**MINUTES**

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

STAFF:  
Jack K. Wheeler  
Christopher Brewer  
Jennifer Prossick  
Brenda Scotchmer  
Scott Sprague  
Shawn Sauro  
James Allard  
Tina Goodwin  
Kelly Penziul  
Rob Wolverton  
Jennifer DeMonstoy  
Wendy Jordan  
Andy Morse  
Tammy Hurd-Harvey  
Mitch Alger  
Cody Ryan  
Craig Patrick  

LEGISLATORS:  
Scott J. Van Etten  
Carol A. Ferratella  
Jeffrey P. Horton  
John V. Malter  
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  
MOTION:  APPROVING THE MINUTES OF THE JUNE 8, 2021, MEETING MADE BY MRS. LANDO. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.  

III. DEPARTMENT REQUESTS  
A. Personnel  
1. Public Defender Request Re: Senior Assistant Public Defender Vacancy – Ms. DeMonstoy stated Mr. Sauro is requesting authorization to appoint a Senior Assistant Public Defender above the mid-point. This was previously approved, but there has been a change in the appointment. Mr. Sauro explained the individual we had chosen to fill this vacancy has chosen to go elsewhere. Because that individual is no longer a candidate, I wanted to give you the opportunity to ask specific questions about the second candidate. The second individual is currently a part-time employee in the Public Defender’s Office and has been since 2013. They were admitted to the bar and are as equally qualified as the previous candidate. He requested authorization to appoint this individual above the mid-point.  

MOTION:  AUTHORIZING THE APPOINTMENT OF TERRANCE BAXTER AS FULL-TIME SENIOR ASSISTANT PUBLIC DEFENDER AND SETTING THE SALARY AT $91,753.00 MADE BY MRS. LANDO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.  
Mr. Van Etten asked is the salary the same as what was offered to the individual that left? Mr. Sauro replied yes. Mr. Swackhamer asked will they be giving up their outside employment? Mr. Sauro replied yes, they will be closing their private practice.  

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

1. 2022 Workers’ Compensation Budget – Mr. Sprague presented the 2022 Workers’ Compensation budget for review and approval. Overall we are down $150,000 from last year. He noted he did increase the safety training line by $1,500 and increased the Third Party Administrator line $10,000. We are looking to do a potential project on our tail claims with the State Compensation Board. Our line item for PERMA decreased. He commented they are looking to drop our retention this year to a pretty significant level for us and that is something that we are working on. We also decreased our medical and benefits, indemnity, and assessments line items.

Mrs. Ferratella commented I am surprised that your line item for group medical did not increase. Mr. Sprague stated that is a number that we put in and it fluctuates year to year, although we try to keep it the same. That number may change.

Mr. Van Etten stated the reserve fund balance decreased $100,000. Are they telling us what the fund balance should be? Mr. Sprague stated in 2020 our fund balance reserve was $9.5 million. We had an actuarial study completed two years ago and they are suggesting that we have a reserve fund in the range of $6 million to $7 million. We are quite well-funded and in great shape. We will be doing another actuarial study with PERMA this fall. Mr. Van Etten commented that is a sign of good management. Since we are adding new municipalities, it is smart to keep a higher number for a while to account for any unknowns. Mr. Swackhamer stated I agree. Mr. Sprague stated we are heading in the right direction and if that continues we will get to a point where our budget will stay steady.

MOTION: APPROVING THE 2022 WORKERS’ COMPENSATION BUDGET AS PRESENTED AND FORWARDING TO THE FULL LEGISLATURE MADE BY MS. LATTIMER. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. 2022 Workers’ Compensation Apportionment Schedule – Mr. Sprague presented the 2022 Workers’ Compensation Apportionment Schedule for review and approval. He stated that he has handed out an addendum to what was sent to you; this is the document that you normally see. With the budget decrease we worked hard to keep the apportionment for each participant where it should be. There are fifteen municipalities who saw a decrease, fourteen that saw an increase and nine that remained flat. Some of the increases are due to claims as well as some municipalities were below where they should be in our plan. The apportionment is based on losses and payroll. We are using the 20 percent target below retail. We are trying to get the municipalities up a little each year. The County rate decreased 11 percent. There is a lot of change in the market right now and we are trying to keep our premiums as competitive as we can.

Ms. Fitzpatrick asked who calculates this? Mr. Sprague replied we brought in a consultant that worked with PERMA. They take the experience from the member and calculate what the apportionment should be. We then review them.

Mr. Swackhamer asked are there any new participants? Mr. Sprague replied we are talking to a number of municipalities and we would love to have more opportunities. Our plan is in great shape compared to a number of years ago. We have been working with a couple of fire districts and municipalities.

Mr. Potter commented there are a number of towns that saw a five percent increase, but they are still not up to where they should be. Mr. Sprague stated there are a fair number that are not where they are supposed to be and over a number of years we have been trying to steadily get that number up a bit. Mr. Potter stated the County is still subsidizing some of those towns. Mr. Sprague stated yes. We are trying to shift that so the County’s share is going down and the municipality share is going up.

Mr. Malter stated you have a fund balance of $9 million. How much did it go up from last year? Mr. Sprague replied I can get that number for you. From 2020 we had $250,000 left in the budget that went into the reserve. I will get you the numbers from the last few years.
C. Information Technology

1. Approval to Purchase LogRythm NextGen SIEM – Mr. Wolverton requested authorization to use the Cyber Security Grant funding we received earlier this year, along with funds from the Network Security Capital Project, to purchase LogRythm NextGen SIEM. The SIEM collects the logs from the servers, desktops, laptops and looks for any anomalies. We are currently using Dark Trace and that is only for networking. This new system goes further into what is actually happening. We purchased Dark Trace three years ago for $33,000 per year. LogRythm does more and is hosted. We will also have support that will be monitoring. The initial cost is $51,078.81. After that there will be an annual fee of $45,000. The Cyber Security Grant will cover $45,000 of the costs for hardware and software. There is also $5,000 for training, however, since this is hosted, we would not need the training and he is working to see if he can get that $5,000 moved into hardware. If we can do that, there will be $1,078.81 that we would need to take out of the Network Security Capital Project.

Mr. Swackhamer asked what is the initial timeframe and what is the cost each year? Mr. Wolverton stated the initial contract will be for one year and then there will be an ongoing cost of $45,000 per year. Mr. Van Etten asked the grant will cover the $50,000 cost for the first year? Mr. Wolverton replied yes. Mr. Van Etten asked so the increase over the previous year will be $12,000 annually? Mr. Wolverton replied yes.

MOTION: AUTHORIZING THE USE OF $1,078.81 FROM THE NETWORK SECURITY CAPITAL PROJECT AND $50,000 FROM THE CYBER SECURITY GRANT TO PURCHASE LOGRHYTHM NEXTGEN SIEM FOR AN INITIAL COST OF $51,078.81 AND AN ONGOING ANNUAL FEE OF $45,000 MADE BY MRS. LANDO. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Ms. Fitzpatrick asked will there be any other personnel or other savings within your department by doing this? Mr. Wolverton replied purchasing this software will not affect the personnel in the department as we still need staff to monitor, however, they will not need to do as much.

Mrs. Lando asked so there will be no training? Mr. Wolverton explained the software will be hosted. During implementation there will be a small amount of training. The user interface is online and generally the company will do all the backend things so we will not need training for that. Additionally if we need to add the software for a new machine, they will do that for us.

Mr. Wheeler stated in conversations with other counties, all of the counties are investing heavily into IT security. One ransomware attack will shut you down for a week at least and we certainly recommend this purchase. Mr. Wolverton explained this is already something we use on a limited basis. The State purchased this software for counties for the Boards of Elections; we have the software on three servers and in the Board of Elections office.

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

2. RFP for Replacement of EOL Network Switches – Mr. Wolverton requested authorization to issue an RFP for the replacement of the end of life network switches. In 2014 we replaced the switches in the entire network and phone system. The switches are now seven years old and half of them have dropped to end of life and will no longer be supported for updates.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR THE REPLACEMENT OF THE END OF LIFE NETWORK SWITCHES MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
3. **RFP for Phone System Upgrade** – Mr. Wolverton requested authorization to issue an RFP for the phone system upgrade. An upgrade was last done in 2014. We are at the point where a lot of the equipment is at end of life and we need to do this as quickly as possible.

**MOTION:** AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR THE PHONE SYSTEM UPGRADE MADE BY MRS. LANDO. SECONDED BY MR. SWACKHAMER FOR DISCUSSION.

Mrs. Lando asked what will be the cost for the upgrade? Mr. Wolverton replied I do not know. Mr. Van Etten asked what was the cost in 2014? Mr. Wheeler replied it was about $500,000. Mr. Wolverton stated at that time we did not replace everything; we only did what was needed to be done. Mr. Swackhamer commented that he would like to see a little more information and a breakdown of the cost. Mr. Wheeler stated yes, you will get that information. This is just the request for issuing the RFP.

Mrs. Lando asked how will it be paid for? Mr. Wheeler replied it will be paid for out of the capital project. Mr. Mullen asked will we be going to a cloud-based phone? Mr. Wheeler replied we do have IP based phones, but they are desktop phones.

Mr. Malter asked how much is in the capital project? Mr. Wolverton replied I don’t know offhand but it is over $1 million. Mr. Wheeler replied that is for all Information Technology capital projects. Mr. Wolverton commented that capital project includes requests for other departments. Mr. Wheeler stated for this there is the dedicated ERP project which is $1 million. There is $174,000 in the telephone project and $3 million in the EDP project.

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

D. **Clerk of the Legislature**

1. **Retirement Reporting** – Mrs. Scotchmer stated she will be reporting for one individual from the Public Defender’s Office. She requested approval to forward the retirement reporting to the Full Legislature.

**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. LATTIMER FOR DISCUSSION.

Ms. Lattimer asked are there any other individuals that need to do their record of activities? Mrs. Scotchmer replied she is waiting for an Assistant District Attorney from last year. I do have a couple out there for the District Attorney and the County Clerk but they had time off and their reporting timeline was extended. I expect to receive those next month.

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

E. **Personnel (Cont.)**

1. **Reclassifications – Sheriff’s Office** – Ms. DeMonstoy requested two reclassifications for the Sheriff’s Office. The first to reclassify one Building Maintenance Mechanic, Grade IX to Head Building Maintenance Mechanic, Grade X and the second to reclassify one Maintenance Person, Grade VII to Building Maintenance Mechanic, Grade IX.

**MOTION:** AUTHORIZING THE RECLASSIFICATION OF ONE BUILDING MAINTENANCE MECHANIC, GRADE IX TO HEAD BUILDING MAINTENANCE MECHANIC, GRADE X AND ONE MAINTENANCE PERSON, GRADE VII TO BUILDING MAINTENANCE MECHANIC WITHIN THE SHERIFF’S OFFICE MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.
2. **Tuition Aid Request** – Ms. DeMonstoy requested approval of a Tuition Aid request for Stacey Hayes in the Finance Office to take courses toward her Bachelor’s in Business Administration. We will be reimbursing $1,800 for last semester and $1,350 for the upcoming semester. Mr. Wheeler explained these requests go to Standing Committee and HSH&E Committee. Personnel reviews the request to make sure the courses are relevant to the job and that there are funds available in the training line item.

**MOTION:** APPROVING THE TUITION AID REQUEST FOR STACEY HAYES, AN EMPLOYEE IN THE FINANCE OFFICE, TO BE REIMBURSED $1,800 FOR LAST SEMESTER AND $1,350 FOR THE UPCOMING SEMESTER FOR COURSES BEING TAKEN TOWARD A BACHELOR’S DEGREE IN BUSINESS ADMINISTRATION MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

F. **County Manager**

1. **HIPAA Audit** – Mr. Wheeler explained in Federal Law there is a requirement to do a HIPAA audit every three years. It has been four plus years since we did an audit. The audit covers IT functions and any department that provides medical services, including the Jail. He noted that IT does have $20,000 budgeted for this. We did receive a quote from Bonadio for $26,500. Other quotes received ranged from $40,000 to $220,000. He stated this would need a Contingent Fund transfer of $6,500 to cover the cost.

**MOTION:** AUTHORIZING A CONTRACT WITH BONADIO TO CONDUCT A HIPAA AUDIT FOR $26,500 MADE BY MRS. LANDO. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Mrs. Ferratella asked is this for all the departments? Mr. Wheeler replied it will be for all the departments that have HIPAA data. Mr. Van Etten asked is this something that is budgeted for every year? Mr. Wheeler replied we have carried the budget over for a number of years. Mr. Wolverton explained we carry it in our line item for Consulting and Professional Services. Ms. Fitzpatrick asked why does IT take the full hit? Mr. Wheeler replied IT carries the contract because most of the HIPAA information is stored electronically. The audit will also look at paper and verbal controls. He noted that IT does chargeback to the departments that carry HIPAA information.

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

2. **Controls Audit** – Mr. Wheeler stated we are looking to get assistance in looking at a couple of items within the Sheriff’s Office. One of the items is food costs at the Jail and this is something Bonadio has experience with. We will also be looking at other general controls in terms of policies and procedures, largely with procurements. We did not put this out for an RFP as we have a current contract with Bonadio for our financial audit. He requested authorization to amend the contract with Bonadio to include the controls audit for an additional $12,000. This will also require a Contingent Fund transfer.

**MOTION:** AUTHORIZING AN AMENDMENT TO THE BONADIO FINANCIAL AUDIT CONTRACT TO INCLUDE A CONTROLS AUDIT OF THE SHERIFF’S OFFICE FOR AN ADDITIONAL $12,000 MADE BY MR. SWACKHAMER. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Ms. Fitzpatrick commented this is important because this will test the procedures being performed and provide us with an indication as to whether any improvements will need to be made as to how procedures work. Mrs. Lando asked is this just for the Jail? Mr. Wheeler replied yes. We are largely looking at the Jail and food costs and we have been talking with the Sheriff and his staff.

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

3. **Contingent Fund Transfer** – Mr. Wheeler requested authorization to transfer a total of $20,000 from the Contingent Fund to his budget to pay for the two audit contracts.
MOTION: AUTHORIZING A TRANSFER OF $20,000 FROM THE CONTINGENT FUND TO THE COUNTY MANAGER’S BUDGET TO PAY FOR A HIPAA AUDIT AND SHERIFF’S OFFICE CONTROLS AUDIT BEING CONDUCTED BY BONADIO MADE BY MRS. LANDO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

4. Award of CSEA Salary Study – Mr. Wheeler stated we feel it is important to conduct a study of the CSEA salary schedule and this is something that we have not done in decades. We received two responses; one for $20,000 and one for $50,000. He recommended awarding to the low bidder, Burke Group for $20,000. He stated they also recently did our Management Plan study and that was very effective.

MOTION: AWARDS THE RFP FOR THE CSEA SALARY STUDY TO THE BURKE GROUP FOR $20,000 MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Horton asked will they look at every department? Mr. Wheeler replied this is a study of the Main CSEA Unit; this study will not include the Deputies, Investigators, Dispatchers, Corrections’ Officers or Court Security as we already market rated those positions. Mr. Van Etten asked where will this be paid out of? Mr. Wheeler replied we will need to pay for this out of the Contingent Fund as we do not have enough flex in any of our other line items.

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

5. Contingent Fund Transfer – Salary Study – Mr. Wheeler requested authorization to transfer $20,000 from the Contingent Fund to his budget to pay for the CSEA salary study.

MOTION: AUTHORIZING THE TRANSFER OF $20,000 FROM THE CONTINGENT FUND TO THE COUNTY MANAGER’S BUDGET TO PAY FOR THE CSEA SALARY STUDY MADE BY MS. FITZPATRICK. SECONDED BY MRS. LANDO FOR DISCUSSION.

Mrs. Lando asked once the study is done, what is the next step? Mr. Wheeler replied this will be an interactive process with the union. The union executive committee will be involved; however they will not be at every meeting of the consultants. This will essentially be a proposal that will have to be negotiated, so the more buy-in we have from them in terms of process, the better on our end. We have talked with union leadership and they just had a change of their executive committee, so we have to sit down with them. With the former executive committee, we had several discussions with them and we kept in direct touch with the Labor Relations Specialist and they agreed that it needed to be done and we would work jointly to come up with it. The goal was to get this going so that heading into negotiations in the early fall we would have a good plan to present and work through together. Ms. Lattimer asked what will be the length of the study? Mr. Wheeler replied six to eight weeks. Ms. Lattimer asked so by budget time? Mr. Wheeler replied yes, that is the hope. We need to have a pretty good idea of what the budget costs will be. Discussion followed.

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

6. Amending Management Salary Plan – Mr. Wheeler stated when we created the position of Director of Public Safety, we never put the position into the Management Salary Plan. He recommended adding the Director of Public Safety at Grade K.

MOTION: AMENDING THE MANAGEMENT SALARY PLAN TO INCLUDE THE DIRECTOR OF PUBLIC SAFETY AT GRADE K MADE BY MRS. LANDO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Malter asked what is the salary? Mr. Wheeler replied if you confirm the appointment of Tim Marshall as Director of Public Safety, his salary would be $90,896 which is step 5. This would represent a $15,000 increase.
VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

7. Confirmation of Appointment of Director of Public Safety – Mr. Wheeler requested confirmation of his appointment of Tim Marshall as Director of Public Safety.

MOTION: CONFIRMING THE APPOINTMENT OF TIM MARSHALL AS DIRECTOR OF PUBLIC SAFETY MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

V. OTHER BUSINESS
A. Status of 2021 Goals – Ms. Fitzpatrick stated we had talked about working on reallocating capital projects, but maybe that was Finance? Mr. Wheeler stated this committee and Finance had a lot of discussion around the new stimulus money and the bridge shops.

Mrs. Lando asked what are our goals? Mr. Wheeler replied one of the biggest efforts will be the CSEA salary study. Ms. Fitzpatrick stated we also have the HIPAA audit, the Controls audit and the Elections audit. There are other departments we should consider looking at in the future and maybe a goal would be to identify other departments this year and move forward with an audit each year.

Mr. Wheeler stated there is also the employee engagement survey and we will be able to report back in the fall. That will give you a lot to discuss and things to work on in terms of areas that are highlighted as a result of the survey.

Mr. Van Etten stated the point of trying to set goals is that we show up to meetings and react to things that are brought to us. If we have goals, then we can be proactive. The survey that is being done is significant this year, as well as the controls and HIPAA audits.

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

**NEXT MEETING SCHEDULED FOR**
Tuesday, August 10, 2021
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, August 4, 2021