

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, November 12, 2019

9:00 a.m.

Legislative Chambers

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Hilda T. Lando	Scott J. Van Etten, Vice Chair Robin K. Lattimer	Carol A. Ferratella
STAFF:	Jack K. Wheeler Rob Wolverton Jennifer Prossick Nate Alderman Susan Cranmer	Christopher Brewer Cody Ryan Andy Morse Jim Gallagher Wendy Jordan	Scott Sprague Brooks Baker Jennifer DeMonstoy Judy Hunter
LEGISLATORS:	Joseph J. Hauryski Robert V. Nichols	Kelly H. Fitzpatrick Gary B. Roush	K. Michael Hanna
OTHERS:	Youth In Government Interns Mary Perham		

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:00 a.m. and welcomed the Youth In Government student interns.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE OCTOBER 8, 2019, AND OCTOBER 28, 2019, MEETINGS MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. County Clerk

1. **Semi-Annual Mortgage Tax Distribution** – Mrs. Hunter informed the committee they have collected \$619,096.27 for the period April 1, 2019 – September 30, 2019.

MOTION: ACCEPTING AND FORWARDING TO THE FULL LEGISLATURE THE SEMI-ANNUAL MORTGAGE TAX DISTRIBUTION MADE BY MRS. LANDO. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.

Mr. Van Etten asked Mrs. Hunter to explain why someone would pay tax to borrow money from the bank. Mrs. Hunter explained State legislation requires that a mortgage tax be paid and she is a designated agent of the NYS Commission of Taxation and Finance to collect this tax and distribute it to the municipalities.

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

B. Risk Manager

1. **Approval to Add Town of Urbana to Workers' Compensation Plan** – Mr. Sprague requested approval to bring the Town of Urbana into the County's Workers' Compensation Plan effective January 1, 2020. Currently they are with Comp Alliance and by coming into our plan, they will save \$20,000. He stated the Town

only has one loss and that will remain with Comp Alliance. Mr. Van Etten asked does this include the volunteer fire department? Mr. Sprague replied no, the volunteer fire department is covered separately. The Town will pay us \$29,500 to come into the plan. This is a win-win for both. Mr. Van Etten asked were they in our plan previously? Mr. Sprague replied no; they have been with PERMA and Comp Alliance.

MOTION: AUTHORIZING THE TOWN OF URBANA TO JOIN STEUBEN COUNTY'S WORKERS' COMPENSATION PLAN EFFECTIVE JANUARY 1, 2020 MADE BY MR. VAN ETTEN. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Tail Claims** – Mr. Sprague stated one year ago we transitioned our tail claims to PERMA. In the year that they have been doing this, they have found us \$458,000 in refunds by going after the excess carrier.

C. Purchasing

1. **Quarterly Copy Paper Award** – Mr. Morse stated they received three bids for the quarterly copy paper bid. He requested authorization to award to the low bidder, W.B. Mason for \$25.31 per case. This represents a decrease of \$3.46 from the last quarter.

MOTION: AWARDING THE QUARTERLY COPY PAPER BID TO THE LOW BIDDER, W.B. MASON FOR \$25.31 PER CASE MADE BY MS. LATTIMER. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. Real Property Tax Service Agency

1. **Adopting Table of Equalization Rates and Report of County Equalization** – Mrs. Jordan reviewed the Table of Equalization Rates and the Report of County Equalization. She noted the rates are set by the NYS Office of Real Property Services after a review of assessments versus market value in the towns. There were changes in the City of Corning, City of Hornell, Town of Bradford, Town of Campbell and Town of Canisteo. She noted a reval or update was completed in the towns of Cameron, Hartsville, Lindley, Rathbone, West Union, Troupsburg and Woodhull. She commented the Town of Lindley went from a 2.33 percent to 100 percent and Troupsburg went from 38 percent to 100 percent.

Ms. Lattimer asked has there been any movement on getting those towns with really low equalization rates to do a reval? Mr. Nichols commented he presented an option to the Tuscarora Town Board to do a reval for \$54,000 and they said no. Mrs. Jordan commented the City of Hornell is scheduled for a reval next year.

MOTION: APPROVING THE TABLE OF EQUALIZATION AND THE REPORT OF COUNTY EQUALIZATION AND FORWARDING TO THE FULL LEGISLATURE MADE BY MR. VAN ETTEN. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **Exemption Report and Percent Change Due to Equalization Rate and Valuation Change** – Mrs. Jordan reviewed the Exemption Impact Report and the Report of Percent Change Due to Equalization Rate and Valuation Change. She commented there were large shifts in Hornellsville, Lindley and Troupsburg and those were due to revals. The Town of West Union did a reval, but their share is going down.

MOTION: APPROVING THE EXEMPTION IMPACT REPORT AND THE REPORT OF PERCENT CHANGE DUE TO EQUALIZATION RATE AND VALUE CHANGE AND FORWARDING TO THE FULL LEGISLATURE MADE BY MR. VAN ETTEN. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

E. Personnel

1. **16-B Waiver for District Attorney's Office** – Mr. Alderman requested authorization for a 16-B Waiver to create one Paralegal Assistant, one Assistant District Attorney and one part-time Investigator position in the District Attorney's Office. A waiver of Rule 16-B can be approved when the positions are required by a State mandate.

Mr. Baker explained this request is in response to the Criminal Justice Reform Act which was passed in April. As a result of the new legislation, there will be more demands upon my office, specific to Discovery requirements. Under the new Discovery requirements, we will now have 15 days to provide all discovery material to the defense, and that will be very time consuming. Our caseload work will now go from a few hundred to several thousand per year. He explained after we have upgraded our computer system and processes, we will need positions to get the information into and out of the system. In all, we are asking for two Assistant District Attorneys, two Paralegal Assistants and 1 part-time Investigator. This is the bare minimum of staffing that we will need to comply with the new Discovery requirements. As requested at the Public Safety & Corrections Committee, we will do a review in four months and see where we are. If it looks like it will not take as much time as we are anticipating, then we will not require the extra staff, however, he would not predict that it will take less time.

Mr. Schu asked what about probationary terms? Mr. Baker explained the attorneys always are at will. With the Paralegal Assistants, there currently is no list and they would be provisional until they take the test.

Mr. Wheeler stated for clarification, at the Public Safety & Corrections Committee meeting we had indicated that the part-time Investigator position had not been included in the 2020 budget, but that was incorrect. All of the positions the District Attorney is requesting are included in the budget.

Mrs. Lando asked where will you put these extra staff? Mr. Baker replied we do have extra space in our annex office and our Investigator can work without an office. With the transition going on we have discussed some ideas with Mr. Wheeler and Mr. Rose. There may be some excess space off the break room by the South Conference Room. Mr. Schu asked what about a work trailer? Mr. Wheeler replied we could, but he thinks there are other viable options. Whatever we come up with may not be the most convenient solution, but we will make it work.

Mr. Baker stated we are definitely stretched for space, however, he does not have these staff yet. He has been interviewing with very little success. To add to this, we lost our part-time Assistant District Attorney position that we were sharing with Schuyler County. Mr. Baker stated we will need to be up and running by January 1, 2020.

Mr. Van Etten asked will the investigator be provided with a vehicle? Mr. Baker replied yes. We have a couple of forfeiture vehicles that are available and we will not be requesting a new vehicle.

Mrs. Ferratella asked Mr. Baker to explain this new requirement for the benefit of the interns. Mr. Baker explained there is a process that the District Attorney has to share information with the defense about a case. With the new law, everything has to be turned over, including witness names, location of crime scenes, etc. and all of that has to happen within fifteen days. Previously the defendant would ask for those specific items and then we would turn them over; now they don't have to ask. This is an unfunded State mandate.

Mr. Swackhamer asked what is the cost for this? Mr. Baker replied it is about \$500,000 just in manpower. He has already moved money around to get the new computer system in place. There will also be added costs to Law Enforcement; similar to what we are looking at. So, the total cost is \$1 million to the taxpayers and that is just for Steuben County. Every county across the State is seeing the same types of increases ranging from 20 – 40 percent.

MOTION: WAIVING THE 16-B PROCESS AND AUTHORIZING THE CREATION OF ONE ASSISTANT DISTRICT ATTORNEY, ONE PARALEGAL ASSISTANT AND ONE PART-TIME INVESTIGATOR IN THE DISTRICT ATTORNEY'S OFFICE TO COMPLY WITH THE NEW DISCOVERY REQUIREMENTS MADE BY MRS. LANDO. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
Resolution Required.

F. County Manager

1. **Setback Agreement** – Ms. Prossick requested authorization for the County Manager to sign a property line setback agreement relative to the Canisteo Wind Project. There is a two-acre parcel in Canisteo and they are looking to decrease what the law allows as a setback to a minimum of 150 feet. The Canisteo Wind Project would pay \$500 per year while the project is in the stage of getting up and running. If the project is up and running, they will pay the County \$2,500 per year as long as the project stays in operation.

MOTION: AUTHORIZING THE COUNTY MANAGER TO SIGN A SETBACK AGREEMENT WITH THE CANISTEO WIND ENERGY PROJECT RELATIVE A TWO-ACRE PARCEL OF LAND SITUATE IN THE TOWN OF CANISTEO MADE BY MR. VAN ETTEN. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICER'S 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 MRS. FERRATELLA. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MRS. LANDO. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. VAN ETTEN. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Tuesday, December 10, 2019
Legislative Committee Room
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, December 4, 2019**