

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, February 9, 2016

10:00 a.m.

Legislative Chambers

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair	Carol A. Ferratella	Scott J. Van Etten
STAFF:	Jack K. Wheeler Shawn Corey Wendy Flaitz Alan Reed Jennifer McPhail	Mitch Alger Brenda Mori Nancy Smith Judy Hunter Jim Gallagher	Kelly Penziul Ken Peaslee Andy Morse Nathan Alderman Tammy Hurd-Harvey
LEGISLATORS:	Joseph J. Hauryski Aaron I. Mullen	Kelly H. Fitzpatrick Gary B. Roush	K. Michael Hanna
ABSENT:	Hilda T. Lando	Robin K. Lattimer	
OTHERS:	Youth In Government Interns		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 12, 2016, MEETING MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. DEPARTMENT REQUESTS

A. Real Property Tax Service Agency

1. **Data Collection Services RFP** – Mrs. Flaitz informed the committee they had put out an RFP for Data Collection Services, however, they came back higher than we thought they would. She would like to make some clarifications with the specifications and reissue. Mrs. Ferratella asked when would the RFP's be due back? Mr. Wheeler replied the standard is about a month. Mr. Schu asked how high were the proposals? Mrs. Flaitz replied they came in at a wide range.

MOTION: REJECTING THE REQUESTS FOR PROPOSAL FOR DATA COLLECTION SERVICES AND AUTHORIZING THE DIRECTOR OF THE REAL PROPERTY TAX SERVICE AGENCY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO REISSUE THE REQUEST FOR PROPOSALS MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. **Gas Production** – Mrs. Flaitz commented that they have seen gas production in the County decrease 2 percent. However, oil production increased 2 percent.

B. Law Department

1. **Legal Services RFP** – Mr. Reed stated he had requested authorization to procure requests for proposals for a wide range of legal services to help supplement his department, the County Manager and Personnel, specifically with negotiation services, grievances, etc. We received seven responses and the rates were

uniform, at or above \$200 per hour. In our RFP we indicated that we would need no less than 20 hours per month. Mr. Reed recommended awarding the RFP to the law firm of Roemer Wallens Gold.

Mr. Wheeler commented with regard to negotiating services, we have two units whose contracts will be up this year and there will be a lot of work with negotiations. The ability of having a retainer fee with no cap is another benefit of this law firm.

Mr. Van Etten asked do you use different firms for different legal work? Mr. Reed replied we do. Historically we have used Barclay Damon for tort claims, Underberg Kessler for medical claims at the Jail and Philips Lytle for human rights violations. Mr. Wheeler stated we have used Roemer in the past for labor issues. This RFP provides us with pre-litigation services and helps us in routine matters that may require specific attention. Mr. Van Etten asked awarding this RFP will not limit you? Mr. Reed replied no. Mr. Wheeler stated Roemer does this type of work for many counties and we are currently using them.

MOTION: AWARDING THE REQUEST FOR PROPOSAL FOR LEGAL SERVICES TO THE LAW FIRM OF ROEMER WALLENS GOLD FOR A RETAINER FEE OF \$42,000 PER YEAR AND AUTHORIZING THE COUNTY ATTORNEY TO SIGN A RETAINER AGREEMENT MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. **Amending Local Law No. Two of 1978 Relative to Notice of Written Defect** – Mr. Reed informed the committee that Local Law No. Two of 1978 specifically addresses the conditions of county highways. It would appear that the County has broader authority on defective conditions on its premises. We can require, and be given, notice in writing. Requiring written notice establishes a record of when the County was notified of the defect, the process, and how it was taken care of. He requested an amendment to the Local Law that notice of written defect shall apply to county highways and any premises of the County, including sidewalks. He also would like to change to whom the written notice of defect is to be filed. The previous local law states that it is filed with the County Clerk, however, he believes that it may be more effective to have the filing come to the Clerk of the Legislature, who would then pass it on to Public Works. The Local Law would also allow notification to be provided directly to Public Works, or in the case of buildings and sidewalks, to Buildings & Grounds.

Mr. Hanna asked who gives notice? Mr. Reed replied any person or entity who becomes aware of a defect. Mr. Wheeler replied we do this now, but prior written notice was really just for the highways. The amendment extends the requirement to all premises and gives the County a little more protection. Mrs. Ferratella asked does this impact the properties that we lease? Mr. Reed replied it would be applicable to those as well.

Mr. Van Etten asked does each municipality have to draft their own local law with regard to the roads? Mr. Reed replied it is the municipality's duty, in State law, to maintain their highways. It is recognized that municipalities be provided written notice if we elect to do so.

MOTION: AMENDING LOCAL LAW NO. TWO OF 1978 RELATIVE TO THE NOTICE OF WRITTEN DEFECT TO INCLUDE ALL PREMISES OF THE COUNTY, INCLUDING SIDEWALKS, AND REQUIRING NOTICE BE FILED WITH THE CLERK OF THE LEGISLATURE MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0. *Resolution Required.*

3. **Universal Settlement** – Mr. Reed informed the committee that the Universal Settlement for health care facilities' Medicaid rate appeals was filed with the State and remains unsettled. The State offered a universal settlement to various counties and public/private health care facilities on reimbursements. There was a release that the County needed to sign in order for the State to make the funds available. Mr. Corey reviewed the release that was required and had an issue with that release. We secured counsel from Harter Secrest & Emery to assist in the review. They also had issues with the release, as did other counties. The release required that the County Manager provide personal exposure/liability if there was a claim against the State in reference to Steuben

County. A number of counties did not review the release and just signed it. We were required to submit the signed release to the State by Friday, February 5, 2016.

Mr. Wheeler commented the release also falls upon heirs as well. It is important to sign so that we can lay claim to approximately \$750,000. Some of that amount is in question with the counties, but if you did not sign the release, then we would not be eligible for any.

Mr. Reed stated we have a local law which indemnifies public officials, and Mr. Wheeler's action is within the scope of his duties. In light of the exposure, he is requesting that the County ratify and confirm Mr. Wheeler's action and provide indemnification under the Local Law in signing the release on the universal settlement. This means that in the event of a claim, Mr. Wheeler will not be held personally liable.

MOTION: RATIFYING AND CONFIRMING THE ACTIONS OF COUNTY MANAGER, JACK WHEELER, AND PROVIDING INDEMNIFICATION UNDER THE LOCAL LAW RELATIVE TO THE SIGNING OF THE RELEASE ON THE UNIVERSAL SETTLEMENT MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required

C. Information Technology

1. **Phone Maintenance Renewal** – Mr. Peaslee informed the committee that Ronco installed the new SYSCO phone system. He requested authorization to extend the maintenance contract with Ronco for a three year term, at a rate of \$42,449.76 annually.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY TO EXTEND THE PHONE MAINTENANCE CONTRACT WITH RONCO FOR THREE YEARS AT A RATE OF \$42,449.76 PER YEAR MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

D. Purchasing

1. **Copy Paper Bid** – Mr. Morse recommended awarding the quarterly copy paper bid to the low bidder, Contract Paper Group, at a rate of \$24.90 per case.

MOTION: AWARDING THE QUARTERLY COPY PAPER BID TO THE LOW BIDDER, CONTRACT PAPER GROUP, AT A RATE OF \$24.90 PER CASE MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. **Copier Maintenance Contract Renewal** – Mr. Morse requested authorization to renew the copier maintenance contract with Ricoh for an annual cost of \$47,250.

MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO RENEW THE COPIER MAINTENANCE CONTRACT WITH RICOH AT A RATE OF \$47,250 PER YEAR MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

E. Personnel

1. **RFP for Civil Service Software Project** – Ms. Smith requested authorization to put out a Request for Proposal for the Civil Service Software Project. Our current software, PSTek, is no longer supported.

MOTION: AUTHORIZING THE PERSONNEL DIRECTOR, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS FOR CIVIL SERVICE SOFTWARE MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

F. County Manager

1. **Revisions to Administrative Code** – Mr. Wheeler stated the committee received the proposed changes to the *Administrative Code*. Many of the changes reference changes to State Law and updated policies.

Part 4 – Finance, involves clarification regarding transfers within salary lines and equipment. One change of note is to increase the unbudgeted contract threshold to \$10,000 with Standing and Finance Committee approvals. Any contract in excess of that would require approval of the Full Board. Currently the threshold is \$5,000 and any new contracts have to go to the Full Board.

Mr. Wheeler stated we made many edits to the Purchasing Policy to clarify current statutes and regulations. We have put a \$100 minimum on assets that we track and report. Mr. Van Etten commented that \$100 is significantly low compared to the corporate world where items are not tracked until they are \$3,000 or more. He would be in favor of increasing that to \$500 or \$1,000. Mr. Wheeler stated we had a discussion about that. By moving it to \$100, we are able to capture 80 percent of our assets. If we move it to \$250, then we are only capturing 70 percent. We will keep an eye on this and if we need to change it, we will bring it back for review.

MOTION: APPROVING THE ADMINISTRATIVE CODE REVISIONS AS PRESENTED BY THE COUNTY MANAGER MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. **Fiber Project** – Mr. Wheeler stated Mr. Peaslee has been working with ECC and we feel that we can get a significant price reduction if we bid out the equipment. This will not slow down the timeframe for the completion of the project. He requested authorization to issue a request for proposal for fiber equipment.

MOTION: AUTHORIZING THE COUNTY MANAGER IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS FOR EQUIPMENT FOR THE FIBER PROJECT MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN ETTEN. 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 8, 2016.
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 2, 2016.**