

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, October 13, 2020

9:00 a.m.

*Legislative Chambers, 3rd Floor, Annex Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Kelly H. Fitzpatrick	Robin K. Lattimer, Vice Chair Gary D. Swackhamer	Carol A. Ferratella
STAFF:	Jack K. Wheeler Nate Alderman Jennifer DeMonstoy Andy Morse Brooks Baker Mitch Alger	Christopher Brewer Jennifer Prossick Wendy Jordan Bill Caudill Hank Chapman Tammy Hurd-Harvey	Brenda Scotchmer Matt Sousa Vicki Olin Rob Wolverton Vince Spagnoletti Tim Marshall
LEGISLATORS:	Scott J. Van Etten Hilda T. Lando Robert V. Nichols	K. Michael Hanna John V. Malter Frederick G. Potter	Jeffrey P. Horton Aaron I. Mullen Gary B. Roush
OTHERS:	Mary Perham		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE SEPTEMBER 8, 2020, MEETING MADE BY MRS. FERRATELLA. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. Personnel

1. **Salary Adjustment – Assistant District Attorney** – Mr. Alderman stated Mr. Baker is here to explain the request. Mr. Baker requested authorization to adjust the salary of part-time Assistant District Attorney Thomas Bowes. This position was just filled. As you recall, we had a contract with Schuyler County for a part-time ADA and they backed out of the contract. He stated he hired Tom Bowes who is very experienced. Mr. Bowes was previously an ADA in the Chemung County District Attorney’s Office and also worked as a Public Defender. One year ago he left the Steuben County Public Defender’s Office and his salary at that time was \$41,500. Mr. Baker stated I set the salary pursuant to the *Administrative Code* at half of mid-grade which was \$35,000. I am asking to increase the salary to what he was previously making in the Public Defender’s Office as he is now doing essentially the mirror job and being paid for similar work. He noted this did go to Public Safety & Corrections where it was approved.

MOTION: AUTHORIZING A SALARY ADJUSTMENT FOR PART-TIME ASSISTANT DISTRICT ATTORNEY THOMAS BOWES UP TO \$41,400 MADE BY MS. FITZPATRICK. SECONDED BY MR. VAN ETEN FOR DISCUSSION.

Mr. Swackhamer asked how much is Mr. Bowes making now? Mr. Baker replied \$35,000. Mr. Alderman clarified he is actually making \$36,400. Mr. Baker stated I am looking for a \$5,000 increase. This will bring him up to exactly what he was paid one year ago.

Mr. Van Etten asked why are you requesting an increase? Is this just parody with what the Public Defenders are being paid, or because of his exemplary work above and beyond? Mr. Baker replied I had intended to hire him back at what the Public Defender was paying him. He is very good at what he does and has fifteen years of experience in the District Attorney's Office. He also did a good job working as a Public Defender. The job he had in the Public Defender's Office is essentially the mirror job of what he is doing in the District Attorney's Office. As far as court coverage, this position did not receive the CAP stipend and he is also covering that. There should not be a disparity between the different departments.

Mr. Schu asked how is his salary compared to the other ADA's? Mr. Baker replied Mr. Bowes will make a little less than just about everyone else. He will be making \$5,000 less than the two attorneys that do CAP. He is coming in at the low end of the ADA salary range.

Mrs. Ferratella asked what was he told his salary would be when he was hired? Mr. Baker replied I told him I would match what he was making at the Public Defender's Office and I thought I could do that until I reviewed the *Administrative Code*. Then I had a discussion with Mr. Alderman.

Mr. Swackhamer asked how can you guarantee a salary that you cannot set? Mr. Baker replied I did not guarantee; I had told him I would attempt to get the same salary. I realized after that I could not do that and then had a conversation with Mr. Alderman. I told Mr. Bowes that I would make application with the Legislature to bring his salary up to what he made at the Public Defender's Office.

Mr. Wheeler explained the Administration Committee approves salaries for individuals over Step 5 in the Management Salary Plan and the process is that Mr. Alderman reviews the appropriateness based on years of experience. This request appears to be in line.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 3-2. (MS. LATTIMER AND MR. SWACKHAMER OPPOSED).

2. **Retirement Incentive** – Mr. Alderman informed the committee we had a very good response to the retirement incentive with 42 people. This was better than we had hoped. We do have a situation with a couple of employees who did not quite qualify and I would like to ask you to extend the enrollment period for a couple of weeks from October 26, 2020 to November 6, 2020. This will require the approval of the Full Legislature. He stated that he cannot guarantee that we would get a bunch more. Mr. Wheeler explained we had one employee who was interested but would miss the day they would need to retire by, by two days. We had another employee that was not legitimately available to file their paperwork. Mr. Swackhamer asked will this cause us any legal problems? Mr. Wheeler replied no, we had a similar situation in 2010.

MOTION: AUTHORIZING EXTENDING THE ENROLLMENT PERIOD FOR THE EARLY RETIREMENT INCENTIVE FROM OCTOBER 26, 2020 TO NOVEMBER 6, 2020 MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Horton asked will we receive complaints from those employees who made the original deadline? Mr. Wheeler replied we may get a couple of complaints, but they are still getting the same benefit. Mr. Van Etten stated we had a small window to do this as the intent was to get everyone in and committed before the State did anything. Mr. Alderman commented when we did the early retirement incentive in 2010, we did open the enrollment period back up for a couple of weeks.

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

Mr. Swackhamer asked what is the cost savings that we will see from this? Mr. Wheeler replied the salaries in the budget do not reflect the reduction in retirements. Whenever you want another budget meeting, we would bring those numbers to you. This will help get us where we need to be in the budget. Mr. Alderman commented getting over 40 should result in a pretty large savings.

Mrs. Ferratella asked will there be any positions that we will need to recruit for? Mr. Wheeler replied there will be a few; the highly specialized positions that would be more difficult to fill.

B. Clerk of the Legislature

1. **Retirement Reporting** – Mrs. Scotchmer stated we have three more individuals to report for this month and all are employees in the Public Defenders’ Office. She stated adoption of the standard work day and retirement reporting resolution is required by the State Comptroller.

MOTION: ADOPTING THE STANDARD WORK DAY AND RETIREMENT REPORTING RESOLUTION AS REQUIRED BY THE NEW YORK STATE COMPTROLLER MADE BY MS. LATTIMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Van Etten asked of the people that are required to report, are they all doing it on time? Mrs. Scotchmer replied we are still missing Peter Glanville in the District Attorney’s Office along with two more newly hired attorneys. The record of activities for James Ferratella in the Conflict Defender’s Office and Thomas Bowes in the District Attorney’s Office are due in December. Mr. Schu asked are there any sanctions imposed for failure to submit? Mrs. Scotchmer replied the sanction is they do not get a raise if one is offered. Additionally the State Retirement System will suspend their membership in the retirement system until compliance is achieved.

C. Planning

1. **Extending Contract Terms for Census Outreach Grant** – Mr. Sousa explained a federal judge extended the census through the end of October. We had a contract for census outreach in place that specified September 30, 2020 as the completion date. He requested approval to amend our contracts to extend the date through October 31, 2020.

MOTION: EXTENDING THE TERMS OF THE CENSUS OUTREACH GRANT CONTRACTS THROUGH OCTOBER 31, 2020 MADE BY MS. FITZPATRICK. SECONDED BY MS. LATTIMER FOR DISCUSSION.

Mr. Van Etten asked will this increase our cost? Mr. Sousa replied no. This is the same funding. This just allows us to expend the funds through the end of October.

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

V. **OTHER BUSINESS**

A. *Legislator Benefits* – Mr. Roush stated the Legislature recently offered an early retirement incentive to employees. People are struggling with unemployment and other issues. I am proposing for the Legislature to demonstrate to the public and the employees that we have skin in the game by going to a 100 percent copay for health insurance. The 14 percent copay budgeted for 2021 is \$3,124. That is less than the copay I pay for Medicare. We are providing to ourselves one very nice benefit. The benefit is actually the insurance and to have access to that if you are self-employed, you have to pay 100 percent. I think we should pay the full premium. Mr. Roush stated he added up the numbers and if we were to go to a 100 percent copay that would be a savings of \$280,000 per year. That is what our taxpayers are paying for us to get a full-time benefit. It is time to bite the bullet and go to 100 percent copay. The City of Corning and the Town of Erwin have done this. It is time to set an example for the County and even the State, and try to help our communities which are really hurting.

Mrs. Ferratella stated it is difficult to yank the benefit away without some kind of compensation for those not taking it. It is difficult to take the full amount from families. I would ask if there is some compromise we can do without hurting those with family and single plans and to compensate those that do not take the insurance.

Mr. Horton stated I don’t take the health insurance, but I am not in favor of taking it away. People run for office and take jobs because of the benefits. We have a well-rounded group of people here; self-employed, attorneys, accountants, etc. I would hate to see us lose that because they run for the insurance. You choose a job for certain things.

Mr. Schu stated when we ran for office the benefit package was in place. That was part of the package we signed up for when we ran for office.

Mr. Van Etten stated I did not take the insurance when I worked for Corning, but now I do. In 2011 Mr. Hauryski and I pushed to increase the copay because we recognized this was a good benefit for the Legislators and we said we should show the employees that we were willing to pay more for it. We increased the copay 5 percent between 2012 and 2020 to get up to the full copay. A 30 percent copay is very fair as it shows that we are willing to pay more for what we are getting. This plan that Mr. Roush is proposing is nuclear – it will drive away anyone with any talent or experience from being a Legislator. To waste time trying to equalize things in a little group is not helpful. I did not like that we had gotten away from the 30 percent; it is just irresponsible.

Mr. Schu stated when Mr. Hauryski was leaving, he had suggested that the Chair and Vice Chair get an increase in pay and then that resulted in the remainder also getting increased. Now that has snowballed and under this plan, a Legislator who wants a family plan would basically pay \$10,000 to come to work.

Mr. Swackhamer stated as a point of order, we do not have a first and second to this motion. Mr. Schu replied there is no motion, we are just discussing. Mr. Swackhamer stated this was presented as a resolution. Ms. Prossick stated it was presented as discussion for the budget.

Mrs. Lando stated the City of Corning was used as an example and I agree that people stayed on because of the insurance. To say you want to be a Legislator because of the insurance, in my opinion, is wrong. We can do this in a stepped format. At the City of Corning, they increased the salaries a little bit and then they took the insurance away in a stepped format. I don't take the insurance, but that was not my reason for coming on the Legislature. We know we will never be equitable with everyone, but this sets a good example.

Ms. Fitzpatrick stated with this proposal, you are trying to make it equitable when in reality it is discriminatory. The benefits do attract people. I answer to my constituents for the amount of work I put in and the amount of compensation I receive. I value myself and my work. There is inequity in every single department of the county. Two people are doing exactly the same job and the compensation goes up for one when they start a family. We want to keep everyone here and keep them happy. We have a self-insured health insurance plan so it may not necessarily cost the County exactly the dollar amount we set as the value for a single or family plan. We are fortunate that we can offer it. We have made steps over the last several years to go out of our way to compensate good people. You set the tone at the top and it is a matter of how long it trickles down to the bottom. This is not the way to make things work.

Mr. Mullen stated we just went through this last year. We talked about tying it to the County policy generally. If it is good for the rest of the people that work for the County, I don't understand why it is not a good policy for us. When we changed the insurance before it was because the Legislators compensation hadn't changed in about a decade. We received less money without having a pay increase. Is this going to come back up every year? How often are we going to revisit it?

Mr. Schu commented any changes would have to take effect after the next election cycle to be fair; if it could be fair.

Ms. Lattimer stated people have to know what they are buying before they get in. It would have to be after your term. I think there is room for compromise on this, but I don't believe any Legislator ran because of the compensation. I don't think anyone comes into this job based on the insurance. I don't think we should fiddle with this or have a discussion every year; we need to resolve the issue. There will be inequities and I don't begrudge anyone that has access to it. It is just life choices.

Mrs. Ferratella stated I would be shocked if anyone looked up the benefits before they ran. Mr. Van Etten commented if this change was put into place that would happen. Mr. Schu declared the discussion closed.

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. FITZPATRICK. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION MADE BY MR. SWACKHAMER. SECONDED BY MS. LATTIMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MRS. FERRATELLA. 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, November 10, 2020
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, November 4, 2020**