I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:35 a.m.

II. GENERAL BUSINESS
A. Real Property Tax Service Agency
   1. RFP for Tax Bill Printing and Mailing – Mr. Brewer stated he sent out a spreadsheet showing the current costs of printing and mailing versus the projected savings to municipalities going forward with either ABS or Cathedral. He recommended awarding the RFP to Cathedral as this will be more of a savings to the municipalities. Mr. Schu asked will this be a one year contract? Mr. Brewer replied yes.

   MOTION: AWARDING THE RFP FOR TAX BILL PRINTING AND MAILING TO CATHEDRAL CORPORATION IN AN AMOUNT NOT TO EXCEED $50,000 MADE BY MRS. LANDO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

   Mr. Potter asked do the municipalities have a say in this, or is this the County’s decision? Mr. Wheeler replied the form and function is up to us.

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

B. Personnel
   1. Residency Waiver for Deputy Sheriffs (and possible Corrections Officers) – Mr. Alderman stated this is an issue that has come up in the past week or so. He stated Sergeant Sorge is the President of the Deputies Association and is here today to discuss this. Sergeant Sorge stated I have been with the Sheriff’s Office for fifteen years and I am currently the Union president. We have a problem with a couple of people living outside the County who were given verbal authorization by the Sheriff. He stated he is looking to save jobs. We are not looking to cost the County money or diminish services. We are looking for a cushion to allow individuals to live five to ten miles outside of the County which would expand who we can recruit in the future.
Mr. Swackhamer stated right now we are paying them to drive outside of the county to their homes. Sergeant Sorge replied correct. Mr. Swackhamer stated that costs the County more money to pay them to drive outside of the county to their homes. Mr. Wheeler stated that is one of the things we had a conversation about; if you pass this it seems like there is a willingness on the part of the members of the Union to do an MOU to limit how far outside of the County employees could live. The local law would allow residents from contiguous counties to be employed as a Deputy Sheriff and we would give preference to Steuben County residents. For those Deputies that reside outside of the County they would park their vehicle at the nearest highway shop and then pick up their personal vehicle to drive home.

Mr. Swackhamer stated that is not the problem. We ask people to move into the County and the Sheriff is authorizing his people to move out of the county; that is totally wrong. We shouldn’t be talking about this.

Mr. Schu asked how many Deputies and CO’s live outside the County? Mr. Sorge replied I don’t know about the CO’s, but we have about five Deputies that live outside the county.

Mr. Maio asked why was it necessary to get authorization from the Sheriff to live out of county? Under what rule or law was it understood that it would not be made allowable? Sergeant Sorge replied because they are employed by the County. Mr. Maio asked was anyone aware of the law, provision, etc.? Sergeant Sorge replied I would assume not.

Ms. Lattimer stated I would like the County Attorney to clarify this. Ms. Prossick stated State Law, under Public Officers Law, Section 3, requires public officers to reside in the county upon being appointed to the position. The first exceptions goes to the State and gets permission for the exception. Other counties have adopted exceptions in local law excepting Deputies and allowing them to reside in a contiguous county and we could piggyback off that. We have no local law and have not been asked to look into that exception.

Mr. Ryan asked if they had followed the correct procedure then this issue would not have come up? Ms. Prossick replied correct. Mr. Maio asked did the Sheriff contact the Law Department before giving authorization? Ms. Prossick replied no. Mr. Wheeler explained Mr. Alderman caught this from an outside employment form that had been filed. Mr. Maio asked did the Sheriff seek outside counsel regarding this? Mr. Alderman replied I don’t know.

Mrs. Lando stated we did something similar for the District Attorney’s Office to allow people to live outside of the County. Mr. Wheeler stated we have done it for a few departments and a few positions. Every time that has happened, it has to come back to you to determine if you want to or not. The most recent was for the Planning Director. Ms. Prossick stated it comes up every so often.

Mr. Wheeler explained we are presenting this as we are presenting you with an option. Personnel has to certify the payroll. Mr. Alderman stated this is just an option and the Deputies Association and the CO’s support this. In the next few years we will lose a fair amount of deputies and we already recruit in contiguous counties and we have done well with individuals getting their residency within six months. Now that I know about this particular incident, it comes under Public Officers Law.

Mrs. Lando asked if we don’t do anything, what will happen? Mr. Alderman replied under Civil Service Law, Section 50, in my view, the employee would no longer meet the requirements of the position and they can no longer hold it. You also have an elected Sheriff who is the co-employer. Ms. Prossick stated the law is very clear on Public Officers Law. When someone moves out of county, in effect that is a resignation.

Mr. Mullen stated it is bad policy to have people located outside of the County. We have issues here that compound things with respect to policy. Ignorance of the law is not an excuse. There is an easy solution. The housing market is very hot right now. Having the deputies in our county is an important safety issue.
Mr. Nichols commented it seems like a while back we authorized a waiver for the Major that runs the Jail as he lives in Chemung County, but it was just for that and not the whole department. It came to the Legislature before he was hired with the provision that it would not affect the other positions. Mr. Wheeler stated it was a residency waiver and to Mr. Nichols’ point, you have done that a number of times. Mr. Nichols stated it came to the Legislature for approval, but not after the fact.

Mr. Schu asked can we grant a waiver to the four or five that are currently living outside the county now? Ms. Prossick replied no; it has to be all or nothing by title so that it is not discriminatory. Mr. Schu commented it is unfortunate for these individuals.

Mr. Malter asked how many individuals are we talking about with the CO’s and the Deputies? Mr. Alderman replied there are three Deputies that I am aware of. I am not sure about the CO’s; there may be seven or eight. I did poll other counties across the State. From the responses I have gotten so far, it is about 50 – 50 on whether they allow residents in contiguous counties.

Mr. Swackhamer asked how can they do this without authorization from us as the elected officials? Mr. Malter commented it should never have happened. Process after process is not being followed and now we are stuck with another problem. Mr. Swackhamer stated we are not stuck.

Mr. Van Etten asked has anyone talked to the Sheriff about this? Mr. Alderman replied I spoke to him a little bit last week. Initially when I saw the address, the Sheriff stated he would look into it and get back to me, which he did. That particular deputy moved just over the border, about two miles, and purchased property and had gotten out of a lease he had in Hornell and asked if he could have six months to move back. The fact is that a current employee cannot do six months. The Sheriff indicated the individual would be getting back his lease in Hornell and I have not heard anything since. Mr. Alderman stated the employee was very forthcoming. I spoke with the Sheriff last week and told him this was an option we were going for.

Mr. Maio stated my feeling is that there is a law in place. Obviously someone knew some reason that it was not allowed and you would think the Sheriff would know that law in particular and not allow it to happen. To have this now dropped on us here a half an hour before we vote is ridiculous. This county is big enough that anyone can find just the place where they want to live. They don’t have a choice at this point and I don’t think we should have to accept this. I am in total sympathy with the deputies.

Ms. Lattimer commented as a point of information, if this committee does approve the presentation of the local law, there will still be thirty days with a public hearing and still be an opportunity to debate. Mr. Wheeler stated today would be the presentation of the local law if the committees approves it then the final adoption would be next month.

Mr. Swackhamer stated I don’t think we should present it. Ms. Lattimer stated my vote is not to vote on this as the County is in a precarious position of liability. Mr. Horton asked is there liability against us for anyone that is now a deputy that did sell property? Mr. Wheeler stated that discussion would be more appropriate for executive session.

Mrs. Lando asked if we do nothing, these individuals are going to lose their job unless they move. Who are we punishing, the Sheriff or the people who work under him?

Mr. Malter asked how many deputies live outside of the County and have been and then were hired by the County? Were the people hired already living outside of the County? Mr. Alderman replied generally all individuals hired move into the County. What we are speaking of here is about people that are hired and then move outside of the County. Mr. Van Etten commented these individuals lived in the County and then were given permission to move outside the County.
Sergeant Sorge stated we do have people that were just hired that currently live outside of the County and are waiting to hear about this. One individual is within a half mile of the County line.

Mr. Mullen commented I am not in favor of pursuing this. If it looks like we are going to lose people that give us emergency level of service, there may be an emergency section of the law that we could use until things get sorted out.

Mr. Potter asked is this subject to public referendum? Ms. Prossick replied no.

Mrs. Ferratella commented what complicates this so much is the housing market is so hot. It is difficult to find a home and to afford it. I am concerned about losing the deputies if we don’t allow this to change. Mr. Swackhamer commented we should not be in this position.

Ms. Fitzpatrick asked if we present the local law will that resolve some of the issues that Mr. Alderman has? Mr. Alderman replied it would delay the issues. Ms. Fitzpatrick stated it would give more time for us to debate it. I should vote how my constituents want me to vote.

Mr. Wheeler commented it is all about the record. We can talk about the process that we take. One option was to present the local law. If you do nothing then Mr. Alderman will need to contact the specific individual this affects. Ms. Prossick explained under State Civil Service Law there will be liability no matter which way you go.

**MOTION: PRESENTING A LOCAL LAW WAIVING THE RESIDENCY REQUIREMENTS FOR DEPUTY SHERIFFS MADE BY MS. FITZPATRICK. SECONDED BY MRS. LANDO. MOTION CARRIES 3-2. (MS. LATTIMER AND MR. SWACKHAMER OPPOSED) Resolution Required.**

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

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature