

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, March 10, 2020

9:00 a.m.

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

****MINUTES****

COMMITTEE: Brian C. Schu, Chair Carol A. Ferratella Kelly H. Fitzpatrick
Gary D. Swackhamer

STAFF: Jack K. Wheeler Christopher Brewer Brenda Mori
Doug Rapalee Rob Wolverton Jennifer Prossick
Andy Morse Nate Alderman Jennifer DeMonstoy
Judy Hunter Sue Cranmer Craig Patrick
Matt Sousa Brooks Baker James Allard

ABSENT: Robin K. Lattimer, Vice Chair

OTHERS: Mary Perham
James Post, *The Leader*

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 11, 2020, MEETING MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENT REQUESTS

A. Purchasing

1. **Request to Bid Polyethylene Bags and Custodial Paper Products** – Mr. Morse requested authorization to issue bids for polyethylene bags and custodial paper products. He commented last year we spent \$7,500 on the polyethylene bags and \$23,000 on custodial paper products.

MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO ISSUE BIDS FOR POLYETHYLENE BAGS AND CUSTODIAL PAPER PRODUCTS MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. County Clerk

1. **Amendment to RPL 291** – Mrs. Hunter informed the committee that the Governor signed an amendment to RPL 291 which requires County Clerks to send a notice to the owner/owners of record of residential real property when a conveyance is recorded affecting their property. The New York State County Clerks Association has determined that a \$10 fee is reasonable for that document. In Steuben County, this fee will be applied to residential deed conveyance recording on and after March 11, 2020. Our vendor, IQS, is working on our software to accommodate this change. We also have notified the Steuben County Bar Association. The concept behind the amendment is to avoid deed fraud across the State. This amendment does not apply to commercial properties.

2. **Donate Life Month** – Mrs. Hunter stated April is designated as Donate Life Month. Our DMV offices will be promoting the organ donation program and the theme this year is Garden of Life. She asked for a resolution or proclamation designating April as Donate Life Month.

MOTION: DESIGNATING APRIL AS DONATE LIFE MONTH IN STEUBEN COUNTY MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

3. **Green Light Law Update** – Mrs. Hunter informed the committee that the New York State County Clerks Association supports the concerns raised by the Sheriff's Association and the Police Chiefs Association regarding the data contained within the driver's license. She stated the association sent a letter to the Governor and the Legislature urging immediate attention to restore access to the DMV database for all law enforcement agencies, including border patrol and customs. In addition to public safety, the Green Light Law creates a strain on New York's economic health. This affects the vehicle industry as well as the trucking industry as border patrol and customs cannot clear vehicles with NYS titles.

C. Personnel

1. **Request for RFP for EAP Services** – Mr. Alderman informed the committee that they are in the last extension of their current contract for EAP services. He requested authorization to issue an RFP for EAP Services.

MOTION: AUTHORIZING THE PERSONNEL OFFICER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR EAP SERVICES MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Request for RFP for Personnel/Civil Service Software System** – Mr. Alderman stated they are on the last extension of their current software contract. This is a specialized program that we use for the NYS Civil Service exams, employee lists, etc. He requested authorization to issue an RFP for a Personnel/Civil Service Software System.

MOTION: AUTHORIZING THE PERSONNEL OFFICER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR PERSONNEL/CIVIL SERVICE SOFTWARE SYSTEM MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Reclassifications – Public Works Department**

a. *Reclassify One Vacant Motor Equipment Operator Position, Grade VIII to an Automotive Mechanic Position, Grade X* – Mr. Alderman stated the Commissioner of Public Works is requesting the reclassification of a vacant Motor Equipment Operator position to an Automotive Mechanic Position which will be used at the Landfill. There has been an increased amount of garbage which has required more equipment and more maintenance. This position could also be used at the main shop.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT MOTOR EQUIPMENT OPERATION POSITION, GRADE VIII TO AN AUTOMOTIVE MECHANIC POSITION, GRADE X WITHIN THE PUBLIC WORKS DEPARTMENT MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

b. *Reclassify One Vacant Motor Equipment Operator Position, Grade VIII to a District Supervisor, Grade XV* – Mr. Alderman stated many years ago the number of District Supervisors was cut down to one. The Commissioner of Public Works is requesting an additional District Supervisor which would allow for one District Supervisor for the northern portion of the County and one District Supervisor for the southern portion of the County.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT MOTOR EQUIPMENT OPERATOR POSITION, GRADE VIII TO A DISTRICT SUPERVISOR, GRADE XV WITHIN THE PUBLIC WORKS DEPARTMENT MADE BY MRS. FERRATELLA. SECONDED BY MR. SWACKHAMER FOR DISCUSSION.

Mr. Wheeler explained we have expanded the job duties of the District Supervisor to focus additionally upon safety. This will now be a formal responsibility under the job specifications.

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

c. *Reclassify One Typist Position, Grade IV to an Account Clerk-Typist Position, Grade VI* – Mr. Alderman stated his office reviewed the duties and this position has morphed into additional duties, particularly financial, and that is consistent with an Account Clerk-Typist position.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE TYPIST POSITION, GRADE IV TO AN ACCOUNT CLERK-TYPIST POSITION, GRADE VI WITHIN THE PUBLIC WORKS DEPARTMENT MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

4. **16B Waiver – District Attorney** - Mr. Alderman stated the District Attorney is requesting a 16B Waiver to hire one part-time Assistant District Attorney, Management Grade H. He previously had a part-time position that was shared with Schuyler County and Schuyler County is no longer sharing that position. The District Attorney would not be adding people over what he already had.

Mr. Baker explained this is a budgeted position and we have had it since 2012. He is requesting filling this position due to Discovery Reform and CAP Court. As part of this process, he has spoken with Mr. Wheeler and one of the concerns that was raised was excess capacity. Mr. Baker stated he has been unable to find a paralegal and his intent is to zero-base that paralegal position. In order to keep our head above water with 245, we are utilizing a law student until she passes her bar exam. If we fill this part-time position and zero-base the paralegal position and not fill it until we have the need, we are saving money in our budget. This part-time position is a 50 percent position.

MOTION: WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION, MANAGEMENT GRADE H, IN THE DISTRICT ATTORNEY'S OFFICE MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Swackhamer asked what will this position do the other half of the time? Mr. Baker explained this is a half-time position. We pay for 50 percent of their time. This is the part-time position we have always used. Mr. Swackhamer asked do they have set hours? Mr. Baker replied no, just their court hours. As far as knowing exactly the number of hours, no, they do not have set hours. Mr. Schu commented the time you spend varies from court to court.

Mr. Swackhamer asked how are we keeping track of the part-time positions? Mr. Baker replied they are being kept track of based upon their job responsibilities. They do not punch in and out. If the job does not get done, we find out and then they are let go. Mr. Wheeler explained they are exempt employees like management and they only punch in once a day. They do not have start and stop times.

Mr. Baker stated as part of the retirement reporting, they report each hour they work which includes phone calls and setting up trials. They do have those court responsibilities. Mr. Swackhamer asked we have more part-time people; how are we controlling that? Mr. Baker replied they have assigned jobs. Mr. Swackhamer stated some of these positions are more than part-time and how do we take care of that? How is your office supposed to make

them accountable for their hours? Mr. Baker replied we know how long it takes to do the jobs they need to do. If the tasks are getting done, they are doing what they are supposed to do.

Ms. Fitzpatrick asked is it true that you are not able to fulfill the duties that need to be done? Mr. Baker stated we cannot get everything done right now. What is suffering is CAP court and we have reassigned how we do that. I have discussed this with the employees in the office and we are shifting one of our clerical positions to a morning shift. Right now we cannot get everything done. We cover 62 local court appearances every month along with County Court.

Mr. Swackhamer stated he just wants to know how everyone is getting checked. Mr. Baker stated he checks with the local courts to make sure the attorney are there. There is a report he runs monthly and he also gets regular input from the local court judges. In the past, if people fail to show up to court, they get fired. They are at-will employees. There is no other way that he can do it.

Mr. Van Etten stated as important as your concern about doing the work, my concern is how we know what they are doing the other half of the time and making sure there is no conflict with the County. We need to make sure that the part-time attorneys are not doing work that is against the County's interest. Mr. Baker stated attorneys have multiple codes of professional responsibility. District Attorneys have strict codes regarding conflicts. We have to determine who the client is when considering a conflict. We are employees of the County, but the County is not our client; the State of New York is. He is working with Ms. Prossick to create a code for people in our office that outlines the general code as outlined in the *Administrative Code*, the District Attorney's code and that for any and all conflicts, we would treat the County as a client. We will put all of this information into one document and that will be impressed upon all of the attorney's in the office.

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

D. County Manager

1. **Request Insurance Waiver for Three Rivers Development Corporation** – Mr. Wheeler requested an insurance waiver for Three Rivers Development Corporation. He explained we have a contract with them, in conjunction with Chemung and Schuyler for the I-86 Workforce Study Coordinator, Fred Arcuri. Our share of the contract is \$50,000.

MOTION: AUTHORIZING AN INSURANCE WAIVER FOR THREE RIVERS DEVELOPMENT CORPORATION RELATIVE TO THE CONTRACT FOR THE I-86 WORKFORCE STUDY COORDINATOR MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Request Adoption of Senate Bill S7816 and Assembly Bill A9796** – Mr. Wheeler informed the committee that we have received the bill numbers for extending Steuben County's Mortgage Recording Tax. He requested adoption of the Senate and Assembly bills.

MOTION: REQUESTING ADOPTION OF SENATE BILL S7816 AND ASSEMBLY BILL A9796 RELATIVE TO EXTENDING STEUBEN COUNTY'S MORTGAGE RECORDING TAX MADE BY MS. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

3. **Census Grant** – Mr. Sousa stated in December the County had submitted a letter of interest for a grant to target the hard to count population. There was \$180,000 available for the County and as part of the process we had to put out an RFP for a not-for-profit to conduct that count. Mr. Sousa stated four not-for-profits responded; Cornell Cooperative Extension, ProAction, Institute for Human Services and STLS. The funding will be distributed among the four agencies. We submitted our grant application in February and we are waiting on a final award amount and the date for the grant disbursement. He requested authorization to accept this grant funding. There is no match and this is just pass through funding. The census starts in April and runs through July.

MOTION: AUTHORIZING THE ACCEPTANCE OF A CENSUS GRANT IN AN AMOUNT UP TO \$180,000 TO BE DISBURSED TO CORNELL COOPERATIVE EXTENSION, PROACTION, INSTITUTE FOR HUMAN SERVICES AND STLS FOR THE PURPOSE OF TARGETING THE HARD TO COUNT POPULATIONS IN STEUBEN COUNTY MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

4. **Broadband Expansion** – Mr. Wheeler stated you authorized additional funding to STN (Southern Tier Network) for the Rural Broadband Initiative. This originally was going to be for the four counties of Steuben, Schuyler, Yates and Tioga, but Chemung is now back in. In the meantime, the USDA has come out with reconnect grants which require a 25 percent match. They will award up to \$25 million and the grant is due next Monday. STN, on behalf of the five counties, is applying for the reconnect grant. They made the decision that they would pay for the consultant to submit the application. If, for some reason, we all cannot determine a way to come up with the local match, we could always say that we are not interested in the grant. STN felt it was important enough to apply. The other four counties are in a similar situation with regard to whether they can come up with the match. The consultants are Fujitsu and Hunt. Mr. Wheeler stated they will be looking at the underserved areas, particularly those areas they would target first. He will email a map to the Legislators showing the underserved areas. We will be working with you to make sure you are informed as this grant process moves along. This is just informational for now and these efforts will be integrated into Fujitsu's study.

Mr. Malter asked how would the funds be distributed? Mr. Wheeler stated STN is working on that. Our area is the largest geographic area that has gaps. We would have a significant portion. Ms. Fitzpatrick commented it is really important to get this access and this needs to be a top priority.

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 MATTER LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. 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, April 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, April 1, 2020**