

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, December 10, 2019

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Scott J. Van Etten, Vice Chair Robin K. Lattimer	Carol A. Ferratella	Hilda T. Lando
STAFF:	Jack K. Wheeler Scott Sprague Tammy Hurd-Harvey Jennifer DeMonstoy Matt Sousa Jennifer Prossick	Christopher Brewer Andy Morse Wendy Jordan Ryan Cody John McNelis Craig Patrick	Brenda Mori Nate Alderman Pat Donnelly Rob Wolverton Judy Hunter
LEGISLATORS:	Joseph J. Hauryski John V. Malter Gary B. Roush	Kelly H. Fitzpatrick Robert V. Nichols	K. Michael Hanna Frederick G. Potter
ABSENT:	Brian C. Schu, Chair		
OTHERS:	Jeffrey P. Horton, Legislator-Elect James Post, <i>The Leader</i> Mary Perham		

I. CALL TO ORDER

Mr. Van Etten called the meeting to order at 9:00 a.m. and asked Mrs. Hunter to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE NOVEMBER 12, 2019, AND NOVEMBER 25, 2019, MEETINGS MADE BY MRS. LANDO. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MS. LATTIMER ABSENT FOR VOTE)

III. DEPARTMENT REQUESTS

A. Information Technology

1. **RFP – Replacement UPS for Server Room** – Mr. Wolverton requested authorization to issue an RFP for the replacement UPS for the server room. This is a backup for all of our servers. Last year we were quoted a price of \$23,000.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR THE REPLACEMENT UPS FOR THE SERVER ROOM MADE BY MRS. FERRATELLA. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MS. LATTIMER ABSENT FOR VOTE)

2. **RFP – CISCO Phone System Support and Maintenance** – Mr. Wolverton requested authorization to issue an RFP for the CISCO phone system support and maintenance. He stated they are at the

end of their term with Ronco. We are currently paying \$3,500 per month for maintenance and support and he believes that is high.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR THE CISCO PHONE SYSTEM SUPPORT AND MAINTENANCE MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **RFP – HIPAA HiTech Audit** – Mr. Wolverton requested authorization to issue an RFP for a HIPAA HiTech Audit. He explained we have not done this in the last two years and this should be done every other year. We do have money budgeted. Mr. Wolverton explained this audit will make sure that we are in compliance with HIPAA requirements.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR A HIPAA HITECH AUDIT MADE BY MRS. FERRATELLA. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

4. **RFP – NY SHIELD Act Audit** – Mr. Wolverton requested authorization to issue an RFP for the NY SHIELD Act Audit. He explained this is new State Legislation to ensure that all personal information is compliant with HIPAA. We should have no problem with this, but he would like to do the audit to see where we stand. Ms. Lattimer asked is this budgeted for? Mr. Wolverton replied yes, he has a line item for audits.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR TO ISSUE AN RFP FOR THE NY SHIELD ACT AUDIT MADE BY MRS. LANDO. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

5. **Approval to Purchase New Firewalls** – Mr. Wolverton requested authorization to purchase new firewalls for the County Office Building, Public Safety Building and all branch offices. Our current firewall is at end of life as it is licensed through July 2020. We received quotes from Sophos - \$52,966; Fortigate - \$68,725 and Palo Alto - \$76,321.90. He recommended awarding to the low bidder, Sophos for \$52,966 for three years. This cost represents the total three year cost for hardware, maintenance and support. This system will also integrate without antivirus software.

MOTION: AUTHORIZING THE DIRETOR OF INFORMATION TECHNOLOGY TO PURCHASE NEW FIREWALLS FOR THE COUNTY OFFICE BUILDING, PUBLIC SAFETY BUILDING AND ALL BRANCH OFFICES FROM SOPHOS FOR A TOTAL THREE YEAR COST OF \$52,966 WHICH INCLUDES HARDWARE, MAINTENANCE AND SUPPORT MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Real Property Tax Service Agency

1. **Tax Certiorari** – Mrs. Jordan informed the committee she has received a request from the Town of Campbell to participate in a tax certiorari for Kraft General Foods. She stated they have not yet received an estimate on the cost. Mr. Donnelly commented last time we had to do a trial-ready appraisal, the total cost was \$38,000 and then we portioned that out by the tax rate. He explained the County takes the appraisal fee and the school takes the attorney fees.

Mr. Hauryski asked how does this tax certiorari differ from the previous one? Mr. Donnelly explained there were seven years at issue and they went to trial on three years and prevailed. This is something that can happen every year in order for them to preserve their rights to challenge in court and they filed another tax certiorari to preserve their rights.

Mr. Malter asked who bears the cost of the \$38,000? Mr. Donnelly replied the County is charged and we have money budgeted for tax certioraris. Mr. Malter asked how many of these do we typically do in a year? Ms.

Prossick replied we usually do about six per year. We are not the taxing entity so we do not have a definite cost. We get involved when we need to.

MOTION: AUTHORIZING THE COUNTY'S PARTICIPATION IN A TAX CERTIORI RELATIVE TO KRAFT GENERAL FOODS, IN AN AMOUNT UP TO \$10,000 MADE BY MS. LATTIMER. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

C. Commissioner of Finance

1. **Sun Life & Health Insurance Company Stop Loss Policy Renewal** – Mrs. Hurd-Harvey informed the committee last year our self-insurance retainage for stop loss coverage for health insurance was \$750,000. That was approved for one year. Our premium for this year will increase \$20,000 to \$128,000 for the same retainage amount of \$750,000. If we increased our retainage to \$775,000 our premium would be \$124,000 and if we increase the retainage to \$800,000 our premium would be \$120,000. The increase in the premium is based on industry trends and the increased cost of health care. We are also in a pool and the rates are based on the pool and experience and that is shared with everyone in the pool. Mrs. Hurd-Harvey stated Gallagher has recommended that we stay at a retainage of \$750,000 with a premium rate of \$128,000.

Ms. Fitzpatrick asked is there a savings yield on the health insurance premium side? Mrs. Hurd-Harvey replied no. Mr. Van Etten commented he would increase the retainage to \$800,000 and take the premium savings. Given we had no experiences last year, he would take the additional risk at no additional cost.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO RENEW THE STOP LOSS POLICY WITH SUN LIFE & HEALTH INSURANCE COMPANY FOR AN \$800,000 RETAINAGE WITH A PREMIUM OF \$120,000 MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D. Risk Manager

1. **Contract Renewals**

- *PERMA – Workers' Compensation Plan* – Mr. Sprague stated in 2017 the committee approved a contract with PERMA with the option of five, one-year renewals. PERMA has come to us with a proposal to extend that contract to 2025. This five year option will allow the County to project our costs over the next five years and will result in a premium savings of \$10,000 per year. Mr. Sprague noted our contribution costs for 2020 will be \$620,098. Included in this five year option, we will no longer be charged for the allocated loss adjustment expenses, attorney fees, investigation expenses, etc. This equates to an annual savings of \$50,000 in additional costs. Additionally, if the Plan meets the claims criteria in years four and five, we will receive a 3 percent decrease in the PERMA contribution.

MOTION: AUTHORIZING THE RISK MANAGER TO EXTEND THE CONTRACT WITH PERMA FOR THE WORKERS' COMPENSATION PLAN THROUGH DECEMBER 31, 2025 MADE BY MRS. LANDO. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

- *PERMA – Tail Claims* – Mr. Sprague requested authorization to renew the contract with PERMA for the administration of the tails claims. We paid \$40,000 last year and the cost for 2020 will be \$35,000. He anticipates the annual cost will continue to decrease as we go through these. Mrs. Ferratella asked how many open tail claims do we have? Mr. Sprague replied we have about 50.

MOTION: AUTHORIZING THE RISK MANAGER TO RENEW THE CONTRACT WITH PERMA FOR THE ADMINISTRATION OF THE TAIL CLAIMS FOR AN ANNUAL COST OF \$35,000 MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

E. Purchasing

1. **Ricoh Maintenance Contract Renewal** – Mr. Morse informed the committee that with our copier maintenance, half of our copiers are Toshiba and half are Ricoh. He is on a four-year plan to replace the Ricoh copiers and as of January we will have replaced about three-quarters of the fleet. Next year we will be able to replace the remaining Ricoh machines. He requested authorization to renew the contract with Ricoh for copier maintenance for the remaining Ricoh copiers. Last year the contract was \$16,000 and for 2020 it will be \$8,000. He commented the Toshiba machines are very good, have better technology and the maintenance costs are substantially less.

MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO RENEW THE CONTRACT WITH RICOH FOR COPIER MAINTENANCE FOR AN ANNUAL COST OF \$8,000 MADE BY MS. LATTIMER. SECONDED BY MRS. LANDO FOR DISCUSSION.

Mr. Swackhamer asked what is the contract term? Mr. Morse replied it is a one year contract and the cost is based on the number of images we make. Mr. Swackhamer asked are the new copiers on contract? Mr. Morse replied the new copiers are on State contract and the maintenance costs have been locked in for five years.

Mrs. Lando asked are we getting rid of the copiers that we do not need anymore? Mr. Morse replied yes. We are also trying to get rid of the printers and use the multi-function copiers instead. The image cost is less using a multi-function copier compared to using a printer.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 4-0.

F. Personnel

1. **Contract - Roemer Wallens Gold & Mineaux, LLP** – Mr. Alderman stated traditionally this contract was through the Law Department. It seemed to be more logical to have the contract through our departments as they are our labor attorney and we do have a line item in our budget for this purpose. He requested authorization to waive the RFP process and enter into a three-year contract. Ms. Prossick commented she has looked at this and almost every time this contract was utilized, it was used by Personnel, so it makes sense to shift the contract to Personnel.

MOTION: WAIVING THE RFP PROCESS AND AUTHORIZING THE PERSONNEL OFFICER TO ENTER INTO A THREE-YEAR CONTRACT WITH ROEMER WALLENS GOLD & MINEAUX, LLP FOR LEGAL COUNSEL SERVICES MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Mrs. Lando asked why are we waiving the RFP? Ms. Prossick explained we can waive the RFP for professional services to provide for continuity of service.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Administrative Code Amendment – Outside Employment Policy** – Mr. Alderman presented the recommended changes to the Outside Employment Policy. The previous language was sparse and while we have had the policy for twenty years, if someone wanted to engage in outside employment, there was no true approval process. What we have done is change the language for approval or disapproval; where the employee and department head will get something to retain. We have had issues with employees taking leave time to work elsewhere, and that is prohibited by the *Administrative Code*. If an employee has any changes with regard to outside employment, they are required to notify Personnel. Ms. Prossick commented the Ethics Board will also review these applications. Ms. Mori suggested a copy of the applications be filed with the Ethics Board. Mr. Alderman agreed to make that change.

Mrs. Ferratella asked does this apply to everyone, including management? Mr. Alderman replied yes. Mr. Malter asked if we are changing this, does the contract with the Union need to be changed? Mr. Wheeler replied no. Mr. Van Etten suggested adding public or private business rather than just private.

Mr. Swackhamer asked what about our part-time employees and attorneys? Mr. Alderman replied we will still have them fill this out as we still have to be able to schedule people. Mr. Swackhamer asked if someone already has outside employment, would you review that at the first of the year? Mr. Alderman replied he would defer to the committee. Do you want us to review the current list? Ms. Mori commented with regard to attorneys, ultimately the Legislature is going to need to make a decision. A previous Legislature determined that if an attorney was full-time they could not operate a private practice as well. That is no longer being adhered to. Ms. Prossick stated this is showing up as new issues have come up. This is a global view of what has been missed in this process.

MOTION: AMENDING THE ADMINISTRATIVE CODE RELATIVE TO THE OUTSIDE EMPLOYEE POLICY AS PRESENTED BY THE PERSONNEL OFFICER AND INCLUDING PUBLIC AND PRIVATE BUSINESS MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Mr. Van Etten asked is this retroactive? He thinks it is. Mr. Wheeler replied this is a new policy with a new form. Mr. Alderman stated we will end up doing a mass communication to all employees. Ms. Prossick commented this policy is just enforcing what the law already is.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

G. County Manager

1. **Contract Renewals**

- *Public Relations* – Mr. Wheeler requested authorization to renew the public relations contract with Perham Communications for an annual cost of **\$22,000**.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE PUBLIC RELATIONS CONTRACT WITH PERHAM COMMUNICATIONS FOR AN ANNUAL COST OF \$22,000 MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

- *Securitas Security Services USA, Inc.* – Mr. Wheeler explained Securitas provides us with off-hours coverage and staffing to supplement court security. We are mandated to have security as we are court located and we are reimbursed half of the cost through the Department of Social Services. The contract has increased 7 percent as prevailing wage is increasing. The contract is \$27.00 per hour. This is a one-year contract with the option for four, one-year renewals.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE CONTRACT WITH SECURITAS SECURITY SERVICES USA, INC. TO PROVIDE OFF-HOURS COVERAGE AND STAFFING TO SUPPLEMENT COURT SECURITY AT AN HOURLY RATE OF \$27.00 MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

- *Archive Social* – Mr. Wheeler requested authorization to renew the contract with SHI for the backup of our social media accounts for records retention and FOIL purposes. The annual cost is \$2,507.40.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE CONTRACT WITH SHI FOR THE BACKUP OF SOCIAL MEDIA ACCOUNTS FOR AN ANNUAL COST OF \$2,507.40 MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **ProAction Lease** – Mr. Wheeler informed the committee that ProAction leases the old hospital building from us for \$1.00 per year. They pay utility costs and if there is a major maintenance issue, we share the cost. He requested authorization to renew the lease for five years.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE LEASE OF THE OLD HOSPITAL BUILDING TO PROACTION FOR AN ANNUAL COST OF \$1.00 PER YEAR FOR FIVE YEARS MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Census Grant** – Mr. Wheeler informed the committee that last Wednesday, his office and Planning were notified by New York State of the availability of funding for the 2020 census. There is \$15 million available to counties to assist with the census process. Our share is potentially \$180,910. In order to receive this funding the County has to provide additional services via contracts. He stated that some agencies have already approached the Planning Department. One of the additional services is promoting the census on social media and having people go out to promote this is in our favor as federal funding is dictated by population. By Friday, December 13th, we will need to submit a letter of interest. If the committee is interested in this, he can do this on the committee's behalf. He would also suggest that we do an RFP to see what vendors would be interested so that we can distribute the funds. There is no County cost involved.

Mr. Van Etten asked have we done this previously? Mr. Wheeler replied he knows that funding has been provided in the past. Mrs. Lando asked is this just pass through money? Mr. Wheeler replied yes, that would be his recommendation.

MOTION: AUTHORIZING THE COUNTY MANAGER TO SEND A LETTER OF INTEREST TO NEW YORK STATE AFFIRMING STEUBEN COUNTY'S INTEREST IN RECEIVING UP TO \$180,910 IN GRANT FUNDS TO ASSIST WITH THE 2020 CENSUS AND AUTHORIZING THE COUNTY MANAGER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR AGENCIES THAT WOULD BE WILLING TO ASSIST WITH CENSUS PROMOTION MADE BY MS. LATTIMER. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

4. **Appointment of Commissioner of Finance** – Mr. Hauryski stated he is pleased to present Tammy Hurd-Harvey as his recommendation to the Legislature for appointment as Commissioner of Finance. The question has come up regarding her meeting the residency requirement and Mrs. Hurd-Harvey has informed me that she has met that requirement.

MOTION: APPOINTING TAMMY HURD-HARVEY AS COMMISSIONER OF FINANCE FOR A FIVE-YEAR TERM COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2024 MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.
Resolution Required.

H. County Clerk

1. **Green Light Legislation** – Mrs. Hunter informed the committee that the Green Light Legislation that was adopted by the Legislature and signed by the Governor takes effect December 16, 2019. She sent a letter in June to President Trump requesting the Justice Department review the legislation to see if there is a conflict. She received notification from the Justice Department and they have indicated that there is a conflict.

Ms. Prossick commented the State is saying we are not permitted to not enforce the legislation and the federal brief said yes you are. The case was heard Friday and we do not know if the County Clerk should enforce the State or Federal law. The governor is making threats that County Clerks that do not meet the requirements will be removed from office.

Mrs. Lando asked so what will happen on Monday, December 16, 2019? Mrs. Hunter replied she has had one hour of training last week and she also watched a video session. She also has a PowerPoint presentation of over 20 pages that covers the 100 regulation changes. The training has been inadequate.

Ms. Lattimer asked do you expect a run on these licenses in this County? Mrs. Hunter replied she is not expecting it, but it could happen. She stated her thought all along has been that there would be a stay.

Ms. Prossick stated this case was heard in the U.S. Northern District. One thing we are thinking if no decision is made this week, is to maybe set an internal policy that these types of matters will only be addressed between 10 am and noon and just work through it. The other option is to send them to a State office where they can get it done. If the court rules in favor of the County Clerk's and the State appeals and gets a stay, we will still have to enforce it.

Mr. Van Etten commented he would send these individuals to the State to get their licenses processed. Ms. Lattimer stated if we have the ability to send them to Binghamton, that is what we should do. Mrs. Hunter commented according to the Governor, we do not have the ability to do that.

Mr. Van Etten asked what are other counties doing? Mrs. Hunter replied some counties; Erie, Niagara and Genesee, are refusing to do it. At this point we cannot help these individuals because we do not have the forms and we have not had adequate training.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 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 MS. LATTIMER. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: SETTING THE SALARY FOR THE COMMISSIONER OF FINANCE AT \$99,999 AT GRADE L, STEP 5 MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MRS. LANDO. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN MADE BY MRS. LANDO. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Tuesday, January 14, 2020
Legislative Committee Room
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, January 8, 2020**