listing through the State Assessor’s Association. Ms. Lattimer commented assessors are hard to come by.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.
2. **Fee Schedule** – Mrs. Jordan requested authorization to amend their fee schedule and to also allow for statewide public access to certain GIS data. Annually we provide GIS data to the State GIS Coordinator and I broached the subject that perhaps we could provide some data free to the public in an effort to promote economic development and make it easier for people to find sites for development and gather data. We have a lot of this information online. She stated she would like to eliminate the $250 fee for the countywide map as we are currently not receiving a lot of requests. Over the past couple of years we have brought in about $750 - $800 with these maps.

Ms. Lattimer asked are you raising fees? Mrs. Jordan replied no, we would eliminate that and charge $250 for the real property geo database. We also reviewed our paper and digital map prices. She commented there are 25 counties that provide the GIS data free of charge.

Mr. Wheeler asked what were the major changes? Mrs. Jordan replied currently if someone wants the entire county in digital format with ownership data, we charge $250. That information would be available online and we would be controlling access through Information Technology and the GIS server. The State GIS department would direct inquiries there. Mr. Wheeler commented we have seen more requests for digital information and it makes sense to us. Ms. Fitzpatrick asked what about the fees for tax parcels? Mrs. Jordan replied those would be eliminated. Mr. Wheeler explained with the GIS database we have, a lot of people can get the information for free. These are for the specific requests that we get.

**MOTION: AUTHORIZING AN AMENDMENT TO THE FEE SCHEDULE FOR THE REAL PROPERTY TAX SERVICE AGENCY MADE BY MR. SWACKHAMER. SECONDED BY MS. LATTIMER FOR DISCUSSION.**

Mr. Schu asked what do you project the lost revenue to be? Mrs. Jordan replied the GIS digital data over the past two years at most was $800. Mr. Malter asked is this all inclusive of fees for service? Mr. Wheeler replied we only had a few thousand dollar budget to begin with. Mrs. Jordan commented the requests are limited.

**VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

B. **Planning**

1. **Title VI Plan Amendment** – Mr. Sousa stated back in September, as a result of the three year FTA compliance review, it was recommended by the Department of Transportation (DOT) to update our Title VI plan and adopt it. Then DOT reviewed what we adopted and there is a State section missing. He requested authorization to amend the plan to include the missing sections. Ms. Prossick commented DOT provided a sample and that is what we used in September on the initial amendment.

**MOTION: AUTHORIZING AN AMENDMENT TO THE ADMINISTRATIVE CODE RELATIVE TO THE TITLE VI PLAN MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

C. **Clerk of the Legislature**

1. **Retirement Reporting** – Mrs. Scotchnemer stated the Comptroller’s Office is now requiring governing boards to review and approve the ROA’s that are submitted by employees. She requested approval of the record of activity for James Ferratella and authorization to forward the retirement reporting resolution to the full Legislature.

**MOTION: APPROVING THE RECORD OF ACTIVITIES SUBMITTED BY ASSISTANT CONFLICT DEFENDER JAMES FERRATELLA AND FORWARDING THE STANDARD WORKDAY AND RETIREMENT REPORTING RESOLUTION TO THE FULL LEGISLATURE MADE BY MS. LATTIMER. SECONDED BY MR. SWACKHAMER FOR DISCUSSION.**

Ms. Fitzpatrick asked so if we are approving his retirement report, what does that mean? Mrs. Scotchnemer replied the Legislature is required to review the record of activity and make sure what he is reporting is what is allowed.
under the State’s requirements. Ms. Fitzpatrick asked and you did that? Mrs. Scotchmer replied somewhat; I make sure that what they add up for their hours is accurate. Mr. Wheeler commented if they are part-time and are reporting 50 hours per week, you would see that. The difference between part-time and full-time is what they report. Mrs. Scotchmer commented I have had instances when a part-time employee may have over 40 hours in a week because they are on a trial we assigned them to.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 4-0-1. (MRS. FERRATELLA ABSTAINED AS SHE IS RELATED TO MR. FERRATELLA) Resolution Required.

D. Information Technology
   1. Firewall Replacement – Mr. Wolverton explained at the beginning of this year we purchased a new firewall. We have had many problems with it and are now looking to get away from this manufacturer. I would like to pay for this new firewall using the Elections Cyber Security Remediation Grant which is $85,000. Mr. Wolverton requested approval to move forward with the replacement. He stated that he is still awaiting approval from the grant source to purchase. When we were going through the Elections grant, the firewall was on our list.

   Mr. Schu asked is this approval subject to receiving the grant? Mr. Wolverton replied this grant is 100 percent reimbursable. We cannot purchase the firewall until we receive approval from the grant. Mr. Wheeler stated Mr. Wolverton and Mr. Ryan have done a great job troubleshooting. The issue the firewall has with the VPN is significant. My personal opinion is that even if the grant did not reimburse, this is still a needed expense.

   Mr. Wolverton stated for the FortiGate firewall hardware and software, there are two options; one year and three year. With the one year option the estimated renewals for years two and three is $31,700. If we went with the three year option, we would save $14,780.

   Mr. Malter asked could you please give an explanation? We purchased a firewall a year ago and it is not functioning? Mr. Wolverton replied we purchased a firewall last December. Mr. Malter asked what was the cost? Mr. Wolverton replied the cost was $52,000. Mr. Malter asked so we are scrapping that and buying a new one; how much is that? Mr. Wolverton replied the total cost is $44,505.27 for the FortiGate hardware and software. We did receive two quotes for professional services; one from Fortinet for $37,200 and the second from Networking Technologies for $14,850. He would recommend Network Technologies for $14,850. He commented FortiNet is actually the manufacturer of the FortiGate firewall.

   Ms. Lattimer asked how confident are you in this firewall? Mr. Wolverton replied I am very confident. Mr. Ryan stated Erie I BOCES is using Fortinet and they are very happy. Ms. Fitzpatrick asked is there a cost to remove the old firewall? Mr. Wolverton replied no. We will configure the new one and hopefully we can do it side by side for testing and then cutover to the new firewall. It will require us to install new clients on all of the laptops that are used for VPN’s. There will be a transition period. Ms. Fitzpatrick asked is that why we are losing emails and having other issues? Mr. Wolverton replied yes.

   MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY TO PURCHASE THE FORTIGATE FIREWALL HARDWARE AND SOFTWARE FOR A THREE YEAR COST OF $44,505.27 AND AWARDING THE QUOTE FOR PROFESSIONAL SERVICES AND INSTALLATION TO NETWORK TECHNOLOGIES FOR $14,850 MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. Board of Elections
   1. Election Management System Proposal – Mrs. Olin stated she is asking for approval to purchase a completely new voter registration system. We used to have our own IT homegrown version of voter software and the State had said the system also had to be able to link and communicate with the State voter system. IT had said it would be easier for us to move over to NTS, so that is what happened. NTS has been the only provider for basic voter registration since then. We now have some new companies coming on. NTS started
a new update called Sweet. We purchased it a couple of years ago and it still has not been finished. Basically, the system is very clunky and has been very frustrating to work in.

Mrs. Olin stated NextVote presented at our conferences and have done a demonstration for our election district, District V. It is a starting point. Some of the very nice features is that it can be changed and added as we go along. This system will use all of the equipment that we already have. We do not have to buy anymore equipment. It will be more user-friendly on laptops and it would give us some more options.

Mrs. Olin stated at our annual conference, the State Board was very pleased with the system. This company has already worked with the State and has already done a migration of all of the data for one County to make sure the information transferred correctly. We are very hopeful and the system looks very promising. For 2021 there would be no cost to go to this new system.

Mr. Wheeler asked what is the cost of the current NTS system? Mrs. Olin replied the yearly cost is $34,925. With the Sweet upgrade there was an additional $4,950 cost that was paid for with grant funds. The end of that contract is 2021 and then the Sweet portion will increase to $9,000 plus the annual $34,925. The cost of what they are asking for, even for 2022 and I believe 2023 is comparable to what we are paying NTS right now.

Ms. Fitzpatrick asked how many functions will this manage that you are doing by paper? Mrs. Olin replied a lot. This system will also give us the ability to do more reporting that we are now having to go to one place and manipulate the information in Excel and then go somewhere else in order to have a report. With this system, it will send letters out to voters. Right now we have to manually do those. If there is an incomplete voter registration form, the system will automatically generate a letter, print it and put it in the back file. That will be a huge time savings for us. There are a lot of things this system offers that NTS does not.

Mrs. Ferratella asked do you feel that you will use all of the components of this new system? Mrs. Olin replied yes. Mrs. Ferratella asked will this system allow you to eliminate any part-time employees? Mrs. Olin replied no. These people were helping us do the testing on the decks of the machines, opening envelopes for absentee voting and date/time stamping. Those functions will not go away. Mrs. Ferratella asked how many counties are using this system? Mrs. Olin replied Chenango and Dutchess will be getting this system. The majority of the counties want this system.

Ms. Lattimer asked will NextVote sync in to the State Election Board database? Mrs. Olin replied yes. Ms. Lattimer stated there have been voter concerns about security. What can you say to address these questions? Mrs. Olin stated basically, a lot of that falls back on the County firewall. This new system will be on its own server. Kelley Hood introduced herself as an Account Executive at NextVote. I was a former elections commissioner for Madison County for the last five years and left in July to build this system. We have to follow all New York State guidelines and the Board of Elections will set the security parameters. We are a web-based company. We are working with the Information Technology Department at the State and they are rewriting a lot of their security features and we are working with them on that. All of the elections commissioners in the State have been building this.

Ms. Lattimer asked are you suggesting there is more impact added to your program? Ms. Hood replied yes. This is an agile development. With their current system, they are lucky if they get an update a year. We have the ability, within two weeks to one month, to build anything that the Board of Elections asks for into our system. The system will also be updated based on their needs. We are in California and Texas and California is a vote by mail state. Ms. Hood stated our pilot county was Chenango and if you approve, I think your county will help master it.

Mr. Van Etten asked when a change is suggested by an elections commissioner and integrated, is that then pushed down to every license holder or just those that asked for the change? Ms. Hood replied it is pushed off to everyone, but everyone has the option to turn features on and off.
Mrs. Lando asked does this product exist now? Ms. Hood replied we have migrated Chenango’s information. The State is very excited and they are working with us. They are telling Chenango to continue to go with NTS for six months, but they are looking to approve us. We are looking to finalize the system by the first quarter, hopefully by January 31st. Our system includes every report that is required from the State. Mrs. Lando asked with the different modules, do we pay for each module? Ms. Hood replied all modules are included in one package.

Ms. Hood stated we are offering our system at no cost for 2021. We have five counties that want us now. This is a town year for elections, but it is a good year to get in and starting migrating and testing the information. As soon as we get approved, then we can bring in the voter information. This will enable the county to play with it while the contract with the current vendor goes until the end of 2021.

Ms. Lattimer asked should this be adopted, are you taking each task and transitioning it over before moving on to the next, or are you switching everything over all at once? Mrs. Oline replied a lot of what they are offering us we don’t have right now. We are going into petition season and right now we are keeping track of who has filed in numerous Excel spreadsheets. Some of these in the system we don’t have now and we will be able to go in and use them. The poll worker system right now is terrible and there have been no changes or updates. Redistricting is another issue and with this new system these are all things that we can go in and use. We will be playing with it. The voter registration piece will come in and hopefully everything will be migrated by March.

Ms. Lattimer asked what about budgeting? Mrs. Olin replied there is no cost in 2021. For 2022, the cost will be $40,000 which will be less than what it will be for NTS at the current figures. The cost for 2023 will then increase to $47,000. Ms. Hood commented with regard to pricing, the NTS contracts are all over the place and there is no consistency. We are doing our pricing based on your numbers. If your total voter registration numbers go down, your price would go down.

Mr. Van Etten stated the migration, testing and training fee is split up over four years and totals $25,000. Is that on top of the zero cost for 2021 and on top of the fees for the following years? Ms. Hood replied obviously when you have a new software system, testing is a big part of it. With COVID we decided it was not good to have a huge migration fee so we spread it out over the years. Mr. Van Etten stated we are going to maintain the system we currently have and pay those fees and then bring up a new system. Will we be dropping the old system mid-year? Mrs. Olin replied we will drop the current system at the end of 2021 when the contract is up. Mr. Van Etten stated we will be paying the same price this year plus the $6,200 for the migration, testing and training fee this year. After that, it is almost a wash even given the migration, testing and training fee.

Ms. Fitzpatrick asked will this system and software help you provide election results faster? Ms. Hood replied we definitely will be looking at that later on, but I feel we need to focus most on voter registration. Ms. Fitzpatrick asked as you are updating the voter registration system, would we expect the deceased voters to be removed from the system sooner? Mrs. Olin replied with regard to deceased voters, I am very proud of our staff as they have been very much on top of this. They check the obituaries in the local papers and funeral homes. One of the problems is that the State Public Health Department is required by law to submit that information to the State Board of Elections and the time delay is huge. We can get the information from the State Board and it can be three months old or older. Mr. Wheeler commented that is not a function of Public Health as they are waiting on death certificates and it is not a quick process. Mrs. Olin stated we do our due diligence and make sure those individuals are removed.

**MOTION:** AUTHORIZING THE COMMISSIONERS OF THE BOARD OF ELECTIONS TO PURCHASE THE NEXTVOTE ELECTION MANAGEMENT SYSTEM FOR NO COST FOR 2021 MADE BY MS. LATTIMER. **SECONDED BY MS. FITZPATRICK FOR DISCUSSION.**

Mr. Nichols asked how accurate will this be for absentee ballots and verifying signatures? Mrs. Olin replied we have always checked the absentee ballot applications against the signatures on file. This year was different because a lot of the signatures were coming in from the Department of Motor Vehicles and the signatures are very
outdated. This year when we opened up the absentee ballots we had to go to the file and look at the signature and if it did not match then we had to go back and look at every single file in the back file. We spent a lot of time looking at and reviewing signatures. One thing that I spoke to Ms. Hood about was seeing if there is any way to see all of the signatures at once and if there is any way to put information as to the date that we received the signature so that we will know.

Mr. Schu excused himself from the meeting and asked Ms. Lattimer to take over.

Mrs. Ferratella asked what is the length of the contract? Ms. Hood replied it is a four year contract that will expire at the end of 2025.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE)

F. County Manager
   1. Contract Renewals – Mr. Wheeler requested authorization to renew the contract with Securitas to provide security off-hours and weekends. The prevailing wage rate has not changed since last year. The rates are typically updated every January and July. The amount of the contract is approximately $240,000 and the Department of Social Services is able to draw down reimbursement of approximately $124,000.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE CONTRACT WITH SECURITAS FOR OFF-HOURS AND WEEKEND BUILDING SECURITY MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK FOR DISCUSSION

Ms. Fitzpatrick asked can we change it to include Mental Health given recent events? Mr. Wheeler replied we can look at it.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR SCHU ABSENT FOR VOTE)

Mr. Wheeler requested authorization to renew the contract with Perham Communications for public relations services at an annual rate not to exceed $22,000.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE CONTRACT WITH PERHAM COMMUNICATIONS FOR PUBLIC RELATIONS SERVICES AT AN ANNUAL AMOUNT NOT TO EXCEED $22,000 MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE)

Mr. Wheeler requested authorization to renew the contract with Archive Social to back up our social media accounts. The rate is approximately $2,500 annually.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE CONTRACT WITH ARCHIVE SOCIAL FOR BACKING UP THE COUNTY’S SOCIAL MEDIA ACCOUNTS MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE)

2. Appointments – Mr. Wheeler stated the Legislature makes the appointments for the Commissioners of Elections, the County Attorney and the Clerk of the Legislature. They have received the recommendations from the Republican Party Chairman of Vicky Olin and from the Democratic Party Chairman of Kelly Penziul.
MOTION: RECOMMENDING THE APPOINTMENT OF VERONICA OLIN AS REPUBLICAN ELECTIONS COMMISSIONER MADE BY MR. SWACKHAMER. SECONDED BY MRS FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE) Resolution Required.

MOTION: RECOMMENDING THE APPOINTMENT OF KELLY PENZIUL AS DEMOCRATIC ELECTIONS COMMISSIONER MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE) Resolution Required.

MOTION: RECOMMENDING THE REAPPOINTMENT OF JENNIFER PROSSICK, COUNTY ATTORNY, FOR A FIVE-YEAR TERM COMMENCING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2025 MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE) Resolution Required.

MOTION: RECOMMENDING THE REAPPOINTMENT OF BRENDA K. SCOTCHMER, CLERK OF THE LEGISLATURE, FOR A FIVE-YEAR TERM COMMENCING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2025 MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE) Resolution Required.

MOTION: CONFIRMING THE APPOINTMENT OF MATTHEW SOUSA AS PLANNING DIRECTOR MADE BY MRS. FERRATELLA. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE) Resolution Required.

MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR SCHU ABSENT FOR VOTE)

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Tuesday, January 12, 2021
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, January 6, 2021