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.

APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE AUGUST 10, 2021, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

DEPARTMENT REQUESTS

A. Risk Manager

1. Workers’ Compensation Board 15(8) Wholesale Buyback Proposal – Mr. Sprague explained this is a potential program that the State Workers’ Compensation Board has pushed to self-insureds if they are interested. The State had set up specific funds to help offset the costs for individuals they feel could be brought back to work. That program was stopped in 2007 and was disbanded in 2018. In the spring, the State offered self-insureds the ability to purchase the 15(8) claims; they will pay us the value of the claims and we would administer them. Mr. Sprague stated he talked with our consultant who put together a list of 20 claims, which was attached to an email that was sent out to the Legislators. The consultant figured the life expectancy of the individual, the cost related to their claim and then came up with the value to purchase the claim. The total to purchase these 20 claims is $2,625,922. If we were to agree to do this program, the State would write us a check for that amount and we would have these claims in-house to control. These are already our tail claims and nothing would change; PERMA would administer them as they have. Mr. Sprague stated this is a win for our plan and a win for the County as we can control these claims. We could work with PERMA to settle these claims and that would be an advantage if we could settle them. Anything extra that we would obtain by settling for less than what the Comp Board had established would be ours. He stated PERMA was within $50,000 of the State’s numbers and they feel this is a very good number and that it is very viable. The only drawback is if an individual outlived their projected life expectancy, then we would pay a little longer.
Mr. Wheeler stated there has been a lot of discussion and review of this. PERMA, who has a record of settling our tail claims and administering the claims, has looked at it. We also looked in-depth at each of these claims. This would give us control. A lot of municipalities are looking at this very favorably and I would recommend it.

Mr. Sprague commented the only cost associated with this would be for PERMA’s broker assigned to Steuben, Brandi Insurance, to oversee this claim program. The cost would be $5,000 for the first year and $2,500 for years two through five.

Mr. Malter asked what is a 15(8) claim? Mr. Sprague explained these are Workers’ Comp claims that the Board figured the individual could go back to work. The State had set up a fund to deal with these several years ago. The age range of our claimants is 54 to 77. Mr. Malter stated based on PERMA and the review, if everything stayed as projected we would lose $50,000. Mr. Sprague replied yes, if we didn’t do anything and just stayed with the status quo. Mr. Malter asked what is the reality of being able to negotiate these claims down? Mr. Sprague replied I feel PERMA could close several of these. In our first year with PERMA, we received $600,000 in reimbursement. Workers’ Compensation is just paying the claims. PERMA will work hard to close the claims and settle them.

Mr. Wheeler explained PERMA has been very aggressive with claims for us. They are on top of it. There are a lot of upsides and we think it is worth doing.

**MOTION:** AUTHORIZING THE RISK MANAGER TO PARTICIPATE IN THE WORKERS’ COMPENSATION BOARD 15(8) WHOLESALE BUYBACK PROGRAM MADE BY MR. SWACKHAMER, SECONDED BY MRS. LANDO FOR DISCUSSION.

Ms. Fitzpatrick asked the State is not doing any active negotiating to try to settle these claims? Mr. Sprague replied no. The State is reaching out to every self-insured in the State because they do not want to do it anymore. Mr. Wheeler commented I am on the PERMA board and they are also getting offered the same thing for $30 million. They are looking very favorably on taking those as well.

Ms. Fitzpatrick asked do the expenses related to these get rolled into our current comp and then it gets allocated all to Steuben County or do all of our participants share in some of the expense? Mr. Wheeler replied it is a set aside program to a certain extent. These funds are specific to these specific claims.

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

**MOTION:** AUTHORIZING THE RISK MANAGER TO AMEND THE CONTRACT WITH PERMA TO HAVE BRANDI INSURANCE ADMINISTER THE CLAIMS UNDER THE WORKERS’ COMPENSATION BOARD 15(8) WHOLESALE BUYBACK FOR A TOTAL COST OF $15,000 FOR SIX YEARS MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Malter asked at the end of six years will this contract be renegotiated, or will that be the end? Mr. Wheeler replied it depends on where all these claims are at.

B. Personnel

1. District Attorney’s Office
   a. Request to Set Starting Salary for Vacant Part-Time Assistant District Attorney – Mr. Alderman requested authorization to set the starting salary for a part-time Assistant District Attorney above Step 5 at $41,708. He noted this is half of a Step XII and the individual has plenty of experience.

**MOTION:** AUTHORIZING THE DISTRICT ATTORNEY TO HIRE A PART-TIME ASSISTANT DISTRICT ATTORNEY ABOVE THE MID-POINT AND SETTING THE SALARY AT $41,708 MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
b. Residency Requirement for Full-Time Assistant District Attorneys – Mr. Baker stated he is requesting approval of a Local Law waiving the residency requirement for full-time Assistant District Attorneys. He is requesting this given the current recruitment issues and believes this will expand the pool of applicants. He noted that his preference will be to have them live in the County. Mr. Baker noted a Local Law was done waiving the residency requirement for part-time Assistant District Attorneys. He commented no other office has this requirement.

MOTION: WAIVING THE RESIDENCY REQUIREMENT FOR FULL-TIME ASSISTANT DISTRICT ATTORNEYS MADE BY MRS. LANDO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Ms. Prossick stated for clarification, my office is subject to the residency requirement. Mr. Schu asked do surrounding counties have this? Mr. Baker replied yes. The only one that I don’t know about is Chemung.

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

2. Department of Social Services
   a. Reclassify One Social Services Attorney to Senior Social Services Attorney – Mr. Alderman stated Ms. Muller is requesting the reclassification of one Social Services Attorney, Grade H to Senior Social Services Attorney, Grade I. There is an incumbent in the position who received an offer from another county. As we looked at the duties, they have morphed and warrant an upgrade. He requested authorization to reclassify the position and to hire above Step 5 at $91,753.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE SOCIAL SERVICES ATTORNEY, GRADE H TO SENIOR SOCIAL SERVICES ATTORNEY, GRADE I AND APPROVING HIRING ABOVE MID-POINT AT $91,753 MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Swackhamer asked what is the individual currently making? Mr. Alderman replied they are at $74,775 and with this promotion their new salary will be $91,753.

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

V. OTHER BUSINESS
   A. 2020 Census – Mr. Van Etten stated given the results of the 2020 Census, we need to go through the motions of redistricting this time and not kick the can down the road like we did in 2011. There have been some pretty significant swings in the districts. Mrs. Lando asked will we use what we did before? Mr. Van Etten replied yes. Mr. Wheeler stated yes, we have saved those electronically and can put the new numbers in. It is more of a threshold question this time; do you want to do anything? The disparity is striking enough from last time and is not any better. One of the questions is how many Legislators do you want? Do you want to keep 17? If I recall, the ideal makeup without getting into splitting districts by roads and keeping the municipalities whole, other than 17 is 11 or 23. There were five different scenarios for keeping 17 Legislators. We can work on this and see if those still hold valid. There are swings, but not so astronomical that the framework we had previously would not work.

Mr. Van Etten asked Mr. Wheeler, for those Legislators who are new to this process, to talk about what our duty is with relation to this. Mr. Wheeler explained every census you have to evaluate your districts. You don’t want to do anything that risks the one person one vote. That goes to weighting. Weighting is certainly acceptable under the law. The problem in a re-weighting scenario is that Erwin would have comparatively much more voice on the Legislature. Practically, that might not be that big of a deal.

Mr. Schu asked how many issues come down to a weighted vote? Ms. Prossick replied we have had that happen at least once since I have been here. Mr. Van Etten stated it is concerning that if the weighted vote is based on the 2020 census, that Erwin is representing 60 percent more than the Hornell district; 723 versus 451. That is lopsided. It still is not fully one person one vote. Ms. Lattimer stated we don’t use it very much, but I remember the days when we did. It is our
responsibility to look at it and make it fair. Mr. Swackhamer stated eight to ten years ago we had at least one vote per meeting where weighted voting mattered.

Mr. Malter asked do you have a plan for redistricting? Mr. Wheeler replied we do not have a plan. Mr. Brewer and I would develop scenarios if you would like us to. Mr. Van Etten stated this is a kickoff discussion for looking at that.

Mrs. Lando stated my complaint last time was that if it was not broken then let’s try not to fix anything. Maybe now is the time. We have very few instances of weighted voting becoming an issue.

Mr. Malter asked with an election with new Legislators coming in, how would that affect them if we change the districts? Mr. Wheeler stated if you change a district, at a date set, everyone in the district would be up for election. Mr. Potter asked will this information be sent to us? Mr. Wheeler replied yes. You will get a ton of information from us. Mr. Horton asked everyone would be up for election in the same year? Mr. Van Etten replied yes if we did a total redistricting. Mrs. Scotchmer stated redistricting would require a mandatory referendum. Ms. Prossick stated yes and the earliest you could do it would be 2022. Mr. Wheeler stated there would also be a Charter amendment. Mr. Swackhamer asked will this take a couple of years? Mr. Wheeler replied yes, we would be looking at 2023/2024. Mr. Van Etten stated we just need to go through the process.

Ms. Fitzpatrick stated we need to understand the process. I have no idea where we start. Mr. Wheeler stated first we get the raw data. The next step is us developing different scenarios for you based on the parameters of what you want to look at in terms of more or less Legislators. Do you want to stay at 17? How far and wide do you want to look at that? He stated 17 seems like a very good number. Mr. Swackhamer commented with the amount of work we have and emails, 17 seems like a good number. You had some good plans last time. Mr. Wheeler stated we will show you the plans. Some of the plans changed a few districts and some changed more. The majority are multi-member districts.

Mr. Nichols stated if everyone is worried about Erwin, go to 18 Legislators and split that 723. A lot of the others are close. The only big one is Erwin. Mr. Wheeler commented Erwin is on the high side and Hornell is on the low side. You could look at combining the Town of Hornellsville and the City of Hornell, but then are you treating one city differently?

Mr. Malter asked if we went to 18 Legislators would that require a public referendum? Mr. Wheeler replies yes. Anything other than changing the weights will require a public referendum. Mr. Nichols commented the easiest is to do the weights. Mr. Wheeler replied yes and that can be done by resolution. Mr. Wheeler asked if it was okay if they start the process at the beginning of the year given everything going on with the budget, negotiations, etc.? Mr. Van Etten stated yes. Ms. Prossick stated anything requiring a public referendum will need to be to Elections by August 2022.

MOTION: TO ADJOURN MADE BY MR. SWACKHAMER. SECONDED BY MRS. LANDO. 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 12, 2021
9:00 a.m.

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