

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, January 7, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger David Hopkins Jerry Miller Jim Allard Noel Terwilliger	Jack Wheeler Jim Gleason Andy Greeley Alan Reed	Tim Marshall Ken Isaman David Cole Mike McCartney
LEGISLATORS:	Joseph J. Hauryski Gary B. Roush	K. Michael Hanna Randolph J. Weaver	William A. Peoples

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE DECEMBER 3, 2013, MEETING MADE BY MR. FARRAND. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. District Attorney

1. **RFP for Investigative Services** – Mr. McCartney requested authorization to issue an RFP for Investigative Services. They grant funds from two sources which have been earmarked for investigation, case management and education associated with controlled substances. The total amount of funding available is \$9,500. We are looking to contract with an entity to provide, on an hourly basis, non-law enforcement/non-arrest assistance in a variety of tasks from surveillance, searches of cooperative individuals, case research, background investigation and links to other unauthorized income and public education.

Mr. Ryan asked what about liability? Mr. Reed explained as they would not be an employee of the County, they would need to provide an insurance certificate to us. The County also has a hold harmless clause. Mr. Farrand asked what about Noel Terwilliger? Would it be better to use the grant funds for additional overtime for him? Mr. Reed stated Mr. Baker wanted someone in addition to Mr. Terwilliger. Under penal law, the District Attorney’s Investigator does have qualified immunity. Mr. Baker was looking for someone that doesn’t require that.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ISSUE AN RFP FOR INVESTIGATIVE SERVICES MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Emergency Management Office

1. **2013 Contracts** – Mr. Marshall requested authorization to renew his contracts with Motorola, Environmental Emergency Services, Inc., Monroe County Medical Examiner and Empire Telephone. He stated

that they are on the last year of five-year contracts with Motorola, Environmental Emergency Services, Inc. and Empire Telephone and next year we will need to bid them out again.

MOTION: APPROVING THE FOLLOWING 2013 CONTRACT RENEWALS FOR THE EMERGENCY MANAGEMENT OFFICE: MOTOROLA - \$95,480.00; ENVIRONMENTAL EMERGENCY SERVICES, INC. - \$8,000.00; MONROE COUNTY MEDICAL EXAMINERS - \$89,452.00 AND EMPIRE TELEPHONE - \$1,899.00 MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **EMS Mutual Aid Plan** – Mr. Marshall informed the committee that he has drafted this in response to the issue of EMS struggling during the daytime hours to staff calls. Right now we run on a 9-minute dispatch. With the IAmResponding Program, we have a little more knowledge of which agencies are in service. We think we can bring that timeframe down to 6 minutes. If after 6 minutes we don't have a full crew, then we will start the mutual aid. We are also asking agencies that if they know they don't have a crew available during the day, to just call their ambulance out of service. This plan is very similar to what other counties are doing.

Mr. Farrand commented that Cameron has one EMT that is available all the time. Mr. Marshall stated we are getting to the point where the number of volunteers with that level of training and the commitment of hours are starting to dwindle. They have gone to the national standard so the bar has been set higher. Mr. Farrand suggested that this committee should send a resolution to NYSAC asking them to work with STREMS.

Mr. Ryan asked has your association pushed back to the State with regard to these requirements? Mr. Marshall replied State EMS and the STREMS Council are both overseen by doctors and they are the driving force. They are trying to push out the volunteer EMS. Mr. Ryan commented that it is ridiculous in rural areas to have such stringent rules. Mr. Marshall stated that now we are getting into issues where EMTs from one community are assisting other communities and there are different medical directors and the ambulances are set up differently. He stated that he would rather see a plan that spells everything out. We have had several meetings with State EMS and STREMS to address our concerns that going to the national standards is not working.

Mr. Hauryski stated that not all ambulances are equipped with the same equipment. Have you addressed that? Mr. Marshall replied all ambulances have a standard set of equipment; however, the equipment may not be in the same location in other ambulances. The State Bureau of EMS certifies all ambulances. They have to meet certain minimum standards.

MOTION: APPROVING THE EMS MUTUAL AID PLAN AS PRESENTED MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING A MEMORIALIZING RESOLUTION TO BE SENT TO THE NEW YORK STATE ASSOCIATION OF COUNTIES, STREMS AND THE STATE BUREAU OF EMS REGARDING THE NUMBER OF TRAINING HOURS REQUIRED FOR EMT'S MADE BY MR. FARRAND. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Narrowbanding Project** – Mr. Marshall informed the committee that last month Motorola came out and said they would not make the end of the year deadline. We did make an application to the FCC for a waiver exempting us from the narrowbanding requirements for a six-month time period so that we can continue to work on getting the equipment installed. Our new timeline will be the end of June. One of the issues we have is regarding the frequency allocation for the Perkinsville Tower site. Because it sits within the 50-mile A-line of Canada, any licensing has to go to Canada for approval. They rejected our first application. We have since sent in another application and have not received any word. Until that licensing is approved by Canada and the FCC, we cannot turn the system on.

Mr. Ryan asked what is the status of the Jasper tower site? Mr. Marshall requested that be discussed in Executive Session.

C. Administrator

1. **Assigned Counsel Contract** – Mr. Alger requested authorization to renew their contract with Dave Wallace, Esq. to administer the Assigned Counsel Program. The amount of the contract is \$45,000.00 annually and represents the first increase in six years.

Mr. Mullen asked does Mr. Wallace provide a breakdown on the time? Mr. Alger replied Mr. Wallace does provide us with a routine report on caseloads and assignments. This reflects everything that the Public Defender does not handle. This year we need to take a look at whether we want to try to implement a conflicts office. This would be separate from the Public Defender and they could handle the conflicts. We could either hire a staff person to do this, or look at a contract. Mr. Schu stated that he would like to see it done on a fixed cost basis because we don't know what the caseloads will be. Mr. Alger stated that originally we were going to do a conflicts office ten years ago, but the State had questions about creating those offices. Last year the State came out with standards and it is much clearer how to do that. We can do an RFP and see what kind of responses you get. The caseload is such that we need to look at how we are doing.

Mr. Mullen asked is there a review if certain attorneys submit higher bills? Mr. Schu replied that is Mr. Wallace's job, to scrutinize the billing. Mr. Alger explained the assigned counsel administrator has a very key role in maintaining our costs. All bills are reviewed by the assigned counsel administrator and signed by the judge.

Mr. Farrand asked if we had a conflicts office, how would that work? Mr. Schu stated that in Allegany County they have a group of four attorneys and they have a fixed cost that they have to stay within. Right now, we don't know what we are spending. Mr. Alger explained it is a question of how you do it. One option is that you can hire people and set up another office. The other option is you can contract for that service. The standards set by the State will dictate which of those makes more sense. We have to submit a conflicts plan that has been approved by the State. Mr. Farrand commented that he likes the idea of how Allegany County is doing it.

MOTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO RENEW THEIR CONTRACT WITH DAVID WALLACE, ESQ. TO ADMINISTER THE ASSIGNED COUNSEL PROGRAM FOR AN ANNUAL COST OF \$45,000.00 MADE BY MR. FARRAND. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Cell Phone Request** – Mr. Alger requested authorization to assign cell phones to the Dave Cole, Sheriff and Jim Allard, Undersheriff.

MOTION: ASSIGNING CELL PHONES TO SHERIFF DAVID COLE AND UNDERSHERIFF JIM ALLARD MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. Sheriff

1. **Major Equipment Request** – Sheriff Cole requested authorization to spend money in his Major Equipment line for the purchase of vehicles.

MOTION: AUTHORIZING THE SHERIFF TO PURCHASE VEHICLES FROM HIS MAJOR EQUIPMENT LINE MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. OTHER BUSINESS

A. **Changing the Date of the February Meeting** – Mr. Schu stated that due to the NYSAC Conference, it has been suggested that the February meeting be moved to the following Monday, February 11th at 9:00 a.m.

MOTION: CHANGING THE DATE OF THE FEBRUARY MEETING TO MONDAY, FEBRUARY 11, 2013, AT 9:00 A.M. MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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 MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. FARRAND. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

NEXT MEETING SCHEDULED FOR

****PLEASE NOTE CHANGE**Monday, February 11, 2013 @ 9:00 a.m.**PLEASE NOTE CHANGE****

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Tuesday, January 29, 2013.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, January 28, 2013

9:15 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair George J. Welch	Aaron I. Mullen	Thomas J. Ryan
STAFF:	Jack Wheeler Tina Goodwin Shawn Corey Noel Terwilliger	David Cole Tim Marshall Nancy Smith	Jim Allard Alan Reed Jim Gleason
LEGISLATORS:	Joseph J. Hauryski Robin K. Lattimer Scott J. Van Etten	K. Michael Hanna William A. Peoples Randolph J. Weaver	Hilda T. Lando Gary B. Roush
OTHERS:	Mark Conrad, Chief, Bath Fire Department		

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:30 a.m.

II. GENERAL BUSINESS

A. *Towing* – Mr. Schu stated that the committee received the proposed Request for Proposal packet for review. Mr. Wheeler stated that one section of the RFP does address the cost charge to the consumers and there is a standard fee schedule. This is the best and only option at this point. We have received many calls from law enforcement, and emergency services, as well as the tow companies. There are a lot of counties that have gone this route. Our responsibility is to make sure that the dispatch we provide is with a capable, competent and properly insured company. With this we should be better able to control the response times.

Mr. Mullen commented with this RFP, the vehicle operator and the responders on the scene can call for a specific company. If they do not have a preference would the policy then kick in? Mr. Wheeler replied that is correct. We would encourage the responders on the scene to make the call if they know what company and what equipment is needed. This is not a bid. This is an award for professional services which allows us to factor in qualifications and experience. We would like to reach out to law enforcement and emergency services to find out which companies have the most experience.

MOTION: AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR TOWING SERVICES MADE BY MR. MULLEN. SECONDED BY MR. WELCH FOR DISCUSSION.

Mr. Roush asked will there be a rotating list? Mr. Schu replied no. We anticipate that there will be a primary and secondary operator for each of the four quadrants. Mr. Wheeler explained there will be four quadrants with a primary and secondary for each of three categories; highway, commercial traffic and personal vehicles. If neither the primary or secondary are available, then we would go to a list.

Ms. Lattimer asked what is the timeframe for this? Mr. Wheeler replied we anticipate one month to get responses back and then a couple of weeks to review. We should be able to award the RFP by March or April at the latest. Mr. Mullen

commented that what he likes about the RFP is the fact that it still allows the motor vehicle operator to choose what towing service they would like. Discussion followed.

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

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by,

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, February 11, 2013

9:00 a.m.

Legislative Committee Room
Steuben County Office Building
Bath, New York

****MINUTES****

COMMITTEE:	Joseph J. Hauryski George J. Welch	Aaron I. Mullen	Thomas J. Ryan
STAFF:	Jack Wheeler Tina Goodwin David Cole Alan Reed Dan Brown	Jim Gleason Noel Terwilliger Jim Allard Shawn Corey	Tim Marshall Phil Roche Andy Greeley Brenda Mori
LEGISLATORS:	K. Michael Hanna	William A. Peoples	Randolph J. Weaver
ABSENT:	Brian C. Schu, Chair	Dan C. Farrand, Vice Chair	

I. CALL TO ORDER

Mr. Hauryski called the meeting to order at 9:00 a.m. and asked Undersheriff Allard to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 7, 2013, AND JANUARY 28, 2013, MEETINGS MADE BY MR. RYAN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. Sheriff

1. **STEP Grant** – Sheriff Cole requested authorization to accept a 2013 STEP Grant in the amount of \$9,500.00. There is no County match.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A 2013 STEP GRANT IN THE AMOUNT OF \$9,500.00 MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR . MOTION CARRIES 4-0.

2. **Prisoner Housing Contract** – Sheriff Cole requested authorization to enter into an inter-municipal agreement with Livingston County for housing Livingston County inmates at the Steuben County Jail and when necessary, to house Steuben County inmates at the Livingston County Jail.

MOTION: AUTHORIZING THE SHERIFF TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE LIVINGSTON COUNTY SHERIFF'S DEPARTMENT FOR INMATE HOUSING MADE BY MR. RYAN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

3. **Erwin Town Court Security Contract** – Sheriff Cole requested authorization to discontinue the inter-municipal agreement with the Erwin Town Court to provide security. Sergeant Brown explained we currently are providing security at the Erwin Town Court for two hours per day, twice a week. With our current staff levels and other requirements, it has been a challenge to maintain security. Undersheriff Allard commented that historically, the Painted Post Police Department always used to supply the officer. Under the mayoral

administration, the decision was made to not continue to supply an officer, at which time the Erwin Town Court contacted us. This is not a viable situation for the court security division to maintain.

Mr. Mullen asked are you hiring a part-time or full-time officer? Sergeant Brown replied we use one part-time armed officer as the court requires an armed officer. The majority of his staff are unarmed full-time officers or unarmed part-time officers. Mr. Welch asked would there be a cost savings to discontinue the contract? Sergeant Brown replied that he is not sure if there would be a cost savings, but it will enable us to cover our positions here. Discussion followed.

MOTION: AUTHORIZING THE SHERIFF TO TERMINATE AN INTER-MUNICIPAL AGREEMENT WITH THE ERWIN TOWN COURT TO PROVIDE SECURITY MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

4. **Informational** – Sheriff Cole stated that he recently met with the New York State Police and we are in the process of working with them to hold DWI road checks. We would like to do these once a month with the State Police as well as other agencies. He stated that he has also met with CNET and we will start working with them and the State Police to more actively be involved in drug arrests.

5. **Officer Commendations** – Sheriff Cole stated that he would like to recognize the work of Deputy O’Dell who was involved with a traffic stop involving 11 illegal aliens. Undersheriff Allard also stated that he would like to recognize three Corrections Officers, Officer Scotty, for not taking any sick days in the past two years; Officer Rheinbold who suggested setting up a code system, which is currently being used in the Jail; and Officer Fonzo, who has developed a field training and evaluation program. *Congratulations!*

Mr. Ryan stated that since the Sheriff is here, he would like to take the opportunity to present to the committee a resolution passed by the Region 8 Fish & Wildlife Committee in opposition to the SAFE Act. Mr. Wheeler commented that he has seen the draft of the InterCounty resolution and one of things he would like to highlight is the unfunded mandate portion of this. We have received some statistics from Dr. Chapman about the mental health impacts of this new law.

Sheriff Cole stated that he has a couple of programs that he would like to try to implement. First, he would like to meet with the School Superintendents to talk about the possibility of supplying law enforcement to the schools. Second, he would like to bring in at-risk youth to the Sheriff’s Department and focus on doing positive things with them.

Mr. Welch commented there are pros and cons to the legislation. To just throw this at the committee, he could not vote for or against it right now. Mr. Hauryski asked that something be written up and presented to the committee for their review next month.

B. Emergency Management Office

1. **2011/2012 Homeland Security Grants** – Mr. Marshall stated the committee had previously accepted the 2011 and 2012 Homeland Security Grants, but we did not authorize the budget. He requested authorization to appropriate a total of \$99,300 from the 2011 Homeland Security Grant to the Equipment, Cell Phone Chargebacks, Software, Operational Support, Contract Labor and Volunteer Training line items. He also requested authorization to appropriate a total of \$66,000 from the 2012 Homeland Security Grant to the Software, Cell Phone Chargeback and Contract Labor line items. Mr. Marshall stated they would also like to use some of the funding from the 2012 Homeland Security Grant to do a full-scale exercise that would include multiple agencies.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO APPROPRIATE A TOTAL OF \$99,300 FROM THE 2011 HOMELAND SECURITY GRANT TO THE EQUIPMENT, CELL PHONE CHARGEBACK, SOFTWARE, OPERATIONAL SUPPORT, CONTRACT LABOR AND VOLUNTEER TRAINING LINE ITEMS AND TO APPROPRIATE A TOTAL OF \$66,000 FROM THE 2012 HOMELAND SECURITY GRANT TO THE SOFTWARE, CELL PHONE CHARGEBACK AND CONTRACT LABOR LINE ITEMS MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Contracts** – Mr. Marshall requested authorization to enter into a contract with the Village of Bath for the storage of our fire investigation bus at the village garage. There is no cost to the County. He also requested authorization to enter into a service contract with Linstar for their credentialing ID system for an annual cost of \$383.00. Mr. Marshall stated that he is still waiting to hear from the Risk Manager to see if the insurance requirement could be waived as it will cost the company more to carry insurance, than what the contract is worth.

MOTION: AUTHORIZING THE ACTING DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO A CONTRACT WITH THE VILLAGE OF BATH FOR THE STORAGE OF THE FIRE INVESTIGATION BUS AT THE VILLAGE GARAGE AT NO COST TO THE COUNTY AND TO ENTER INTO A SERVICE CONTRACT WITH LINSTAR FOR THE CREDENTIALING ID SYSTEM FOR AN ANNUAL COST OF \$383.00 MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

IV. OTHER BUSINESS

A. *Monthly Reports* – Mr. Hauryski asked if the committee had any questions about the departments' monthly reports? Mr. Roche stated that he would like to clarify the information on his monthly report. The caseloads drive the staffing. As he had previously mentioned to the committee, there is a lawsuit by the New York State Civil Liberties Union alleging that counties are not providing adequate representation. This suit has not been resolved. The Civil Liberties Union wants this to go forward and if they are successful, the State will come out with a mandated number for caseloads and you would be mandated to hire more public defenders.

Mr. Mullen asked who are the defendants? Mr. Roche replied Schuyler County is one of six to eight other counties that have been named. We are not named in the suit. Mr. Reed commented the plaintiff really wants a judicial recommendation and it is good that we are not named in the suit.

B. *Towing* – Mr. Wheeler stated as most of you are aware, recently the Sheriff and the State Police met regarding towing. He stated that he spoke with Mr. Gleason and Mr. Corey and since we are in the middle of an RFP, our office will not entertain meetings with the tow companies. If we did that, then we would have to issue a notice to everyone. Right now we are getting complaints from both sides. The RFP will be the thing that solves the issue as best we can. He wanted the Legislators to be aware that they may be getting phone calls. For everything that we do as a County government, we do so by either the bid or RFP process. Nothing is more fair than that.

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 AND ARTICLE 7§ 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MR. RYAN. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER A TOTAL OF \$40,554.68 FROM VARIOUS LINE ITEMS IN THE 2012 BUDGET TO COVER EXPENSES RELATED TO THE 2012 RADIO GRANT MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN EXECUTIVE SESSION MADE BY MR. WELCH. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

**MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR.
MOTION CARRIES 4-0.**

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature
**NEXT MEETING SCHEDULED FOR
Monday, March 4, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, February 25, 2013.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, February 25, 2013

9:30 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger David Cole David Hopkins Shawn Corey	Jack Wheeler Andy Greeley Alan Reed	Brooks Baker Jim Allard Judy Hunter
LEGISLATORS:	Joseph J. Hauryski K. Michael Hanna William A. Peoples Scott J. Van Etten	Lawrence P. Crossett Hilda T. Lando Gary B. Roush Randolph J. Weaver	Carol. A. Ferratella Robin K. Lattimer Gary D. Swackhamer

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:30 a.m.

II. GENERAL BUSINESS

A. *Relative to New York State S.A.F.E. Act* – Mr. Wheeler stated that he sent the Legislature a draft resolution regarding the S.A.F.E Act. We had talked about focusing on the Second Amendment rights and unfunded mandates, which are equally, if not more important. This draft is a combination of what other counties have done. The resolution we drafted is opposing specific provisions of the Second Amendment and those that impose additional mandates on counties.

Mr. Ryan stated that his feeling is that we need to send a strong message for a full repeal. The Governor was in Rochester and Buffalo last week and dismissed any questions that were asked about the S.A.F.E. Act. The Governor states that the majority of the public supports this. This is not the way to govern. We cannot pass this kind of legislation the way it was done. As time goes on, we will find out about additional issues. The funding issues with the mental health provision are not sounding so good. He stated that he would prefer that we ask for a repeal of the Act and send a strong message. Our county has a lot of hunting and sports shooting. We will lose tax money on this. Individuals will go across the border to purchase ammunition.

Mr. Mullen stated that he agrees that we should request a repeal of the S.A.F.E. Act. He stated that Mrs. Hunter had sent out samples of various resolutions and he liked the Livingston County model. It was short and it repealed the entire law. In the resolution they also referred to Second Amendment rights as well as stating that the law was overly broad. This law is infringing on privacy rights. He doesn't believe that the law will accomplish what they are trying to accomplish. This kind of debate has been going on since our Country was started. Thomas Jefferson understood the fallacy of such a policy in his Common Place book when he included the following quote: "Laws that forbid the carrying of arms disarm only those who are neither inclined nor determined to commit crimes. Such laws make things worse for the assaulted and better for the assailant. They serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man". Mr. Mullen stated that he would also like to note that most of the tragedies that have taken place have happened in areas that are already gun free zones and so we can see the good those laws did in these areas.

Mr. Mullen also provided the following comments for inclusion in the minutes:

I am opposed to the S.A.F.E act (“the Act”) and support its full repeal. The Act may be unconstitutional, but regardless of whether it is, it creates many requirements that (a) have no logical relationship to its purported ends and (b) substantially infringe upon our freedoms here in New York State.

According to Governor Cuomo’s press release issued on January 15, 2013, his new law will “limit gun violence through common sense, reasonable reforms . . . and banning high capacity magazines and lethal¹ assault weapons.”

As for whether the laws are common sense, I doubt that is the case given the Governor’s boast in his press release that New York’s laws are now “the toughest gun laws in the nation.” Perhaps he could explain how it is common sense to believe that:

1. The purpose of our Second Amendment right to bear arms is merely to protect our recreational hunting rights.
2. A person who plans to commit murder is going to be concerned that he may also be convicted of unlawful possession of a firearm.
3. Restricting “high volume” sales of ammunition will prevent future tragedies.
4. It is good public policy to infringe upon privacy rights of the citizenry and create additional layers of bureaucracy when there is no proof that any of it will prevent the crimes the law seeks to prevent.
5. This new law will reduce crime, and not increase crime in light of the excerpts from studies mentioned below:

Harvard Study

A study published in the Harvard Journal of Law and Public Policy came to the following conclusion in 2007:

There is a compound assertion that (a) guns are uniquely available in the United States compared with other modern developed nations, which is why (b) the United States has by far the highest murder rate. Though these assertions have been endlessly repeated, statement (b) is, in fact, false and statement (a) is substantially so. Don B. Kates and Gary Mauser, *Would Banning Firearms Reduce Murder and Suicide?* 30 Harvard Journal of Law and Public Policy 640 (2007), available at http://www.law.harvard.edu/students/orgs/jlpp/Vol30_No2_KatesMauseronline.pdf.

The study was thorough and compared gun ownership and crime statistics in many countries.

Chicago

“Chicago had a violent crime rate 1.12 times greater than the violent crime rate of the 24 other largest cities. (That is, Chicago’s violent crime rate was 12% higher than that of the 24 other cities.) Post-ban, Chicago’s crime rate soared immediately, and remained 67% higher than the other large cities.” <http://www.volokh.com/2011/10/04/crime-plummets-in-chicago-and-dc-after-handguns-re-legalized/>.

Washington D.C.

The story was the same in Washington D.C., where a former D.C. prosecutor (who was once in favor of gun control legislation) observed the following:

The gun ban had an unintended effect: It emboldened criminals because they knew that law-abiding District residents were unarmed and powerless to defend themselves. Violent crime increased after the law was enacted, with homicides rising to 369 in 1988, from 188 in 1976 when the ban started. By 1993,

¹ (As if lethality is unique to assault weapons)

annual homicides had reached 454. *Jeffrey Scott Shapiro, A Gun Ban That Misfired Opinion*, W.S.J. Jan. 15, 2013.

He then reported that after the ban was repealed by the U.S. Supreme Court in *District of Columbia v. Heller*, violent crime went down:

Since the gun ban was struck down, murders in the District have steadily gone down, from 186 in 2008 to 88 in 2012, the lowest number since the law was enacted in 1976. The decline resulted from a variety of factors, but losing the gun ban certainly did not produce the rise in murders that many might have expected.

Virginia

The opposite has occurred in Virginia, where gun ownership has increased:

Gun-related violent crime in Virginia has dropped steadily over the past six years as the sale of firearms has soared to a new record, according to an analysis of state crime data with state records of gun sales.

The total number of firearms purchased in Virginia increased 73 percent from 2006 to 2011. When state population increases are factored in, gun purchases per 100,000 Virginians rose 63 percent.

But the total number of gun-related violent crimes fell 24 percent over that period, and when adjusted for population, gun-related offenses dropped more than 27 percent, from 79 crimes per 100,000 in 2006 to 57 crimes in 2011. J.D. Tuccille, *Virginia Enjoys Rising Gun Ownership and Declining Crime* Nov. 27, 2012, available at <http://reason.com/blog/2012/11/27/virginia-enjoys-rising-gun-ownership-and> (quoting Richmond Times Dispatch).

Given Governor Cuomo's reasoning, perhaps we should be looking into banning cars and alcohol in order to prevent the 300+ annual drunk driving deaths that occur in NY.

New York should stop making important policy decisions based on emotional whims. This law is not only bad policy, it also infringes upon many of our Constitutional Freedoms.

Mr. Wheeler stated if the decision of the committee is to repeal the law, he did draft a different version of the resolution which calls for a repeal of the entire law. He distributed a copy of the draft to the committee for review.

Mr. Farrand stated of the six towns he represents all but four town board members are against this legislation, along with the residents. We need to do an outright repeal of this law.

Mr. Swackhamer asked can the counties get together and sue the State? Mr. Ryan stated S.C.O.P.E. (Shooter's Committee on Political Education) has moved toward a lawsuit, however, he doesn't know if the counties can do it. Mr. Reed stated as a Second Amendment issue, the County would not have standing. Issues related to mandates not designated as mandates we may have grounds to do something.

Mr. Welch asked how is this an unfunded mandate on the County? He stated that he doesn't want to burden the County, but we keep saying that over and over. Mr. Wheeler explained the mental health piece is the largest. There will also be impacts on the County Clerk and the Sheriff with regard to doing rechecks and sending out notifications. The mental health piece at first seemed the smallest, however, Dr. Chapman has informed us that statewide there are approximately 200,000 mental health discharges from hospitals per year. There are 40 mental health directors of counties and they have to evaluate each of those discharges. After discussing this with Dr. Chapman, we are talking about a half dozen additional staff that would need to be added.

Mr. Welch asked when is the implementation? Mr. Alger replied that is ongoing. You will have to pay for this under the property tax cap. The Governor is raising taxes here every year because we are, on his behalf, and he is not taking credit for what he is doing. This is an unfunded mandate and it will not go away.

Mr. Welch asked how much will it cost? Mr. Wheeler replied it is hard to quantify the mental health piece. To hire one staff person at mental health can cost anywhere between \$60,000 - \$100,000. We would have to hire 5 – 10 additional staff and you are talking about hundreds of thousands of dollars.

Mr. Welch stated the only point that makes sense to him is to speak to the idea or concept of mandates. For us to speak on the Second Amendment is beyond the scope of this Legislature. He cannot vote for this unless it is more specific. We need to look at the legislation item by item. We are not the Assembly or the Senate. Mr. Ryan commented it would have been nice if the State had done that. Mr. Welch stated we cannot look in the rearview mirror. The Second Amendment is so huge. He will not argue over the merits of the Second Amendment.

Mr. Schu stated we send memorializing resolutions to the Federal and State government all the time with respect to legislation. If the County constituents tell us that they want us to tell the State their concerns, what is wrong with that?

Mr. Mullen asked Mr. Welch what he would vote to keep in the Act? Mr. Welch replied that he doesn't think that is the question. He stated that what he would be willing to agree with is a point about unfunded mandates only.

MOTION: MEMORIALIZING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO REPEAL THE NEW YORK STATE S.A.F.E. ACT MADE BY MR. MULLEN. SECONDED BY MR. FARRAND FOR DISCUSSION.

Ms. Lattimer commented this is the reaction of the general public who did not feel that they had a voice. The public feels that we are reliable and want us to hear their voice.

Mrs. Ferratella stated the point is you are representing your constituents, whether it makes any difference or not. You have to let the State know you are representing the constituents.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 4-1. (MR. WELCH OPPOSED)

MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, March 4, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE: Brian C. Schu, Chair Dan C. Farrand, Vice Chair Aaron I. Mullen
Thomas J. Ryan George W. Welch

STAFF: Mark R. Alger Jack Wheeler Dave Hopkins
Tim Marshall Tina Goodwin Jim Allard
David Cole Andy Greeley Noel Terwilliger
Nancy Smith Shawn Corey Jim Gleason
Brooks Baker

LEGISLATORS: Joseph J. Hauryski Carol A. Ferratella William A. Peoples

OTHERS: David Erwin, Erwin Town Supervisor
Evan Brown, Steuben County Fire Advisory Board
Kristin Klemenz, B&W Towing
Blaine Westervelt, B&W Towing
Robert Dickinson, Cajun Towing

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 11, 2013, MEETING MADE BY MR. RYAN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Sheriff's Department

1. **Court Security** – Sheriff Cole stated that at the February Legislative meeting, a comment was made implying that the reason for the request to terminate the court security contract with the Town of Erwin was due to the new administration wanting to change things. Historically, Sergeant Brown has handled the scheduling of court security for the previous administration, as well as the current administration. The real issue with the contract with the Town of Erwin is that we are using court security personnel from the County Office Building to cover the Town of Erwin. There are times that security here suffers so that we can cover the Town of Erwin. Sheriff Cole stated that he has no issues with providing coverage for Erwin, and he would like to see if there are other options for doing that.

Sergeant Brown explained they have had several officers leave and we currently have four vacancies in court security that the State will not fill at this time. The Town of Erwin is requesting a fully trained, fully armed peace officer. We have very few court security officers that are armed. The officers they send to Erwin are not covered under peace officer status. They would fall under the Office of Court Administration. Sergeant Brown explained his concern is mainly the agreement with the Town of Erwin. We try to cover everything that we can, but we are not going to be able to do that. As an example, this morning we had two officers call off. Judge Scudder, the highest-ranking judge in Steuben County, does not have security right now, but the Town of Erwin does.

Mr. Farrand commented a peace officer cannot keep a weapon at home if they do not have a pistol permit. Sergeant Brown explained armed officers keep their weapons in lock boxes that are located at the County Office Building, Corning City Court and Hornell City Court. The officer assigned to the Town of Erwin has to go to one of these three locations to pick up their weapon prior to going to Erwin. He stated that the Town of Erwin only requires an officer 4-6 hours per week. The contract does have a 90-day termination notice.

Mr. Farrand asked are there grant funds available through the Office of Court Administration for court security? Sergeant Brown replied that he is not familiar with that.

Sheriff Cole commented that the CPL does not cover peace officer status and there are liability issues. He stated that he is willing to look at this and try to address this issue in another way. To pull individuals from court security here puts us in a difficult position and puts us at risk.

Mr. Mullen stated that some of the concerns voiced at the Legislative meeting is that security may not be at the Town of Erwin court when the alleged criminals are being tried and arraigned. What kind of security is there when the criminals are in the Town of Erwin Court? Sheriff Cole replied if they have already been arraigned and remanded to County Jail, we have Corrections Officers that are armed and go with them. If the court calls us and says that they would like a Deputy, we will send people down.

Mr. Hauryski commented one other aspect to consider is the Workers' Compensation issue. In years past, one of our deputies was injured while in Erwin Town Court and there was a Workers' Compensation claim. The County had to pick up the tab for that. At the time, we had asked the Town of Erwin if they would be willing to pay some of that and they declined. We have added exposure.

Mr. Ryan asked is this contract fully funded by the Town of Erwin? Sheriff Cole replied yes. Sergeant Brown commented the contract would expire January 1, 2015.

Mr. Mullen asked would you add another position? Sergeant Brown replied we could send a Deputy Sheriff, however, if they have no training, you will spend time and money to get a fully trained deputy and that could take up to one year.

MOTION: AUTHORIZING THE SHERIFF TO ISSUE THE 90-DAY NOTICE OF TERMINATION TO THE TOWN OF ERWIN RELATIVE TO THE COURT SECURITY CONTRACT WITH THE UNDERSTANDING THAT THE TOWN OF ERWIN AND THE SHERIFF SHOULD COME UP WITH AN ALTERNATIVE SOLUTION WITHIN 90 DAYS OR SAID CONTRACT WILL BE TERMINATED, AND REQUESTING THAT THE SHERIFF REPORT THE STATUS OF THIS PRIOR TO THE 90-DAY TERMINATION TAKING EFFECT MADE BY MR. MULLEN. SECONDED BY MR. FARRAND FOR DISCUSSION.

Mr. Alger commented that if we are going to provide security to the Town of Erwin Court, then it has to be with a Deputy Sheriff. They are the only staff qualified to be there. We should not be sending court security personnel. The second issue is the 207-c issue, as that is a big issue for the County. That is an issue that we will want to address in any contract going forward. There is a shared risk with the Town and County. There are things we can do to work it out fairly.

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

2. **Intensified Traffic Control** – Mr. Farrand stated that he would like to commend the Sheriff's Office for their work on Intensified Traffic Control in Rathbone. He stated that he has gotten positive feedback.

B. Emergency Management Office

1. **Acceptance of FY2012 Local Emergency Management Planning Grant** – Mr. Marshall requested authorization to accept the FY2012 Local Emergency Management Planning Grant for \$41,161.00. He

explained that the State is looking at changing the management of this and are hoping to speed up the process of revenue coming to the counties. They also will be changing some of the paperwork requirements. Some smaller counties are looking at dropping this grant. Mr. Marshall stated that he would recommend keeping this as it offsets our budget for the management of this program. This funding is distributed across all counties in New York. As some counties opt out of this, our funding will probably increase.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT A FY2012 LOCAL EMERGENCY MANAGEMENT PLANNING GRANT IN THE AMOUNT OF \$41,161.00 MADE BY MR. FARRAND. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Acceptance of Round 2 Statewide Interoperable Communication Grant** – Mr. Marshall requested authorization to accept the Round 2 Statewide Interoperable Communications Grant for \$3,169,693.00. This was a joint effort between him, Mr. Hopkins, Mr. Wheeler and Mr. Caudill. This funding will help us to build out our communications system. It will provide us with a lateral connection to the Southern Tier fiber network and be able to bring in IP consoles to the 911 Center. We will also be looking at hiring a consultant to come in and review our communications system.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT THE ROUND 2 STATEWIDE INTEROPERABLE COMMUNICATION GRANT IN THE AMOUNT OF \$3,169,693.00 MADE BY MR. RYAN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. OTHER BUSINESS

A. *EMO* Director - Mr. Mullen asked if the committee would allow Evan Brown to make some comments regarding the EMO Director position.

Mr. Brown stated that he is a member of the Fire Advisory Board and they have not received any communications as to the status of the EMO Director position. The position has been vacant since May when Mr. Sprague left. The Fire Advisory Board would like to have some information and discussion as to what the plan is moving forward.

Mr. Schu thanked Mr. Brown for his comments and stated that when the committee has that information, they will pass it on.

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 MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: ADJUSTING ASSISTANT DISTRICT ATTORNEY JOAN MERRY'S SALARY FROM \$31,950.00 TO \$36,198.50 MADE BY MR. WELCH. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AWARDING THE BID FOR INVESTIGATIVE SERVICES FOR THE DISTRICT ATTORNEY'S OFFICE TO VALLEY CONSULTING AT A RATE OF \$25.00 PER HOUR MADE BY MR. RYAN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, April 1, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, March 25, 2013.**

STEUBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Tuesday, March 12, 2013

8:00 a.m.

Legislative Committee Room
Steuben County Office Building
Bath, New York

****MINUTES****

COMMITTEE: Brian C. Schu, Chair Aaron I. Mullen Thomas J. Ryan
George J. Welch

STAFF: Mark R. Alger Jack Wheeler David Hopkins
Tina Goodwin Alan Reed Shawn Corey
Jim Gleason Brenda Mori

LEGISLATORS: Joseph J. Hauryski Lawrence P. Crossett Carol A. Ferratella
Gary B. Roush

ABSENT: Dan C. Farrand

I. CALL TO ORDER

Mr. Schu called the meeting to order at 8:10 a.m.

II. DEPARTMENT REQUESTS

A. 911 Enhanced

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. RYAN ABSENT FOR VOTE)

MOTION: AUTHORIZING THE 911 DIRECTOR TO CONTINUE A DIALOGUE WITH VERIZON AND FRONTIER TO REINSTATE THE POSITRON SYSTEM AT A COST NOT TO EXCEED \$25,000.00 MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

STEBEN COUNT PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, April 1, 2013

9:15 a.m.

Legislative Chambers

Steuben County Office Building

Bath, New York

****MINUTES****

- | | | | |
|---------------------|---|---|--|
| COMMITTEE: | Brian C. Schu, Chair | Dan C. Farrand, Vice Chair | Aaron I. Mullen |
| STAFF: | Mark R. Alger
Tim Marshall
Jim Allard
Eric Tyner | Jim Gleason
Noel Terwilliger
Andy Greeley | Tina Goodwin
Alan Reed
Nancy Smith |
| LEGISLATORS: | Joseph J. Hauryski
K. Michael Hanna
William A. Peoples
Gary B. Roush | Lawrence P. Crossett
Robin K. Lattimer
Gary D. Swackhamer | Carol A. Ferratella
Patrick F. McAllister
Randolph J. Weaver |
| ABSENT: | Thomas J. Ryan | George J. Welch | |

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:15 a.m. and asked Mr. Farrand to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MARCH 4, 2013, AND MARCH 12, 2013, MEETINGS MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. DEPARTMENTAL REQUESTS

A. Sheriff's Department

1. **2013 STOP DWI Law Enforcement Plan** – Undersheriff Allard presented the 2013 STOP DWI Law Enforcement Plan to the committee. The total amount of contracts with the area police departments is \$82,100.00.

MOTION: ADOPTING THE 2013 STOP DWI LAW ENFORCEMENT PLAN AS PRESENTED BY THE STEUBEN COUNTY SHERIFF'S DEPARTMENT MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. **High School Drug/Alcohol Presentation** - Undersheriff Allard informed the committee that the Sheriff will be hosting a program for the area schools. All schools plan to participate with the exception of Hammondspport. The first presentation has been scheduled for April 17th and will consist of presentations by the Sheriff's Department, NYSP DRE, Steuben Council on Addiction, Corrections Officers, Sheriff's Deputies and NYS Troopers. The purpose of this presentation is to educate students

on their responsibility regarding choice making with alcohol and drugs. Each school will send two or three students. The presentation will end with a videotaped presentation by an inmate and then a tour of the Jail for eligible students. The Sheriff believes this will increase school safety and increase responsibility among students. This program is geared to those students age 16 – 18 who are identified by the school. Students can be those at-risk or students who are interested in criminal justice fields. There is no cost to the County.

3. **Drug Prevention Flyers** – Undersheriff Allard informed the committee that the Sheriff has another initiative related to his drug testing program. He would like to provide parents with a home drug test kit at a cost of \$10.00. These tests can check for methamphetamines, cocaine, marijuana, barbituates, among others. The Sheriff has contacted a company that will supply these kits to the community. Along with the kits, we also include the phone number for the Steuben Council on Addictions. These kits will be available soon.

4. **Letter of Commendation – Eric Tyner** – Undersheriff Allard stated that he would like to recognize Senior Investigator Eric Tyner for his work on March 2, 2013 in helping to capture a fugitive from justice. **CONGRATULATIONS!**

Mr. Farrand stated that he would like to see Investigator Tyner recognized at the April Legislative meeting.

5. **Personnel** – Undersheriff Allard explained in their court security division they have over 20 employees who report to one supervisor. In speaking with the Office of Court Administration and conducting a staffing analysis, there is an apparent need for an additional line of supervision. He requested authorization to reclassify a Court Security Officer, Grade X to a Court Security Corporal, Grade XI. Mr. Farrand asked much of this will be reimbursed by the Office of Court Administration? Undersheriff Allard replied all of it. Mr. Mullen asked will you need to appoint an additional officer? Undersheriff Allard replied no.

MOTION: AUTHORIZING THE SHERIFF TO RECLASSIFY A COURT SECURITY OFFICER, GRADE X TO A COURT SECURITY CORPORAL, GRADE XI MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

B. District Attorney

1. **Announcement of Steuben Welfare Task Force (SWiFT)** – Mr. Terwilliger informed the committee that the District Attorney has been working closely with the Commissioner of Social Services to have the welfare investigators in Social Services be treated more like police officers and to streamline their processes. We have created the Steuben Welfare Task Force and will be doing a public announcement in April. The District Attorney wants to be stronger and harder on fraud within the County and that message is starting to get out. Individuals who commit welfare fraud will face criminal charges. The Commissioner of Social Services has authorized one of her welfare investigators to work closely with drug enforcement and this will allow them to conduct parallel investigations.

Mr. Greeley asked with regard to plea-bargaining, what effect will that have on Probation? Mr. Terwilliger replied that he does not know that at this point. It will probably impact Probation a little more as these would now be felony charges.

C. Probation

1. **Personnel** – Mr. Greeley informed the committee that last year he had asked for a Deputy Probation Director position and that was approved. However, we had issues with the Union Contract as this is a Grade 17 position. He stated that he would prefer to not have the Deputy Director within the Union. He informed the committee that he plans to retire this year and needs to have a Deputy Director. Mr. Greeley explained three years ago there was a retirement incentive and we lost a Senior Probation Officer and a Supervisor. We have found that we do not really need the Senior Probation Officer, however, the vacant Supervisor position has really hurt the department. There is a new Supervisor rule coming down that will put more responsibility on our Supervisors. Currently we have 800 cases, which is about 50 cases per Probation Officer. We have 18 active officers and the 800 cases are split between three Supervisors. He would like to fill the vacant Supervisor position with the Deputy Director. He stated that he would like to retire on June 29th, but if he had a Deputy Director, he would extend that date to July 29th.

Mr. Farrand asked has the caseload gone down? Mr. Greeley replied 50 cases per officer is great. It is not considered low, but normal. A few years ago our caseload was 72 cases per officer. Mr. Alger commented this is an unfunded position and that there are issues that should be discussed in Executive Session.

Mr. Mullen asked are you proposing to have the Deputy Director position remain permanent? Mr. Greeley replied yes. We have 31 people in our department and we need to have someone who can assist the Director. Ms. Smith commented that if this is approved, it will need to go to Administration, Finance and the Full Board.

IV. OTHER BUSINESS

A. *Coroner Aides* – Mr. Farrand informed the committee that he recently met with Steve Copp, one of the Coroners. Mr. Copp had indicated that it is taking four to five hours to take a body up to the Monroe County Medical Examiner's Office. The Coroner Aides are currently paid \$60.00 per trip. Mr. Farrand asked that in the upcoming budget year the County considering increasing the rate of the Coroner's Aides to \$100.00 per trip. It is very difficult to find people willing to drive.

Mr. Mullen asked how many trips do they make annually? Mr. Marshall replied less than 100. Mr. Weaver asked is there a lag at the hospital? Mr. Farrand replied the issue is finding drivers.

MOTION: TO ADJOURN 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 MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A PROBATION SUPERVISOR, GRADE XVI TO A DEPUTY PROBATION DIRECTOR II, GRADE XVII MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

MOTION: TO ADJOURN EXECUTIVE SESSION MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, May 6, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, April 29, 2013.**

STEBEN COUNT PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, April 1, 2013

8:30 a.m.

Legislative Chambers

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair	Dan C. Farrand, Vice Chair	Aaron I. Mullen
STAFF:	Mark R. Alger Tim Marshall Jim Allard	Jim Gleason Noel Terwilliger	Tina Goodwin Alan Reed
LEGISLATORS:	Joseph J. Hauryski K. Michael Hanna Gary B. Roush	Lawrence P. Crossett Robin K. Lattimer Randolph J. Weaver	Carol A. Ferratella William A. Peoples
ABSENT:	Thomas J. Ryan	George J. Welch	

I. CALL TO ORDER

Mr. Schu called the meeting to order at 8:30 a.m. He stated the purpose of today's meeting is to allow public comment regarding the Towing RFP.

Robert Dickinson, Arkport, NY, stated we received the proposal application from the County and we needed an attorney to look at it because it was so confusing and complicated. All of us tow in different areas and no two tow companies are the same. He stated that he also does towing in Allegany County. In Steuben County you want to name a primary and secondary company. In Allegany County I would be the primary, but in Steuben County I would be a secondary. The County sent Ken Isaman and Jerry Miller to check out our vehicles and I was informed that I had to have new insurance, which is three times the amount of coverage that the State requires. The State requires coverage of \$300,000 and Steuben County requires coverage of \$1 million. I also have to have \$1 million in coverage on my shop. I do not have a repair shop license. In order to stay on the towing list, I have to have this coverage. Now I have \$2 million worth of insurance and received a total of 8 calls last year. This year, I have not gotten a call since the first of March. I met with the committee in January and asked for your help. I asked to talk with the Sheriff and he told me to make an appointment and bring my friends – I brought 30 people, representing 15 companies, to his office. Captain Allen from the New York State Police was also in attendance. We discussed this issue and the Sheriff and his staff do not agree with this policy. The New York State Police does not agree with this policy. I don't know who does. It is very unfair. When you call 911 to complain, Mr. Hopkins tells you that he doesn't have the time to babysit the dispatchers. He gets paid a lot of money. He no longer returns calls to us.

Blaine Westervelt/Kristen Klemenz, Painted Post, NY, stated that they are a minority owned company and we are the only one in the area. The State calls on us for working on their vehicles and towing, as does Pathways and ARC. We are not getting fair representation. We had to take the application for the RFP to a lawyer as it was confusing. You have spent millions at the 911 Center, however, Dave

Hopkins will not return calls and will not answer emails. We are just asking for a fair rotation. At our end of the County, there are only two towing companies. We should be rotating every other call. It has been proven that T & R Towing cannot quite take care of the entire County. We are only looking for a fair rotation.

Robert Druker, Dundee, NY stated that he has all of the insurance and Worker's Comp coverage for two trucks. Ken Isaman also came to my business and everything that I have is up to par. I have towed for Yates County, the New York State Police, and Schuyler and they all required only \$300,000 insurance coverage. I want to be fair and be included on a rotation. I have been pulling since I was 16, and I'm now 45. I have only gotten two calls all winter long. He stated that he would like to be able to do more towing in Steuben County, but he does not want to step on anyone's toes. He would just like to be part of the team.

Mr. Schu opened the floor for questions by members of the Legislature.

Mr. Weaver asked how many tow operators are in Steuben County? Mr. Westervelt replied there are 8 – 10.

Mr. Hauryski asked if the Undersheriff would provide comments regarding his experience with law enforcement and 911 regarding towing. Undersheriff Allard stated law enforcement is looking for someone to arrive quickly and to resolve the traffic incident as quickly as possible. Sometimes the officer selects which company they want and sometimes the operator of the motor vehicle makes the selection. Outside of that, we are looking for a tow company with the proper equipment for the type of location. We look at the breakdown of the types of tows, dependable equipment, response times and the associated training. We would be in favor of looking at those types of things when establishing a tow policy. Mr. Allard commented the issue with the Interstate is that an accident has to be cleared within a half hour; otherwise, the tow operator is responsible for setting up traffic control. Additionally, one lane of traffic needs to stay open. Some companies are capable of doing that. County roads require different equipment. From what I understand from the tow operators, there is no one size fits all. With respect to the quadrants, I understand the concept, but you also need to look at volume. Some areas require more tows each day.

Mr. Hauryski stated if we decide to get out of towing all together, then whoever calls 911, the New York State Police, Sheriff, driver or Fire, would make the call and we would walk away from this. Then 911 would only dispatch whoever was requested.

Undersheriff Allard stated the New York State Police are not allowed to determine who is called. They are required to ask for the next available tow. They cannot ask for a specific company unless the motor vehicle operator has made the request.

Mr. Schu thanked everyone for the comments and declared the opportunity for public comment closed.

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, May 6, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE: Brian C. Schu, Chair Dan C. Farrand, Vice Chair Aaron I. Mullen
Thomas J. Ryan George J. Welch

STAFF: Mark R. Alger David Cole Jim Gleason
Andy Greeley Cheryl Crocker Tim Marshall
David Hopkins Phil Roche Jim Allard
Sue Taccone Shawn Corey Nancy Smith
Sam Castellino

LEGISLATORS: Joseph J. Hauryski K. Michael Hanna Carol A. Ferratella
Robin K. Lattimer Patrick F. McAllister William A. Peoples
Gary B. Roush Randolph J. Weaver

OTHERS: Michael Wetherbee, Superintendent, Wayland-Cohocton School District
Len McConnell, Prattsburgh Town Supervisor
Robert Dickinson, Cajun Towing
Kristin Klemenz, B & W Towing
Blaine Westervelt, B & W Towing

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 1, 2013, SPECIAL AND REGULAR MEETINGS MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: APPROVING THE MINUTES OF THE APRIL 22, 2013, SPECIAL MEETING MADE BY MR. FARRAND. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Public Defender

1. **Introduction** – Mr. Roche introduced the newest Public Defender, Sam Castellino.

2. **Budget Allocation of 2013 Grant Funds** – Mr. Roche stated that last August, the committee had authorized him to accept a grant in the amount of \$70,299.00 from the Office of Indigent Legal Services for each of three years. Pursuant to that, we entered into a contract with Indigent Legal Services and that was approved by the State on January 23, 2013, and included the allocation of the grant funds among specific line items.

Mr. Farrand asked what is CMS? Mr. Roche replied that is the Case Management System. We hope to have that installed within the next 60 days. This will include a server and the new software system. In the future, this system will be remotely accessible to the Public Defenders.

MOTION: APPROVING THE ALLOCATION OF A TOTAL OF \$210,897.00 IN GRANT FUNDING FROM THE OFFICE OF INDIGENT LEGAL SERVICES AS PRESENTED BY THE PUBLIC DEFENDER MADE BY MR. FARRAND. SECONDED BY MR. RYAN FOR DISCUSSION.

Mr. Mullen stated with respect to the new position, does the total include benefits? Mr. Roche replied yes. We currently have very heavy caseloads. There may be another round of competitive grants that would allow for additional funding to be used toward caseload reduction.

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

B. Emergency Management Office

1. **Amend Small Equipment List for FY09 SHSP Grant** – Mr. Marshall requested authorization to amend the small equipment list for the FY09 SHSP grant to include money for radiological equipment. He requested authorization to transfer \$10,000 from his Major Equipment line item to the Small Equipment line item to purchase vehicle-based radiological monitors for first responding apparatus as well as hand-held radiological equipment. Mr. Ryan asked are you replacing equipment? Mr. Marshall replied no, this will be in addition to equipment that we currently have.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO TRANSFER \$10,000.00 FROM THE MAJOR EQUIPMENT LINE ITEM TO THE SMALL EQUIPMENT LINE ITEM TO PURCHASE VEHICLE-BASED AND HAND-HELD RADIOLOGICAL MONITORS/EQUIPMENT AND AMENDING THE SMALL EQUIPMENT LIST TO INCLUDE THE ABOVE ITEMS MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Contract** – Mr. Marshall requested authorization to extend their contract with Occumed to perform annual physicals for the Corning Fire Department hazmat first responders. The cost is \$3,400.00 for 20 hazmat physicals. The contract has increased \$150.00 from last year. He stated that next year they plan to go out for bid.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO RENEW THEIR CONTRACT WITH OCCUMED TO PERFORM HAZMAT PHYSICALS FOR THE CORNING FIRE DEPARTMENT AT A COST OF \$3,400.00 FOR 20 PHYSICALS MADE BY MR. WELCH. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. 9-1-1

1. **Contracts** – Mr. Hopkins requested authorization to renew contracts with Zang Agency for the UPS maintenance at an annual cost of \$14,000 and with VPI for recorder maintenance at an annual cost of \$7,000.

MOTION: AUTHORIZING THE 9-1-1 DIRECTOR TO RENEW CONTRACTS WITH THE ZANG AGENCY FOR THE UPS MAINTENANCE AT AN ANNUAL COST OF \$14,000 AND WITH VPI FOR THE RECORDER MAINTENANCE AT AN ANNUAL COST OF \$7,000 MADE BY MR. RYAN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. Sheriff's Department

1. **School Security – SRO** – Sheriff Cole introduced Mike Wetherbee who is the Superintendent of the Wayland-Cohocton School District. He stated his plan is to put a gun in schools. When he lost the previous election, he went to the Addison School and worked for them as a police officer. He provided them with school security and also attended Superintendent hearings with students. Additionally, he also provided education on bullying and drug/alcohol use. During his time at the school he was able to develop a rapport with the students. It would be a great idea for the County to provide SRO's for each school district that is interested, through the Sheriff's Office. He would like to provide non-competitive Deputy Sheriff's. These individuals would only work

during the school year and would work under the direction of the school district. He stated that he feels the SRO positions should be filled by retired police officers.

Mr. Wetherbee commented that he has been the Superintendent of the Wayland-Cohocton School District for seven years. When he first started, they did have an SRO through the village police department. Due to financial constraints, we had to cut that position from the budget. When Dick Tweddell retired as Sheriff, he approached the school and wanted to do something, without pay. Our local village police department hired him as a police officer without pay and assigned him to the school. That was invaluable to us. The other aspect of having an SRO is that it is a benefit to the community and the kids as it builds a positive relationship. Mr. Tweddell was a real resource for the students to report things that shouldn't be going on. It helped the overall environment both inside and outside of the school. Since Mr. Tweddell was a retired police officer, his experience was valuable. Mr. Wetherbee stated an SRO will not prevent someone who wants to cause harm from doing something. The value in this is everywhere else and in how the school community functions.

Mr. Farrand asked how will these positions be funded? Sheriff Cole replied in addition to Wayland-Cohocton, both Prattsburgh and Campbell-Savona are in support of this. The schools would pay the salary of the individual as well as pay for the service revolver and other necessary equipment. There would be no cost to the County. There also would be no vehicle involved with this.

Mr. Farrand asked are there any legal issues? Ms. Smith replied we need to create the position because they need to be supervised by either the Sheriff or the Chief of Police. Mr. Farrand asked if the Sheriff is in charge of them, is there liability? Mr. Weaver replied you would have all of the liability. Mr. Mullen commented you will always have liability. Mr. Ryan stated that he would rather spend money on this and protect the kids.

Sheriff Cole stated that with the Town of Erwin, one of the issues dealt with injuries. We put the 207-c issue in the contract. We would also do that with the contract with the schools. Mr. Alger explained if you have an officer in the school, we would have liability. The 207-c issue is bigger in some ways. By having a retired police officer, the 207-c is less of an issue. There is less liability than if you hire a new deputy.

Mr. Schu asked would you create a position for each school that approached you? Sheriff Cole replied this is voluntary for the schools. Mr. Alger asked would the positions be created seasonally? Ms. Smith replied no, they would be temporary. Mr. Mullen asked how are the officers who work at the lake classified? Sheriff Cole replied they are temporary for the summer season. We would like the schools to interview and hire the individuals they want. Mr. Alger stated the schools and the Sheriff will have to work together. Mr. Mullen commented that he thinks this is a good idea.

Sheriff Cole stated this is just information at this point. Mr. Alger suggested the Sheriff meet with the Law Department to see what will be needed in the contract and then bring the contract back to committee for approval. Sheriff Cole commented that they are looking to do this for the next school year.

2. **Personnel – Reclassification of Three Correction Officers to Correction Sergeant** – Sheriff Cole informed the committee that he received a letter from the Commissioner of Corrections requiring that a Sergeant be on staff for each shift. In 2012 we spent \$41,000 on overtime and so far for 2013, we have spent \$6,770.40. He requested authorization to reclassify three Correction Officer positions to three Correction Sergeant positions. The cost for the year to upgrade these positions is \$5,895.60.

Mr. Mullen asked will this reclassification save on overtime? Sheriff Cole replied it should cut back on a majority of the overtime. This is a recommendation from the Commissioner of Corrections. Mr. Alger stated this is a new mandate and is not something we planned on. We have argued with the State about this for twenty years.

MOTION: AUTHORIZING THE RECLASSIFICATION OF THREE CORRECTIONS OFFICER POSITIONS IN THE JAIL TO THREE CORRECTIONS SERGEANT POSITIONS MADE BY MR. FARRAND. SECONDED BY MR. MULLEN FOR DISCUSSION.

Mr. Welch asked are these three individuals qualified? Mr. Alger replied these individuals will be appointed provisionally until they take the test. Once they take the test, they will be fully qualified for the position. They will have to score within the top few in order to be appointed. Once they are appointed, then they will go through training.

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

3. **Erwin Town Court** – Mrs. Ferratella asked has this issue been resolved? Sheriff Cole replied we just received the contract and we included the 207-c exemption. We are putting a deputy sheriff there until they hire someone. Mrs. Ferratella asked is there a Sheriff's Deputy covering Corning City Court? Sheriff Cole replied yes. The Office of Court Administration pays for that position. Mr. Alger explained with the contract with the Office of Court Administration, the Sheriff is obligated to provide deputies for the courts in the two cities. The Town of Erwin is separate as they have asked for a position and will pay. Mrs. Ferratella stated the cities of Hornell and Corning have their own police departments. Why do we have to supply the officers? Mr. Alger replied we don't normally, but the Office of Court Administration prefers to contract with one entity and we have been providing that service.

4. **Commendation** – Sheriff Cole stated that he would like to present a letter of commendation to Correction Officer Susan Taccone for her outstanding performance and initiative in saving the life of an inmate.

5. **Bid Award – Inmate Uniforms** – Sheriff Cole requested authorization to award the bid to Charmtex for \$8,586.60. He stated that the apparent low bidder also submitted contingencies and he asked that they be declared nonresponsive.

MOTION: DECLARING BOB BARKER A NONRESPONSIVE BIDDER AND AWARDING THE BID FOR INMATE UNIFORMS TO CHARMTEX FOR A TOTAL AMOUNT OF \$8,586.60 MADE BY MR. FARRAND. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

6. **STOP-DWI Grant** – Sheriff Cole requested authorization to accept and appropriate \$5,160.00 in New York State STOP-DWI Enforcement Crackdown grant funds.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT AND APPROPRIATE \$5,160.00 IN NEW YORK STATE STOP-DWI ENFORCEMENT CRACKDOWN GRANT FUNDS MADE BY MR. RYAN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. Administrator

1. **Towing** – Mr. Alger informed the committee that towing has been an issue for some time. He would remind everyone that the way towing is supposed to work is that the motorists, the fire agency on scene and law enforcement on scene all have the ability to request someone they prefer for towing. The award we are proposing is for last resort. After our committee meeting last month, we met with the Captain of the New York State Police and Sheriff and had a discussion. Mr. Hauryski commented it was a very productive meeting and they were able to give us good ideas. Mr. Alger agreed that it was a good meeting and it was done in response to the tow companies concerns. What we had bid was done by categories and quadrants. Category 1 is for regular highway passenger vehicles/pickup trucks; Category 2 is for regular highway commercial vehicle/permitted load; and Category 3 is for limited access highway passenger vehicle/pickup truck and commercial/permitted load equipment. Our recommendation is to reject the bids for Category 1 and award Category 2 and Category 3 on a per quadrant basis.

Mr. Alger stated that with Category 1, he would recommend going to a rotating list that is modeled after what the State Police have used. With the State Police policy, it allows the opportunity for folks with flatbeds and hooks to respond to passenger vehicles on a rotating basis, based on quadrant. The new application form will be modeled after the State Police and will be modified to fit the County.

Mr. Alger stated with the limited access highway and commercial vehicles, that is primarily for tractor trailers and will be awarded based on the RFP. Those calls will generally go to the larger companies who can handle that type of equipment. This is not a perfect solution, but we are attempting to recognize the smaller companies and give them the opportunity to participate. This award is for the opportunity of last resort if someone on scene does not request a specific company. The rotating list, as the State Police pointed out, is not a perfect solution.

Mr. Hauryski commented that the State Police had also indicated that there was a process for removing a company from the list. Mr. Alger stated the policy establishes a complaint procedure. There will be a write-up of the complaint/issue that will be submitted to 911 and that will go through a review. They will contact the tow operator and depending upon the nature of the complaint/issue, eventually they could be removed from the list.

Mr. Schu stated this policy takes into consideration the specialty equipment that may be required for certain accidents, as well as a company's experience. This is the best of both worlds. We have had input from all concerned parties.

Mr. Westervelt commented what you are offering is good. There are a couple of things that are still gray areas. With heavy equipment, he understands that the New York State DOT will come in and review the equipment. If that passes their inspection, we can come back and include that on our application and you will amend the award? Mr. Alger replied this bid award is for one year with the opportunity for renewal. We will have to do a proposal again. If you are qualified at that point, you would be considered for award. The entire bid award is only for last resort.

Mr. Dickinson stated thank you. My only concern is with regard to the requirement for three times the amount of insurance. The State requires \$300,000 and Steuben County requires \$1 million. It is really not worth it. I cannot afford to stay on the list when you required me to pay \$900.00 per month for insurance. He would like to see if the County could change the insurance requirement to be in line with what the State requires.

Mr. Alger replied we will consider that. Mr. Mullen asked are we going with the State Police policy requirement? Mr. Alger replied the State Police required \$300,000 and we are requiring \$1 million.

MOTION: REJECTING CATEGORY 1 OF THE TOWING SERVICES RFP AND IMPLEMENTING A ROTATING LIST FOR REGULAR HIGHWAY PASSENGER VEHICLE/PICKUP TRUCKS; AWARDED CATEGORY 2 TOWING SERVICES AS FOLLOWS: QUADRANT 1 – T & R TOWING; QUADRANT 2 – T & R TOWING; QUADRANT 3 – T & R TOWING, PRIMARY AND BILL CARPENTER SERVICE, SECONDARY; QUADRANT 4 – T & R TOWING AND QUADRANT 5 – VAN WORMER'S GARAGE, PRIMARY AND BILL CARPENTER SERVICE, SECONDARY; AWARDED CATEGORY 3 AS FOLLOWS: QUADRANT 1 – T & R TOWING; QUADRANT 2 – NO LIMITED ACCESS HIGHWAY; QUADRANT 3 – T & R TOWING, PRIMARY AND BILL CARPENTER SERVICE, SECONDARY; QUADRANT 4 – T & R TOWING AND QUADRANT 5 – VAN WORMER'S GARAGE, PRIMARY AND BILL CARPENTER SERVICE, SECONDARY MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. FARRAND. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, June 3, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, May 27, 2013.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, June 3, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair George J. Welch	Dan C. Farrand, Vice Chair	Aaron I. Mullen
STAFF:	Mark R. Alger Cheryl Crocker Jim Allard Shawn Corey	Jack Wheeler David Cole Tim Marshall Brenda Mori	Andy Greeley David Hopkins Alan Reed
LEGISLATORS:	Joseph J. Hauryski K. Michael Hanna Gary D. Swackhamer	Lawrence P. Crossett Patrick F. McAllister Randolph J. Weaver	Carol A. Ferratella William A. Peoples
ABSENT:	Thomas J. Ryan		
OTHERS:	Len McConnell, Prattsburgh Town Supervisor Kyle Bower, Superintendent, Hammondsport Central School Joe Rumsey, Superintendent, Bath Central School Mike Skelly Jocelyn Racine, President & CEO, Solacom Technologies, Inc. Dave Fitch, Esq., Underberg & Kessler, LLP		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Mr. Mullen commented that last month the committee had discussed the reclassification of three Corrections Officer positions to Corrections Sergeant positions. During the discussion, he thought that there would be an overall savings to the Sheriff's Department. He stated that he would like the minutes to reflect that there would be a savings in overtime.

Secretary's Note: Following the meeting, the Sheriff sent an email stating that the previous year they had used 1,260 hours of Acting Supervisor pay. If this number did not increase, it would have cost them approximately \$41,013.00 of overtime monies that were not planned for in the budget. This being so, the reclassification of the three Sergeants has cost approximately \$5,985.60. With these figures, the estimated savings would be \$35,027.40 of additional overtime monies.

MOTION: APPROVING THE MINUTES OF THE MAY 1, 2013, AS AMENDED, MADE BY MR. FARRAND. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. 911 Enhanced

1. **Rural Metro – Web Access Portal** – Mr. Hopkins stated in the past we have talked about permitting access to our CAD for Rural Metro. This topic has once again been brought up to him and he would like the committee's thoughts on how to proceed. We currently conduct all of our business with Rural Metro on the radio. When information of a sensitive nature needs to be relayed, that is done over a landline phone. Allowing Rural Metro access to our CAD would allow them to access only the jobs that they are handling.

Mr. Schu asked are there any reasons why we could not do this? Mr. Hopkins replied that he is not aware of any. Mr. Farrand asked what would be the cost? Mr. Hopkins replied Rural Metro would pay. This would be web-based access. They would have one license and would have a restricted IP address.

Mr. Farrand stated his concern is that Rural Metro charges a lot when they go out to a call. Mr. Hopkins explained that Rural Metro is a primary BLS (basic life support) provider for a portion of the county, as well as an ALS (advanced life support) provider. Mr. Farrand stated that he does not want them to be jumping calls.

Mr. Mullen asked Mr. Farrand why should we not give them access? Mr. Farrand stated he is concerned that they may try to jump calls before they are dispatched. Mr. Hopkins stated they could do that now by listening to the radio. Mr. Farrand stated that he would want assurances from Rural Metro that they would not do that. Mr. Hopkins stated there will be a Memorandum of Understanding that will define the terms and restrictions. Mr. Farrand stated that he would like the details of that worked out and brought back to the committee for review. We have too many senior citizens that are being taken advantage of and Medicare does not pick up the cost. Mr. Hopkins stated there are times when the commercial agencies get called in when the volunteer agencies cannot field a crew.

Mrs. Ferratella stated that she agrees with Mr. Farrand. You want to be able to define the services. In the Corning area, individuals are charged huge amounts of money for coverage by a commercial agency; more than they would be charged by a volunteer ambulance.

Mr. Welch asked with having access to the CAD system, are they just getting access by computer to what they are currently getting over the radio? Mr. Hopkins replied no. If they called the landline, we can at that point share those details that we have on the CAD. The CAD allows them to read everything that is put onto the card.

Mr. Farrand stated that he would go along with the idea, but nothing should be determined until we look at the final agreement.

Mr. Alger commented probably the biggest problem with Rural Metro responding on the ALS system relates to the requirements of the STREMS system and the criteria they use to request advanced life support. Depending on the presentation of the patient, ALS is sent, where it ultimately is decided that it is not needed. STREMS wants everyone to have the same level of care and that is the problem. The tendency is to be overly aggressive in sending them. When Rural Metro sends someone, they send a bill. Discussion followed.

MOTION: AUTHORIZING THE 911 DIRECTOR TO MOVE FORWARD WITH INVESTIGATING THE POSSIBILITY OF ALLOWING RURAL METRO WEB ACCESS TO THE CAD SYSTEM AND REQUESTING THAT THE 911 DIRECTOR BRING BACK SPECIFICS OF AN AGREEMENT TO THE COMMITTEE FOR REVIEW MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Emergency Management Office

1. **Fire Police Training** – Mr. Marshall stated that back in October he had brought up to the committee the situation with the fire police training course. We were contracting with two individuals to provide this training. Since October, one of the trainers has left the area. The remaining trainer is not interested in obtaining the liability insurance. Subsequently, he has discussed with the Sheriff the possibility of having the

Sheriff's Department take over the training. This is being done in many counties across the State. Mr. Marshall stated he has the funding in his budget for the training, which he could transfer to the Sheriff's Department. There may also be some DCJS funding available. He would like to work with the Sheriff's Department to get a couple of deputies trained to teach the fire police training course.

Mr. Schu asked is the DCJS funding only available through the Sheriff's Department? Mr. Marshall replied that he is not sure; he would have to look into that.

Mr. Farrand asked would this training be considered overtime, or would it be something they would do within the course of their regular hours? Undersheriff Allard replied that would depend on when the training is, how many individuals attend and how often the training would be done.

Mr. Marshall stated he had been contracting with the two individuals and they were each paid \$1,400 per training. The Sheriff has estimated that the cost would be \$1,575 per course. There would be a savings if the Sheriff's Department were able to provide the training. We currently do not have anyone available to provide the fire police training, unless we send them out of county.

Mr. Weaver asked what would be the cost to send them out of county? Mr. Marshall replied it would be a cost to the volunteers for their travel expenses. Mr. Alger commented the bigger problem is they will not get trained. Mr. Marshall stated that he will continue to work with the Undersheriff on this.

C. Sheriff's Department

1. **SRO Agreement** – Sheriff Cole stated that he had sent the proposed agreement to the committee to review. He stated that he has a couple of school superintendents in attendance who have some comments regarding this.

Joe Rumsey, Superintendent, Bath Central School, stated he would encourage the committee to move forward with this. He has a lot of background working in a rural school district where you are 20 minutes away from a call response. There is a need for a person in the building and it also helps to promote relationships with the students. This is something that is a definite positive for the community and we would be all for it.

Kyle Bower, Superintendent, Hammondsport Central School, stated that he also is in support of having an SRO. We had one at Hammondsport up until three years ago. We have 640 adults and students on campus every day. We are down to three administrators. As a small school, we are not immune to drug issues. We have had bomb threats in the past. Additionally, we also have had to put together a list of orders of protection for students in the elementary school. He is in complete support of this program so that we can maintain our responsibility of keeping our students and staff safe.

Sheriff Cole stated that he would be looking at a non-competitive seasonal deputy for the schools. He would propose hiring retired police officers. He stated that he was the SRO for Addison Central School for four years. This is a great program and there would be no cost to the County. The schools would be responsible for paying the SRO salary. Retired police officers cannot make more than \$30,000 per year. Additionally, they would be responsible for purchasing the service revolver and any related equipment. The Sheriff's Department would be responsible for overseeing the SRO and training. The SRO's would not need to have a vehicle. If the SRO is a Sheriff's Deputy, they would only work during school hours and would not receive benefits. This program would be very beneficial to the County.

Mr. Mullen asked how can an individual be deputized through the Sheriff's Department and then be an independent contractor? Sheriff Cole replied he would be the hiring authority and they would be working for the Sheriff's Department. They would be considered a seasonal deputy.

Mr. Hauryski commented that he had received a call over the weekend from the Superintendent of Campbell-Savona Central School who also supports this program.

Mr. Welch asked if these officers are overseen by the Sheriff, do we have liability and workers' compensation issues? Mr. Alger replied they would be considered our employees and we would have the liability and be responsible for workers' compensation.

Mr. Peoples stated that he represents the Addison Central School Board and they cannot imagine being without an SRO. They take the pressure off the administration and they work well with the students.

Sheriff Cole commented when he was an SRO, he developed a rapport with the students. He was also able to change the students' perception of police officers. An SRO in the school will not stop violence, but knowing that there is a police officer in the school is important.

Mr. Mullen asked in the agreement, why is it limited to retired police officers? Also, the agreement limits the salary to \$29,900. He would rather see it open. Sheriff Cole replied it does not have to be a retired police officer. Mr. Farrand stated police officers have to be certified. With a retired police officer, if they are doing part-time work within four years of their retirement, they will not lose their certification. Sheriff Cole stated an additional benefit is a retired police officer has more experience and knowledge. Mr. Mullen asked what are the terms for termination, if need be? Mr. Corey replied that he believes it is 30 days. Mr. Reed commented the agreement would not require that an SRO be a retired police officer. A component of the qualifications is training and experience.

Mr. Weaver asked who makes the determination of who is hired; the school or the Sheriff? Sheriff Cole replied that he believes each school should have a large part in determining who is hired for the position. Mr. Alger stated it would have to be someone who meets the school's requirements, as well as our requirements. It would be a joint hiring.

Mr. Welch stated that he thinks it is a great idea. He asked Mr. Alger if he had any concerns with this? Mr. Alger replied the biggest concern is the liability and the 207.c requirement. The advantage of hiring retired police officers is that the 207.c requirement is much less if they get hurt on the job. For a full-time officer, if they get hurt on the job, we are required to pay 100 percent of their salary until they are able to return to work. Those are the two biggest concerns, however, with retired police officers, we have limited liability in both areas.

MOTION: AUTHORIZING THE SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS TO PARTICIPATING SCHOOLS WITHIN STEUBEN COUNTY MADE BY MR. FARRAND. SECONDED BY MR. MULLEN FOR DISCUSSION.

Len McConnell, Prattsburgh Town Supervisor, asked if there was an emergency in the town offices, could this officer be used to respond? Mr. Alger stated that he would suggest that having an officer in the community for emergencies enhances the ability to respond. Sheriff Cole replied the officer at the school would be able to address any concerns/issues in the community. There would need to be something in the agreement so that the school would not be liable for those incidences. An SRO is still a police officer.

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

2. **Officer Commendation** – Sheriff Cole presented Officer Shawn Shutt with a Commendation for outstanding performance and initiative while on patrol duty.

3. **Monthly Reports** – Mr. Schu stated in the past, the Sheriff's Department provided the committee with a monthly report for the Jail and Civil divisions. He asked that Sheriff Cole provide these reports to the Clerk of the Legislature's Office for placement on the Legislator's portal so the committee can review and address any questions during meetings.

D. Probation

1. **Introduction** – Mr. Greeley introduced Cheryl Crocker, the new Deputy Director. He also stated that he will be retiring on July 26, 2013.

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 MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: AUTHORIZING THE 911 DIRECTOR TO PAY \$39,000.00 FOR THE FIRST YEAR MAINTENANCE FOR THE RE-INSTALLATION OF THE POSITRON SYSTEM MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, July 1, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, June 24, 2013.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, June 24, 2013

9:30 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger Shawn Corey	Jack Wheeler	Jim Gleason
LEGISLATORS:	Joseph J. Hauryski K. Michael Hanna Patrick F. McAllister	Lawrence P. Crossett Hilda T. Lando William A. Peoples	Carol A. Ferratella Robin K. Lattimer Gary B. Roush

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:30 a.m.

II. GENERAL BUSINESS

A. Sheriff's Department

1. **Contract Approval** – Mr. Alger requested authorization for the Sheriff to enter into an inter-municipal agreement with the Schuyler County Sheriff's Department to provide assistance at Watkins Glen International. This is something that has always been done, but was not formally approved in the past. This will require a resolution as it is an inter-municipal agreement.

MOTION: AUTHORIZING THE SHERIFF TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE SCHUYLER COUNTY SHERIFF'S DEPARTMENT FOR SPECIAL DETAIL DEPUTIES PERFORMING MUTUAL AID POLICE DUTIES IN SCHUYLER COUNTY MADE BY MR. WELCH. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. FARRAND. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, July 1, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger Cheryl Crocker Brenda Mori Jim Allard	Jack Wheeler Dave Hopkins Phil Roche Alan Reed	Andy Greeley Noel Terwilliger Nancy Smith Dan Brown
LEGISLATORS:	Joseph J. Hauryski Gary B. Roush	Carol A. Ferratella	K. Michael Hanna

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JUNE 3, 2013, AND JUNE 24, 2013, MEETINGS MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Emergency Management Office

1. **Acceptance of 2013 State Homeland Security Grant Program** – Mr. Wheeler requested approval for the Emergency Management Office to accept a 2013 State Homeland Security Grant in the amount of \$67,500. This funding will be used to purchase software for the IAmResponding Program and CAD. They also will be using funding for the purchase of various equipment, such as hazmat suits, scene lighting, backboards, triage kits, display monitors, chemical sampling kits and gauge maintenance.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT A 2013 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF \$67,500.00 AND APPROPRIATE TO VARIOUS LINE ITEMS FOR THE PURCHASE OF SOFTWARE AND MAJOR AND MINOR EQUIPMENT, AND AMENDING THE MAJOR AND MINOR EQUIPMENT LISTS AS APPROPRIATE MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Sheriff's Department

1. **Adjusting the Fees for Project Lifesaver** – Sergeant Brown stated that since the adoption of the Local Law establishing Project Lifesaver and setting the fees, there has been a new product change where the batteries only need to be replaced every two months instead of every month. He requested that the Local Law be amended to change the start-up fee to \$350.00 and the battery fee would now be \$10.00 bi-monthly. The start-up fee is \$50.00 more than what was put in the original local law. Overall, this will result in a savings to those individuals who sign up for this.

MOTION: AMENDING THE LOCAL LAW ESTABLISHING PROJECT LIFESAVER TO INCREASE THE START-UP FEE TO \$350.00 WITH A \$10.00 BI-MONTHLY CHARGE FOR BATTERIES MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **Contracts for Housing Inmates** – Undersheriff Allard requested authorization to enter into inter-municipal contracts with Yates, Livingston and Ontario County Sheriff’s Department for the housing of inmates.

MOTION: AUTHORIZING THE SHERIFF TO ENTER INTO INTER-MUNICIPAL AGREEMENTS WITH THE YATES, LIVINGSTON AND ONTARIO COUNTY SHERIFF’S DEPARTMENTS FOR THE HOUSING OF INMATES MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

3. **Officer Commendations** – Undersheriff Allard presented Deputy Todd Terwilliger, Investigator Don Lewis and State Police Investigator Eric Hurd with commendations for their outstanding work on an armed abduction that took place on June 13, 2013.

C. Personnel

1. **Reclassifications – Sheriff’s Department**

a. *Transfer and Reclassification of PHNS Home Health Aide Position, Grade V to Sheriff’s Department, Registered Professional Nurse, Grade XV* – Undersheriff Allard commented that the NYS Commission of Corrections recommends that we have nursing staff available for sixteen hours per day, seven days per week. We currently have the staff to be available eight to ten hours per day for five days per week. Mr. Alger commented that they had one full-time RN and two part-time RN’s; however, they have been unable to fill the part-time positions. Those part-time positions were converted to full-time. With your approval, this would give the Sheriff three RN positions. Discussion followed.

MOTION: AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF A PUBLIC HEALTH NURSING SERVICES HOME HEALTH AIDE POSITION, GRADE V, TO A SHERIFF’S DEPARTMENT REGISTERED PROFESSIONAL NURSE POSITION, GRADE XV, MADE BY MR. WELCH. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

b. *Reclassifying Vacant Maintenance Person, Grade VII to Criminal Investigator, Grade XIII* – Ms. Smith informed the committee that there has been a retirement and the Maintenance Person position is currently vacant. Mr. Ryan asked how many criminal investigators do you currently have? Undersheriff Allard replied we have four, full-time investigators, however, one is assigned to the Department of Social Services, so in reality we have three.

Mr. Farrand commented when we were originally asked to take the Chief Deputy Position out of the Sheriff’s Department and transfer it to the District Attorney, we asked if that was going to cause any problems in the future. Now it has and now we are not saving money. Mr. Ryan asked are you short-handed? Undersheriff Allard replied yes. We have one investigator who is assigned to the Department of Social Services and we have two investigators who are on transitional duty from being on workers’ compensation. Additionally, one investigator is assigned to the Drug Task Force Initiative for the county.

Mr. Farrand stated we were assured at the time that the Sergeant could handle the duties of scheduling the road patrol. Undersheriff Allard replied that he cannot comment as to the specifics of the Chief Deputy position transfer under the previous administration. We do need to have that middle management position. Mr. Farrand stated that there are other departments who are short-handed. Those departments are just as important as the Sheriff’s Department and he is not comfortable with doing this.

Mr. Welch asked will this result in an extra person being hired? Undersheriff Allard replied no. A Sheriff’s Deputy would move up into this new position and then we would backfill the deputy’s position.

Mr. Alger explained this is a funded position. The incumbent is retiring and the Sheriff is suggesting rather than having a maintenance person, they could use an additional Investigator.

Mr. Hauryski stated there have been a number of personnel shortages in departments, however, you have to remember that was necessitated by our budget situation. The budget drives what we are doing. Mr. Ryan commented that he has a problem with hiring more people when we are in tough times.

Undersheriff Allard explained the Senior Investigator is trying to do two jobs at once and is accruing an incredible amount of overtime just covering the basics. The hope is that this new position will help to alleviate that overtime. Discussion followed.

MOTION: TABLING THE REQUEST TO RECLASSIFY A VACANT MAINTENANCE PERSON POSITION, GRADE VII, TO A CRIMINAL INVESTIGATOR POSITION, GRADE XIII, UNTIL THE AUGUST MEETING MADE BY MR. FARRAND. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Secretary's Note: The Undersheriff was asked to provide the members of the committee with the amount of overtime that has been spent this year relative to the Investigators, the historical and current caseloads of the investigators along with an organizational chart of the Sheriff's Department.

2. **Reclassifications – Public Defender**

a. *Transfer and Reclassification of Part-Time PHNS Home Health Aide, Grade V to the Public Defender's Office, Part-Time Public Defender, Grade E – Mr. Roche informed the committee that this position will be fully funded through May 31, 2015 with grant funds awarded by NYS Indigent Legal Services. He anticipates that the funding will extend beyond May 31, 2015, but in the event that it does not, this position would then be eliminated. We received a total award of \$70,200.00 per year for three years, and of that, \$121,370.08 was allocated to the Personnel line item. This funding will pay for salary and benefits.*

MOTION: AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF A PUBLIC HEALTH NURSING SERVICES PART-TIME HOME HEALTH AIDE POSITION, GRADE V, TO A PUBLIC DEFENDER'S OFFICE PART-TIME PUBLIC DEFENDER POSITION, MANAGEMENT GRADE E; SAID POSITION TO BE PAID FOR WITH GRANT FUNDING FROM THE NYS INDIGENT LEGAL SERVICES WITH SAID POSITION TO BE ELIMINATED IF FUNDING IS ELIMINATED MADE BY MR. FARRAND. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. Probation

Mr. Greeley stated that this will be his last meeting prior to his retirement. He thanked the committee for the opportunity to work for them.

MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, August 5, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, July 29, 2013.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, August 5, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger David Hopkins Jim Allard Eric Tyner Heather Drake	Jack Wheeler David Cole Cheryl Crocker Tim Marshall Noel Terwilliger	Brooks Baker Phil Roche Alan Reed Jim Gleason
LEGISLATORS:	Joseph J. Hauryski Hilda T. Lando	Carol A. Ferratella William A. Peoples	K. Michael Hanna Gary B. Roush
OTHERS:	Dineen Snyder Chief Sal Trentanelli, Corning City Police Chief		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JULY 1, 2013, MEETING MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. District Attorney

1. **Budget Transfer** – Mr. Baker informed the committee that they have seen their caseloads increase 20 percent over last year. He requested authorization to transfer a total of \$38,500 from personnel line items to various contractual line items to cover costs. Mr. Mullen asked what types of crimes have increased? Mr. Baker replied they have seen a significant increase in drug cases and ancillary crimes. They have also seen slight increases in welfare fraud, worker's compensation fraud.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO TRANSFER A TOTAL OF \$38,500 FROM PERSONAL SERVICES LINE ITEMS AND APPROPRIATE TO VARIOUS CONTRACTUAL LINE ITEMS MADE BY MR. WELCH. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Public Defender

1. **Allocation of Year 2 of Indigent Legal Services Fund Grant** – Mr. Roche introduced Heather Drake who has been working on the grant and budgeting. He requested authorization to appropriate a total of \$132,448.90 in year two grant funds. These funds will be used for personnel, software installation, support and upgrades, attorney training, pre-trial release action plan and expert/investigative services.

Mr. Mullen asked is the part-time assistant public defender position we approved last month separate from this? Mr. Roche replied no. That position is funded for three years, but was created in the second year for the next two years.

MOTION: AUTHORIZING THE ALLOCATION OF YEAR TWO INDIGIDENT LEGAL SERVICES FUND GRANT IN THE AMOUNT OF \$132, 448.90 AS FOLLOWS: PERSONNEL - \$79,518.80; CMS INSTALLATION - \$13,316.00; CMS SOFTWARE SUPPORT FEE - \$2,656.00; TECHNOLOGY UPGRADE (SOFTWARE) - \$17,000.00; ATTORNEY TRAINING/CLE/CONFERENCES – 12,167.10; PRE-TRIAL RELEASE ACTION PLAN - \$2,791.00; AND EXPERT/INVESTIGATIVE SERVICES - \$5,000.00 MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Caseloads** – Mr. Roche informed the committee that they are busy in all categories. They have seen a substantial increase in Family Court. He commented that the State may put caseload caps on the attorneys and we will have to reorganize to comply with those caps. Mr. Alger explained if the caps go into effect, it will reduce the caseload internally and that will have a direct impact on our assigned counsel caseload. We are looking at options that we can put into place to have an impact on the assigned counsel caseloads, depending on any grants we may receive. Mr. Alger stated in the past they have talked about a conflicts office and we are talking about that option again. One thing we need to determine is if the conflicts office would be used to balance the costs we incur in Family Court or if we would devote a conflicts office to higher-level felonies. If we were to look at a conflicts office, that would require input from the NYS Bar Association. There are savings to be had by having a conflicts office. Mr. Roche commented a conflicts office would help to bring more efficiency to his department. Discussion followed.

C. Sheriff's Department

1. Sheriff Cole introduced Dineen Snyder, mother to Army Sgt. Devin Snyder who was killed in action in Afghanistan. Mrs. Snyder will be helping us look at our drug enforcement plan.

2. **CIRT Commendation** – Sheriff Cole presented a commendation to Senior Investigator Eric Tyner who is here on behalf of the entire CIRT Team. He stated that he would like to commend each and every member of the CIRT team for their dedication to a job well done on the 47 critical incidents they have responded to since the team was officially activated in 2004. Each incident has been completed successfully without serious injury to any member of the department or innocent members of society. The professionalism this team has shown while handling narcotic search warrants, barricaded persons, shots fired, hostage situations, violent fugitive arrests and missing children is a testament to your commitment to the people of Steuben County.

3. **Sick/Leave Time – Jail/Sheriff** – Sheriff Cole stated that in the Jail, he has done an evaluation of the amount of sick time that has been taken. For the six-month period of January – June 2012, there were 3,716 hours of sick leave taken. For the same time period in 2013, there have been 2,385 hours. We have seen, during that six-month period, a reduction of 1,330 hours of sick leave being used. That has resulted in a direct savings to the County of \$35,000. Mr. Ryan asked have you done a similar program for the Road Patrol? Sheriff Cole replied that he has not yet done that, but plans to.

4. **SRO Agreements with Participating Schools** – Sheriff Cole stated the following schools are interested in the SRO program: Bath, Avoca, Campbell-Savona, Corning-Painted Post, Hammondsport and Savona. Our office is in the process of preparing agreements with these schools. Addison and Canisteo-Greenwood prefer to use their own police departments in their schools. Sheriff Cole stated that he is setting up a program at the Sheriff's Department to certify regular police officers as school resource officers. He stated that with regard to the uniform budget, the school puts up the money for the uniform, gun, ammo, and related items. That amounts to \$3,400 - \$3,500. The Superintendents have indicated that they would like to budget to pay for the uniform expenses in October and to split the salaries so that they pay a portion of the salary in January and the remaining in June. Mr. Farrand asked what is our cost for fronting the money to the schools? Mr. Alger replied it is minimal at this point.

5. **Educational Programming in Jail** – Sheriff Cole stated that credit for this program belongs to the Undersheriff. Undersheriff Allard explained there are a variety of programs through BOCES, which are being paid for out of the commissary fund, that will train the inmates in something that will be useful when they are released. In addition to a program to obtain their G.E.D., there is also a skill program. An Electrician’s Helper course has been scheduled for the fall and we are hoping in the future to add a Carpenter’s Helper course. Everything we are doing is for the education and treatment of our inmates. In addition to this, we also have our garden program that is doing well.

Mr. Ryan asked how much money is in the commissary fund? Undersheriff Allard replied it fluctuates. It can be between \$5,000 - \$30,000. These funds allow the inmates to purchase certain items that they need. We do get a percentage of that to use for items/programs that specifically benefit the inmates. Mr. Ryan asked could you use that to pay for psychotropic drugs, which are costing \$15,000 per month? Sheriff Cole replied no. We are trying to put various programs in place to provide incentives to the inmates and at the same time monitoring costs to reduce the monthly costs for psychotropic medications. Mr. Farrand stated that he would like to commend the Undersheriff for setting up this program as it will be beneficial to the inmates.

Mr. Farrand asked that the Sheriff include on his monthly report how many towns are utilizing the work crews.

6. **Sub-Housing of an Inmate** – Sheriff Cole again stated that the Undersheriff needs to get credit for saving the County \$60,000 for the housing of an inmate and asked him to provide a brief explanation. Undersheriff Allard stated that they had an inmate who needs to be in a nursing home or hospital with security. There is a section of the law that allows us to petition DOCS to take over the care of an inmate if we can show that there is no facility to treat the condition of the inmate and that the inmate cannot be released. DOCS took our inmate, all of the costs associated with that inmate, and he is now being housed in a secure facility. We are in the third month of that agreement. The only thing that the State will not pay is the cost to transport the inmate to court. We estimate that we are saving \$1,000 per day on this inmate who could not be released due to the severity of the charges.

7. **CNET** – Sheriff Cole informed the committee that right now two members of CNET have been assigned to work in Steuben County. He will be attending a meeting on August 8th and will be requesting four members for Steuben County. This will be very important to our drug investigations.

8. **Personnel**

a. *Reclassification of Vacant Maintenance Position to a Criminal Investigator Position* – Sheriff Cole stated that last year the transfer of the Chief Deputy position caused many problems in the department. We are in need of this position to manage the Road Patrol. By not having this position, it hampers our efforts to increase narcotics enforcement. Most drug activities in the County occur in the Village of Bath and the City of Corning. He has met with the State Police and they are formulating a plan to address this problem. He is not asking for money, he is asking to trade a maintenance position to a criminal investigator position. Every county in the State has a position for the work that Investigator Tyner is currently doing. This is a critical position for the department.

Mr. Alger explained earlier this morning, we heard the District Attorney tell the committee that there has been a significant increase in drug activity in the county. The only way to get cases to the District Attorney is to have an investigative unit. It is important to give the Sheriff the tools he needs to affect the safety and security of county residents. He really would encourage the committee to think about this. The Sheriff is trading a position that he feels he can live without for another, which is critically needed for the communities’ safety.

Mr. Hauryski stated of late, he has been getting calls and emails from his constituents. He had asked the District Attorney to come to his town board meetings to talk about current drug activity in the county. My town board members learned what to look for and were surprised at the numbers and amount of drug activity. The Town of Bradford recently had a large drug bust and it has affected the community. The area is not the same anymore. This is an important position, so let’s move on and do something.

Mr. Baker commented we cannot rely upon the State Police for this, we have to have resources. If the Sheriff can find a way to do this without costing the County money, that is fantastic. More people on cases means better cases.

Mr. Farrand asked how many cases are we talking about? Investigator Tyner replied that the investigations done by the State Police and in Chemung average 79 – 80 per year. We are handling 108 cases, and part of that was done with two investigators out on leave. Mr. Farrand stated if we approve this, then there would be an in-house promotion from Road Patrol and then you would be filling the Road Patrol position.

Mr. Ryan stated two months ago we approved an RFP for an investigator for the District Attorney's Office. Is that an option to help you until the investigators that are on leave can come back to work? Sheriff Cole replied the investigator that is currently on leave works in the Department of Social Services and they are paid through that budget. Mr. Alger replied that he does not believe that a contract position would work well. What has been presented to you is an option that shows you the Sheriff's change in priorities. He would like to trade the maintenance position to a criminal investigator position to make the best use of staff. He is not asking for an additional position, only changing the priorities. It is critical to the Sheriff to be able to do that.

Mr. Mullen commented that he would rather see another investigator position than a maintenance position. This is a different administration than last year and the Sheriff is doing a nice job. Coupled with the drug issues, he thinks this is a reasonable request.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A VACANT MAINTENANCE POSITION, GRADE VII TO A CRIMINAL INVESTIGATOR POSITION, GRADE XIII IN THE SHERIFF'S DEPARTMENT MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. Administrator

1. **Homeland Security Grant** – Mr. Alger asked Mr. Marshall to explain to the committee what has been taking place with the Homeland Security Grants. Mr. Marshall explained when Mr. Sprague left, they had several Homeland Security Grants in process; 2008, 2009, 2010 and 2011. He wanted to try to get those in order and the 2008 and 2009 grants have been taken care of. In March 2013, he filed a request for an extension of the 2010 grant. The grant was to be expended by July 31, 2013. He received a letter on July 23, 2013 stating that the extension was not granted and that he needed to spend the grant money prior to July 31, 2013. We had an opportunity through BOCES to pick up and replace our command vehicle. They had a 2001 mobile classroom van with 11,800 miles for \$10,000. We did go ahead and replace our command vehicle with this vehicle from BOCES.

Mr. Alger stated we would have purchased a new command vehicle with future grant money. We instead used the 2010 funding which was received in 2011. The state had been granting extensions until now. Because the vehicle is over the threshold that he is allowed to approve, he requested that the committee approve this purchase after the fact and to amend the Emergency Management Office major equipment list.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO PURCHASE A 2001 MOBILE CLASSROOM VAN FROM BOCES IN THE AMOUNT OF \$10,000.00 AND AMENDING THE MAJOR EQUIPMENT LIST TO REFLECT THIS PURCHASE MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. **OTHER BUSINESS**

A. *Changing Date of September Meeting* – Due to the Labor Day Holiday, it was suggested that the September meeting be changed to Monday, September 9, 2013, at 9:00 a.m.

MOTION: CHANGING THE DATE OF THE SEPTEMBER PUBLIC SAFETY & CORRECTIONS COMMITTEE MEETING TO MONDAY, SEPTEMBER 9, 2013, AT 9:00 A.M. MADE BY MR. WELCH. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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 MR. WELCH. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE 911 ENHANCED DEPARTMENT TO ENTER INTO A CONTRACT WITH CORNING INCORPORATED FOR THE USE OF MDT'S ON THE 911 SYSTEM, WITH CORNING INCORPORATED TO PICK UP ALL ASSOCIATED COSTS RELATED TO THE PURCHASE, MAINTENANCE AND UPGRADES OF MDT'S MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

NEXT MEETING SCHEDULED FOR

****PLEASE NOTE CHANGE**Monday, September 9, 2013 @ 9:00 a.m.**PLEASE NOTE CHANGE****

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, September 2, 2013**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, September 9, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger Tina Goodwin Cheryl Crocker Shawn Corey	Jack Wheeler David Cole Tim Marshall Alan Reed	David Hopkins Jim Allard Brooks Baker
LEGISLATORS:	Joseph J. Hauryski William A. Peoples	K. Michael Hanna Gary B. Roush	Hilda T. Lando

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE AUGUST 5, 2013 MEETING, MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. District Attorney

1. **Prescription Drug Abuse Enforcement Grant** –Mr. Baker informed the committee that Noel Terwilliger had applied for a \$5,000 Prescription Drug Abuse Enforcement Grant. He requested authorization to accept this grant funding.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT A PRESCRIPTION DRUG ABUSE ENFORCEMENT GRANT IN THE AMOUNT OF \$5,000.00 MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

B. 911 Enhanced

1. **Generator** – Mr. Hopkins informed the committee that they recently had a lightning strike on their generator which damaged the control board. The control board is something that needs to be custom built as the manufacturer no longer produces that component. In the meantime, we have a temporary generator. During the investigation of the lightning strike, we discovered that the generator had not been properly grounded. Mr. Alger requested the committee declare this an emergency so that the necessary repairs can be made to the generator and then we will proceed with a resolution to the grounding issue.

MOTION: DECLARING THE REPAIRS TO THE 911 GENERATOR AN EMERGENCY AND AUTHORIZING THE 911 DIRECTOR TO CONTRACT WITH BLACKMON-FARRELL TO HAVE THE CONTROL PANEL REBUILT AND TO INVESTIGATE A RESOLUTION TO THE GROUNDING ISSUE MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Addressing Issues** – Mr. Ryan asked has the issue of numbering been resolved in Cameron? Mr. Hopkins replied that he has spoken with the postmaster and they believe that all of the issues have been resolved.

C. Sheriff's Department

1. **Black Creek Invoices** – Sheriff Cole informed the committee that they have had to do some emergency repairs to the system at the Jail, however, these repairs were not budgeted for. The total amount is \$21,044.50 and he requested authorization to pay for this invoice out of the Contingent Fund.

MOTION: AUTHORIZING A TRANSFER OF \$21,044.50 FROM THE CONTINGENT FUND TO THE SHERIFF'S DEPARTMENT MAINTENANCE LINE ITEM WITHIN THE JAIL TO PAY AN INVOICE TO BLACK CREEK IN THE AMOUNT OF \$21,044.50 FOR EMERGENCY REPAIRS TO THE JAIL TOUCH SCREEN CONTROL SYSTEM MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **Repair of Heating System at Public Safety Building** – Sheriff Cole informed the committee that the heating system at the Public Safety Building has a leak and they received a quote from Frey & Campbell to remove the leaking expansion compensators and replace them with a valve. The cost is \$3,403.72. This item was also not included in the budget and he requested authorization to pay the invoice from the Contingent Fund.

MOTION: AUTHORIZING A TRANSFER OF \$3,403.72 FROM THE CONTINGENT FUND TO THE SHERIFF'S DEPARTMENT TO PAY FOR REPAIRS TO THE HEATING SYSTEM AT THE PUBLIC SAFETY BUILDING MADE BY MR. WELCH. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Mullen asked do you have maintenance in your 2014 budget? Sheriff Cole replied yes. Last year the Sheriff submitted a budget with no money set aside for maintenance or any type of equipment.

3. **Fleet/Vehicle Discussion** – Sheriff Cole stated that in the *Administrative Code*, the department is authorized to have 40 vehicles. We currently are at 47 vehicles which includes our CIRT vehicle, two boats, one ATV and two armored Hummers which we received from the Federal Government. We also have five new vehicles on order, as well as a vehicle from the District Attorney's Office that we are using. We plan to send two vehicles to auction. The process for receiving new vehicles is taking longer. He requested authorization to increase the inventory in the Sheriff's Department to 52 vehicles rather than 40. Mr. Farrand stated that he would approve that as long as the Sheriff provides a breakdown of all of the vehicles.

MOTION: AUTHORIZING THE SHERIFF TO EXCEED THE MAXIMUM NUMBER OF ALLOWED VEHICLES, UP TO 52 MADE BY MR. RYAN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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 MR. WELCH. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE TRANSFER OF \$30,000.00 FROM THE CONTINGENT FUND TO THE 911 ENHANCED DEPARTMENT'S MAINTENANCE LINE ITEM TO COVER COSTS ASSOCIATED WITH MAINTENANCE EXPENSES FOR THE 911 SYSTEM MADE BY MR. WELCH. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
MOTION: TO ADJOURN MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, October 7, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, September 30, 2013**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, October 7, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE: Brian C. Schu, Chair Dan C. Farrand, Vice Chair Aaron I. Mullen
Thomas J. Ryan George J. Welch

STAFF: Mark R. Alger Jack Wheeler Tina Hopkins
Tim Marshall David Cole Jim Allard
Christopher Hand Jim Gleason Shawn Corey
Cheryl Crocker Phil Roche

LEGISLATORS: Joseph J. Hauryski K. Michael Hanna William A. Peoples
Gary B. Roush Gary D. Swackhamer

OTHERS: Dan Smith, Chief, Hornell City Fire Department
Todd Hall
Tom Jamison
Evan Brown
Ed & Dineen Snyder

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE SEPTEMBER 9, 2013, MEETING MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REPORTS

A. 911

1. **Maintenance Contract for UPS** – Ms. Goodwin requested authorization to renew their maintenance contract for the UPS with the Zang Agency. Last year they paid \$51,016.00 which was a fixed rate for three years. With the renewal, the new rate will be \$77,018.00 and will be fixed at that rate through 2016.

MOTION: AUTHORIZING THE 911 DEPARTMENT TO RENEW THEIR CONTRACT WITH THE ZANG AGENCY FOR THE MAINTENANCE OF THE UPS FOR AN ANNUAL RATE OF \$77,018.00 WHICH WILL BE FIXED THROUGH 2016 MADE BY MR. RYAN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Emergency Management Office

1. **Narrow Band Radio Project Update** – Mr. Marshall requested that this item be held for Executive Session.

2. **Contract Renewal** – Mr. Marshall requested authorization to renew their service agreement with Motorola for the communications system. The annual rate for 2014 will be \$93,427.32 and represents a 3 percent

increase from last year. When we move to the fiber optic network, we may be able to adjust this contract, which should result in a lower amount.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO RENEW THEIR SERVICE AGREEMENT WITH MOTOROLA FOR AN ANNUAL COST OF \$93,427.32 MADE BY MR. FARRAND. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Personnel** – Mr. Mullen introduced Chief Dan Smith, who is here on behalf of the Fire Advisory Committee. Chief Smith stated that when you look at the process, it seems to have taken an extremely long time to fill the Director position. He would like to know where we stand and what the expectation is for when the position will be filled. In the meantime, is there a possibility of supplementing with part-time staff? Mr. Alger stated once we get a recommendation from the consultant, we will move forward. In the meantime, if Mr. Marshall needs help, he knows that he can ask.

C. Sheriff's Department

1. **Commendations**

a. *Road Patrol* – Sheriff Cole presented a commendation to Deputy Kenneth O'Dell and Deputy Brandon Scott for their heroic efforts and outstanding initiatives regarding an incident at Camper's Haven. *Congratulations!*

b. *Corrections* – Sheriff Cole presented a commendation to Officer Peggy Tripp, Officer Jillian Knapp, Officer Lauran Barrett and Officer Che Martino in recognition of their willingness to perform extra as required. *Congratulations!*

2. **Donation for New K-9** – Sheriff Cole introduced Ed and Dineen Snyder who are here today to donate funds to purchase an additional K-9 for our department. He stated that with an additional K-9 unit we will have two units that will work primarily in Hornell and Corning.

Mr. Snyder stated that their daughter Devin lost her life fighting in Afghanistan in 2011. We had set up a memorial fund in her memory and, as part of that, hosted an annual memorial bike ride in her honor. We would like to use money from this memorial fund to fund all of the costs associated with the purchase and yearly costs for the upkeep of a canine for the Sheriff's Department. He has met with the Sheriff and they realize that drugs continue to be an ongoing problem in our schools. On behalf of our family, we thank you for your time.

Sheriff Cole stated that with this funding there would be no cost to the County for an additional K-9 unit. We are beginning to start our new push on narcotics enforcement and hope to start this new K-9 unit in January. Mr. Mullen asked what is the cost for the dog? Sheriff Cole replied the annual costs for the current canine are \$1,000 for food and medical costs. The initial cost of the dog will be between \$6,000 - \$8,000; however, we have not yet purchased the dog. Mr. Mullen asked will there be extra man hour costs associated with the new canine? Sheriff Cole replied there will not be any additional costs. The canine training will be part of the officer's regular time.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO ACCEPT A DONATION FROM THE DEVIN SNYDER MEMORIAL FUND FOR THE PURCHASE AND YEARLY UPKEEP OF A NEW CANINE OFFICER MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Request for Corrections Officers** – Sheriff Cole informed the committee that over the past several months, the Commission of Corrections has completed on-site visits of the facility and have revised their staffing analysis. They have informed us that we need to hire 4 full-time corrections officers and 1 full-time Lieutenant in order to fulfill their requirements. He stated that in an effort to meet this staffing requirement, he has eliminated one dispatcher position and will also be eliminating one secretarial position. We have hired a new Jail Superintendent and, with regard to the Lieutenant position, that will be filled in January 2014 by reclassifying a Sergeant position. In his plan, he has recommended filling 2 of the correction officer positions by late June

2014 and the remaining 2 will be filled by late June of 2015. The Commission of Corrections has agreed to this plan. Captain Hand commented that if we were to not fulfill the Commission's staffing requirements, they would not allow us to house in inmates from other counties and if we continued to not fulfill the staffing requirements, they would then reduce our capacity and force us to house out inmates.

Sheriff Cole stated that with his proposal there will be no increase in the budget until 2015. Mr. Alger recommended the committee accept the Sheriff's staffing proposal. In looking at their current budget they have \$1.9 million in outside revenue and if we do not fulfill the requirements, we stand to lose that. This is something that we will have to act on soon. There is no reason to not accept this proposal to transfer 2 positions out and move forward with the Lieutenant position.

MOTION: ACCEPTING THE SHERIFF'S PROPOSAL FOR STAFFING AT THE JAIL IN RESPONSE TO THE COMMISSION OF CORRECTIONS STAFFING REQUIREMENTS AND AUTHORIZING THE SHERIFF TO TRANSFER AND RECLASSIFY A DISPATCHER POSITION AND A SECRETARIAL POSITION TO TWO CORRECTIONS OFFICER POSITIONS FROM THE SHERIFF'S BUDGET TO THE JAIL BUDGET; AND TO MOVE FORWARD WITH THE RECLASSIFICATION OF A SERGEANT POSITION TO A LIEUTENANT POSITION MADE BY MR. FARRAND. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. Public Defender

1. **Monthly Report** – Mr. Roche informed the committee that they have converted over to their new case management software system. He reviewed the new report with the committee. He commented that Assigned Counsel cases are increasing and the costs associated with that are also increasing. Overall, we are seeing an increase in the number of cases, as well as the severity of cases.

Mr. Hauryski asked how is Assigned Counsel with their budget? Mr. Alger replied they are out of money. We will be requesting an additional appropriation for this month for Assigned Counsel. What is important to note is that we are pursuing a grant to fund some of conflicts office/attorney which will assist us in dealing with our Assigned Counsel cases. With the Public Defender, he can only handle one defendant in cases in which there are multiple defendants. With a conflicts office, we would be able to handle two. That will be a major step going forward and we are also looking at other options.

Mr. Farrand asked are we establishing an Assigned Counsel Office? Mr. Alger replied we are looking to set up a Conflicts Office next year and will need to have the local Bar Association sign off on the creation of that office.

Mr. Mullen asked do you have information on the average caseload of the attorneys in the Public Defender's Office? Is it more expensive to assign the cases? Mr. Alger replied, yes, it is more expensive to assign the cases. Mr. Roche stated that if you put a caseload limit in his office, then expenses for Assigned Counsel would increase. Mr. Alger explained a caseload limit will have an impact across the board. With a Conflicts Office and Assigned Counsel, there is a limit as to the number and types of cases they could take. We have some difficulty with the assigned portion of the caseload because we just do not have enough attorneys willing to participate in Assigned Counsel. We do have an RFP out for that program; however, we are not yet ready to make an award. There will be changes coming and a Conflicts Office would be a positive change from our standpoint.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.A. MATTERS WHICH WILL IMPERIL THE PUBLIC SAFETY IF DISCLOSED MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. FARRAND. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, November 4, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, October 28, 2013**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, October 28, 2013

9:45 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger Tina Goodwin	Jack Wheeler Shawn Corey	David Hopkins
LEGISLATORS:	Joseph J. Hauryski Hilda T. Lando Randolph J. Weaver	Lawrence P. Crossett Robin K. Lattimer	Carol A. Ferratella William A. Peoples

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:45 a.m.

II. GENERAL BUSINESS

A. **RFP Award – EMO Consultant** – Mr. Wheeler informed the committee that they had put out a Request for Proposals to look at the organizational structure of the Emergency Management Office and the 911 Department and to present options. The second component of the RFP is to do a comprehensive study of the radio system, specifically looking at interoperability with neighboring counties as well as Pennsylvania. Additionally, they would also be looking at our low-band radio system and the migration of that system. This study will be paid for by the Round II State Interoperability Grant. We had budgeted \$150,000. Mr. Wheeler stated that they received five proposals. He recommended awarding to Televate for \$51,363.00.

Mr. Weaver asked what is the timeline for the study? Mr. Alger replied we would like them to complete the organizational study within a month. Mr. Wheeler stated that Televate had proposed three months for the entire project, which is quite aggressive. He stated that for the entire project, three to five months would be doable.

MOTION: AWARDING THE REQUEST FOR PROPOSALS FOR THE STUDY OF THE ORGANIZATIONAL STRUCTURE OF THE EMERGENCY MANAGEMENT OFFICE AND THE 911 DEPARTMENT AND FOR A COMPREHENSIVE STUDY OF THE RADIO SYSTEM TO TELEVATE FOR A TOTAL OF \$51,363.00 MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, November 4, 2013

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger Alan Reed David Cole Phil Roche	Jack Wheeler James Allard Cheryl Crocker David Hopkins	Tim Marshall Eric Tyner Shawn Corey
LEGISLATORS:	Joseph J. Hauryski William A. Peoples	K. Michael Hanna Gary B. Roush	Patrick F. McAllister Gary D. Swackhamer

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES FROM THE OCTOBER 7, 2013 AND OCTOBER 28, 2013, MEETINGS MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Probation

1. **Purchase of GPS Units** – Ms. Crocker requested authorization to transfer funds into her Equipment line item to purchase GPS units. The electronic home monitor units they currently have are old and only work for those individuals that have landlines. She stated that the Public Defender has grant money available to help for three units if our department paid for three units. That would give us six new GPS units. Mr. Schu asked how many electronic home monitoring units do you have? Ms. Crocker replied they have twenty-two units. This year, we only had 19 people on the units. Mr. Mullen asked how much are the new units? Ms. Crocker replied they are \$725.00 per unit.

Mr. Alger commented over the last several years the electronic home monitoring system was not working, as the equipment is old. We have talked about needing to migrate toward new GPS technology. We purchased the original units because it was cheaper than leasing them. We had twenty-two units and there was a time when all of those units were out all of the time. You can safely say that you would save the cost of implementation of the new units by reducing the number of jail days.

Mr. Farrand asked if the County could check into places such as Auctioneers International to see if we would be able to sell the old units and recoup some of the money. Ms. Crocker stated that she is going to look at their contract to see what they are able to do. Mr. Alger stated we will work with Purchasing on this.

MOTION: AUTHORIZING THE DIRECTOR OF PROBATION TO TRANSFER \$2,175.00 FROM THE EQUIPMENT RENTAL LINE ITEM INTO THE EQUIPMENT LINE ITEM TO PURCHASE THREE GPS UNITS, ALONG WITH THE PUBLIC DEFENDER PURCHASING THREE UNITS WITH GRANT FUNDING MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Public Defender

1. **Grants Update** – Mr. Roche presented a brief PowerPoint presentation regarding grants. Back in 2010, we received from the Indigent Legal Services Fund (ILSF), funding for \$281,197.00 which was unrestricted and non-competitive. That funding is being phased out. In its place are ILSF competitive grants. The funds from these grants are only to be used for new services. In 2011, we received a grant in the amount of \$30,904.00 which we used for investigative services and computer research. We are currently in a three-year grant for which we receive \$70,299.00 annually. We are using those funds to fund an assistant part-time Public Defender, investigative services, the purchase and maintenance of the CMS software, attorney training and ATI. Mr. Roche explained there are two upcoming grants; the first for 2013-2015 for an annual amount of \$70,299.00 which would be used for the funding of a Conflicts Office. The second grant for 2014-2016 is for an annual amount of \$100,000.00 and that will be used for caseload reduction and new Family Court Attorney. These last two grants are pending and as such have not been included in the Public Defender’s budget. In addition to the ILSF grants, we also have a current Aid to Defense grant in the amount of \$8,400 which is used for Assigned Counsel.

Mr. Alger explained the State was getting additional court filing fees and those fees originally were to assist in indigent defense. Now they are taking those funds back over a five-year period and, in order to get funding, counties have to do competitive grants. The State is also looking to limit caseloads per attorney depending on the nature of the case. Additionally, he stated that he would not be surprised if they do not raise the assigned counsel fees again. They also want to establish a system where there are attorneys present at the first arraignment. We have over 50 courts in Steuben County. Mr. Mullen asked would you be able to do things electronically for the hearings? Mr. Roche replied no, the State excluded electronic appearances. Mr. Alger commented the only way that they might, would be if they designated certain courts as “arraignment courts”. Discussion followed.

2. **Assigned Counsel/Conflicts Office** – Mr. Roche provided a brief Power Point presentation regarding Assigned Counsel and Conflicts Office. Steuben County is obligated to provide legal representation to all litigants in Criminal Courts and Family Courts who are financially unable to obtain counsel. All financially eligible litigants are assigned to the appropriate attorney within the Public Defender’s office. If there is a conflict, the case is forwarded to the Assigned Counsel Administrator (ACA) for assignment to assigned counsel. All appeals are assigned through the ACA. Mr. Roche reviewed the costs associated with Assigned Counsel. One option for the County to consider would be to create a Conflicts Office. If there were a conflict within the Public Defender’s Office, that case would be forwarded to the Conflicts Office, not Assigned Counsel. The Conflicts Office would be staffed by one Criminal Court Attorney who would handle 200 (of 345) cases per year, and one Family Court Attorney who would handle approximately 250 (of 737) cases per year. All remaining cases and all 2nd Conflicts Cases would be forwarded to the ACA for assignment to an attorney in Assigned Counsel. Again, all appeals would be assigned through the ACA. The estimated cost for a Conflicts Office staffed with two attorneys and associated office supply, administrative support and office rent would be \$212,694.00 for year 1. If you were to assume a two percent annual increase in salary and benefits, the year two cost would be \$216,947.00 and the year three cost would be \$221,128.00. Conflict attorneys would handle 450 cases per year. If those same cases were assigned through Assigned Counsel at an average cost of \$608.00 per case, the total county cost would be \$273,600.00. Predicted savings for year one would be more than \$60,000.00. There is the potential for an ILSF grant of \$70,299.00 for each year, which would increase the year one savings to more than \$130,000.00. Discussion followed.

Mr. Roush asked could you contract for a Conflicts Office rather than hire as employees? Mr. Alger replied we may be able to. We would have to meet the requirements of the State and then it would also need to be approved by the Bar Association. Mr. Welch stated with your Conflicts Office model, that is a lot of cases for each attorney

to handle. Mr. Roche stated that currently his staff is handling 375 cases. Mr. Welch asked is your model compatible with the case limit? Mr. Roche replied yes. The magic number is 250 cases. Discussion followed.

3. **Budget Transfer** – Mr. Roche requested authorization to transfer \$2,175.00 from grant funding to the Small Equipment line item to purchase three GPS units for the Probation Department.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO TRANSFER \$2,175.00 FROM GRANT FUNDING TO THE SMALL EQUIPMENT LINE ITEM TO PURCHASE THREE GPS UNITS FOR THE PROBATION DEPARTMENT MADE BY MR. MULLEN. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Sheriff's Department

1. **Commendation** – Sheriff Cole presented a commendation to Captain Eric Tyner for his outstanding performance and dedication to the Citizens of Steuben County relative to a fatal traffic accident in the Town of Campbell and for organizing and supervising a joint initiative with the Probation Department to check the status of probationers. *Congratulations!*

2. **NYS OGS Bureau of Federal Property Assistance – Surplus Items** – Captain Tyner informed the committee that they were able to get \$150,000.00 of federal government surplus property for a vendor fee of \$3,500.00. He commented that this is something that the Public Works Department has done for some time.

3. **1033 – MRAP Vehicle** – Captain Tyner stated that through the 1033 program, we were able to get a Mine Resistant Armored Protection (MRAP) vehicle, with 10,000 miles for free. This vehicle will be used for defensive activities such as rescues.

4. **Tactical Grant Application** – Captain Tyner informed the committee that they have put in an application for a \$10,000 Tactical Grant. This is a zero-match grant. This grant will be used to purchase replacement equipment. We will purchase new night vision goggles for all of our tactical team members.

D. Emergency Management Office

1. **Grant Expenditure** – Mr. Marshall stated that the 911 Department would like to have a flyover done of the new I99 corridor. We can have Pictometry fly that area for \$5,000.00. We have money available in a FY2013 GIS grant to pay for that. Additionally, we would like to upgrade our notification system. We have a contract with City Watch to do public notifications through the 911 system in the event of an emergency. That company was bought out by Code Red. Code Red is an industry leader and has the ability to enable the notification system to tap into the cell phone system. The cost to switch the system to gain access to the cell phone system is \$7,125.00. There is money available in our Homeland Security grant to pay for this upgrade.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO SPEND \$5,000.00 OF THE FY2013 GIS GRANT TO PAY PICTOMETRY FOR A FLYOVER OF THE NEW I99 CORRIDOR AND AUTHORIZING THE EXPENDITURE OF \$7,125.00 FROM THE HOMELAND SECURITY GRANT TO PAY FOR AN UPGRADE TO THE NOTIFICATION SYSTEM THROUGH CODE RED MADE BY MR. RYAN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.A. MATTERS WHICH WILL IMPERIL THE PUBLIC SAFETY IF DISCLOSED MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. WELCH. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, December 2, 2013 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, November 25, 2013**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, November 25, 2013

3:15 p.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE: Brian C. Schu, Chair
George W. Welch

Aaron I. Mullen

Thomas J. Ryan

STAFF: Mark R. Alger
Shawn Corey

Jack Wheeler

Pat Donnelly

LEGISLATORS: Joseph J. Hauryski
Hilda T. Lando
William A. Peoples
Randolph J. Weaver

Carol A. Ferratella
Robin K. Lattimer
Gary D. Swackhamer

K. Michael Hanna
Patrick F. McAllister
Scott J. Van Etten

ABSENT: Dan C. Farrand, Vice Chair

I. CALL TO ORDER

Mr. Schu called the meeting to order at 3:15 p.m.

II. DEPARTMENTAL REQUESTS

A. Administrator

1. **Assigned Counsel** – Mr. Alger informed the committee that they had put out a request for proposals for an administrator of the Assigned Counsel Program. We received two proposals. He is recommending that the committee award the RFP to Joseph G. Pelych, Esq., of Hornell. His proposal was the lowest at \$45,000 per year, with an annual increase of \$500. Mr. Alger stated that he does have some reservations about this, as Mr. Pelych does not plan to open a Bath office. We will try it and see how it goes. If this does not work out, then we will put out another request for proposal next year.

Mr. Weaver asked what is the importance of having a Bath office? Mr. Alger replied it is good at times to physically have an office in Bath to coordinate appointments between the attorneys and the clients. We anticipate over the course of the next several months that software will be provided by the Public Defender, which will help with the coordination of the program and contact with the attorneys and clients. Discussion followed.

MOTION: AWARDING THE REQUEST FOR PROPOSALS FOR AN ADMINISTRATOR OF THE ASSIGNED COUNSEL PROGRAM TO JOSEPH G. PELYCH, ESQ. OF HORNELL, NY FOR AN ANNUAL COST OF \$45,000.00 MADE BY MR. WELCH. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Use of County Seals on S.A.F.E. Act Documents** – Mr. Alger informed the committee that the State has asked for use of the seal of Steuben County, the Steuben County Sheriff and the

Steuben County Clerk on S.A.F.E. Act documents. We have consulted with the Sheriff and the County Clerk. He recommended that we not allow the State to use the seal of the County, the Sheriff or the County Clerk. There is no reason to use our county seals for State purposes.

Mr. Welch asked how would the seal be used? Mr. Alger replied they would use our seals on the pistol permit documents on the internet. He stated that our concern is that it gives the appearance that the County, the County Clerk and the Sheriff endorse the S.A.F.E. Act.

MOTION: DENYING THE STATE OF NEW YORK PERMISSION TO USE THE SEAL OF STEUBEN COUNTY, THE STEUBEN COUNTY SHERIFF AND THE STEUBEN COUNTY CLERK, FOR ANY PURPOSE ASSOCIATED WITH THE NEW YORK STATE S.A.F.E ACT MADE BY MR. MULLEN. SECONDED BY MR. RYAN. MOTION CARRIES 3-1. (MR. WELCH OPPOSED).
Resolution Required.

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, December 2, 2013

10:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger David Hopkins Jim Allard Cheryl Crocker	Jack Wheeler Tina Goodwin Christopher Hand Jim Gleason	Tim Marshall David Cole Phil Roche Shawn Corey
LEGISLATORS:	Joseph J. Hauryski Gary B. Roush	K. Michael Hanna	William A. Peoples

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE NOVEMBER 4, 2013, AND NOVEMBER 25, 2013, MEETINGS MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. FARRAND ABSENT FOR VOTE)

III. DEPARTMENTAL REQUESTS

A. 911 Department

1. **Emergency Notification System** – Mr. Hopkins informed the committee that currently they contract with City Watch for the Emergency Notification System which alerts subscribers in the event of an emergency. They would like to be able to enhance this system with IPause which would send messages to all cell phones within the County. This enhancement is offered through Code Red. The difference in cost between City Watch and Code Red is \$7,500.00. He stated that funding for this enhancement would be available through the Emergency Management Office via a Homeland Security grant. Mr. Wheeler stated they are also requesting permission to waive the RFP process. City Watch and Code Red are now owned by the same parent company.

MOTION: WAIVING THE RFP REQUIREMENT AND AUTHORIZING THE 911 DIRECTOR TO ENTER INTO A CONTRACT WITH CODE RED TO PROVIDE AN ENHANCED EMERGENCY NOTIFICATION SYSTEM MADE BY MR. WELCH. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. FARRAND ABSENT FOR VOTE)

B. Sheriff's Department

1. **2014 STOP-DWI Plan** – Sheriff Cole provided the 2014 STOP-DWI Plan for the committee's information. Mr. Alger stated this budget was approved when you approved the 2014 County Budget. This is providing you with an overview of where those funds are going.

2. **Grant Renewals** – Sheriff Cole requested authorization to renew the STOP-DWI Crackdown Grant, the Driver Safety Grant, the Bicycle Safety Grant, the Narcotics Grant and the Child Passenger Safety Grant for 2014. There is no cost to the County.

MOTION: AUTHORIZING THE SHERIFF TO RENEW THE FOLLOWING GRANTS FOR 2014: STOP-DWI CRACKDOWN GRANT, DRIVER SAFETY GRANT, BICYCLE SAFETY GRANT, NARCOTICS GRANT AND THE CHILD PASSENGER SAFETY GRANT, AT NO COST TO THE COUNTY MADE BY MR. RYAN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Personnel** – Sheriff Cole informed the committee that the State Commission of Correction requires that we have medical personnel staff available 16 hours per day, 7 days per week. We currently have three full-time RN's, one of which is out on medical leave. In order to fulfill this requirement, he is requesting authorization to create two part-time RN positions in the Jail.

MOTION: AUTHORIZING THE CREATION OF TWO PART-TIME RN POSITIONS IN THE JAIL MADE BY MR. MULLEN. SECONDED BY MR. WELCH. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

4. **Commendation** – Sheriff Cole presented a commendation to Captain Christopher Hand. He has been instrumental in the creation of various inmate programs such as the Garden Program, Work Program and BOCES Program. *Congratulations!*

C. Administrator

1. **Communications System** – Mr. Alger stated that he would like Mr. Marshall to present some information relative to the communications system. We have had some coverage issues in areas of the County, specifically in the Addison area. We used to have a repeater at Pinnacle State Park and we would like to go back to using that tower site. Mr. Marshall explained that he received a quote from Motorola for an additional transmitter on the tower at Pinnacle State Park. The quote was for \$37,992.13. We would be using the existing equipment. He stated that he would like to fund this out of the FY2011 Homeland Security Grant.

Mr. Marshall stated if we put up an additional transmitter at Pinnacle State Park, it would provide us with a link with Higman Hill. We have been working with the State and they do not have a problem with us using that tower. We may have to put in a separate electric line and meter box.

Mr. Mullen asked do we have any recourse against Motorola? Mr. Marshall replied our contract stated that they will provide 95 percent coverage and we currently do have that. However, with the new system, some of our previously void spots have moved.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT THE QUOTE OF \$37,992.13 FROM MOTOROLA FOR AN ADDITIONAL TRANSMITTER TO BE LOCATED ON THE TOWER AT PINNACLE STATE PARK AND AUTHORIZING AN AMENDMENT TO THE FY2011 HOMELAND SECURITY GRANT TO REFLECT THIS MADE BY MR. FARRAND. SECONDED BY MR. WELCH FOR DISCUSSION.

Mr. Alger explained we are able to use grant funding for this. This is a fix we have to do in order to improve our communications. In the meantime, they opened I-99 and that is one of the areas with communication problems. This is a safety issue. Putting this in place will improve communications on the Interstate and in Addison.

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

Mr. Hauryski stated at the last Southern Tier Central meeting he attended they were talking about the fiber network being completed for the County. He thought this would boost our capability of communication in the County? Mr. Wheeler replied we are finishing the first grant, which was the narrow banding project. The second grant covers the laterals to the fiber builds to our towers. In the next couple of months, STN will build those laterals. Currently the fiber runs near the tower sites. The laterals will connect them. Mr. Hauryski asked once that is done, what will that do for our communications system? Mr. Alger replied that will give you a redundancy that you do not currently have. In the long-term, anywhere where there are holes, you would be able to put up

antennae, install equipment and hook up to the fiber. You will still depend upon other equipment and that will not be free. You would have to do a base station and that would require channels and maintenance. You will have the ability to fix problems easier than you do with the microwave system.

Mr. Schu stated this is Mr. Ryan's last meeting, as he will be retiring. Thank you for your years of service.

MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, January 6, 2014 @ 9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, December 30, 2013**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, December 16, 2013

9:20 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
STAFF:	Mark R. Alger Tina Goodwin	Jack Wheeler Shawn Corey	David Hopkins Alan Reed
LEGISLATORS:	Joseph J. Hauryski Hilda T. Lando Gary B. Roush	Carol A. Ferratella Robin K. Lattimer Gary D. Swackhamer	K. Michael Hanna William A. Peoples Randolph J. Weaver

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:20 a.m.

II. GENERAL BUSINESS

A. 911 Enhanced

1. **Mobile Data Terminals (MDT's)** – Mr. Alger stated they have 70 MDT licenses and all of those have been allocated. He requested authorization to purchase 10 additional licenses. The cost is \$30.00 per month per license and will be paid for out of the 911 budget. He stated that they need additional licenses as the Sheriff, State Police and other law enforcement agencies have added users.

MOTION: AUTHORIZING THE PURCHASE OF TEN (10) MOBILE DATA TERMINAL LICENSES FROM TIBURON FOR A COST OF \$30.00 PER MONTH, PER LICENSE TO BE PAID FOR OUT OF THE 911 BUDGET MADE BY MR. WELCH. SECONDED BY MR. FARRAND. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**STEUBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE
STEUBEN COUNTY FINANCE COMMITTEE**

Special Joint Meeting

Monday, December 16, 2013

9:30 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEES:	Brian C. Schu, Chair Thomas J. Ryan	Dan C. Farrand, Vice Chair George J. Welch	Aaron I. Mullen
	Gary D. Swackhamer, Vice Chair	K. Michael Hanna	Gary B. Roush
STAFF:	Mark R. Alger Alan Reed	Jack Wheeler	Shawn Corey
LEGISLATORS:	Joseph J. Hauryski Robin K. Lattimer	Carol A. Ferratella William A. Peoples	Hilda T. Lando Randolph J. Weaver
ABSENT:	Lawrence P. Crossett, Chair	Scott J. Van Etten	

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:30 a.m.

II. GENERAL BUSINESS

A. Assigned Counsel

1. **Contingent Fund Transfer** – Mr. Alger requested authorization to transfer \$50,000 from the Contingent Fund to Assigned Counsel to cover year-end expenses.

MOTION: AUTHORIZING THE TRANSFER OF \$50,000 FROM THE CONTINGENT FUND TO ASSIGNED COUNSEL TO COVER YEAR-END EXPENSES MADE BY MR. ROUSH. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0 PUBLIC SAFETY & CORRECTIONS COMMITTEE AND 3-0 FINANCE COMMITTEE. Resolution Required.

MOTION: TO ADJOURN MADE BY MR. FARRAND. SECONDED BY MR. ROUSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0 PUBLIC SAFETY & CORRECTIONS COMMITTEE AND 3-0 FINANCE COMMITTEE.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature