

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, May 12, 2020

9:00 a.m.

Via Teleconference

****MINUTES****

COMMITTEE: Brian C. Schu, Chair
Kelly H. Fitzpatrick

Robin K. Lattimer, Vice Chair
Gary D. Swackhamer

Carol A. Ferratella

STAFF: Jack K. Wheeler
Scott Sprague
Tammy Hurd-Harvey
Amy Dlugos
Cody Ryan
Jen Prossick

Christopher Brewer
Hank Chapman
Wendy Jordan
Vicky Olin
Nate Alderman
Andy Morse

Brenda Mori
Patty Baroody
Kelly Penziul
Rob Wolverton
Sue Cranmer
Vince Spagnoletti

LEGISLATORS: Scott J. Van Etten
John V. Malter
Aaron I. Mullen

Jeffrey P. Horton
Robert V. Nichols
Gary B. Roush

Hilda T. Lando
Frederick G. Potter
K. Michael Hanna

OTHERS: James Johnson, Executive Director, Steuben County Industrial Development Agency
Mary Perham

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:00 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 14, 2020, AND APRIL 27, 2020, MEETINGS MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Risk Manager

1. **Approval to Add City of Hornell to the Worker's Compensation Plan** – Mr. Sprague stated he would like to add the City of Hornell to the County's Worker's Compensation Plan and that requires committee approval. If approved, the annual premium would be \$160,000 and that will save the City about \$60,000 annually.

MOTION: ADDING THE CITY OF HORNELL TO THE WORKER'S COMPENSATION PLAN MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION

Ms. Fitzpatrick asked does this include the fire department? Mr. Sprague replied yes this includes both the fire and police department. Mr. Van Etten asked was the city part of our fund before? Mr. Sprague replied they were not part of our fund, but they were with PERMA until 2014 and then moved to Comp Alliance. This will be a huge win for the City and for us.

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

B. Elections

1. **Charging for Village Poll Books** – Mrs. Olin stated we normally provide services for the village elections and print out the poll books. We had already done the printing, sent the books out and billed the villages. Now the village elections are not happening until September and they will require new poll books to be printed. Do you want us to do the printing for the villages again and not charge or do we charge them when we reprint? When we did the printing in March we spent \$497.75. That cost will be more as we get closer to the Presidential Primary as the voter registrations will go up.

Ms. Lattimer stated my first reaction is that the cost will be a little over \$500, but the election date changed through no fault of their own. We are not talking \$4,000. I don't think we should charge back. Ms. Fitzpatrick, Mr. Swackhamer and Mrs. Ferratella stated they agree.

MOTION: DIRECTING THE COMMISSIONERS OF THE BOARD OF ELECTIONS TO NOT CHARGE BACK THE COST FOR REPRINTING POLL BOOKS FOR THE VILLAGE ELECTIONS TO BE HELD IN SEPTEMBER MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Election Chargebacks for Ballots Ordered for Presidential Primary** – Mrs. Olin stated this is still in the air. Last week they were looking at not having an election. We had already purchased the ballots and we did not know if we should chargeback to the towns or if they end up not having the election, if we just eat the cost.

Ms. Lattimer asked what is the cost? Ms. Penziul replied the cost is a little over \$4,000. Ms. Lattimer asked how will this affect your budget overall? Mrs. Olin replied the ballot cost was about \$3,400. We were able to contact the truck in April and there will be no impact. That will be a \$10,000 savings. Now we don't know what we are going to do. We are in the process of mailing applications to every voter, which is about 15,500. That will be a huge cost for postage, ad, and then we have to pay the postage for everything that comes back. We will need to pre-postage the self-addressed stamped return envelopes and if we do end up having to send the ballots out, those will also require postage paid envelopes and we will have to pay to have all of those printed along with the 15,500 absentee applications.

Mr. Schu asked will the grant cover these expenses? Mrs. Olin replied the grant will cover the envelopes and the absentee applications and additional postage. It will not cover the expense for the ballots. Ms. Lattimer asked is this just for the Presidential Primary? Ms. Lattimer replied it will cover the Presidential Primary for printing and mailing the applications and the postage. Whatever is left over in the grant will go toward costs for the general election as well.

Ms. Lattimer asked is it likely that the general election will be done by absentee ballots? Mrs. Olin replied we don't know yet; there is a big debate about that. She would not be surprised if there was an Executive Order that we would have to offer that possibility to everyone and if that is the case, then it will cost a lot of money to get all of this done. Mr. Swackhamer asked how much money? Mrs. Olin replied it would be close to \$10,000 in printing fees to get mailings done for 16,000. Ms. Fitzpatrick asked that would not be covered by the grant? Mrs. Olin replied the grant will not cover the cost for the ballots that were already printed. Mr. Wheeler clarified that is not because there is not enough money, but it is about eligible costs and what they allow you to spend it on.

Mr. Van Etten asked what is wrong with the ballots? Mrs. Olin replied the ballots are fine if we have an election. They will not be good if they decided not to hold the election. We hope to hear something by the end of the week. At this time, we don't know if an election will happen.

Mr. Schu stated assuming it does happen, with the chargeback it is premature to make a decision.

Mrs. Lando stated so there will be no election poll books and no inspectors? Mrs. Olin replied no. If we have a primary, we have to do early voting and we have to open the poll sites. Mrs. Lando asked even with the absentee

ballots? Mrs. Olin replied correct. She stated she just wanted to make the committee aware and it is okay if they wanted to table this for now.

MOTION: TABLING ACTION ON ELECTION CHARGEBACKS FOR BALLOTS ORDERED FOR PRESIDENTIAL ELECTION UNTIL THE JUNE MEETING MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **CARES Covid-19 Grant** – Mrs. Olin requested authorization to accept the CARES Covid-19 Grant in the amount of \$116,778. The State is going to cover the 20 percent match on this. This grant will be used to cover any expenses required because of the pandemic and only for the federal election.

MOTION: AUTHORIZING THE COMMISSIONERS OF THE BOARD OF ELECTIONS TO ACCEPT THE CARES COVID-19 GRANT IN THE AMOUNT OF \$116,778 MADE BY MS. LATTIMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Ms. Lattimer asked Mrs. Olin if she could work up some numbers on the projections for the fall election. That would give her a better sense as to whether we will have the money to cover it. Mrs. Olin stated she can do that and she should know more information today. Ms. Lattimer stated this will be good information for all of us to know.

Ms. Fitzpatrick stated I think that all of the municipalities will be in a tight budget spot and if the County is in a better position to absorb the costs, then we should. She stated that when she has been doing tax returns, some of the elections inspectors have been told that if they receive a payment from Elections that is \$500 or less, then it is not taxable. Mrs. Olin stated we do not provide the inspectors with a 1099 form. Ms. Fitzpatrick stated that amount is taxable but you do not have to issue a 1099 if the amount is below \$600.

C. Information Technology

1. **Approval to Purchase Video Conferencing Subscription** – Mr. Wolverson requested approval to purchase a video conferencing subscription for use by the County. He stated he received three quotes and all are on State contract. The two major players were Webex and Zoom. Zoom was the low quote at \$23,667 annually which works out to \$1,900 per month for 150 licenses. Webex came in at \$39,021 annually for 150 licenses. He stated that he did reach out to all of the departments and he received requests for 170 licenses. We have room to work with the departments and possibly share licenses between departments.

Mrs. Ferratella stated your handout showed that Zoom is HIPAA compliant. Is Webex? Mr. Wolverson replied both have encryption. With Webex we would have to jump through some hoops to say that they are compliant. Zoom will actually do a Business Associate Agreement with us and that is already set up. They will also allow us to keep any of our communications within the United States. They also have a waiting room for callers; an example would be that an employee in Mental Health can set up a meeting for one day and the client can check into the waiting room but they will not get on the call until the Mental Health workers lets them in. Webex does not have that capability.

Ms. Lattimer asked can you summarize what you get with Webex for the additional \$15,000? Mr. Wolverson replied I can tell you what you don't get. With Zoom you get unlimited cloud storage and with Webex you get 10 gig. Both have branding which would allow us to put our logo on and that will show clients that it is a legitimate video conference. In reality both are pretty similar except that Zoom will sign a Business Associate Agreement for HIPAA and they have unlimited cloud storage. Those are the big things and in addition we get a dedicated customer service manager. With Zoom they have automatic cloud recording and they have auto transcription which generates a written transcript. The downside to the transcription is that it picks up everything, including a rustle of paper, but it is better than nothing.

Mr. Wheeler stated one of the reasons for the high count of users is Mental Health will be using it for telehealth services. This is a valuable service and they need the ability to run sessions at the same time.

Mr. Swackhamer asked is the security better with one over the other? Mr. Wolverton replied they both have the same encryption capabilities. When he polled the departments, the total came to 170 and the majority of those, 139, are between Mental Health and the Department of Social Services.

Mr. Schu stated from what you are telling us, Zoom is a superior product and it is significantly cheaper. Mr. Wolverton replied yes.

Mr. Van Etten stated we use Zoom for the IDA meeting and it works fine. Mr. Wolverton commented it is basically the same as what you have been using, it is easier on the client side as you just attend the meeting.

MOTION: AUTHORIZING THE DIRECTOR OF THE INFORMATION TECHNOLOGY DEPARTMENT TO PURCHASE A SUBSCRIPTION FOR 150 LICENSES FOR ZOOM VIDEO CONFERENCING AT AN ANNUAL COST OF \$23,667 MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.

Mr. Malter asked what has been our cost for using Webex? Mr. Wolverton replied with Webex we have not had any costs as they had put out a free trial which was equal to basically their enterprise version. This is free for 90 days and ends June 12th. Once we reach the end of the trial, the limit on the free version will be 40 minutes per conference. That is not enough time for DSS or Mental Health as they have to meet for one hour.

Mrs. Ferratella asked is there a cancellation clause for this? Mrs. Wolverton replied with Zoom we would be purchasing licenses for one year. It would cost more money per year if we went to a monthly subscription.

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

D. County Clerk

1. **Semi-Annual Mortgage Tax Distribution** – Mrs. Cranmer presented the Semi-Annual Mortgage Tax Distribution for approval.

She stated that she would also like to inform the committee that their goal has been to e-record. Because of Covid and the building closure, we were able to meet with our vendor and we were up and running and able to begin e-records on April 6th. This has worked out quite well.

Mr. Schu asked is there a possibility that the Clerk's Office could make arrangements to send individuals in on a limited period of time. We are unable to do searches before 1970. Mrs. Cranmer stated I have been working on an email address devoted to that and having abstractors putting in requests for old documents. We have been able to provide that. I don't know how we will handle the abstractors coming in. We will certainly do everything we can to accommodate.

Mr. Wheeler stated we will have more to come this week. We are waiting for clarification from the Governor. Starting next week we will do appointments only for the majority of these things. He stated he needs to do a little more coordination on the prepping plan.

Mr. Mullen stated with the abstract companies, it has been sort of workable with what is going on but for the staff that is not going to the Clerk's Office, it is so much more cumbersome and it would be better if someone could get an appointment. It turns into a chain of follow-up questions. The Clerk's Office is doing a nice job with that process, but it is limited by the process itself. Mrs. Cranmer stated as soon as we hear from Mr. Wheeler, we will work as hard as we can to get these abstractors in. We will do things so that they are only in there for a limited time period. Mr. Mullen stated that will work and the remote access provided has been a good way to go to take care of things.

MOTION: APPROVING AND ACCEPTING THE SEMI-ANNUAL MORTGAGE TAX DISTRIBUTION AS PRESENTED MADE BY MRS. FERRATELLA. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Van Etten commented from the public's standpoint, the DMV and Pistol Permits are as important as the Title Clerk and he hopes that is included in the first phase of reopening. Mr. Wheeler stated we are working with the County Clerk but the one caveat is the DMV is closed by Executive Order. As soon as we can do it by appointment we will.

E. Purchasing

1. **Authorization to Issue Copy Paper Bid** – Mr. Morse requested authorization to reissue the copy paper bid. We award it quarterly, but it is a one year bid.

MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO ISSUE BIDS FOR COPY PAPER MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

F. Real Property Tax Service Agency

1. **Tax Certiorari** – Mrs. Jordan stated they received a request to participate in a review of the appraisal documents the City of Corning received from the petitioner. This is just a review of the appraisal submitted. The total cost of the appraisal was \$800 and the County share would be \$340.64.

MOTION: AUTHORIZING THE COUNTY TO PARTICIPATE IN TAX CERTIORARI PROCEEDINGS IN THE CITY OF CORNING MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

IV. OTHER BUSINESS

Ms. Fitzpatrick stated she is seeing a lot of people still having trouble with their unemployment claims. She is curious as we plan to reopen and there are staff on administrative leave, could we use those staff to make phone calls to help speed up the process for our constituents? Mr. Wheeler stated that is a good question. A couple of weeks ago he had a conversation with Dan Porter from CSS Workforce. Their career center has been closed and Mr. Porter put in a request to the State to allow his staff to help process unemployment claims and his request was denied by the Department of Labor. Mr. Wheeler stated he can escalate it and forward the request to Senator O'Mara and Assemblyman Palmesano to see if they would get a different answer. They may have some leverage as they know the system. He will work on that.

Ms. Fitzpatrick stated I understand that there are certain things that the State is pushing down on us and I understand that vocalizing against that doesn't get us anywhere, but our constituents would like us to sometimes put it out there that we don't agree. She stated that she also doesn't understand why Chris Moss has been put in charge of our region when Mr. Wheeler has been here longer and why it can't be county by county. People don't understand why they can go to Walmart, but they can't go to their favorite running store with one other person in the store (staff). I think we should put something out there. Sometimes it is good to fight battles that cannot be won.

Mr. Wheeler stated we do that. When callers have questions or comments we are pushing those up to the State to get clarification. Posts about putting information out there have been helpful. In terms of those sorts of things, I am happy to put out there whatever you direct. I am walking a fine line trying to speak for the whole Board and I don't want to say something the entire group doesn't agree with. We are doing this behind the scenes and pushing for a common sense for small businesses to do things safely but to do it publicly I need direction from the Board. I don't want to speak for you if I am not approved to.

Ms. Fitzpatrick asked how do we get you the authority to do that? Mr. Wheeler replied if you wanted to formalize, it would be a memorializing resolution.

Mr. Swackhamer stated he got a question yesterday from the radio station about why we are not fighting against the Governor more. Mr. Wheeler stated on many fronts we are working with Albany, but we are fighting them on the fronts you know of. I am happy to communicate anything you folks want to.

Mr. Swackhamer stated we understand, but through email we need to take a poll so you can speak out.

Ms. Fitzpatrick stated I think it is really important for residents to see that we are fighting. I have full faith in you and Mrs. Smith, but what is going on behind the scenes is not being seen on the outside. I want everyone to understand that we all feel their pain.

Mr. Swackhamer stated we are the closest representatives that they know. They don't know we are fighting behind the scenes and it is time to get public.

Mrs. Ferratella stated the newsletter is good and it goes to a lot of municipalities and then filters down to the residents. Mr. Wheeler stated we can definitely do that. It is just a matter of policy setting for the Legislature. There are many things I feel comfortable saying, but when we get into how aggressive against the Governor or the region, I need you to tell me collectively what you want. The other action is to do that through Chairman Van Etten as the chief elected.

Ms. Lattimer stated I think the more perfect vehicle to get the word out is through Mr. Van Etten as Chairman; even more so than Mr. Wheeler. With regard to unemployment insurance, having professional experience in that arena, when we went through the recession, unemployment claims were backed up and our representatives didn't have any magic numbers to call and we could not fix it. Granted, they can push really hard on the Governor, but the system is the system. She stated she is not saying to not go question our representatives, but as far as publishing a magic number for claimants to use, that will not happen. When we were calling, we had to use the same numbers.

Mrs. Lando stated Mr. Wheeler is doing great blurbs on television and she is wondering if Mr. Van Etten should start doing that. A lot of people watch television and the more we can be on the television, the better.

Mr. Van Etten stated this is a good conversation. Mr. Wheeler and Mrs. Smith are as frustrated as all of us with the misinformation and the changed information that comes down from the State through the whole process. We were talking yesterday about the details of the phased reopening and in the retail section it lists 20 types of businesses that can open, however all must be curbside. It's interesting that in Phase 1 you have to buy shoes curbside from a shoe store, but during this entire time you can walk into Walmart and buy a pair of shoes; there is no logic. I don't mind being the voice of the Legislature. One concern is that I don't want to give a bad impression of Mr. Wheeler or Mrs. Smith that they are not working for us. I think it has to be balanced.

Mr. Wheeler stated the workers out here are doing an awesome job with messaging and Ms. Perham is helping as well. They are giving out as much information as they can. We would be happy to draft things that come from you. I have no problem speaking out in areas that are not policy related; but when we get into the policy realm, that is you folks. Our press releases get picked up immediately and we can start doing releases under Mr. Van Etten on your behalf with his contact information.

Ms. Lattimer stated that is an excellent suggestion and it doesn't have to be all negative. It can be a very positive message in recognizing the actions that the County has taken. Ms. Fitzpatrick stated it is a good idea. We need to be more vocal about the positives. It is important for the constituents to see that we are doing this.

Mr. Wheeler stated we can share the tense conversations that we have behind the scenes. We can document those experiences.

Mr. Malter stated I have no problem with Mr. Wheeler and Mr. Van Etten putting something together, but it should be sent to all Legislators in case someone has an opposition to the wording

Mrs. Ferratella asked would it make sense to use Ms. Perham to go to the businesses for their perspective? Mr. Wheeler stated that is a good question. I will talk to Ms. Perham. She has helped a ton. The question would be how to do that. He stated we have had calls with the School Superintendents about graduation. We also have a call next week with the Conference and Visitors Bureau about best practices, but we could put that out in a more vocal way.

Ms. Fitzpatrick stated she has received letters from the business community in towns from when I wrote the resolution last month and I can forward those to you.

Mr. Swackhamer stated as long as we mention all the names and all the Legislators behind the statements, then I don't see a problem.

Mrs. Lando stated Mr. Johnson has been doing a great job with the IDA newsletter and if we can follow a positive format like that, the positive feedback about what we are doing and the details behind that, that will go a long way

Mr. Potter stated our board assessment reviews are coming up. These are face to face meetings to speak about grievances and we are doing that with social distancing and face masks. If we have the face masks and require them to wear them, can we deny admission into the building? Mr. Wheeler stated I don't know, that would be a question for Ms. Prossick.

Ms. Prossick stated this is a good question. There is not really a law, but I think you can set a policy. She knows that one town will be doing it by appointment and everyone will be six feet apart. The concern is with masses of people coming in and not wearing masks. Mr. Potter stated even so, a lot of us are at the age of high risk and would prefer they wear a mask. Ms. Prossick stated it is an enforcement issue. Mr. Wheeler stated there are no formal guidelines coming on actually enforcing face masks. Like Ms. Prossick said, it becomes about enforcement. We will be doing something when we open the building more.

Ms. Prossick stated the best advice would be if you can limit the number of people, then you can spread the people out. Then you have mitigated the risk. Mr. Potter stated we were planning on limiting to one person at a time anyway.

Mr. Horton stated in the Town of Campbell, the town attorney said there is nothing we can do to make them wear a mask because it is a HIPAA violation. Ms. Prossick stated we work in a public building. That is where the issue lies and we cannot deny people to come in and do the things they have a right to do.

MOTION: TO ADJOURN MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

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

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, June 3, 2020**