

**STEBEN COUNTY ADMINISTRATION COMMITTEE**

*Tuesday, February 14, 2023*

*9:00 a.m.*

*Legislative Chambers, 3<sup>rd</sup> Floor, Annex Building  
Bath, New York*

**\*\*MINUTES\*\***

- COMMITTEE:** Brian C. Schu, Chair                      Robert V. Nichols, Vice Chair                      Kelly H. Fitzpatrick
- STAFF:** Jack K. Wheeler                      Christopher Brewer                      Jennifer Prossick  
               Brenda Scotchmer                      Ken Forenz                      Jennifer Galvan  
               Nate Alderman                      Jennifer DeMonstoy                      Lise Reynolds  
               Kathy Muller                      Andy Morse                      Shawn Sauro  
               Eric Rose                      Tammy Hurd-Harvey                      Wendy Jordan  
               Vicky Olin                      Colleen Hauryski                      Mitch Alger
- LEGISLATORS:** Scott J. Van Etten                      Carol A. Ferratella                      Jeffrey P. Horton  
                           Hilda T. Lando                      Wendy Lozo                      John V. Malter  
                           Nicholas D. Pelham                      Frederick G. Potter
- ABSENT:** Hilda T. Lando                      Gary D. Swackhamer
- Secretary’s Note: Hilda Lando attended via zoom, however, not under the Extraordinary Circumstance exemption*
- OTHERS:** 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 JANUARY 10, 2023, AND JANUARY 23, 2023, MEETINGS MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

**III. DEPARTMENT REQUESTS**

A. Real Property Tax Service Agency

1. **Tax Certiorari** – Mrs. Jordan stated the City of Corning has requested the County to participate in a Tax Certiorari relative to Rite Aid. The County would share the cost of the appraisal for the property. The estimated cost of the appraisal is \$13,000 with the County share being \$2,405.

**MOTION: AUTHORIZING THE COUNTY TO PARTICIPATE IN A TAX CERTIORARI PROCEEDING WITH THE CITY OF CORNING MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS.**

Mr. Nichols asked does the County commonly do this? Ms. Prossick replied pursuant to a resolution adopted in 2012, for properties with an assessed value over \$2 million or \$2.5 million, the County will share the pro rata percent for the appraisal. We have not done one since 2019.

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

B. Emergency Management Office

1. **Volunteer Firefighter/Ambulance Worker Exemption** – Mr. Forenz requested the County amend Local Law No. Two for the Year 2007 relative to providing an exemption for real property owned by an enrolled volunteer firefighter or ambulance worker in an amount of ten percent. He noted Section 2.d refers to un-remarried spouses of enrolled members of an incorporated volunteer fire or ambulance who are killed in the line of duty; they would have to reapply for the exemption if this local law is adopted. Mrs. Jordan explained an application would be sent to the assessor and they have the option to apply for the County exemption, the Town exemption or both.

Ms. Fitzpatrick commented this is a good thing to offer to the volunteers. We want and need more volunteers and we do not want to punish them. Mr. Nichols commented it all depends how much you want to spread to other taxpayers.

**MOTION: PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2023, AMENDING LOCAL LAW NO. TWO FOR THE YEAR 2007, RELATIVE TO PROVIDING AN EXEMPTION FOR REAL PROPERTY OWNED BY AN ENROLLED VOLUNTEER FIREFIGHTER OR AMBULANCE WORKER IN AN AMOUNT OF TEN PERCENT MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS.**

Mr. Nichols asked is this just on their residence? Mrs. Scotchmer replied yes, this is only on their primary residence. Mr. Horton commented their house would have to be assessed at over \$200,000 to get any benefit. Mr. Van Etten asked how many towns have adopted this? Mrs. Jordan replied we have not seen any.

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

C. Purchasing

1. **Award Quarterly Copy Paper Bid** – Mr. Morse noted they received three bids. He recommended awarding to the lowest bidder, W.B. Mason, for \$41.18 per case. Our price last quarter was \$50.38, so the price has come down. Mr. Nichols asked what did you pay last year for paper? Mr. Morse replied we were paying \$23.00 per case.

**MOTION: AWARDING THE QUARTERLY COPY PAPER BID TO THE LOW BIDDER, W.B. MASON, FOR \$41.18 PER CASE MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

2. **Authorization to Issue Printing Services Bid** – Mr. Morse requested authorization to issue the bid for Printing Services. We do a number of printing jobs each year and last year we spent between \$50,000 - \$70,000.

**MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO ISSUE A BID FOR PRINTING SERVICES MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

D. Personnel

1. **Reclassification – Community Services** – Mr. Alderman requested authorization to reclassify one vacant Staff Social Worker, CSEA Grade L to a Senior Social Worker, CSEA Grade O. He stated this is a position that is actually in DSS in the BILT program.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT STAFF SOCIAL WORKER, CSEA GRADE L TO A SENIOR SOCIAL WORKER, CSEA GRADE O IN THE DEPARTMENT OF COMMUNITY SERVICES MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.**

2. **Reclassifications – Public Health** – Mr. Alderman requested authorization to reclassify a Public Health Emergency Coordinator, CSEA Grade L to a Public Health Specialist, CSEA Grade O.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF A PUBLIC HEALTH EMERGENCY COORDINATOR, CSEA GRADE L TO A PUBLIC HEALTH SPECIALIST, CSEA GRADE O IN THE PUBLIC HEALTH DEPARTMENT MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.**

Mr. Alderman requested authorization to reclassify a Public Health Education Coordinator, CSEA Grade L to a Public Health Specialist, CSEA Grade O.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF A PUBLIC HEALTH EDUCATION COORDINATOR, CSEA GRADE L TO A PUBLIC HEALTH SPECIALIST, CSEA GRADE O IN THE PUBLIC HEALTH DEPARTMENT MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.**

3. **Reclassification – Social Services** – Mr. Alderman requested authorization to reclassify one Work-Relief On-Site Supervisor, CSEA Grade G to a Senior Work-Relief On-Site Supervisor, CSEA Grade I.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE WORK-RELIEF ON-SITE SUPERVISOR, CSEA GRADE G TO A SENIOR WORK-RELIEF ON-SITE SUPERVISOR, CSEA GRADE I IN THE DEPARTMENT OF SOCIAL SERVICES MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK.**

Ms. Fitzpatrick asked what is this? Mr. Wheeler replied this is for the Mobile Work Crew leaders. Ms. Fitzpatrick asked how much is the increase? Mr. Alderman replied this will result in an increase of \$2,052.

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

4. **Reclassification – Public Works** – Mr. Alderman requested authorization to reclassify one Senior Account Clerk, CSEA Grade G to a Senior Account Clerk-Typist, CSEA Grade I.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE SENIOR ACCOUNT CLERK, CSEA GRADE G TO A SENIOR ACCOUNT CLERK-TYPIST, CSEA GRADE I IN THE DEPARTMENT OF PUBLIC WORKS MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.**

Mr. Malter asked what is the additional cost for all of these positions? Mr. Wheeler replied we have enough in the budget. It is approximately \$2,000 per position, so between \$10,000 - \$12,000 total. Mr. Malter stated with the union contract everyone received a raise and now these individuals are receiving a second raise with these upgrades. Mr. Wheeler stated yes.

Ms. Fitzpatrick asked what can we do to prevent these reclassification throughout the year? Mr. Alderman replied not much. The positions are classified based on duties. Any time that an employee or department head requests us to look at a position, we are required to do that. He stated that he is required to give two options; reclassify the position or stop doing duties outside of the position classification. Civil Service is a duties-based system and the reclassifications are difficult to not do. Mr. Wheeler commented we are seeing less people on certain testing lists. The reclassifications are based on the duties as well as the recruiting environment. We have not been filling some vacant positions and in some titles people are assuming more duties.

Ms. Fitzpatrick asked what about the Senior Account Clerks and moving toward removing or reclassifying those positions? Mr. Alderman replied that is based on duties and we do not have many Senior Account Clerks left. There are a couple that we are not yet raising to the level of Senior Account Clerk-Typist. If we are going to do reclassifications for clerical, it will no longer be to a Senior Account Clerk.

Mr. Wheeler stated the other instance when we look at reclassifications is when there is a vacancy. At that point we look at the position to ensure that the duties are correct for the title. Mr. Alderman commented many of the positions that we look at also stay the same and we do not bring those to you. Mr. Malter asked when we do not fill vacancies, does that shift the duties? Mr. Alderman replied in some instances that is the case.

Ms. Fitzpatrick asked do you do a routine screening of job duties in various departments or areas, or only when asked? Mr. Alderman replied with our staff, normally we just do them when we are asked. We probably on average, look at 10 – 15 positions per month. Ms. Fitzpatrick stated this is good when you have a person capable of and doing more duties and we certainly want to reward them. Mr. Wheeler stated doing these reviews also avoids grievances. Mr. Alderman commented there is a prohibition against out of title work.

5. **Appointing Professional Engineer Above Mid-Point of Management Grade K** – Mr. Alderman requested authorization to appoint a professional engineer in the Department of Public Works above the mid-point at Step 6 of Management Grade K. Mr. Rose noted this individual has the experience and has worked with the NYS Department of Transportation. Mr. Wheeler stated we are in support of this. Mr. Nichols asked will this individual have to take a Civil Service exam? Mr. Alderman replied yes. Mr. Wheeler stated the individual will need to place in the top three. We did have a conversation about this with the individual, and they are aware.

**MOTION: AUTHORIZING THE APPOINTMENT OF A PROFESSIONAL ENGINEER IN THE DEPARTMENT OF PUBLIC WORKS, ABOVE THE MID-POINT OF MANAGEMENT GRADE K, STEP 6 MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

6. **Temporary Appointment of Acting Deputy District Attorney** – Mr. Alderman requested authorization to temporarily appoint Joseph Pelych as Acting Deputy District Attorney at the same rate that Dave Wallace had been paid, which is \$118,980. Mr. Pelych is currently an 80 percent employee who will be moving to a full-time position as Acting Deputy District Attorney and this salary is above the mid-point. He noted this will be a temporary appointment for six months.

**MOTION: AUTHORIZING THE TEMPORARY APPOINTMENT OF JOSEPH PELYCH AS ACTING DEPUTY DISTRICT ATTORNEY FOR SIX MONTHS AND SETTING HIS SALARY AT \$118,980 MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

7. **Public Defender – 16B Waiver** – Mr. Alderman requested authorization to Waive Rule 16B and create three additional full-time Assistant Public Defender positions at Management Grade J. Mr. Wheeler noted these positions are grant-funded.

**MOTION: WAIVING RULE 16B AND AUTHORIZING THE CREATION OF THREE FULL-TIME ASSISTANT PUBLIC DEFENDER POSITIONS AT MANAGEMENT GRADE J MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.**

8. **Appointing Assistant Public Defender Above the Mid-Point** – Mr. Alderman stated Mr. Sauro has requested authorization to appoint a part-time Assistant Public Defender at \$43,902 which is above the mid-point. Mr. Sauro explained he has the opportunity to rehire an extremely experienced Public Defender who has indicated a desire to come back. This position will help us get to our goal of caseload cap compliance. Mr. Nichols asked where is the money coming from? Mr. Wheeler replied there is enough in the salary line to cover. Mr. Sauro stated this is also grant funded. Mr. Malter asked why is this only a part-time position? Mr. Sauro replied this individual is taking another part-time position in another county.

**MOTION: AUTHORIZING THE APPOINTMENT OF A PART-TIME PUBLIC DEFENDER AND SETTING THE SALARY ABOVE THE MID-POINT AT \$43,902 MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 3-0.**

E. Law Department

1. **Easement Agreement** – Ms. Prossick requested authorization to enter into an easement agreement. She explained we have an existing permanent easement for creek bed maintenance relative to a property located in the Town of Pulteney. A survey was recently done and it was found that a porch was added and encroaches on the current easement. She requested authorization to enter into an agreement to acknowledge the encroachment of the property onto the County’s permanent easement. She noted that the County still will have full access to the creek bed.

**MOTION: AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT RELATIVE TO A PROPERTY LOCATED IN THE TOWN OF PULTENEY MADE BY MR. NICHOLS. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.**

F. County Manager

1. **eFMAP Memorializing Resolution** – Mr. Wheeler explained eFMAP funding is the Federal sharing program for Medicaid. New York is one of the only States that has a local share of Medicaid. We have not been paid in six years. When the Affordable Care Act was passed, Congress included enhanced FMAP funding. With that, the States were receiving more money back. The Governor’s proposed budget stops the eFMAP funding. That will have a \$2.5 million impact to us and that would go forward as well. We are already over \$6 million that we did not receive. These are funds that are supposed to be ours. NYSAC has been having conversations with the Governor’s Office. This will result in \$2.5 billion statewide and will be a major problem. We and other counties are doing a lot of press. The Governor will be submitting 30-day amendments and if that does not work, then we may be talking litigation. Mr. Wheeler stated this is the worst Executive Budget proposal that he has seen in his 15 years with the County.

**MOTION: MEMORIALIZING THE GOVERNOR AND LEGISLATURE TO CONTINUE PASS-THROUGH EFMAP FUNDING MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS.**

Mr. Schu asked do we budget for this? Mr. Wheeler replied we budget the weekly share. We budget the cap conservatively and if this comes through, it will be reflected in your budget. Mr. Malter asked are we carrying the \$6 million owed as a receivable on the books? Mr. Wheeler replied I don’t think so. Mr. Malter asked what are the chances of securing this? Mr. Wheeler replied we think high. Mr. Malter asked will we take legal action? Mr. Wheeler replied if the proposal goes away we should be good on the Affordable Care Act Medicaid. All of the counties submitted a FOIL to see how much we were awarded. It took six to nine months to get an answer. New York City alone would lose billions of dollars. We would have a very powerful ally.

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

2. **Mortgage Tax Extension**

**MOTION: REQUESTING AN EXTENSION OF THE MORTGAGE TAX MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.**

V. **OTHER BUSINESS**

A. *Goals* – Mr. Schu stated one of the goals would be succession planning. Ms. Fitzpatrick stated we should establish a policy for succession planning. We are facing that with Mental Health and not having a plan in place. Mr. Schu asked how would we go about that? Mr. Wheeler replied we have worked with other departments and are currently working with Real Property. That is an area that we need to work on and there are times that we can be left in a tight spot. He noted that what the Committee approved for Public Health does help as that is putting two individuals in positions where they are performing higher level functions. Ms. Fitzpatrick stated it would be interesting to look at other departments rather than waiting and being reactive.

Ms. Fitzpatrick stated the only other thing to add is that we spend a lot of time discussing the outside work policy. I would like to review and establish a very specific outside work policy and would like to get that ironed out. Mr. Wheeler

stated we do have a policy and that has not been updated in a couple of years. Ms. Prossick stated part of the issue is the Ethics Law and we have to look at both. Most of the other issues are when you look at the attorneys. Ms. Fitzpatrick stated I would like it to be clear. Mr. Wheeler stated we will review the policy. He stated the department goals will be sent out sometime next week.

Mrs. Ferratella asked will we be reviewing the Ethics Law in conjunction with the policy on outside employment? Ms. Fitzpatrick replied yes. Mr. Nichols stated we can look, but we already have it in place. You will always have questions that will come up. We have a policy in place and if there is an issue, we hear from Mrs. Scotchmer on the ethics procedure.

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

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR  
Tuesday, March 14, 2023 at 9:00 a.m.**

**Agenda items due to the Clerk of the Legislature's Office  
NO LATER THAN NOON  
Wednesday, March 8, 2022**