

STEUBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, April 11, 2023

9:00 a.m.

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

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair	Kelly H. Fitzpatrick	Gary D. Swackhamer
STAFF:	Jack K. Wheeler Brenda Scotchmer Noel Terwilliger Cheryl Crocker Kathy Muller Colleen Hauryski Mitch Alger	Christopher Brewer Nate Alderman Andy Morse Craig Patrick Darlene Smith Tim Marshall Tammy Hurd-Harvey	Jennifer Prossick Lise Reynolds Rob Wolverton Jennifer Galvan Vicky Olin Brooks Baker Wendy Jordan
LEGISLATORS:	Scott J. Van Etten Jeffrey P. Horton Nicholas D. Pelham	Carol A. Ferratella Wendy Lozo Frederick G. Potter	K. Michael Hanna John V. Malter
ABSENT:	Robert V. Nichols, Vice Chair	Hilda T. Lando	
OTHERS:	Mary Perham		

Secretary’s Note: Hilda Lando attended via Zoom, however, not under the Extraordinary Circumstance 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 MARCH 14, 2023, AND MARCH 27, 2023, MEETINGS MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. DEPARTMENT REQUESTS

A. Real Property Tax Service Agency

1. **Authorization to Purchase New Plotter** – Mrs. Jordan requested authorization to purchase a new Plotter, which is budgeted for in the 2023 budget. The price is \$16,095.80. She explained this is a large-scale printer which will allow them to print tax maps, survey maps, etc.

MOTION: AUTHORIZING THE DIRECTOR OF THE REAL PROPERTY TAX SERVICE AGENCY TO PURCHASE A NEW PLOTTER FOR A TOTAL COST OF \$16,095.80 MADE MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. **Authorization to Renew Contract for Tax Bill Printing Services** – Mrs. Jordan requested authorization to renew the contract with ABS (Applied Business Systems) for tax bill printing.

MOTION: AUTHORIZING THE DIRECTOR OF THE REAL PROPERTY TAX SERVICE AGENCY TO RENEW THE CONTRACT WITH ABS (APPLIED BUSINESS SYSTEMS) FOR TAX BILL PRINTING

UNDER THE SAME TERMS AND CONDITIONS MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

B. Risk Manager

1. **Addition of Cohocton Joint Fire District to the 2023 Worker's Compensation Plan** – Mr. Sprague requested authorization to bring the Cohocton Joint Fire District into the 2023 Workers' Compensation Plan. This will save the district approximately \$4,000. Ms. Fitzpatrick asked is this a new district? Mr. Sprague replied yes. Ms. Fitzpatrick asked if they are new, how do you get the previous activity? Mr. Sprague replied their rate for this year will be based on the population served.

MOTION: AUTHORIZING THE RISK MANAGER TO ADD THE COHOCTON JOINT FIRE DISTRICT TO THE 2023 WORKERS' COMPENSATION PLAN MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. **Addition of Town of Cohocton to the 2023 Workers' Compensation Plan** – Mr. Sprague requested authorization to add the Town of Cohocton to the 2023 Workers' Compensation Plan. This will save the town approximately \$10,000. Adding the towns to the County's Workers' Compensation Plan has been very positive for the towns.

MOTION: AUTHORIZING THE RISK MANAGER TO ADD THE TOWN OF COHOCTON TO THE 2023 WORKERS' COMPENSATION PLAN MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

C. Personnel

1. **Probation** – Mr. Alderman requested authorization to reclassify a currently filled Senior Typist position, CSEA Grade F to a Senior Account Clerk-Typist position, CSEA Grade I. This is being done for training purposes due to a retirement. Once the training has been completed, then we will reclassify the position back to a Senior Typist.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE CURRENTLY FILLED SENIOR TYPIST POSITION, CSEA GRADE F TO A SENIOR ACCOUNT CLERK-TYPIST POSITION, CSEA GRADE I IN THE DEPARTMENT OF PROBATION MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

2. **Public Works** – Mr. Alderman requested authorization to reclassify a vacant Senior Account Clerk position, CSEA Grade G to a Senior Account Clerk-Typist position, CSEA Grade I.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A VACANT SENIOR ACCOUNT CLERK POSITION, CSEA GRADE G TO A SENIOR ACCOUNT CLERK-TYPIST POSITION, CSEA GRADE I IN THE DEPARTMENT OF PUBLIC WORKS MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER.

Ms. Fitzpatrick asked is there a person in this position? Mr. Alderman replied not currently. We have recruitment difficulties for Senior Account Clerk versus Senior Account Clerk-Typist. Ms. Fitzpatrick asked is a list available? Mr. Alderman replied yes. Mr. Malter asked if this is a vacant position and we are filling it, what is the need to fill it? Mr. Alderman replied the Senior Account Clerk position was filled and was recently vacated and we are just refilling that position.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

Mr. Alderman requested authorization to re-fund and reclassify one zero-based District Supervisor position, CSEA Grade N to a Building Supervisor, CSEA Grade M. There is a need for all of our buildings to have

someone supervise the HVAC, plumbing, etc. Mr. Wheeler stated we have enough money in the salary line to cover this position; we just need authorization for the reclassification.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A ZERO-BASED DISTRICT SUPERVISOR POSITION, CSEA GRADE N TO A BUILDING SUPERVISOR, CSEA GRADE M IN THE DEPARTMENT OF PUBLIC WORKS MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

3. **Public Health** – Mr. Alderman requested authorization to waive Rule 16B and create one full-time Office Manager position, CSEA Grade K.

MOTION: WAIVING RULE 16B AND AUTHORIZING THE CREATION OF ONE FULL-TIME OFFICE MANAGER POSITION, CSEA GRADE K IN PUBLIC HEALTH AND NURSING SERVICES MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

4. **Department of Social Services** – Mr. Alderman requested authorization to reclassify one zero-based Transportation Coordinator position, CSEA Grade 12 to Case Supervisor, Grade B, CSEA Grade N. Ms. Fitzpatrick asked do we need to fund this? Mr. Wheeler replied we have enough in the salary lines to fund. This is just a reclassification. Mr. Swackhamer asked do we get reimbursed? Mr. Wheeler replied we will be reimbursed 100 percent.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE ZERO-BASED TRANSPORTATION COORDINATOR POSITION, CSEA GRADE 12 TO CASE SUPERVISOR, GRADE B, CSEA GRADE N IN THE DEPARTMENT OF SOCIAL SERVICES MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

5. **Information Technology** – Mr. Alderman requested authorization to reclassify one vacant Computer Programmer position, CSEA Grade K to Network Technician, CSEA Grade L. After looking at the duties in the department, they do not have as much need for a Computer Programmer position. Ms. Fitzpatrick asked does this position need to be filled? Mr. Wolverton replied yes. We are moving away from writing programs in-house and going with commercial programs. With our security needs, we need more people on the network and security side.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT COMPUTER PROGRAMMER POSITION, CSEA GRADE K TO NETWORK TECHNICIAN, CSEA GRADE L IN THE INFORMATION TECHNOLOGY DEPARTMENT MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER.

Mr. Malter asked was this position filled before? Mr. Wheeler replied yes, as a Computer Programmer. We would support this reclassification.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 3-0.

6. **District Attorney's Office** – Mr. Alderman stated that he would let Mr. Baker explain his items.

Mr. Baker requested authorization to reclassify a Senior Assistant District Attorney position to a Deputy District Attorney and set the salary at \$125,000. We have never had a full-time Deputy District Attorney in the office. This position has different terms of employment as they act as me when I am not there. They are required to live in Steuben County and are prohibited from having outside employment. He noted that he does have a candidate, Joan Merry, who has 25 years of experience. She currently is working as a part-time Assistant District Attorney in Hornell City Court and also is the Chief DSS Attorney at Allegany County. She will be taking a \$25,000 cut in pay to take the position here.

Ms. Fitzpatrick asked where does this fall on the salary schedule? Mr. Baker replied she will be at the top of Grade K, step 12. Ms. Fitzpatrick asked how would we address raises? Mr. Wheeler explained she will be toward the top of the grade. We would, at that time, propose a one-step increase for them as they are treated like the rest of management. Ms. Fitzpatrick asked does this position fall in place where we need it to on the management grid? Mr. Wheeler replied yes, they feel it is reasonable. He noted the Public Defender also does not have a true deputy and has had an individual who acts as deputy in the Public Defender's absence. This is reasonable especially given what we were paying the previous individual who was acting as deputy. They have had one Senior Assistant District Attorney who has been making substantially more than the other Assistant District Attorneys.

Mr. Van Etten asked for the current year, do we have the funds to cover this? Mr. Wheeler replied yes. Mr. Baker stated we currently have an open part-time Assistant District Attorney spot that covers court in the Wayland/Hornell area.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE SENIOR ASSISTANT DISTRICT ATTORNEY POSITION TO DEPUTY DISTRICT ATTORNEY AND SETTING THE SALARY AT \$125,000 MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

Mr. Baker requested authorization to reclassify an 80-percent Assistant District Attorney position to a 50-percent Assistant District Attorney position. This is the hybrid position that we are proposing to reduce to 50-percent and we will move Drinald Bilcari from his full-time position to this part-time position. This 50-percent position works outside of the office and is a CAP and local courts position. We will be reducing the salary from \$84,000 to \$50,000, which is what we are paying the other part-time attorneys.

Mr. Baker explained this reclassification will result in a reduction of salary, and he would like to take that difference and split that between two attorneys; Peter Glanville and Bruce Rosekrans who will be picking up additional work. They both will be assuming Discovery and evening CAP. He would propose increasing Peter Glanville's salary \$20,000 as he will be assuming an additional one to one and a half days of work per week. He would propose increasing Bruce Rosekrans' salary \$10,000 as he will be assuming one half to one days of work per week.

Mr. Swackhamer asked how can they pick up an additional day of work if they are already full-time? Mr. Baker explained Mr. Glanville will work a full day which will end at 5:00 p.m. He then will have CAP court from 5:30 pm – 6:00 pm each evening and then will be doing remote weekend work for the discovery piece. Mr. Rosekrans will do the same and will work additional hours every day or on the weekend.

Ms. Fitzpatrick commented I thought we had already eliminated the 80-percent position. Does this reclassification permanently remove the 80-percent position? Mr. Baker replied yes.

MOTION: AUTHORIZING THE RECLASSIFICATION OF THE 80-PERCENT ASSISTANT DISTRICT ATTORNEY POSITION TO A 50-PERCENT ASSISTANT DISTRICT ATTORNEY POSITION MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Mr. Baker stated the other option to the salary adjustments for Mr. Glanville and Mr. Rosekrans would be to hire another Assistant District Attorney at \$40,000 - \$50,000 plus benefits. My thought was that the salary adjustments would be the most cost effective way to do this.

Mr. Schu asked what are their salaries currently? Mr. Baker replied the increases would put Mr. Glanville at \$122,000 and Mr. Rosekrans at \$103,700. Mr. Van Etten commented I understand your idea to take this and split it across two other individuals, however, to think that Mr. Glanville, for example, who is currently working a 45-hour work week is going to work a 60-hour work week all year? Mr. Baker replied if he does not want to do that, then we will have to change the position. He has asked to do this additional work and he has time to do it as he

has left his private practice. For Mr. Rosekrans, this will be an additional 5 to 10 hours per week and he will be looking at retiring in a few years. If the work does not get done, I will know that relatively quickly.

Mr. Van Etten stated the person that was doing CAP missed 27 CAP sessions last year. Ms. Fitzpatrick asked will Mr. Bilcari be doing CAP and village court? Mr. Baker replied he will do weekend CAP and is working outside of the office at Bradford, Pulteney, Prattsburgh and Bath Town court, as well as Bath Village court.

Ms. Fitzpatrick stated I am concerned about adding additional salary to the grade and how that appears. Mr. Rosekrans currently is a Step 1, but with this pay increase he will leap frog over several other people in the office. Is that appropriate? Mr. Baker replied Mr. Rosekrans has 20 plus years of experience and is doing more work. My other option is to keep the 80 percent position or try to find a part-time Assistant District Attorney, which is just about impossible and then we would have to pay benefits.

Ms. Fitzpatrick stated the 80 percent position does not exist anymore. It may be more appropriate, in a month or so, to come back and if the work is not getting done, to come in and ask for an additional attorney. I don't like that you are coming in and asking for extra pay and I don't think that I am in favor of this currently.

Mr. Baker stated we are losing 30 percent of the ADA work week. We will not have anyone to cover CAP every night and additionally we will not have about 25 percent of our discovery work being done. I don't have the ability to push this to someone else right now. I cannot ask someone to work 60 hours per week and not pay them.

Ms. Fitzpatrick asked are they salaried? Mr. Wheeler replied yes. Mr. Malter asked how did you come up with the \$10,000 and \$20,000 salary increases? I would rather see you hire another ADA. I am in favor of paying for the additional hours until you find another ADA. Mr. Schu commented it will cost more to create an additional position; the cost would be \$50,000 plus benefits.

Mr. Baker stated that is why I was doing this. We have 30 percent of our workload to cover and I don't know how to cover that. Mr. Malter stated I agree, but only doing this as a step toward hiring an additional ADA. We could pay for the additional hours without setting the salary.

Mr. Wheeler explained with exempt employees you run into federal Department of Labor laws if we treat them as hourly employees. They are not eligible for overtime. Mr. Van Etten asked could we give them a stipend? Mr. Wheeler replied you have the ability to do that. Mr. Baker stated because of the workload they would be earning half of the rate of a junior attorney. We would be saving money across the board and not adding a position and compensating them fairly. I thought this would be a win-win for the County. I don't have an objection to giving them a stipend. The workload for Mr. Glanville is twice as much as what it will be for Mr. Rosekrans. They are splitting the discovery portion of the workload. If you approved a stipend for six months, he could try to find someone to do that work.

Mr. Swackhamer stated he would like to move on from this discussion as no motion has been made.

Ms. Fitzpatrick asked could we consider looking at the pay grade and moving both up a step to give them raises? Mr. Wheeler replied you can do whatever you would like. Ms. Fitzpatrick stated in looking at the spreadsheet, we would be giving them a raise for the additional duties and they would fall into the salary grid. This would not preclude Mr. Baker from being able to come back. You are telling us that you need these people to get the job done, but are you getting the job done now? Mr. Baker replied one of the four people doing discovery is leaving. We had two full-time attorneys that were doing it.

Ms. Fitzpatrick asked is the office manager involved with tracking workload? Mr. Baker replied the office manager is tracking the workload of the office staff. With the discovery work it comes in through the paralegals and then is picked up by the attorneys who do the proofing and redacting. The office manager runs the office staff

and does not manage the workload for the attorneys. That is my job and the new Deputy Assistant District Attorney's job.

Mr. Wheeler stated Mr. Glanville is currently being paid \$102,518 and Mr. Rosekrans is paid \$93,623. Ms. Fitzpatrick asked could we move both of them up one step as a stop-gap measure? Mr. Wheeler replied you have the ability to move them where you would like.

Mr. Baker stated I cannot ask someone to work extra days per week for \$2,000 more a year. Ms. Fitzpatrick commented a step increase is better than nothing.

Mr. Van Etten asked how many times have we already paid salary increases for CAP? Ms. Fitzpatrick stated we gave a \$5,000 stipend to everyone for CAP. Mr. Baker replied this does not require any new money; we are just moving the work from one person to another.

Ms. Fitzpatrick asked if we don't do this, are you saying that your Assistant District Attorneys will not show up at CAP? Mr. Baker replied I don't think it is fair to ask the Assistant District Attorneys to work 60 hours a week.

Mr. Wheeler stated we put the original stipend into their salaries and this past year we adjusted the attorney salaries to assist with recruitment, retention and equity. The rest of management received a 5 percent raise and the attorneys, on average, received an 8 – 9 percent raise.

Mr. Schu stated there are only three members of the committee present today. Is anyone willing to make a motion?

MOTION: ADJUSTING THE SALARIES OF ASSISTANT DISTRICT ATTORNEY PETER GLANVILLE AND ASSISTANT DISTRICT ATTORNEY BRUCE ROSEKRANS BY ONE STEP MADE BY MS. FITZPATRICK. MOTION FAILS DUE TO LACK OF A SECOND.

Mr. Schu asked Mr. Baker to come back to committee next month and provide them an update on how things are working in the office as no action will be taken this month. Mr. Baker stated he does not know who they will be able to send to CAP.

Mr. Van Etten asked are we even meeting discovery requirements? We got the annual goals and objectives report, which you did not submit. The Public Defender shows that 144 cases were dismissed and 93 of those were felonies. Mr. Baker stated those were a lot of old COVID cases. Discovery has been miserable on everyone's part. A big part of ours is getting things from law enforcement and working our way through the process with them. That has been extremely difficult. We are meeting our discovery demands now. It took a long time to create a process. This is a new animal and they rewrote the entire criminal procedure law out of the blue. Mr. Van Etten stated you just told us you had two attorneys and two paralegals handling Discovery; what year did you do that? That was a couple of years ago and we are just now getting to the point where our discovery process is good?

Mr. Baker replied our discovery process has been good. We had to create it to begin with. They went back retroactive to a lot of pending cases which was extremely difficult to work our way through. It is a discovery process that is not just for the DA's Office. We can put 30 attorneys in the office to do discovery, but if I can't get it from law enforcement, then I can't turn it over. That is part of the problem. The Sheriff and I have talked about how much work that has been for his office to be able to create a process by which everything has become discoverable. It has been a learning process across the board. Our situation is better than that of a lot of counties across the State. In terms of the volume of material that we have to find and turn over, it has gone from maybe 10 – 12 pages to something that looks like the Rochester phone book on every case. This is a situation where we will continue to fight this battle on the process. Our numbers are consistent and better than most counties. Our system is in place and we are doing very well with it. We are taxed and this is pushing our office in a way that has not been done before.

Mr. Van Etten stated we received caseload data from the Public Defender, Assigned Counsel and the Law Department; but nothing from your office. It would be helpful to us if you give us your history. He stated he would like to see a five-year history on staffing and salaries to see how your department has grown. If you would give us that history, that would allow us to understand if your requests are reasonable.

Mr. Malter asked what if we allocated \$2,500 per month for three months and see how it goes? Mr. Schu replied that would be a stipend. Mr. Malter stated he is looking for a stop-gap situation for three months and in the meantime, Mr. Baker could hire an additional Assistant District Attorney. Mr. Baker stated he would need to create a position for that. I have two part-time positions that are not currently filled and are being covered by other Assistant District Attorneys. Mr. Malter asked how are you doing that? Mr. Baker replied the entire office picks up that load. Mr. Malter asked if those two positions were filled, would we need to do anything additionally? Mr. Baker replied we would still have that 30 percent of workload that would need to be covered. Mr. Schu stated we will revisit this request next month.

Mr. Baker requested authorization to correct the salary for part-time investigator, Chris Wilkinson. This is the CAC investigator position that is funded by DSS. We need to adjust his salary so that he being paid the same as the other part-time investigators, which is \$35,000 per year. When our office completed the paperwork, the wrong number was entered. Ms. Fitzpatrick asked is this retroactive? Mr. Wheeler replied no.

MOTION: AUTHORIZING THE CORRECTION OF SALARY FOR PART-TIME INVESTIGATOR CHRIS WILKINSON TO \$35,000 PER YEAR MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

7. **Personnel** – Mr. Alderman stated he is appointing Josette Morse as Senior Personnel Clerk and would like authorization to set her salary above the mid-point of Management Grade E at Step 10 which is \$61,216.

MOTION: AUTHORIZING THE PERSONNEL OFFICER TO SET THE SALARY OF SENIOR PERSONNEL CLERK JOSETTE MORSE ABOVE THE MID-POINT OF MANAGEMENT GRADE E AT STEP 10 (\$61,216) MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

V. OTHER BUSINESS

A. *Corning Courthouse* – Mr. Van Etten asked what is the status of the Corning Courthouse and Three Rivers Development? Mr. Wheeler replied he expects they will make a final determination next week.

MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Tuesday, May 9, 2023 at 9:00 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, May 3, 2023**