

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, July 14, 2020

9:00 a.m.

2nd Floor Conference Rooms

Annex Building

Bath, New York

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Gary D. Swackhamer	Robin K. Lattimer, Vice Chair	Kelly H. Fitzpatrick
STAFF:	Jack K. Wheeler Scott Sprague Andy Morse Patty Baroody	Christopher Brewer Jennifer DeMonstoy Tammy Hurd-Harvey Vince Spagnoletti	Brenda Scotchmer Wendy Jordan Nate Alderman Pat Donnelly
LEGISLATORS:	Jeffrey P. Horton Frederick G. Potter	Hilda T. Lando Gary B. Roush	John V. Malter
ABSENT:	Carol A. Ferratella		
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 9, 2020, MEETING MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. Risk Manager

1. **2021 Workers' Compensation Budget and Apportionment Schedule** – Mr. Sprague informed the committee that this year PERMA put together an actuarial report for us and this is the first time it has been done in four or five years. Our plan is in fantastic shape and is well funded. Our reserve should be in the \$6 million to \$7 million range and we are at \$10 million. Our budget should be in the \$2.3 million to \$2.4 million range and for 2020 we were at \$3.3 million. This will be reduced as our main goal is to get closer to where we really need to be. For 2021 our budget is \$2.7 million which is a significant drop over last year. Looking ahead to 2022, we could see an additional decrease as well.

Mr. Schu asked is that because of the safety training? Mr. Sprague replied we have seen a real low number of claims this year and that is due to safety trainings. PERMA does a great job with the claims that we do see. The other thing that has helped our budget is that we have added the Village of Bath, Town of Urbana, Village of Hammondsport and the City of Hornell to the plan and that helps.

Mr. Malter commented in your breakout of the apportionment schedule, several communities have the same appropriation for 2020 and 2021. Are those the new participants? Mr. Sprague replied no. Now when the budget goes out we do the apportionment breakdown by participant. We initially started the conversation when we did the allocation change that we needed to be 8 – 10 percent below market value and now we need to be at 15 percent below market value. With the allocation report it shows a number of the municipalities went down.

Those that went down are due to a combination of the budget decreasing, rate of claims, etc. and they are seeing a good rate of decrease. The Village of Wayland went down because the fire district had originally been included with the village, and they are separate and have their own insurance so we pulled them out. When we looked at the remaining municipalities and, given the world situation, we kept things flat. There are six or seven that will need to come up and that will get them closer to being 15 percent below market; that will be a project for next year.

Mr. Sprague noted the County's cost for premiums decreased to \$540,000. We do typically pay \$2.1 to \$2.2 million and this year we are paying \$1.5 million. We are trying to get that number down.

Mr. Sprague explained we put all types of programs together and all of the municipalities have attended and participated. PERMA does a great job of getting out on the street with this information. Our claims are very, very low and we are in great shape. Mr. Swackhamer commented Public Works puts on a lot of training sessions for their staff. Mr. Sprague stated we are always trying to add more training.

Ms. Fitzpatrick asked does the Village of Bath include the fire district? Mr. Sprague replied yes.

Mr. Van Etten asked is there any way to communicate what the position of the plan is with the non-participating municipalities so they understand they would be below market? Mr. Sprague replied right now we are working with the Town of Wayland and the Town of Caton to have that conversation. It makes sense for them to cap their premium level.

MOTION: APPROVING THE 2021 WORKERS' COMPENSATION BUDGET AND THE 2021 WORKERS' COMPENSATION TABLE OF APPORTIONMENT MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

B. Clerk of the Legislature

1. **Ethics Local Law** – Mrs. Scotchmer stated she, Ms. Prossick and the Ethics Board have been working on a revision of the Ethics Local Law. She asked if there were any questions or comments.

Ms. Lattimer stated the Local Law (codified version) states that members of the Ethics Board shall not serve more than two, three-year terms. On my copy that is lined out. Is that because of Article 18 of the General Municipal Law? Mrs. Scotchmer explained each member serves a three-year term and may be reappointed without term limitations. Ms. Lattimer asked what is the reasoning for that? Mrs. Scotchmer replied the original Local Law removed the term limits because we were having issues finding people to serve. We used Sullivan County as a template as they are a Charter county with a County Manager and they included a term limit and they have five members which are politically appointed. She commented she does not believe they are supposed to be political appointments if they are a Charter county. Ms. Lattimer asked so the alternative is to serve in perpetuity? Mrs. Scotchmer replied yes.

Ms. Lattimer suggested once this is put into action, if approved, that you have the financial disclosure in this. Mrs. Scotchmer stated the new law allows the Ethics Board to promulgate the financial disclosure to suit the County's needs.

Ms. Fitzpatrick asked for an explanation of the ability to investigate without a formal request and link to employee discipline. Mrs. Scotchmer referenced Section 5, b, in the new law. While the board could always recommend an employee be reprimanded, suspended or removed from office/employment, they couldn't investigate without a formal complaint being filed. Now the ability to recommend reprimand, suspension or removal is subject to the provisions of the Civil Service Law or collective bargaining agreement and if the Ethics Board becomes aware of a potential violation, they can start an immediate investigation versus having to wait until someone reports it .

Mr. Malter asked who is on the Ethics Board? Mrs. Scotchmer replied me, Mitch Alger and Joe Rumsey. Mr. Malter asked why do we only have three? Mrs. Scotchmer replied it is hard to find people to serve.

MOTION: PRESENTING LOCAL LAW NO. 1 OF 2020, AMENDING THE STEUBEN COUNTY ETHICS AND DISCLOSURE LAW IN COMPLIANCE WITH ARTICLE 18 OF THE GENERAL MUNICIPAL LAW MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

2. **Charter** – Mrs. Scotchmer stated another project that she has been working on with Ms. Prossick is the codification of our local laws and a review of the charter. In the course of doing the codification, which is required by the State, I went through all the local laws to make sure they were included in the Charter. Once the codification is all put together, it will be 120 pages. She stated Ms. Prossick is in the process of reviewing the changes to the Charter; however, we learned that we need the Legislature’s permission. She requested a resolution authorizing her, the County Manager and the County Attorney to conduct a complete review of any potential changes to the Charter. Once that is done, the changes to the Charter will require a mandatory referendum and would go on the ballot next year. The codification will become an appendix to the *Administrative Code* and will also require an annual local law. She explained that when a Local Law needs to be added to the codified local laws, we will amend the appendix and at the end of the year adopt another local law amending the entire codification and file it with the State.

MOTION: AUTHORIZING THE CLERK OF THE LEGISLATURE, THE COUNTY ATTORNEY AND THE COUNTY MANAGER TO CONDUCT A REVIEW OF THE CHARTER AND RECOMMEND ANY CHANGES MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER FOR DISCUSSION.

Mr. Malter asked so we are authorizing a review of the Charter and then you will come back to the Legislature for approval of any changes? Mr. Wheeler replied yes. Mrs. Scotchmer stated that will be in the form of a local law which will be subject to mandatory referendum. Mr. Swackhamer suggested that the Legislature be given a couple of months to review any recommended changes.

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

C. County Manager

1. **County Clerk’s Office/DMV** - Mr. Wheeler stated he has been working with Chairman Van Etten on the DMV appointments schedule. He gives a lot of credit to Mrs. Cranmer who has been able to reduce appointment times down to 15-minute intervals for non-real ID transactions. That was not an easy task as she and a couple of other staff had to manually change the appointments. Mr. Swackhamer commented that should make things a little quicker.

Mr. Van Etten stated Mrs. Cranmer has done a great in being flexible. With Mrs. Hunter out on medical leave, Mrs. Cranmer has done a great job stepping up and making changes. I also pushed for drop boxes at the Corning and Hornell DMV offices and I wanted to see us increase the frequency in which people could come in. Mr. Wheeler commented this will also help our staff too and the drop boxes continue to be heavily used.

Mr. Malter asked will this be our new “normal” for this operation? Mr. Wheeler replied we keep pushing the State on when we can have walk-in’s. We don’t want to open the building for walk-in’s and have the crush of people coming in and being turned away from DMV.

2. **Phased Reopening** – Ms. Fitzpatrick asked has there been any word on the changes to the phases and will we ever get to a higher capacity for indoor dining other than 50 percent? Mr. Wheeler replied these are being individually decided. He would not expect to see an increase in the 50 percent capacity for indoor dining any time soon. We keep pushing daily on gyms/fitness center, bowling alleys, etc.

Mr. Swackhamer asked what about our workforce? Mr. Wheeler replied we are allowing telework, otherwise everyone is back on-site. We have about 15 percent that are teleworking and that is actually probably less. It is not a significant amount, but enough to help reduce our capacity. The majority of the teleworking is being done by staff in Mental Health and Social Services. Ms. Prossick commented attorneys are also teleworking as courts are still not being held in-person.

3. **Broadband** – Ms. Fitzpatrick asked has there been any mention of speeding up the process for high speed internet? Mr. Wheeler replied we applied for the USDA grant and the Fujitsu study is still ongoing. We are reviewing potential business models. We are hoping there will be another round of federal stimulus and State funding. Everyone is recognizing that rural broadband is super important. Mr. Swackhamer asked is there a State or Federal law that mandates that companies speed things up? Mr. Wheeler replied there is no Federal law, however, the State Regulatory Authority (Public Service Commission) could strongly encourage. Mr. Malter asked which companies are expanding? In my area they are running cable and putting it in place. Mr. Wheeler replied both Charter and Armstrong have been doing a lot of work.

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 MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Tuesday, August 11, 2020
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, August 5, 2020**