

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, March 14, 2023

9:00 a.m.

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

****MINUTES****

COMMITTEE: Brian C. Schu, Chair Robert V. Nichols, Vice Chair Kelly H. Fitzpatrick
Gary D. Swackhamer

STAFF: Jack K. Wheeler Christopher Brewer Jennifer Prossick
Brenda Scotchmer Jennifer Galvan Scott Sprague
Nate Alderman Wendy Jordan James Allard
Cody Ryan Shawn Sauro Vicky Olin
Rob Wolverton Tammy Hurd-Harvey Andy Morse
Darlene Smith Tim Marshall Patty Barooddy
Cathy Baker

LEGISLATORS: Scott J. Van Etten K. Michael Hanna Jeffrey P. Horton
James Kuhl Wendy Lozo John V. Malter
Nicholas D. Pelham Frederick G. Potter

ABSENT: Hilda T. Lando, Vice Chair

OTHERS: Mary Perham

Secretary’s Note: Hilda Lando attended via Zoom, however, not under the Extraordinary Exemption.

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 FEBRUARY 14, 2023, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENT REQUESTS

A. Real Property Tax Service Agency

1. **Request to Renew Contract for Online Assessment Data and Tax Information** – Mrs. Jordan requested authorization to renew the contract with Systems Development Group for online assessment data and tax information. She commented the original contract was renewable for three years. We have become aware that there is another vendor that provides this service. Mr. Wheeler commented our recommendation is to renew for one year and put out an RFP next year. Mr. Van Etten asked what is the annual cost of this contract? Mrs. Jordan replied \$5,800.

MOTION: AUTHORIZING THE DIRECTOR OF THE REAL PROPERTY TAX SERVICE AGENCY TO RENEW THE CONTRACT WITH SYSTEMS DEVELOPMENT GROUP FOR ONE YEAR AT AN ANNUAL COST OF \$5,800 MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Risk Manager

1. **Occustar Contracts** – Mr. Sprague informed the committee that he had forgotten to get approval to renew the Occustar contract in 2022. We use this contract for our random drug testing and post-accident testing for the County and our municipal members. We have been with this company for a number of years. The annual cost is \$18,000, which includes all the municipalities that we charge back. The County’s cost, after we chargeback the member municipalities is about \$7,600. We make between \$2.00 and \$3.00 for the random tests. He also requested approval of the 2023 contract as well. Mr. Schu asked if the 2023 was at the same rate? Mr. Sprague replied actually it went up by \$2.00 from last year, so we are going to just absorb that for the County and then pass that cost along to all of the municipalities as well. We have contracts with the municipalities and that allows us the ability to change those rates as necessary.

MOTION: APPROVING THE 2022 AND 2023 CONTRACTS WITH OCCUSTAR FOR RANDOM AND POST-ACCIDENT DRUG TESTING MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Amendment to 2022/2023 Workers’ Compensation Apportionment Schedule** – Mr. Sprague requested a change, or approval of a change to the 2022 Workers’ Compensation Apportionment Schedule as well as the 2023 schedule. With the 2022 apportionment there were three changes. Actually, to be very honest with you, it was my fault. When we brought in the Town of Caton, the Town of Wayland, and negotiated with Bath, we were going to keep those rates the same for three years for them; for Caton and Wayland. When we did the apportionment, we made some changes and didn’t realize that until we got it approved and sent the bills out. He stated that he would like to go back and just make those changes; we weren’t collecting exactly what the apportionment called for. The Village of Bath, again was my mistake. When we had given them the number for 2022, I told them it would be \$142,000 but we had \$168,000 in the apportionment. They paid that \$142,000, so we need to make that change if we could.

Mr. Sprague stated going forward, Caton and Wayland, as far as 2024, we will be making changes to the apportionment; it may stay the same, it may go up or it may go down. As far as the Village of Bath, they will be staying at the \$142,000 for 2023. Then in 2024, when we start that budget, we will take a look at where they are. Right now, we are trying to get everybody in at that 20 percent below retail. The Village of Bath is getting very close. As far as not collecting it in the 2022 budget, I feel confident where the number is and it makes sense for them and for us. Again, that was my error.

MOTION: RATIFYING THE ACTIONS OF THE RISK MANAGER RELATIVE TO THE REDUCTION IN APPORTIONMENT FOR CERTAIN PARTICIPANTS IN THE COUNTY’S 2022 WORKERS’ COMPENSATION PLAN MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

Ms. Fitzpatrick asked one of my fire districts is saying that the cancer coverage we are providing is only for the interior firefighters; is that correct? Mr. Sprague replied yes. When we did our last budget, when I brought that forward as an option, we approved a plan to cover costs for those departments’ interior firefighters only who are required to have the benefit by the State. We did find that there are a number of departments; really almost all of them, that are providing a benefit to both their interior and exterior firefighters. We are paying the plan. If you are a member of the plan, we are covering the cost for that interior firefighter, so it is free to the department. They still pay for that exterior member, as that is not required by the State law. Ms. Fitzpatrick asked so the departments or districts will have to maintain two policies? Mr. Sprague stated they will still have one policy. That is through the Hartford; they just pay a premium for those individuals that we are not covering because they are not interior firefighters. Ms. Fitzpatrick asked so you would still get the roster, but some of these departments then will get a bill and we need to cover the difference? Mr. Sprague replied correct. Ms. Fitzpatrick asked do you have any idea when those will go out? Mr. Sprague replied there are 38 departments in our plan and we only ended up with about 50 percent of them that took advantage of this. A lot of it was communication error and a lot of it was just confusion. Because of that, a lot of the bills are going out late. We are also adding a few more departments now because they didn’t get in and we are getting them in the plan now.

C. Information Technology

1. **Purchase Patch Management Software** – Mr. Ryan requested authorization to purchase N-able, N-central and N-able MSP Manager software. This will replace our traditional patch management solution as well as the software that the Help Desk uses to assist users. The total cost is \$29,454.88 and this is budgeted for 2023. Ms. Fitzpatrick asked is this something new? Mr. Ryan replied we currently do security patches and for the third party apps, we have to use a separate solution. This will enable us to do everything at once. When we do security patches they need to be vetted and this software will do all of the pre-vetting for us which will save our department time.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY TO PURCHASE PATCH MANAGEMENT SOFTWARE (N-ABLE, N-CENTRAL AND N-ABLE MSP MANAGER) FOR A TOTAL COST OF \$29,454.88 MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Purchase Backup Solution** – Mr. Ryan requested authorization to purchase the StoneFly backup solution. The total cost is \$150,049.06 and is budgeted for 2023. This price includes five-year support and licensing. He noted this software has been implemented in Cayuga County. Mr. Nichols asked did you utilize a different company previously? Mr. Ryan replied yes; we had one program for backing up files and another for backing up the servers. This new software integrates everything together and will also provide us with disaster recovery and will provide us with a hot swappable site, which we currently do not have.

MOTION: AUTHORIZING THE DIRECTOR OF INFORMATION TECHNOLOGY TO PURCHASE STONEFLY BACKUP SOLUTION FOR A TOTAL COST OF \$150,049.06 WHICH INCLUDES FIVE-YEAR SUPPORT AND LICENSING MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D. Personnel

1. **Reclassification – Public Health**

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT SENIOR CLERK POSITION, CSEA GRADE D TO A SENIOR TYPIST, CSEA GRADE F IN PUBLIC HEALTH AND NURSING SERVICES MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

2. **Reclassification – Sheriff's Office** – Mr. Alderman requested authorization to reclassify two currently filled Deputy Sheriff Corporal positions, Grade 12 to Deputy Sheriff Sergeant, Grade 13. The Deputy Sheriff Corporal title was created many years ago to bridge the gap between a Deputy and a Deputy Sergeant. The Deputy Sheriff Corporal and Deputy Sheriff Sergeant titles have almost identical tests and duties.

MOTION: AUTHORIZING THE RECLASSIFICATION OF TWO CURRENTLY FILLED DEPUTY SHERIFF CORPORAL POSITIONS, GRADE 12 TO DEPUTY SHERIFF SERGEANT POSITIONS, GRADE 13 IN THE SHERIFF'S OFFICE MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER.

Ms. Fitzpatrick asked are these titles that we are looking to eliminate? Mr. Alderman replied it is unlikely that we will use them again. Ms. Fitzpatrick asked do you have a master list of titles? Mr. Wheeler replied on the master list these titles would not have existed, but they do exist in the union contract. Mr. Alderman explained that he almost never abolishes a job spec. We refer back to them depending on what may be happening and things may be cyclical.

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

3. **16B Waiver – Board of Elections** – Mr. Alderman requested authorization to waive Rule 16B and create two full-time Senior Clerk positions, Management Grade B, in the Board of Elections. Mr. Wheeler

stated Ms. Olin had provided the comparables with counties of similar size to ours and it was pretty universal that they had 8 FTE'S in that office instead of the 6 that we have.

MOTION: WAIVING RULE 16B AND AUTHORIZING THE CREATION OF TWO FULL-TIME SENIOR CLERK POSITIONS, MANAGEMENT GRADE B, IN THE BOARD OF ELECTIONS MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK.

Mr. Van Etten commented given what has happened with Elections over the last ten years, they need the additional support, especially with early voting and other new regulations. Mr. Swackhamer stated he agrees. At this point we need them and I think Board of Elections has done a good job of keeping things going.

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

4. **Appointing Assistant Public Defender Above Midpoint of Management Grade J** – Mr. Alderman requested authorization to appoint an Assistant Public Defender above the midpoint of Management Grade J at \$87,804. Mr. Sauro noted this will be a part-time position, so the salary will be half that amount at \$43,902.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO APPOINT AN ASSISTANT PUBLIC DEFENDER ABOVE THE MID-POINT OF MANAGEMENT GRADE J AT \$87,804, NOTING THE INDIVIDUAL BEING APPOINTED IS PART-TIME AND THE ACTUAL SALARY WILL BE \$43,902 MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

5. **Funding of 5th CAP Sheriff's Deputy Position** – Mr. Wheeler stated there were some assumptions made on his part during the budget process with regard to the SRO positions. In speaking with the Sheriff, in order to keep one supervisor and three deputies filled for each of the four shifts, there is a need to fund the 5th CAP deputy position. Right now we are using overtime to fill the vacancies. He is recommending filling that other full-time position. If for some reason BOCES cancels their SRO contract, the next two deputy positions would be zero-based and you would lose that revenue. This position will get us to full-staffing.

MOTION: ACTIVATING AND FUNDING A ZERO-BASED DEPUTY SHERIFF POSITION IN THE 2023 BUDGET MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS.

Mr. Swackhamer asked will the amount of overtime that is currently being put in equate to a full-time position? Mr. Wheeler replied one position for that shift is 10 hours. We are running a person 10 hours overtime essentially every day. With this position, we will be back up to full-staffing.

Ms. Fitzpatrick asked CAP will not be their sole responsibility? Sheriff Allard replied correct. Mr. Van Etten asked how long has this position been vacant? Sheriff Allard replied since October. Mr. Van Etten asked how many other positions are not filled or are you filling with overtime? Sheriff Allard replied he would have to research that. Mr. Van Etten asked will filling this position be a wash? Sheriff Allard explained the full-time position now is paid for with the BOCES reimbursement. When they cancelled their SRO contract last time, we had two positions that had to be reassigned. One of the positions was reassigned to Avoca and the other position was zero-based. One of the positions is now back at BOCES and the second is a new position at BOCES. Both BOCES positions are filled right now and we are getting reimbursement even though the backfill did not occur.

Mr. Wheeler stated I don't want to guarantee this will be a wash as there are other things impacting overtime. The overtime would be drastically reduced. Mr. Van Etten asked how many positions is BOCES paying for? Mr. Wheeler replied there are two positions at BOCES. The disconnect was on my end. We budgeted the revenues for two positions but only allocated the costs for one position. With the Sheriff's plan for Road Patrol contemplated, we are filling both. The revenue is correct but the budget shows one position less. Ms. Fitzpatrick asked did you budget it in the wrong spot? Mr. Wheeler replied we are increasing the budgeted expense, but because of the vacancies, we have plenty of room in the budget to cover it for 2023. For 2024, you will see the

salary line increase by one position. Mr. Malter asked are we creating or funding the position? Mr. Wheeler replied you would be funding the position.

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

6. **16B Waiver – Department of Public Safety** – Mr. Wheeler stated we are recommending the creation of an Emergency Medical Services Coordinator position in the Department of Public Safety. This is the first step in addressing the EMS issue.

MOTION: WAIVING RULE 16B AND AUTHORIZING THE CREATION OF AN EMERGENCY MEDICAL SERVICES COORDINATOR POSITION IN THE DEPARTMENT OF PUBLIC SAFETY MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

E. County Manager

1. **Archive Social** – Mr. Wheeler requested authorization to renew the contract with Archive Social. This is the software we use to archive posts and comments on social media. Under State Government Records Law, these are considered to be records. He is still waiting for pricing from the company. He requested approval not to exceed \$4,188 as that is what they have paid in the past but the number of posts have decreased. He stated he is trying to get the price down around \$3,000.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE CONTRACT WITH ARCHIVE SOCIAL FOR AN ANNUAL COST NOT TO EXCEED \$4,188 MADE BY MR. SWACKHAMER. SECONDED BY MR. NICHOLS.

Ms. Fitzpatrick asked have you attempted to retrieve any of the records? Mr. Wheeler replied, yes, they have used it. Archive Social backs those records up continuously.

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

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.E. COLLECTIVE NEGOTIATIONS PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, AND 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 MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

V. OTHER BUSINESS

A. *Open Meetings Law* – Mrs. Ferratella stated she had a constituent who was not able to access Zoom for last month's Legislative Meeting; why are we saying that the public cannot attend by Zoom? Mrs. Scotchmer stated because we are following State Law, which is still the same as it always was pre-COVID. The only way that the Legislators can have participation in the meeting if they are unable to physically attend, is we would have to publish their location and that location has to be in a space that the public could attend. Unless you have the option of extraordinary circumstance. There is nothing in State Law requiring us to allow the public to attend via Zoom. It only addresses how Legislators are able to participate in meetings. Our Local Law allows Legislators to attend under extraordinary circumstances. At that time, the Chairman said that he would like the department heads to have the ability to attend committee meetings by Zoom for efficiency purposes, so we are still doing Zoom for the committee meetings; we stopped doing Zoom for Legislative Meetings. The only time we do Zoom for the Legislative Meeting is if a Legislator is

attending under extraordinary circumstance and they, and only they, get the Zoom link. Mr. Wheeler stated we have received the same question with regard to other committees of the County, such as the Community Services Board.

Mr. Malter asked what about the livestreaming option? Ms. Prossick stated livestreaming is a foible record. Mrs. Scotchmer stated we would have to retain the recordings for five years and in talking with Information Technology, that would require an additional server and you would have to livestream every meeting. You would not be able to pick and choose which meetings to livestream. The issue is that if you start livestreaming, it goes to a platform such as Facebook, YouTube, etc. Mr. Wheeler stated generally the process for livestreaming requires more sophisticated equipment. Mr. Horton commented when you livestream, people are only getting a piece of the meeting; they are not getting what they would at the actual meeting or by reading the minutes.

Mrs. Ferratella stated thank you for the explanation; I was just confused. Ms. Prossick stated you are not the only one; there have been a lot of questions about this.

MOTION: TO ADJOURN MADE BY MR. NICHOLS. SECONDED BY MR. SWACKHAMER. 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 11, 2023 at 9:00 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, April 5, 2023**