**MINUTES**

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

STAFF: Jack K. Wheeler
Scott Sprague
Jennifer DeMonstoy
Nate Alderman
Kathy Muller
Christopher Brewer
Jennifer Prossick
Tammy Hurd-Harvey
Mitch Alger
Brenda Scotchmer
Andy Morse
Wendy Jordan
Judy Hunter

LEGISLATORS: Scott J. Van Etten
John V. Malter
Jeffrey P. Horton
Carol A. Ferratella
Frederick G. Potter
Gary B. Roush

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

Ms. Fitzpatrick stated on page 6, paragraph 5, the spelling of Mr. Alderman’s name needs to be corrected. Mrs. Lando stated also on page 1, under Call to Order that should be changed to “Mr.” Schu.

MOTION: APPROVING THE MINUTES OF THE JANUARY 12, 2021, MEETING AS AMENDED MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Real Property Tax Service Agency

1. Tax Certiorari – Mrs. Jordan requested authorization for the County to participate in tax certiorari proceedings in the Town of Caton relative to Corning Natural Gas. The estimate for the appraisal is $7,500 with the County’s share of 15 percent totaling $1,125.

MOTION: AUTHORIZING THE COUNTY’S PARTICIPATION IN A TAX CERTIORARI IN THE TOWN OF CATON RELATIVE TO CORNING NATURAL GAS FOR AN ESTIMATED COST OF $1,125.00 REPRESENTING THE COUNTY’S 15 PERCENT SHARE OF THE APPRAISAL COST MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER FOR DISCUSSION.

Mrs. Ferratella asked is this just on the building? Mrs. Jordan replied this covers the entire property which includes the compressor station and pipeline. Ms. Prossick stated the issue is that the natural gas line has been assessed as fully active and it is not as it was shut down.

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

1. **Quarterly Copy Paper Bid Award** – Mr. Morse informed the committee that he received two bids; one from Contract Paper Group for $23.70 per case and one from W.B. Mason for $23.17 per case. He recommended awarding to the low bidder, W.B. Mason. He noted that this represents a decrease of $0.73 per case from the last bid.

**MOTION: AWARDING THE QUARTERLY COPY PAPER BID TO THE LOW BIDDER, W.B. MASON AT A RATE OF $23.17 PER CASE MADE BY MS. LATTIMER, SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

C. **Commissioner of Finance**

1. **Proposed Updates to Certain Sections of the Administrative Code** – Mrs. Hurd-Harvey explained the first change is to Management Fringe Benefits relative to paid leaves and supports what we implemented when we implemented NovaTime. The second change is relative to Volunteer Fireperson First Responder Policy. The proposal is to encompass all emergencies and first responders. The third change is relative to the financial section of the Administrative Code. We have modified some dates relative to budget requests and have clarified some language relative to budget transfers. Additionally, there have been certain dollar limits that were not defined and now those have been defined.

Mr. Malter did you expand the dollar limits? Mrs. Hurd-Harvey replied no, we tightened them. For example with budget transfers that require Department Head, County Manager/Budget Officer, Commissioner of Finance, Standing Committee and Finance Committee approval, we lowered the limit for transfers into or out of County Road Construction projects from over $100,000 to over $50,000 and less than $250,000. The other change is with respect to the annual recurring budget transfers where we are just rolling over and I don’t know if you need to see them as we are simply setting up new grant years.

**MOTION: ADOPTING THE PROPOSED UPDATES TO CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE AS PRESENTED BY THE COMMISSIONER OF FINANCE MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

D. **Personnel**

1. **Transfer and Fund – Department of Personnel**

   - *Transfer and Fund One (1) Zero-Based Senior Typist Position, Grade VI from the Department of Personnel to the Risk Manager* – Mr. Alderman requested authorization to transfer and fund a zero-based Senior Typist position in his office to the Risk Manager due to an impending retirement in the Risk Management Office. They need to be able to train someone with the outgoing individual and this transfer will be temporary. At the time of retirement, the position will be transferred back to Personnel and we will defund it. Mr. Swackhamer asked is that stated somewhere? Mr. Alderman replied not at this point. Mr. Wheeler commented the minutes will reflect it.

   Mr. Alderman commented he has no intent to use the position right now, but we may need it at some point in the future. Mr. Van Etten asked how long will the training period be? Mr. Sprague replied we expect two to three months. Mr. Van Etten asked do you have a candidate? Mr. Sprague replied not at this time. Mr. Alderman stated we keep a civil service list for this title.

**MOTION: AUTHORIZING THE TRANSFER AND FUNDING OF ONE (1) ZERO-BASED SENIOR TYPIST POSITION, GRADE VI FROM THE DEPARTMENT OF PERSONNEL TO THE RISK MANAGER MADE BY MS. FITZPATRICK. SECONDED BY MRS. LANDO FOR DISCUSSION.**

Mr. Malter stated the dollar amount to cover this position is not in the budget so it will be an added expense. Mr. Wheeler replied yes, but we still hold a number of vacant positions, so no budget transfer will be needed. Mr. Malter asked when this position reverts back to Personnel, will you notify the
committee? Mr. Alderman replied yes. Mr. Van Etten asked will there be a salary differential? Mr. Wheeler replied there will be a little; it depends on the successful candidate.

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

E. Clerk of the Legislature
   1. Amending Resolution No. 013-21 – Mrs. Scotchmer stated the District Attorney had contacted her to let her know that sometimes forfeited items are included in the surplus property auction. Therefore, his office should be excluded from participating in the surplus property auction.

MOTION: AMENDING RESOLUTION NO. 013-21 TO INCLUDE EMPLOYEES IN THE DISTRICT ATTORNEY’S OFFICE BEING PRECLUDED FROM PARTICIPATING IN THE SURPLUS PROPERTY AUCTION MADE BY MRS. LANDO. SECONDED BY MR. SWACKHAMER FOR DISCUSSION.

Mr. Swackhamer asked does that mean they may not participate in the property tax auction? Mrs. Scotchmer replied no, they are just be precluded from participating in the surplus property auction. Mr. Swackhamer asked what happens if real property comes under forfeiture? Ms. Prossick replied that usually doesn’t happen and it would go through the in rem process.

Mr. Potter asked with the real property tax auction, in the law it states that if it is a family member of a Legislator that it precludes them from participating? Mrs. Scotchmer replied the way it reads in our law is if they live in the same household or are a dependent. The intent is to not allow family to purchase on your behalf. As a note, if a family member purchases property and then transfers it to you within three years of purchase, it is considered an ethics violation. Ms. Prossick stated that is set by State law. Mr. Malter stated so it is just family members living in the household that are excluded from this? Mr. Van Etten stated under the resolved it says employees from the following departments, including their relatives, siblings, spouses or significant others are hereby precluded. It doesn’t say that they are cohabitating. Mr. Potter stated that is my concern. Ms. Prossick stated the State law says what Mrs. Scotchmer is saying as the base, and then traditionally we had said that we would move higher than the base. In the past we had issues with prior legislators and a brother or sister purchasing a property. Mrs. Scotchmer stated so siblings would be prohibited as well any family members living in the household or otherwise. Mr. Potter stated that seems a little unfair. Ms. Prossick commented in State Ethics, I believe it is 800, it says family members and then it defines family members as household and siblings. I think it is pretty broad because we have always followed that, but I will have to double check it. Mrs. Scotchmer commented we cannot make it less restrictive than State law.

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

F. County Manager
   1. ArchiveSocial Contract – Mr. Wheeler explained we utilize this contract to archive our social media records and comments. Our original contract plan was $2,700 annually to store 1,000 records per month. Prior to COVID we were averaging 800 records per month and with COVID we have been averaging closer to 5,000 records per month. ArchiveSocial is proposing to upgrade us to their standard plan which allows for 3,000 records per month. They also have a premium plan which allows for 5,000 per month. Upgrading to the standard plan will increase our contract $2,000, bringing the total annual cost to $4,788. Ms. Fitzpatrick asked will this upgrade be just for a year? Mr. Wheeler replied yes, I hope.

MOTION: AUTHORIZING THE COUNTY MANAGER TO UPGRADE THE ARCHIVESOCIAL CONTRACT FOR ONE YEAR TO THE STANDARD PLAN WHICH ALLOWS FOR 3,000 RECORDS PER MONTH FOR AN ANNUAL COST OF $4,788.00 MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Swackhamer asked who do the comments come from? Mr. Wheeler replied from the public. Mr. Swackhamer asked we have to keep those? Mr. Wheeler replied yes. We keep comments and questions that we
receive on any of our social media accounts. Mr. Malter asked how long are the records kept? Mr. Wheeler replied it depends; it can range from 3 to 7 years and some are indefinite.

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

2. **STN Study Update** – Mr. Wheeler stated Steve Manning from STN is here to provide an update. The study is complete and I will send you all a copy of that. Mr. Manning will be giving you an overview. Some of the information is proprietary as we are talking about building a network and that will not be shared in a public forum.

Mr. Manning stated with regard to our infrastructure, we applied for a grant through Southern Tier Central Regional Planning & Development Board (STC) and received $3.2 million from three funding sources: Appalachian Regional Commission, Federal Environmental Development Agency and the NYS Empire State Development. With this funding we will create a ring off the existing middle mile infrastructure. STN is contributing $600,000 to this 80 miles of build. We have nine build outs planned. In the long run this will make for a healthier and stronger network for addressing failure points. I believe we will have more customers leasing additional fiber to make this network stronger. We also believe we will have new customers that will lease the fiber as well. Construction will start sometime in the summer of 2021 and will end in December of 2022, if everything goes well.

Mr. Manning stated he has had discussions with Jamie Johnson of the Steuben County Industrial Development Agency about bringing high quality internet services to the underserved. Mr. Johnson connected us with Baron Wind who has a wind farm in Cohocton. We are having high level conversations with them to determine if our combined projects could bring some synergy and we will need to identify if we will go forward with that. Working with Baron Winds would encompass a five mile radius and the Steuben County Industrial Development Agency has been a great help with that.

Mr. Manning stated with regard to the Southern Tier Broadband, we conducted a feasibility study and the purpose of that study was to address those residents/addresses that do not have quality internet or any internet at all. This study was conducted in all five counties; Steuben, Schuyler, Chemung, Tioga and Yates. All recognize the issue and we need to find a way to identify the issue and address it. The five counties, through inter-municipal agreements, formed a coalition with STN.

Mr. Manning stated Fujitsu was contracted with to conduct the study. For those addresses with 100Mbps service or below they were considered underserved. STN paid 50 percent of the cost of the study and each county paid a share after that. Fujitsu did intensive data collection to identify where the underserved addresses were. In Steuben County, there are 7,800 addresses that do not have 100Mbps services. He stated that 85 percent of Steuben County has one or more providers of internet service and there is 15 percent of the County that does not have any service providers. For the five-county region, there are 13,645 addresses that are underserved. There will be 2,300 miles of new fiber constructed in order to build a long-term solution. Mr. Manning explained STN is a middle mile provider and open access. We only provide fiber to any business or service provider that wants to lease the fiber. For fiber direct to homes, we also want that to be an open access business model, where the homeowner would contract and lease the fiber from their service provider.

Mr. Manning stated the capital cost to build the network is $160 million to $172 million. Once the network is built, the annual operating cost would be $3.6 million to $4 million. We are looking at a 50 – 70 percent take rate and the cost to bring in enough revenues would be $58 - $74 per month for internet services. Our recommendation would be to build the network in phases. There are six zones. Zones 1, 2 and 3 are located in Steuben County going from Wheeler to Prattsburgh to Cohocton. The cost for these three zones would be $35 million to construct and $3 million annually to operate. This would connect 3,744 addresses. Zones 9, 10 and 11 are in Yates County. We are currently looking at grant sources to help fund these builds.

Mr. Manning stated the grant application that we submitted to USDA on behalf of Steuben, Chemung and Schuyler counties was for addresses that have less than 10Mbps. We applied for $25 million. In late November
we received official word that our application was rejected. We have another meeting scheduled with them this Friday to get a better understanding of the rationale for rejecting the application. We are considering applying for round 3 of the USDA grant if there is one. Mr. Manning stated we know that Spectrum was going to do a build out to 1,900 addresses in the County and they are just about 100 percent done with that. The FCC had $20 billion available and they awarded $9 billion. In New York State that was awarded to ten companies. The next step is working with the County and the STN Board to look at the marketplace and maybe do another assessment of the underserved addresses.

Mr. Wheeler stated we know that Spectrum is just extending their network, and not building into new areas. Not getting the USDA grant was unfortunate. It shows you that without many changes in the marketplace, you have to rely on federal and state funding to get the project done.

Mr. Van Etten stated Fujitsu is proposing $71,000 per mile to build and in the USDA application the cost to build was $47,000 per mile. What is the significant difference? Mr. Manning explained it was the expanded territory for the five counties. There will be many miles of build for a few residents. Fujitsu used their national pricing and we used more local, regional pricing for construction costs that we have experienced. Mr. Wheeler stated the other thing to Fujitsu’s credit is that the CAPEX will not be above a certain percentage. They erred well on the side of caution with that.

Mr. Malter asked with the original $3 million grant, did that cover the cost of this study? Mr. Wheeler replied no. Those grant funds were for the direct build and the County was not involved in that; that was STN. Mr. Malter asked what was the cost of the study? Mr. Wheeler replied it was $42,000.

Mrs. Ferratella asked what is the timing for the next USDA grant? Mr. Wheeler replied we have not heard.

Secretary’s Note: Mr. Schu excused himself from the meeting.

Ms. Fitzpatrick asked how is internet service measured and what is the average service that is provided via satellite? Mr. Manning replied once Starlink becomes available in our latitude, their satellites will be 350 miles up in space. Hughes Net satellites are 30,000 miles up so the latency and reliability of Hughes Net is not good. With SpaceX’s new technology their beta testers are getting over 100Mbps down and 30 – 40Mbps up and the latency is less than 20 milliseconds. Mr. Wheeler commented if SpaceX becomes viable in our area that is a game changer. In terms of how the data is recorded, it is self-reported and is collected by the State or FCC. He commented he lives in the Village of Bath and he is not getting 100Mbps and we know that it fluctuates.

Ms. Fitzpatrick commented I am very excited about the buildout and expansion, but I am disappointed that it will not be where I am. With the take rate, does the 50 percent denote the number of addresses signing on to the service? Mr. Wheeler replied yes. Fujitsu projected different scenarios and for those addresses that have no choice, the take rate would be higher. We want to take a conservative approach. If we are awarded this money and build, we don’t want to be too optimistic and not be able to meet the build expectations.

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 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. LANDO. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE)

Secretary’s Note: Mr. Schu returned to the meeting.
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 MS. LATTIMER. 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, March 9, 2021
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, March 3, 2021