

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Wednesday, January 7, 2004

9:30 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Thomas C. Schwartz, Chair	Lldon E. Jamison, Vice Chair	Philip J. Roche
STAFF:	Gregory P. Heffner Frederick H. Ahrens, Jr. Michael Sprague	Tim Wixom Richard C. Tweddell Robert F. Biehl	David Cole Michele Smith Frank Justice
LEGISLATORS:	DeWitt T. Baker, D.V.M.	Harley R. Mayo	Thomas J. McIntyre
OTHERS:	Robert Blake	Mary Perham, <i>The Leader</i>	William O. Hatch

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE DECEMBER 3, 2003 MEETING MADE BY MR. JAMISON. SECONDED BY MR. ROCHE. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. COMMENTS BY MEMBERS OF THE PUBLIC

Mr. Schwartz stated that we have lost revenues on cell phones that have exceeded \$25,000.00 per month. This money is going to Chemung County. Mr. Blake is here today to explain how we can recover that money.

Mr. Blake stated that he has been aware of this problem for the last eight to ten years. He has worked for Frontier Cellular, Nextel and Verizon Wireless. He is familiar with operations and how they distribute cellular numbers. He has been aware of the fact that Steuben County has been losing tax revenue to Chemung County both from 9-1-1 charges as well as cellular charges that cover most of Steuben County. In his preliminary investigation, he has discovered that this does not affect every phone. There have been corrections to this problem, but there are a number of exchanges that show this problem continuing. Steuben residents are given cellular numbers that are Binghamton exchanges. On those bills, the County tax is going to Chemung County, as does the 9-1-1 surcharge. This problem extends from Hornell to the Allegany County line. Mr. Blake stated that when he initially objected to Elmira numbers being issued to Steuben County residents, he was told that it wasn't his concern. They did not have enough exchanges available in Steuben County and that is why they were giving out Elmira numbers.

Mr. Roche asked this is not the point of sale tax? Mr. Blake replied this is just the exchange. He stated as an example, they used 765 as an exchange for Corning Incorporated. Corning Incorporated objected as it was not a Steuben County number and their exchange was 974 and it was a long distance call. They put in a

trunk line and the tax shows up Chemung County. There are two parts to this. The first is this is a loss of revenue to Steuben County. The second is this is a cost to the taxpayer. Even though it is sold as an exchange for the County, you have to pay long distance charges. Mr. Schwartz commented that if we could get the exchanges for Steuben County, then we would get the generated revenue and sales tax. Mr. Blake stated that this problem is more specific to Verizon and Nextel. He also speculates that this is a problem with AT&T, however, he does not believe this problem exists with CellularOne. Mr. Blake explained a person goes to Horseheads to the mall to purchase a phone. They don't ask where the customer lives, they give them an exchange that is available and on the customer's bill they are paying the sales tax to Chemung County and the 9-1-1 surcharge to Chemung County.

Mr. Hatch commented that his phone is 769 and he doesn't know where the sales tax goes. Mr. Blake stated that he would speculate that exchange would go to Steuben County. He really can only speak about Verizon and Nextel. Mr. Schwartz stated for the past eight years we have lost \$2 million in revenue. If we are losing the 9-1-1 surcharge and the sales tax revenue, we are punishing customers of Verizon to pay for long distance access.

Dr. Baker asked Mr. Blake if he has any suggestions for how to correct this problem? Mr. Blake replied they need authority to investigate people's addresses without their permission. He speculates that the Legislature could get this authority. You could investigate the bills. Mr. Roche stated rather than investigating, it might be worthwhile to send a letter to the cellular companies and give them a list of zip codes in the County and say that those taxes should be for Steuben County. Mr. Blake commented it doesn't make any difference where you buy your phone, the taxes should be paid to the County in which the customer lives. Mr. Schwartz asked Mr. Blake to provide Chairman Roche a list of the exchanges and prefixes. Mr. Blake stated that he only knows of eight exchanges that are a problem. Mr. Hatch commented that we should look at getting back money as well. Mr. Roche commented that instead of looking at prefixes, we can ask to sort by zip code.

Mr. Ahrens commented last year or the year before, there was a correction made to the City of Corning for allocating taxes improperly. We could contact the State Comptroller's Office as well as the Division of Taxation and Finance. We could send them correspondence and copy Chemung County and possibly Broome County.

Mr. Schwartz thanked Mr. Blake for coming to the meeting. It was important that he explained this situation to us. He asked that he please stay in contact with Chairman Roche.

Mr. Ahrens stated that he would suggest that Mr. Wixom get the names of contact people for Verizon, Nextel, AT&T. He can prepare a letter for Chairman Roche to sign and they will copy the New York State Office of Taxation and Finance. Mr. Wixom stated the Public Service Commission could help, as they know who is providing cellular service to the County.

IV. DEPARTMENTAL REPORTS/REQUESTS

1. Sheriff's Department

Reports – Sheriff Tweddell reported that year-end civil fees paid were \$234,775.25. Year-end fees due to the Jail were \$489,630.85. The population at the Jail is currently 149. This includes 8 Federal's, 7 State readies, and 4 inmates were boarded out to Chemung County and should be returning today. Sheriff Tweddell informed the committee that he has ordered seven bunk beds. They will be installed within the next five to six weeks and will bring the Jail capacity up to 162.

Sheriff Tweddell requested approval to accept a \$15,000.00 STEP Grant which will be used for traffic enforcement, aggressive drivers, etc.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO ACCEPT A \$15,000.00 STEP GRANT TO BE USED TOWARD TRAFFIC ENFORCEMENT MADE BY MR. JAMISON. SECONDED BY MR. ROCHE. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Sheriff Tweddell requested authorization to release the funding in their Major Equipment to order 8 vehicles. He indicated that six vehicles are for the Sheriff's Department, one vehicle is for STOP-DWI and one vehicle is for use for the Bryne Grant.

MOTION: AUTHORIZING THE RELEASE OF FUNDS IN THE SHERIFF'S MAJOR EQUIPMENT BUDGET TO PURCHASE EIGHT VEHICLES; SIX FOR THE SHERIFF'S DEPARTMENT, ONE FOR STOP-DWI AND ONE FOR THE BRYNE GRANT MADE BY MR. ROCHE. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Sheriff Tweddell requested authorization to purchase an impaired driver vehicle simulator from the STOP-DWI budget.

MOTION: AUTHORIZING THE SHERIFF TO PURCHASE AN IMPAIRED DRIVER VEHICLE SIMULATOR FROM THE STOP-DWI BUDGET MADE BY MR. ROCHE. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. Emergency Management Office

Contracts – Mr. Sprague requested approval to renew annual contracts for 2004. These have been budgeted for. He noted that the Motorola Maintenance Contract is down from last year. Dr. Baker asked once 9-1-1 goes into service, what will happen to the Dispatching contract with the Village of Bath? Mr. Sprague replied that will go away.

MOTION: APPROVING THE FOLLOWING 2004 CONTRACT RENEWALS FOR THE EMERGENCY MANAGEMENT OFFICE: VILLAGE OF BATH \$46,350.00; FLOOD WARNING SERVICE \$6,000.00; MONROE COUNTY MEDICAL EXAMINERS \$72,684.00; T&K COMMUNICATIONS \$3,500.00; AND MOTOROLA MAINTENANCE CONTRACT \$48,596.94 MADE BY MR. ROCHE. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Mr. Ahrens asked is there any chance that you wouldn't need the dispatching contract toward the end of the year? Mr. Sprague replied it is hard to speculate. Mr. Ahrens asked should we construct the contract giving us an out? Mr. Wixom stated that we could get 9-1-1 up and running by the end of the year. We may want verbiage in the contract to that effect. Mr. Ahrens commented we could add wording to pro-rate the contract upon thirty days notice. Mr. Sprague stated the concern from the Bath Police Department is us pulling revenue from them at an earlier point in time as we pay for one of their dispatchers. Mr. Wixom commented that he would know sixty days in advance. With regard to the Bath dispatcher, if they took the civil service exam, we could offer them employment.

Mr. Sprague stated that previously he had mentioned that the State was looking at doing a statewide wireless project. The company that they hired is in the process of canvassing State sites and they are currently in the County. They will be coming back to look at other County and municipal sites. The State should be making an announcement regarding this at some point. Sheriff Tweddell asked do we know that the statewide network won't interfere with the 9-1-1 system? Mr. Wixom replied they are different frequencies. It won't interfere with our efficiency. This is a totally separate process. It won't interfere with 9-1-1 at all.

3. 9-1-1 Enhanced Department

Mr. Wixom reported they are moving right along. The Town of Avoca has approved their map, but they want to send the information to the State before they forward it to us. The Town of Hornby will be holding their meeting on January 12, 2004. With regard to addressing, they are finishing Hartsville and will be moving to Hornellsville and the City of Hornell. He anticipates that it probably will take a month to address the City of Hornell. They have completed their listing of all of the streets and roads in the County.

Mr. Wixom informed the committee that with regard to the RFP for the CAD/Mapping/9-1-1 Telephones, they had a few vendors that asked for an extension due to the holidays. They did grant a ten day extension and RFP's are due on January 16, 2004 at 1:30 p.m. Mr. Schwartz asked that Mr. Wixom give a brief presentation at the January Legislative Meeting.

4. Personnel

Public Defender – Mr. Biehl reported that they have received ten applications and five applications look very good. He and the County Administrator may need Mr. Ahrens' help to evaluate the attorneys. He asked the committee how many applicants they would like to look at? They could set up interviews for next month. Mr. Schwartz commented that typically three applicants are sent to the committee. Mr. Ahrens stated this is a delicate process. He would think that Mr. Roche should be involved in this process as well as the local judiciary, and the District Attorney. We are looking for a system that will flow smoothly. Mr. Schwartz commented that it would be appropriate to hold a joint PS&C and Administration committee meeting.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 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. ROCHE. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. JAMISON. SECONDED BY MR. ROCHE. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

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

Respectfully Submitted By:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Special Meeting

Monday, January 26, 2004

9:20 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	DeWitt T. Baker, Chair	Lldon E. Jamison, Vice Chair	Donald B. Creath
STAFF:	Mark R. Alger Frederick H. Ahrens, Jr.	David Cole	Joel Ordway
LEGISLATORS:	Francis L. Gehl Philip J. Roche, Esq.	Harley R. Mayo David R. Stachnik	L. Ronald Nielsen John Walsh
ABSENT:	Patrick F. McAllister	Thomas C. Schwartz	

I. CALL TO ORDER

Dr. Baker called the meeting to order at 9:20 a.m. He asked Mr. Creath to lead the committee in the Pledge of Allegiance.

II. GENERAL BUSINESS

1. Sheriff's Department

Contract Approval – Dr. Baker stated the purpose of this morning's meeting is to approve a contract for the Sheriff's Department with Corning Community College for the housing of the robot. Undersheriff Cole stated they have five operators in their department. They would like to enter into a Memorandum of Understanding with Corning Community College, as there have been instances where the robot hasn't been ready to use because maintenance hadn't been done. We feel our CIRT team would be better able to keep up the maintenance. We use the robot for officer safety in many instances. Under the Memorandum of Understanding we would maintain the robot and if any damage to the robot were incurred by us, we would work with the college to have it repaired. If the damage is done to the robot, usually it is something that would have happened to a human being had the robot not been used.

Mr. Ahrens commented the Memorandum of Understanding requires that we provide insurance coverage, that we do scheduled maintenance and if any major repairs were needed, the law enforcement agency that was using the robot at the time would be responsible for the repairs.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CORNING COMMUNITY COLLEGE FOR THE USE AND HOUSING OF THE ROBOT MADE BY MR. CREATH. SECONDED BY MR. JAMISON.

Mr. Gehl asked is there insurance you could get for replacement parts for the robot? Mr. Ahrens replied we are self-insured. If major repairs were needed, we would ship the robot to Toronto, Canada. Mr. Castellana does not have a problem with this.

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

III. OTHER BUSINESS

Mr. Creath asked what is the status on the search for a Public Defender? Mr. Alger replied they are in the process of conducting screening interviews and should have those completed by the end of this week. Then, they will bring a list of candidates for the committee's review. They have received 10 – 12 applications and they will interview six candidates.

Mr. Creath asked have provisions been made in the budget to support the Public Defender with administrative services? Mr. Alger replied no, not 100 percent. There are no additional positions budgeted. Some of that may be done through the Public Defender's office and some through contracts. The Public Defender will need to do a comprehensive review of what we are currently doing and look at how we should do things in the future.

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

Respectfully Submitted By:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Wednesday, February 4, 2004

9:30 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Patrick F. McAllister Donald B. Creath

STAFF: Mark R. Alger Richard C. Tweddell Frank Justice
Tim Marshall Tim Wixom Robert F. Biehl
Gregory P. Heffner Frederick H. Ahrens, Jr. Michele Smith

LEGISLATORS: Francis L. Gehl John Walsh

ABSENT: Lldon E. Jamison, Vice Chair

OTHERS: Mary Perham, *The Leader* Rob Price, *The Evening Tribune*

I. CALL TO ORDER

Dr. Baker called the meeting to order at 9:30 a.m. He asked Mr. McAllister to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 7, 2004 AND JANUARY 26, 2004 MEETINGS MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. DEPARTMENTAL REPORTS/REQUESTS

1. Probation

Statistics – Mr. Justice provided a brief overview of his 2003 annual report statistics. During 2003 they had 520 PINS inquires and of those 206 were opened for diversion from the court. There were 40 referred immediately to petition. We will make referrals to other agencies if they don't fit into our categories. He noted that they use the DAS (designated assessment services) process which includes a representative from Social Services, Mental Health, the parent, the child and a parent advocate.

Mr. McAllister asked do you have a process to determine if a petition needs to be filed immediately? Mr. Justice replied if the child says they will participate in a diversion program, then we have to do that. Of the 206 cases that were opened for diversion from court, 65 were placed under probation supervision. The placement rate has been low compared to last year. Mr. Justice stated that 165 juvenile delinquency appearance tickets were issued and 100 juvenile delinquency cases were opened for diversion from the court. The victim, the youth, the police officer and Probation all have to agree to diversion. Mr. Justice noted they do not deal with sexual offenders as they require long-term intervention. He stated that they issued 85 Orders of Protection. We do this through a contractor supplied by Social Services and that individual is paid for by grant money.

Mr. Justice stated that under Criminal Court there were 834 pretrial release detainees screened for release. Of those screened, 418 were interviewed and 176 detainees were released under supervision. Dr. Baker asked Mr. Justice to explain what the pretrial release program is? Mr. Justice explained this is the process they go through when someone is detained at the Jail. We send an individual out to the Jail to screen all of the individuals that are being detained. If they have a prior felony, their case cannot be reviewed. If they are a parole violator, their case cannot be reviewed. Class A felony cases cannot be reviewed. Everyone else we can review. We interview them and gather information as to whether they live in the County, how long they have been a resident of the County, employment, prior record, etc. An eligibility screening is completed and sent to the courts. We have a lot of courts in the County and some don't meet very frequently.

Mr. Creath asked are the pretrial detainees remanded to Jail? Mr. Justice replied not always. The courts make the decision whether or not to release them. Mr. Creath asked is there an appeal process? Mr. Justice replied the defense counsel could appeal the decision made by the courts. Mr. McAllister asked is the purpose of pretrial release to get the individuals out right away so they are not sitting in jail for three weeks prior to sentencing? Mr. Justice replied most charges start in the local courts. We have to get in touch with the justices and we are able to contact them at work or at home. The individual must remain in contact with us until their sentencing. The judge may also put other restrictions for pretrial release.

Mr. Justice informed the committee that they had a total of 748 court ordered investigations. There were a total of 905 individuals supervised during the year 2003 and 1,087 cases supervised during 2003. There were a total of 184 violations of probation. Mr. Creath asked with the individuals versus cases supervised, is that mutually inclusive? Mr. Justice replied yes. A total of 60 violators were continued on probation and 82 violators were incarcerated.

Mr. Justice reviewed the summary of the Alternatives to Incarceration Program. Mr. McAllister asked is there the capacity to use ATI more? Mr. Justice replied that in the categories of pretrial release and community service, yes they have a capacity to use it more. He explained that with the EHM (electronic home monitoring) program there are getting more hours through the court. It has been the choice of the courts for 2003 to use the EHM's and we have had more participants for longer periods of time. Mr. Creath asked with regard to jail days served, it is minimum or maximum? Mr. Justice replied that they have to estimate that and in his opinion they minimize. He noted that with regard to drug court, those numbers have to be capped. Mr. Justice noted that they only had one officer in the Intensive Supervision program for 2003, as opposed to having two officers in 2002. Dr. Baker asked how many EHM's are available? Mr. Justice replied they have 40 units. Dr. Baker asked is that adequate? Mr. Justice replied yes.

Mr. Justice stated the total money collected for 2003 was \$538,022.07. Mr. Creath asked what part of the total goes back to your department? Mr. Justice replied they keep 5 percent of the restitution, the drug and alcohol fees, supervision fees, EHM fees and they receive approximately \$50,000.00 from DWI fines. The State gets the court surcharge fees. Mr. Ahrens asked is the restitution over and above your fee? Mr. Justice replied that is money that went to the victims. Discussion followed.

2. Sheriff's Department

Civil Report – Sheriff Tweddell informed the committee they took in \$9,536.41 for the month of January. This month they received \$180.00 for Incident Reports, \$174.00 for Photo ID's and \$279.25 for Accident Reports. With regard to the money taken in for Photo ID's, this amounts to approximately \$4,000.00 per year. They will be putting in a new system for the photo ID's and proximity cards and they have an opportunity to upgrade their printer. He stated that he would like to take the revenue they receive from Incident Reports and Photo ID's and put that into a revenue item in their budget and then have an expenditure item that they could use to upgrade this equipment. Mr. Alger commented that he doesn't have a problem with this, however, he doesn't know how the Treasurer is accounting for this revenue. Sheriff Tweddell stated that this is

under Civil revenue and he would like to pull it out of that. Mr. Alger stated that he doesn't know if the Treasurer has accounted for that revenue. He stated that they could talk to the Treasurer and look into that.

Jail Report – Sheriff Tweddell reported that as of today they have 154 inmates and they have boarded out 8 inmates in Chemung County. They have 9 Federal's (4 females and 5 males). He noted that they do not have the new bunks yet, but anticipate that they will arrive in March. This will increase their population by 6.

Sheriff Tweddell asked the committee if it was feasible to look at another pod at this time? Sooner or later we will need it. If we could add that pod now, we could fill it with Federal's and that would amount to \$1 - \$2 million per year. If we add another pod we would need 5 additional officers, but the revenue we would receive would offset that cost. He noted that MRB who constructed the Public Safety Building was taken over by Labella. Sheriff Tweddell requested permission to contact Labella and have them look at what it would cost to add the additional pod. He stated that he knows these are hard times, but sooner or later we will need it.

Dr. Baker stated that personally, he doesn't think that it would do any harm to investigate what the cost would be. Sheriff Tweddell commented there is no commitment and no cost to investigate it. Mr. Gehl asked how many cells are in a pod? Sheriff Tweddell replied right now it is designed for 40 cells. Mr. Ahrens commented you will end up with 200 inmates total. Mr. Alger stated there is no harm at looking at what the cost would be. If we are talking about the unit that wasn't built, the drawings are done. We can check the plans to see the number of cells that were included. This is not a bad idea. Sheriff Tweddell stated that when they built the building they said that if we built on another pod that it would take another air handler, but we were told that all the plumbing is ready. Mr. Creath commented that it would probably cost about \$3 - \$4 million. Mr. Alger stated it will be more than that. This is full masonry construction. His recollection is that it was \$3 - \$4 million when we didn't do it. That was ten years ago.

MOTION: AUTHORIZING THE SHERIFF TO INVESTIGATE THE FEASIBILITY OF ADDING ON AN ADDITIONAL POD AT THE JAIL MADE BY MR. CREATH. SECONDED BY MR. McALLISTER.

Mr. Creath asked would we bond the total cost? Mr. Alger replied if we ended up moving forward with this, we would want to borrow in order to do that. Mr. Ahrens commented we would have to come up with 5 percent and we may be able to bond the entire thing in effect. Mr. McAllister stated that he would like to see an analysis of the revenue versus the cost.

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

Sheriff Tweddell informed the committee that Jail revenues to date are \$26,366.34. Last year they paid out \$27,825.00 to house inmates out of County and this year to-date they have paid \$7,500.00.

Informational – Sheriff Tweddell stated that last year the Finance Committee was concerned about our navigation patrol on Keuka Lake. Our budget for the navigation patrol in 2002 was \$29,309.73 and in 2003 was \$19,675.01. He has made arrangements with Sheriff Spike of Yates County for both the Steuben County Sheriff's Department and the Yates County Sheriff's Department to have jurisdiction throughout Keuka Lake as the Lake is located in both counties. They would like to do something to incorporate the two patrols. If we do this, we may be able to enhance the patrols a little more. Sheriff Tweddell stated that currently they keep both boats in the Lake. There are three deputies who are certified to run the boats.

Budget Transfer – Sheriff Tweddell requested authorization for a budget adjustment to carry over Byrne Grant funds to be expended January – March 2004. The grant runs until March 31, 2004.

MOTION: AUTHORIZING THE SHERIFF TO CARRY OVER \$12,501.90 IN BYRNE GRANT FUNDS TO BE EXPENDED JANUARY – MARCH 2004 MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Pistol Permit – Sheriff Tweddell informed the committee that the State recently indicated that by February 2005, everyone with a pistol permit will be required to be re-certified every five years. Currently the fee for a pistol permit is \$100.00 and there is a \$25.00 fee to register the weapon. As a result of this new certification, we will be doing some of those now. He would like to move the Pistol Permits Office to the old coroner's office at the Public Safety Building. It would save his department traffic back and forth and we do the background investigations anyway. Mr. Alger stated this is obviously an issue as this function currently resides with the County Clerk. He doesn't know what her reaction will be and we will need to talk to her. The County Clerk's Office has the employee and the function. Currently Pistol Permits is located on the second floor of the Clerk's Office. Sheriff Tweddell indicated that currently that office is open three days a week. He has no problem with who gets the revenue; it is just having the office that is the big convenience for us.

MOTION: AUTHORIZING THE SHERIFF TO PURSUE WITH THE COUNTY CLERK THE OPTION OF RELOCATING THE PISTOL PERMITS OFFICE TO THE PUBLIC SAFETY BUILDING MADE BY MR. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Grants – Sheriff Tweddell stated that the Governor's Traffic Safety Council awarded us a grant in the amount of \$18,450.00 as part of a Statewide Impaired Driving Deterrent Program. This is a non-matching grant and we would use this money for overtime. He requested authorization to accept this grant.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO ACCEPT A GRANT IN THE AMOUNT OF \$18,450.00 FROM THE GOVERNOR'S TRAFFIC SAFETY COUNCIL FOR THE STATEWIDE IMPAIRED DRIVING DETERRENT PROGRAM MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Sheriff Tweddell stated that they were informed by the New York State Office of Public Security that they were awarded a \$25,000.00 Law Enforcement Terrorism Prevention Program (LETPP) grant. The grant application must be submitted by February 13, 2004. There are restrictions, such as the grant cannot be used for hiring public safety personnel, and overtime costs funded must be specific to homeland security. He noted that 20 percent of the total award can be used for overtime costs. These grant funds can be used over a period of two years. The grant money can be used for the purchase of individual portable radios, software, radio repeaters, satellite phones, etc. It also can be used for CAD, Enhanced 911 systems and MDT's. Sheriff Tweddell stated that he would like to do an application that would go toward the 911 Center. These funds are non-matching. He would like to earmark these funds to be used for the CAD portion of the 911 system. He stated that he has talked with the other law enforcement agencies in the County and they are in agreement.

Dr. Baker asked Mr. Marshall has your office received anything? Mr. Marshall replied they received a letter indicating that they had been awarded a grant in the amount of \$75,000.00 for the State Homeland Security Program. Originally, this was split into several areas including planning, exercises and training, however, now they have put it into one program. The reason why the County's numbers are lower than others is due to the threat level. A good portion of these grant funds would be used to update and maintain the equipment provided to us by the Weapons of Mass Destruction (WMD) task force and also for the mobile trailers that we recently received. Dr. Baker asked is there anything of use for 911? Mr. Marshall replied he is not sure where we are on that right now. We have talked about some communications.

Mr. Alger asked could that money be used for the 911 system? Mr. Marshall replied he would have to look. They have opened it up for a wide range in our program and it is more open than the Sheriff's program.

Dr. Baker commented we should look at that very closely. This would be beneficial to use this in the 911 Center.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO SUBMIT AN APPLICATION TO RECEIVE \$25,000.00 IN GRANT MONEY FROM LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM, SAID GRANT MONEY TO BE EARMARKED FOR THE 911 CENTER MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

3. Emergency Management Office

WMD Grant Awards – Mr. Marshall informed the committee that they received a letter notifying them they would be receiving \$75,000.00 in grant funding that can be used for equipment, training, exercises, etc. This grant runs on a two-year cycle. In 2003 we received funding for each area, but this year they have wrapped it into one program. This is a 100 percent program and we are funded up front. There is a 60-day turn around from the time we submit the application until we receive the funds. He stated that Mr. Sprague recommended that the committee approve the submission of the application. Mr. Creath stated that he would like to add the provision that some of the money be earmarked for the 911 Center. Mr. Marshall stated that when they submit the application they will give an outline of the funding, but once they get the funding they can shift things around with their approval. Mr. Alger stated priority should be given for the CAD or radio system. Mr. Gehl commented that this was discussed at the NYSAC Conference and they said the applications have to be in by February 13, 2004. Mr. Marshall stated that in the past they have extended the timeline. It will be fairly easy for us to send this out before the deadline.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO SUBMIT A GRANT TO RECEIVE \$75,000.00 IN FUNDING FROM THE STATE HOMELAND SECURITY PROGRAM WITH THE PROVISION THAT PRIORITY BE GIVEN TO FUNDING FOR THE 911 CENTER MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

CEMP Updates – Mr. Marshall informed the committee that they have received supplemental planning money to focus on the Comprehensive Emergency Management Plan (CEMP). This has been updated fairly regularly. The annexes have been outdated and we are trying to get those into a new format. He noted that they did award the software program and the Plan will be put on a web based program that we will use on the internal system so that departments can access it. We awarded the bid in December and have been making good progress. The State has indicated that they would like to see the Legislature pass a resolution adopting the Comprehensive Emergency Management Plan. Mr. Alger noted that they need committee approval to change their Major Equipment list to include the purchase of a server, which will allow them to put the plan on the local network.

MOTION: APPROVING AN AMENDMENT TO THE EMERGENCY MANAGEMENT OFFICE'S MAJOR EQUIPMENT LIST TO INCLUDE THE PURCHASE OF A DELL COMPUTER SERVER/CABLES AT A COST OF \$7,293.43 MADE BY MR. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Mr. Marshall commented that they made the server large enough so that it would support 911 when it is up and running. He stated that the Comprehensive Emergency Management Plan is available in Mrs. Kane's office.

MOTION: ADOPTING THE STEUBEN COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN MADE BY MR. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Other – Mr. Alger asked have you received notification of the availability of equipment for law enforcement for entering into areas of contamination? Mr. Marshall replied they have completed a **respiratory** protection policy at the State level. They are in the process of forwarding that to the Counties and setting up training. Mr. Alger asked that Mr. Marshall check on the status of that.

4. Enhanced 911

Addressing Update – Mr. Wixom distributed two maps for the committee to review. He noted that the towns of Avoca and Hornby have adopted the official maps, however, we have not yet received their Local Law as they took the option of sending it to the State for their review first. Everything is adopted, we just don't have the final paperwork. Mr. Alger noted that this is a significant accomplishment.

Mr. Wixom stated they are making progress with the addressing. We have finished the addressing in the Town of Hornellsville and then we will be going to the towns of Almond, Arkport and then the City of Hornell. After the City of Hornell is done, we will move East into Howard and then the Town of Bath. We do continue to find areas of difficulties.

Mr. Wixom stated that once they get everything done in the County, we have to go to Verizon and have to match our MSAG (master street address guide) with Verizon's MSAG. The old rumor is that we would need nine months to complete this process. That is no longer true. We are working with Verizon and have received the MSAG information for the Town of Corning. We will start the process of matching the Verizon MSAG to our MSAG. He explained that they need to match because the information will pop up on the screen during a call and the CAD will ask the computer to verify that information.

Mr. Creath asked what is an ESN? Mr. Wixom replied that is the emergency service number. Some towns have multiple fire districts, EMS districts and law enforcement. Each area would have a different ESN depicting those districts. Mr. Alger commented there are 26 jurisdictions that have been covered with the mapping process. The entire process is moving ahead. Mr. McAllister asked what is the anticipated turn-on date? Mr. Wixom replied the first quarter of 2005. We need to pick a vendor for the CAD/Mapping/911 Telephone system, finish the addressing and hire staff for the Center. Then we need to have a period of time to test everything and train staff. He commented that Verizon recently has gone through some management changes and they are working with two new individuals.

Grant – Mr. Wixom requested authorization to submit a grant application specifically for 9-1-1 through the Office of Fire Prevention. A requirement to applying for this grant is that we have to be able to accept incoming 9-1-1 wireless calls within 180 days of receiving the grant. He spoke with officials in that office and explained our situation. They said that we need to apply for the grant.

MOTION: AUTHORIZING THE ENHANCED 9-1-1 DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE NYS OFFICE OF FIRE PREVENTION MADE BY MR. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

5. Sheriff's Department

Personnel – Sheriff Tweddell informed the committee that he has three Corporal positions without compensation. During contract negotiations, they put a step in for Corporals. He requested authorization to

reclassify three Deputy Sheriff positions to three Corporal Deputy Sheriff positions. Mr. Biehl commented that these positions are still Civil Service, they are competitive class and those individuals will have to take a test.

MOTION: AUTHORIZING THE RECLASSIFICATION OF THREE DEPUTY SHERIFF POSITIONS TO THREE CORPORAL DEPUTY SHERIFF POSITIONS IN THE SHERIFF'S DEPARTMENT MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

IV. OTHER BUSINESS

Meeting Date – Dr. Baker asked if the committee would be willing to change the date of the monthly meeting to the first Monday of each month at 10:00 a.m. The committee was in agreement.

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. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

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

Respectfully Submitted By:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Special Meeting

Monday, February 23, 2004

9:45 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****AMENDED MINUTES****

COMMITTEE:	DeWitt T. Baker, Chair Patrick F. McAllister	Lldon E. Jamison, Vice Chair John Walsh	Donald B. Creath
STAFF:	Mark R. Alger Michele Smith	Frederick H. Ahrens, Jr.	John Tunney
LEGISLATORS:	DeWitt T. Baker L. Ronald Nielsen	Patrick F. Donnelly Thomas C. Schwartz	Harley R. Mayo

I. CALL TO ORDER

Dr. Baker called the meeting to order at 9:45 a.m.

II. GENERAL BUSINESS

1. District Attorney

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. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. JAMISON ABSENT FOR VOTE)

MOTION: APPROVING THE SALARIES FOR ASSISTANT DISTRICT ATTORNEYS TRAVIS BARRY AT \$52,000.00 AND RON YORIO AT \$32,000 PURSUANT TO THE MANAGEMENT SALARY PLAN MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

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

Respectfully Submitted by: Amanda L. Chapman, Senior Stenographer, Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, March 1, 2004

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Patrick F. McAllister John Walsh

STAFF: Mark R. Alger Richard C. Tweddell David Cole
Tim Wixom Frederick H. Ahrens, Jr. Michele Smith
Michael Sprague Tim Marshall

LEGISLATORS: Philip J. Roche, Esq.

ABSENT: Lldon E. Jamison, Vice Chair Donald B. Creath

OTHERS: Robert C. Rajskey, Executive Director, STREMS, Inc.

I. CALL TO ORDER

Dr. Baker called the meeting to order at 10:00 a.m. He asked Mr. Walsh to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 4, 2004 AND FEBRUARY 23, 2004 MEETINGS MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. OPPORTUNITY FOR PUBLIC COMMENT

Dr. Baker opened the meeting to the public for comments. There being none, he declared the opportunity for public comment closed.

IV. PRESENTATION

Mr. Rajskey stated that he was here today to give an overview of the Southern Tier Regional EMS Council and STREMS, Inc. The STREMS Council is made up of approximately 30 volunteers representing ambulance, fire, hospitals, county government and health and emergency management. This group oversees services for Chemung, Schuyler and Steuben counties. Their mission statement is that the STREMS Council will continually strive to ensure that every person in the counties of Chemung, Schuyler and Steuben will have access to the highest quality out of hospital emergency care, specific to that particular emergency situation, delivered in accordance with the expected level of treatment, and receive it in a timely fashion.

Mr. Rajskey explained STREMS, Inc. is separate. It is a not-for-profit corporation that handles day-to-day operations for the Council. The Council has several committees and training is a big part of what the Council does. There is an Advisory Committee, which is made up of a physician group that represents all of the

hospitals in the three counties, and they are afforded an opportunity to work with us. We have a very close relationship. Mr. Rajskey stated the corporation is involved with assisting agencies in becoming certified, they provide ongoing AED recertification, they provide Emergency Medical Dispatch training, along with numerous other activities. Each county contributes to the Corporation to do a variety of things. He noted that a staff member, Vanessa Juit, works very closely with Steuben County. We have 100 percent compliance with the State certification standards for defibrillators.

Dr. Baker commented this is a good organization. However, in the County all of the ambulance corps are volunteer people. Our big concern is the fact that this program sometimes makes requirements so stringent that we lose our volunteers and it appears that we are being pushed toward having private ambulances and he would hate to see that occur. Mr. Rajskey replied there is a lot of controversy around the credentialing of the region's responders. The physicians came up with a document and we said no, that we should send a draft of that to each organization for comment and when it was sent out, it got misinterpreted. This was perceived as the new way to do things. That wasn't the intent. A process that just took place is that the ambulance agencies in the county wrote up things that could work for them. That's the kind of feedback that we were looking for.

Mr. Walsh asked how many EMS providers are in the County? Mr. Sprague replied there are 21 ambulance agencies. Mr. Walsh asked when they get sent out on a call, who decides who goes? Mr. Rajskey replied there are multiple dispatch centers. Mr. Sprague stated that STREMS has a protocol that states how injuries will be treated and who would respond. Mr. Rajskey stated that a cardiac arrest, for example, might involve the local ambulance agency as well as a fly car.

Mr. Walsh asked is there a set charge per incident? Mr. Rajskey replied some do billing and some don't charge at all. Mr. Sprague explained the volunteer agencies don't charge. Mr. Walsh asked does Advanced Life Support charge? Mr. Sprague replied generally, yes. If they respond to a scene and evaluate the situation and they are not needed, then they do not charge. Mr. Walsh commented people are complaining that the volunteer ambulances don't charge, but yet they are ending up with a \$400.00 bill. Mr. Sprague commented it is illegal for a fire district to charge. There are certain municipalities that have not signed an agreement with Rural Metro to not bill. If that agreement is not in place, then the individual will have to pay. Mr. Sprague explained the assignment of ALS is done by protocol. STREMS sets the threshold that assigns ALS. The patient would be required to sign off if they don't want ALS there. Dr. Baker asked when 9-1-1 is up and running, this will automatically be dispatched? Mr. Wixom replied that is correct. It will be based on the protocol that our medical director will define.

Mr. Alger asked does STREMS, Inc. have a board? Mr. Rajskey replied yes. There are nine members that represent Corning Hospital, St. James Mercy Hospital, St. Joseph's Hospital, Schuyler Hospital, Chemung County Rural Metro. The Mayor of Corning is on this board, as well as a fire representative. He stated that he is also an ex-officio member. Mr. Alger commented it is essentially made up of hospital representatives. How are the members selected? Mr. Rajskey replied they are selected pursuant to their by-laws. We have a new member who is a businessperson. We were heavy into people that knew EMS, but we didn't have individuals who came from a business background.

Mr. McAllister asked is the Council statutorily created? Mr. Rajskey replied yes. It is State funded and we receive \$25,000.00 annually from the Department of Health, which the Council then turns over to the corporation to operate for them. Mr. McAllister stated that when EMS was started, people were having problems getting reimbursement from Medicare. Is that still a problem? Mr. Rajskey replied it is much better than it has been.

Mr. Sprague commented that in Mr. McAllister's district, Wayland signed an agreement with Rural Metro and Atlanta did not. The Village of Cohocton also did not sign an agreement. They need to sign the

agreement. It really depends on the municipality. There are 16 fire districts and four of those run ambulances. Those four ambulance companies cannot sign that agreement.

Mr. Hatch commented that it seems strange to him to have Mr. Lewis on the board, as he is involved in a private ALS business. He thinks there could be a chance of some conflict there and this is just his observation.

Mr. Wixom asked Mr. Rajskey to explain the makeup of the Council and how many individuals are from each county. Mr. Rajskey replied it is made up of approximately 12 individuals representing Chemung, 12 individuals representing Steuben and 6 individuals representing Schuyler. Mr. Wixom stated when 9-1-1 is up and running we will want to use the EMD. What relationship between the County and STREMS would there be with regard to the EMD? Mr. Rajskey replied Chemung and Schuyler counties both have contracted with STREMS to provide initial training at a cost of \$250.00 per student and to provide continuing education and the funding for that. We also provide quality improvement services and recertification for them. Mr. Wixom asked does STREMS pay for or provide the training? Mr. Rajskey replied we pay for the training. Mr. Wixom asked our medical director would be on board with STREMS? Mr. Rajskey replied not necessarily. Mr. Wixom stated that for us to use the EMD, we will need a medical director to sign off. For the other counties, are they with STREMS? Mr. Rajskey replied Dr. Huffner is their medical director and he is an employee of STREMS.

Mr. Sprague commented this committee has concerns about the number of volunteers and the dwindling numbers and the issues involved. You have tried to come up with incentives for property taxes, etc. Through quality improvement through STREMS, you track certain issues. Do you track the response times? Goal number one on your handout is to maintain personnel to meet the out of hospital needs of the Southern Tier. Through quality improvement can you identify and assist with what this committee is doing? Mr. Rajskey replied currently we do not do that. We should be able to do that because the Department of Health pays money to a contractor to input data that EMS generates. The latest data from the Department of Health is from 1998. We could look at that for response times and trend it. Dr. Baker asked will you do that? Mr. Rajskey replied they can trend that. Dr. Baker stated it would be a good idea. He stated that our concern is as you bring on stringent requirements, our response time will be longer because we will lose many of our volunteers now and the County cannot afford to go into the business of having a full-time ambulance service. We have to rely on our volunteers.

V. DEPARTMENT REPORTS/REQUESTS

1. Sheriff's Department

Civil Report – Sheriff Tweddell noted that as it was the first of the month, he would not have the budget figures until next month.

Jail Report – Sheriff Tweddell noted that the male population spiked this weekend and they now have 140 males and 16 females. Their total population is 156. They have four males housed in Chemung County and three males housed in Schuyler County. Sheriff Tweddell stated they are expecting seven bunks to be installed this month and that will help us.

Mr. Walsh asked what is the cost when you send an inmate out? Sheriff Tweddell replied it is \$75.00. When they come back for court, there are also transportation costs. Mr. Walsh asked what is the actual cost to your department to house one prisoner? Sheriff Tweddell replied right now there is very little cost, but because we came last month asking to look into an expansion, we are pulling together figures. Mr. Walsh asked what is the daily cost? Sheriff Tweddell replied it doesn't always stay constant because of transportation costs. Mr. Walsh asked what is the daily cost to house an inmate here? Sheriff Tweddell replied the jail has a capacity for 156 inmates. If we have 100 inmates we still have to staff for 156 inmates. The food cost is less than \$4.00 per day. We have to include the uniforms that we furnish, laundry and bedding. The actual cost is less than \$10.00

per day. The labor charge is going to be there anyway. Mr. Walsh asked if you are at full capacity and full staff and the cost is \$10.00 per day out of pocket, is there a labor charge as well? Sheriff Tweddell stated that he doesn't have the figures for the labor charges. He can get the cost per day per corrections officer. They have 17 CO's on days, 13 CO's on afternoons and 7 CO's on nights. We don't run a profit in the Jail at all. Our budget is \$3.5 million. Mr. Walsh asked is it cheaper to send the inmates out? Sheriff Tweddell replied no. He will have the figures by the next meeting. He noted that for the month of January they paid \$7,500.00 to house out inmates. Last year they paid \$27,000.00 to Chemung County to house out inmates. Mr. Walsh asked is Chemung County making money when you send out your inmates, or do they break even? Sheriff Tweddell replied if they have a vacancy they have to be making some kind of profit. Mr. Walsh asked if you put on an addition and you could take more inmates from other counties, could you make money? Sheriff Tweddell replied you would have the expense of building the facility. There would also be additional labor charges of approximately \$200,000.00 - \$250,000.00. There would also be the cost of \$10.00 per day per inmate. It would depend on how much space you had and how much the Jail had available. There are incidental charges both ways. We have commissary funds that we make money on, but that can only be used for inmate services.

MOTION: ACCEPTING SHERIFF TWEDDELL'S MONTHLY REPORT MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Mr. Alger commented that the questions Mr. Walsh poses are what he and the Sheriff have talked about and the Sheriff is pulling the numbers together to show housing out versus building more beds. We have to look based on what the economics tell us. We are still in the discussion stages now. Sheriff Tweddell commented it will be very expensive to add on and we are looking to see if it is feasible. Mr. McIntyre commented we should look at the costs. It will cost approximately \$5 million to put an addition on and we should look at what it will cost in real money to pay the loan back over a period of years.

2. Emergency Management Office

Legislative Initiative – Mr. Sprague informed the committee they received a legislative initiative from Senator Kuhl for \$7,000.00 to make improvements to the fire investigation command bus. He is requesting permission to accept this money and to modify their small equipment list as necessary.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT \$7,000.00 FROM SENATOR KUHL'S LEGISLATIVE INITIATIVE TO BE USED TO MAKE IMPROVEMENTS TO THE FIRE INVESTIGATION COMMAND BUS AND TO AMEND THEIR MINOR EQUIPMENT LIST AS NECESSARY MADE BY MR. WALSH. SECONDED BY MR. McALLISTER.

Mr. Alger asked what will you do with the funding? Mr. Sprague replied they will make upgrades to the existing fire investigation command bus. This would include updating the radios, and internal modifications. Mr. Alger asked you are modifying your small equipment list to purchase additional equipment? Mr. Sprague replied they will replace a couple of the current radios. Mr. McAllister asked is the grant specific for equipment? Mr. Sprague replied the funds are designated for improvements. It can be used for equipment, but may also be used for repairs to the bus.

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

Citizens Corps Grant – Mr. Marshall informed the committee they have received notification that their application for \$75,000.00 in funding for 2004 – 2005 has been approved. These funds will allow us to continue our efforts within the program that was initiated by President Bush. This will allow us to do some really neat things with regard to citizen preparedness.

Dr. Baker asked where does the funding go? Mr. Marshall explained the funding will be used for educational programs to educate the public on citizen preparedness and prevention programs. Dr. Baker asked will this be a full-time education program? Mr. Marshall replied yes. This is a two-year program. They will tap into training programs that have been used by the Red Cross to help.

Mr. Alger asked is this a brand new agreement? Mr. Marshall replied we received \$20,000.00 in seed money in 2002 or 2003 to start up the program. This new funding is to teach the program. Mr. Alger asked was it budgeted for this year? Mr. Marshall replied no, this is new money. Mr. Alger asked what are we doing with the money? Mr. Sprague replied we have a tentative budget. They requested authorization to accept the funding and then they will bring a budget back for the committee to approve. They are requesting a motion to accept the money, not allocate. This funding will allow the Human Needs Task Force to look at things they really wanted to do to make improvements through all the different agencies.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT FEDERAL GRANT FUNDING IN THE AMOUNT OF \$75,000.00 FOR THE CITIZENS CORP MADE BY MR. McALLISTER. SECONDED BY MR. WALSH.

Dr. Baker commented that his concern is that we get these programs and after the money is gone we wonder where it has gone to because there is no proof of how it was spent. How will we know that it did any good? Mr. Marshall replied there is software that would allow us to keep track of who has been trained in what areas. This is one way to track where this particular program is going. Information Technology gave us an estimate on what it would cost to try to develop this. We will be putting one-quarter of our funding into this software package.

Mr. Ahrens asked will this result in an amendment to the budget? Mr. Alger stated this will be a resolution. At this point, we will need committee approval, then it will need to go to the Finance Committee and to the Full Board to accept the grant.

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

General Update – Mr. Sprague announced the annual report was sent to everyone in the mail. He is happy to answer any questions. They did attach a sheet showing the mutual aid calls and he noted they were up again from last year.

3. 9-1-1 Enhanced

Project Update - Mr. Wixom distributed a map showing the status of the 9-1-1 project. He noted they currently are in the City of Hornell and he expects they will be there for the next three to four weeks. Five towns are 100 percent done. Mr. Alger commented that if you look on the map, around Corning, Mr. Sears has is in the process of getting the road centerline setup in Painted Post and Riverside which is the final step. Then he will move on to the City of Corning and complete that. When he does the road centerline setup, he is actually physically locating each structure on a parcel. We are depending on Mr. Sears' work to get this finished and he is doing a good job.

Funding Application – Mr. Wixom stated that he would like authorization to apply for \$530,907.70 from the New York State 911 Board through the Expedited Deployment Plan and Funding Application. The State is going to give out \$100 million and we probably will be the largest request they will receive. As part of the application process, he needs to include a resolution which states that when our 911 system is up and running it will be the single Public Safety Answering Point (PSAP) for all 911 calls in Steuben County. The resolution must also state that the PSAP will comply with the Board's minimum standards.

Mr. Roche asked the application is due back to the State on Friday? Mr. Wixom replied the application is due Friday, March 5, 2004, but the State is giving us until March 29th to get the resolution in. Mr. Roche commented that he attended a seminar at NYSAC regarding this and the State appears to be very anxious to give this money away.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO SUBMIT AN APPLICATION TO RECEIVE \$530,907.70 FROM THE NEW YORK STATE 911 BOARD THROUGH THE EXPEDITED DEPLOYMENT PLAN AND FUNDING APPLICATION MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Mr. McAllister asked are we still on schedule? Mr. Wixom replied yes. During March, we will have presentations by the CAD/911 Telephone/Mapping vendors. Right after the contract with the vendor is signed, their people will come in and set up a specific timeline. As we get to the end of the timeline we will need to decide when to turn the system on.

Dr. Baker stated that he attended the 911 Advisory Board meeting and he would like to compliment Mr. Wixom and Mr. Alger for their attitude and for the fact that the atmosphere during that meeting has improved from the past. They are doing a good job.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, April 5, 2004

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	DeWitt T. Baker, D.V.M. Patrick F. McAllister	Lldon E. Jamison, Vice Chair John Walsh	Donald B. Creath
STAFF:	Mark R. Alger Richard C. Tweddell Frank Justice Robert F. Biehl	Gregory P. Heffner David V. Cole Frederick H. Ahrens, Jr.	Tim Wixom Tim Marshall Michele Smith
LEGISLATORS:	Philip J. Roche, Esq.	Thomas J. McIntyre	
OTHERS:	John Young	Mary Perham, <i>The Leader</i>	

I. CALL TO ORDER

Dr. Baker called the meeting to order at 10:00 a.m. He asked Mr. Walsh to lead the Pledge of Allegiance.

II. PUBLIC COMMENT

Dr. Baker opened the floor to members of the public for comment. There being none, he declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MARCH 1, 2004 MEETING MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. JAMISON ABSENT FOR VOTE).

III. DEPARTMENTAL REPORTS/REQUESTS

1. Sheriff's Department

Civil Report – Sheriff Tweddell reported fees paid to-date are \$14,193.48.

Jail Report – Sheriff Tweddell reported fees due the Jail to-date are \$138,833.94. The population this morning is 154. They have 6 Federal's, 1 State ready. He noted that they have no board in's, however, he has 7 inmates boarded out.

Sheriff Tweddell reported the bunk beds have been installed and the Commission was down and tentatively approved the program. They will be holding a meeting during April to discuss giving us approval to add six additional inmates to our facility.

Accreditation - Sheriff Tweddell informed the committee that the accreditation process is moving along. We should know by the end of the month how we are faring. Dr. Baker asked is there an advantage to be accredited? Sheriff Tweddell replied it should help with the liability on the County. Accreditation means that the Jail meets 147 standards that are above anything else. There are nine counties in the State that are accredited. The secondary benefit is that it will be a big boost for the morale of the CO's. Dr. Baker asked once you are accredited, is it reviewed every three years? Sheriff Tweddell replied they do a review every five years. It is a very long process, but it is worth it. He stated they are also looking at accrediting the Civil Office. They would like to do accreditation for the law enforcement portion, however, that will be down the line. They need to work on their evidence and currently they have a program that will keep the evidence on the computer.

Mobile Data Terminals – Sheriff Tweddell informed the committee that he has been looking at putting Mobile Data Terminals (MDT's) in their cars. Last year he tried to get a grant to have them put in. He met with all the police agencies in the County, including the State Police, but we did not receive that grant. Sheriff Tweddell explained the MDT's allow operators in the vehicles to receive complaints, run registration information, etc. The State is going to have tickets and accident reports electronically transmitted to Albany.

Currently, they have \$282,444.92 in the DWI Contingency Fund, which doesn't include outstanding fine money. He contacted the Governor's Traffic Safety Board to see if this money could be used for the purchase of MDT's. Last month, he brought a request to the committee to apply for a grant through Homeland Security for \$25,000.00. Sheriff Tweddell stated that he has received notification that they are eligible to receive a \$100,000.00 non-contributory grant. If we can use some of the money out of the DWI Contingency Fund, we would be able to put this type of system in for all of the police agencies in the County for no cost, other than the money coming from the DWI Contingency Fund. He is estimating that the total cost would be approximately \$275,000.00 and he can come up with \$125,000.00 with the grants. He is asking if we can take \$150,000.00 out of the DWI Contingency Fund for this purpose? This would include everything but the software vendor, which will be chosen by 911. The MDT's would run off of a cell phone system and there would be a monthly charge for each unit. The municipalities have agreed to do their own equipment installation. With the grants, it gives us an opportunity to do this if we can use \$150,000.00 from the DWI Contingency Fund.

MOTION: AUTHORIZING THE TRANSFER OF \$150,000.00 FROM THE DWI RESERVE BALANCE TO BE PUT INTO A LINE ITEM UNDER THE SHERIFF'S DEPARTMENT TO BE USED FOR THE PURCHASE OF MOBILE DATA TERMINALS MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER.

Mr. Ahrens asked do we carry over a one-year operating budget for DWI in that reserve fund? Mr. Alger replied currently that is \$280,000.00 in the reserve. Sheriff Tweddell commented there is one other county that carries a reserve balance for DWI. When we apply for traffic safety grants they question why we need the grants if we have money in a reserve. Mr. Alger stated that with the DWI program there is no guaranteed revenue stream. There are built in overhead costs with the staff associated with this program. We have carried funds over because we have tried to make sure that if the revenue declines, that we have enough in the reserve to cover the budget. This is fiscally prudent.

Sheriff Tweddell commented there is approximately \$200,000.00 - \$300,000.00 in outstanding fines that have not been collected yet. Mr. Alger stated if we take \$150,000.00 out, there is still approximately \$130,000.00 left and he is not uncomfortable with that balance. The DWI revenue has been fairly stable. Mr. Ahrens stated there is another issue. The fund balance is money that has been held over. This only requires a majority vote of the Legislature. Mr. Alger explained this is not a formal reserve. This is dedicated money that must go to that fund. The Sheriff would have to submit a plan and receive approval to use these funds for that purpose. The Sheriff has called the State and they have indicated this would be an appropriate use of those funds.

Mr. Jamison asked if the money in the DWI reserve is not used, what happens to it? Mr. Alger replied the money will stay in that fund. This is a fund that we keep so that we don't have to use County dollars. Dr. Baker asked for \$275,000.00 who is that going to equip? Sheriff Tweddell replied they will have MDT's for every police agency in the County, including the State Police. The local municipalities have agreed to install their own equipment. He indicated they will also purchase an MDT for the 9-1-1 Coordinator and perhaps purchase an additional 4 units to keep here. Mr. Peaslee has been involved in this process and the Information Technology Department will program all the MDT's the same. There will be a total of 70 units.

Dr. Baker asked will the MDT's be tied into 9-1-1? Sheriff Tweddell replied yes. Mr. Wixom commented this is a great concept. We will have a message switch that will allow the CAD system to talk to the MDT's. Along with that, they will also have automatic vehicle locators which would allow us to know where the vehicles are. The safety of law enforcement personnel will greatly improve.

Mr. Creath asked what happens when you trade in cars or purchase new cars? Sheriff Tweddell replied these units are portable. He commented that automatic vehicle locators will also make it easier to dispatch. Mr. McAllister asked are there different models available? Sheriff Tweddell replied yes. The State Police have some units that are built right into the dash. We are looking at the portable units. There are advantages to purchasing the more expensive units, but one advantage of purchasing the less expensive units is that they come with a three-year maintenance agreement.

Mr. Alger commented essentially they are purchasing laptop computers. We will buy all the same for each unit and the software is what you are buying that is unique to the MDT's. Mr. Walsh asked are we paying the monthly service charge for the other agencies? Sheriff Tweddell replied no. We will be paying the monthly charges for the Sheriff's Department.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. (Finance Committee/Resolution Required).

2. 9-1-1

General Update – Mr. Wixom distributed a map dated March 26, 2004, which shows that all municipalities have adopted their official map and we have received a copy of their local law. Mr. Wixom distributed a map dated March 31, 2004 which shows the various stages the municipalities are in with regard to being addressed, assigned ESN's, road centerline setup and geocoding completed. The towns of Pulteney, Wayne, West Union, Lindley, Caton, and Corning and the Village of Riverside are totally completed. Addressing has been completed in the City of Hornell and the Village of North Hornell. They are now ready to move into the Town/Village of Bath and Savona. Mr. Wixom stated they do have some concerns with the Village of Bath as they have a high percentage of fractional numbers on streets. They are trying to figure out how not to change a lot of addresses. Mr. Jamison asked why can't you use fractional numbers? Mr. Wixom replied the software cannot do fractional numbers. When they finish Bath the majority of the densely populated areas will be done. He stated that he is very comfortable with where they are. Mr. Alger commented the areas marked in yellow are areas that we have not addressed. Mr. Wixom stated that once we get Bath done, then we can put a realistic date on this.

Dr. Baker stated there will be a special Public Safety & Corrections meeting on Monday, April 12, 2004 at 1:30 p.m. at the 9-1-1 Center.

Mr. Walsh showed Mr. Wixom a bill for cell phone service where the phone was purchased in Bath and they live in Bath, however, the surcharge and sales tax is being credited to Chemung County. Mr. Wixom replied he would make a copy of that bill and call. Mr. Alger commented Assemblyman Bacalles' office is

going to be following through with the NYS Department of Taxation and Finance regarding errors on the cell phone bills.

3. Probation

General Update – Mr. Justice stated previously he has discussed with the committee the proposal to apply a supervisory fee to all probationers across the board. Right now we do charge DWI offenders up to \$30.00. A bill was passed last year by the Senate. He has received word that it will pass this year. If this passes, we would have to pass a local law because of the local option. We would either need to amend the current local law or create a new local law. If this passes, this could mean an increase in revenues of approximately \$75,000.00 per year. Mr. Justice stated that he is hoping this will pass.

Mr. Justice informed the committee that the State Comptroller's Office spent a week in his department doing a risk assessment to determine if a full audit needs to be done. He will receive a formal report and they will come back to discuss any problems that they saw. He stated that their office is progressive and they keep good records.

Mr. Alger stated that going back to the supervisory fee, we have gradually seen over the years a significant reduction in the percentage of reimbursement from the State to Probation. There used to be a 50 percent reimbursement rate between 1955 – 1963 and now it is down to 18 percent. Mr. Justice noted it was 21 percent last year. This reflects the layoffs across the State. The Governor's proposal is to take the financial part of this and put it under the Department of Criminal Justice Services (DCJS). Mr. Alger stated if the supervisory fees are implemented it will be a source of revenue. This is an important bill.

4. Public Defender

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 AND ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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

MOTION: RECOMMENDING THAT A FULL-TIME POSITION BE CREATED FOR THE OFFICE OF THE PUBLIC DEFENDER AND DIRECTING THE COUNTY ADMINISTRATOR TO REVIEW ANY CURRENT VACANT POSITIONS TO IDENTIFY FOR TRANSFER TO A FULL-TIME PUBLIC DEFENDER POSITION MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. OTHER BUSINESS

Mr. Creath announced that they are planning on holding the May AIP meeting in Hornell. He asked if Public Safety & Corrections could move the meeting that day to 9:00 a.m. to accommodate those members that are on the AIP Committee. The committee was in agreement.

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR

Monday, May 3, 2004

****PLEASE NOTE CHANGE** 9:00 a.m. **PLEASE NOTE CHANGE****

**PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Monday, April 26, 2004.**

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Special Meeting

Monday, April 12, 2004

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: Dewitt T. Baker, D.V.M., Chair Donald B. Creath Patrick F. McAllister
John Walsh

STAFF: Mark R. Alger Jeffrey Squires Nancy Smith

ABSENT: Lldon E. Jamison, Vice Chair

I. CALL TO ORDER

Dr. Baker called the meeting to order at 10:00 a.m.

II. GENERAL BUSINESS

1. Public Defender

Mr. Squires informed the committee that David Wallace has resigned as Assistant Public Defender. He requested authorization to appointment Jim Miller as Assistant Public Defender at an annual salary of \$37,000.00 and to appoint Tom Stahr as Felony Assistant Public Defender at an annual salary of \$33,000.00. He noted that Mr. Wallace had an annual salary of \$40,341.00. Mr. Alger commented if we change the system and go to a full-time public defender position, then they would have an option. Mr. Squires stated they both are aware of that.

MOTION: APPOINTING JIM MILLER AS ASSISTANT PUBLIC DEFENDER AT AN ANNUAL SALARY OF \$37,000.00 AND APPOINTING TOM STAHR AS FELONY ASSISTANT PUBLIC DEFENDER AT AN ANNUAL SALARY OF \$33,000.00 MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. Squires commented that when you are going through this process and this transition, to let him know if they want him to stay part-time or if they would have anything part-time as he would be interested in doing that. The other thing is that there is no way to fully eliminate the assigned counsel. Last year they had 260 assigned counsel cases out of Family Court and they have two full-time assigned counsel attorneys. There were 385 misdemeanor conflict cases that were handled by the Public Defender. There will also be felony conflicts as well. Mr. Squires stated it makes the most sense to do that by assigned counsel and he would be interested in doing that on a part-time basis. Assigned counsel should be separate from the Public Defender's office as that would free the Public Defender to do the expensive criminal trial work.

Secretarial Position – Mr. Alger stated previously this committee gave the approval to go forward with a secretarial position. Mrs. Smith stated there is a vacant position in Public Health & Nursing Services that they could transfer to the Public Defender and reclassify as a Grade IV. When we had the duty statement, we designated that position as a Typist which is a Grade IV. Mr. Alger stated we can start with a Typist.

Eventually the other question is does it need to be a confidential position? Mr. McAllister commented they are dealing with attorney-client privilege.

MOTION: AUTHORIZING THE TRANSFER OF A VACANT, GRADE IV KEY ENTRY OPERATOR POSITION IN PUBLIC HEALTH & NURSING SERVICES TO THE PUBLIC DEFENDER'S OFFICE AND RECLASSIFYING TO A GRADE IV TYPIST POSITION MADE BY MR. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.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. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

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

Respectively Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, May 3, 2004

9:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Lldon E. Jamison, Vice Chair Donald B. Creath
Patrick F. McAllister

STAFF: Mark R. Alger Frank Justice Tim Wixom
Richard C. Tweddell Michael Sprague Tim Marshall
Frederick H. Ahrens, Jr. Byrum Cooper

LEGISLATORS: Philip J. Roche, Esq. Harley R. Mayo Thomas J. McIntyre

ABSENT: John Walsh

OTHERS: Mary Perham, *The Leader*

I. CALL TO ORDER

Dr. Baker called the meeting to order at 9:05 a.m. He asked Mr. Creath to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 5, 2004 MEETING MADE BY MR. McALLISTER, SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REPORTS/REQUESTS

1. Probation

Update – Mr. Justice informed the committee that they have 835 adults sentenced to probation. Of that amount, 563 are felons and 272 are misdemeanors. There are 135 youth sentenced to probation with 85 being on PINS and 50 JD’s. Currently they are conducting 75 criminal felony investigations and 67 criminal misdemeanor investigations. Mr. Justice stated they have collected over \$100,000.00 in fines thus far this year. Mr. Justice stated they recently had their exit interview with the State Comptroller’s Office. They found everything to be above board during their review of the department.

Mr. McAllister asked how do your numbers compare to last year? Mr. Justice replied they are running higher than those in comparable counties. Our ratio of felonies to misdemeanors is generally higher. Mr. Roche asked with your felony to misdemeanor ratio higher and your workload being spread further with the same amount of assets, how will you get the misdemeanors down and concentrate on the felonies? Mr. Justice replied they do fairly well with that. They do have cases where conditional discharges are given. In order to create a diversion program, we would have to have another individual to do that as it takes a great deal of time to run a program like that. He noted that with regard to the misdemeanors, the court sees those individuals as needing supervision. Our focus is more on the felony probationers as they have longer sentences. Typically, with a sex offender their office maintains them for ten years.

Mr. Jamison asked how many Probation Officers do you have? Mr. Justice replied 10. Currently they each are carrying a caseload of 68. Mr. Creath asked what is your failure rate? Mr. Justice replied he has never calculated that. Currently we have about 110 violations of probation on the system. Some are absconders. We probably have 50

violations out of 900 cases. That is a good ratio. On the flip side, we try to implement sanctions to move the cases toward a positive direction.

Mr. Alger commented probation is primarily an alternative to incarceration. We are beginning to see a lack of recognition at the State level on the value of alternatives to their jail population. Initially, the State was very supportive of alternatives. The funding has been cut and the State doesn't think the programs are of value to them. Why should we maintain the cases locally? We should put those individuals into the State prisons and let the State deal with them. It is unfortunate that we find our choices to be like this.

Mr. Justice stated we constantly have to shift our priorities. Dr. Baker stated that he received a copy of a letter about a federal grant program for \$190 million and the County was awarded \$11,683.00. He asked Mr. Justice to explain this. Mr. Justice stated this is the Juvenile Accountability Incentive Block Grant that we have been receiving every year. This is a subsequent grant to the initial one. The money goes toward the contract worker in the Department of Social Services. That individual takes demographic information for JD's and PINS. We also supplement the contract with the Department of Social Services with the Violence Against Women Grant.

2. Public Defender

Dr. Baker welcomed Byrum "Tad" Cooper. Mr. Cooper informed the committee that everything is going well. He met with Mr. Alger and Mr. Squires to discuss the transition. They will be looking at hiring a secretary. Mr. Creath asked when is the date that you will take over? Mr. Alger replied May 17, 2004. We have a transition period that will require us to keep the system in operation. Mr. Cooper has his own caseload and Mr. Squires has a caseload in the Bath Town/Village courts and they will be transitioning those caseloads. Mr. Squire's secretary will continue to work on the assigned counsel program until we hire a secretary.

Mr. McAllister asked are you looking for space for their office? Mr. Alger replied we are going to find temporary space until we can co-locate all of the Public Defenders. Mr. Jamison asked they don't already have an office? Mr. Alger explained the Public Defender (Mr. Squires) has an office at his private practice. There are two Public Defenders that work in Family Court that have an office across the hall from the Administrator's Office in the County Office Building. We want to bring them all together in one location. Mr. Alger explained in addition, Mr. Squires received a stipend of \$12,000 for secretarial help. When we transition that position to the County, we will not have a stipend, but we will have a salary to pay.

3. 9-1-1

Addressing - Mr. Wixom distributed a map depicting their progress. He noted that they have completed the addressing for the Town/Village of Bath and Savona. Previously it had been discussed that it would not be necessary to include the Bath VA in the addressing process, however, they are currently working with them to get correct information.

CAD/Mapping/E 9-1-1 Telephone – Mr. Wixom informed the committee that he has been working with Michele Smith in the Law Department to sign the contract with Positron and Frontier. Once we sign the contract, Positron will send their field engineers to look at the building, etc.

Grant – Unofficially, we have been told that our chances of getting a grant from the State are 99 percent. The State had \$100 million to get all the 9-1-1 centers in the State to be able to take Phase II wireless calls. We have been informed that they will fund almost the entire project if the funding comes through. Mr. Wixom stated that he received an e-mail which said our application was approved, but there was no amount indicated. The State didn't spend all of the \$100 million, so the rumor is that we will be able to ask for more money in July.

Dispatchers – Mr. Wixom announced their three new dispatchers started last Monday. They are helping us with our administrative tasks and also are working on checking the MSAG (Master Street Addressing Guide). Verizon has their database and we have our database. Our database is the correct one and we need to go through and check to make sure that all of the information on both databases is identical. The MSAG is supposed to be 90 percent accurate before we turn the system on.

Mr. McAllister asked are the part-time people who were doing the addressing being replaced by the dispatchers? Mr. Wixom explained they have five temporary employees. As we get closer to turning on 9-1-1, as the temporary workers jobs are done, their employment is done. Three of the temporary employees are actively seeking employment. Our concern was that if more of the temporary employees left and we didn't fill those positions with a full-time position, there was a possibility that the project would be delayed. The addition of the three dispatcher positions will not speed up the addressing as they are working on checking the MSAG. Mr. Wixom stated that he thinks the addressing will be done in July. Once that is done, the dispatchers will go into training as dispatchers. The timeline is moving along appropriately.

4. Sheriff's Department

Sheriff Tweddell reported that he did not have the up-to-date figures for civil and jail fees paid as it was the first of the month.

Sheriff Tweddell informed the committee that they did get approval to use six double bunks in the facility. These were actually installed prior to us getting the okay to use them. We have two bunks right now that are not being used.

Sheriff Tweddell stated the Jail was assessed for accreditation and last week we were notified that we passed. A report is going in this week and we should be getting an answer next week.

Sheriff Tweddell reported to the committee that they have inmates in other jails and so far this year they have paid \$44,250.00 to house out inmates. He has \$500.00 in that line item. He is requesting authorization to transfer \$50,000.00 out of the Contingency Fund for the lodging of inmates. As of last month, we had taken in \$53,625.00 because we are keeping the federals here so that we don't lose that contact. We can't use any of those revenues until we reach what we had projected. He is hoping they can generate more revenue with the six extra bunks. They are just full. Mr. Alger commented we are finding ourselves in the position that the population is stable but high. The Sheriff has had the same number come in as are going out and he is not getting the revenue. We have a \$300,000 - \$400,000 revenue line that will not get met this year. We don't have much choice but to do this. With a good conscience we cannot budget that amount of revenue for next year.

Sheriff Tweddell stated that he is keeping 7 – 8 federals most of the time. We are doing a feasibility study to determine the need to add onto the Jail. If we are not going to add on, he could send the federals back and that would keep his population even. Currently, we do not need a contract to get the federals. As of this morning we have 7 federals. Mr. Creath asked if you board in a federal and board out one of your inmates, is that a wash? Sheriff Tweddell replied yes. We pay \$75.00 per inmate to house them out and receive \$75.00 per inmate to board them in.

Mr. McAllister asked with the revenue shortfall are you not housing as many inmates? Sheriff Tweddell replied the inmate population is so high. When you are above 90 percent capacity the Commissioner of Corrections comes done more frequently to keep an eye on things. Mr. Alger stated we have been able to general additional revenue by board in other inmates in addition to the federals, but not this year because our population is so high. Sheriff Tweddell commented the majority of our problem is those inmates that are awaiting arraignments.

MOTION: AUTHORIZING THE TRANSFER OF \$50,000.00 OUT OF THE CONTINGENCY FUND INTO THE SHERIFF'S BUDGET FOR THE HOUSING OF INMATES MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

5. Emergency Management Office

EMS Continuing Education Day – Mr. Sprague informed the committee that as part of EMS Week there will be a continuing education day on Saturday, May 15, 2004 from 8:30 a.m. – 4:30 p.m.

New York State Fire Training – Mr. Sprague informed the committee that at their recent Fire Advisory Board meeting, they brought up the issue regarding revised fire training. Historically, we have three recruit schools each year to accommodate up to 75 – 80 new firefighters that enter our fire service ranks each year. Our annual State training allocation is for 375 contact hours. Of those 375 hours, we have typically allocated approximately 56 instructor hours for

each school taught. The instructors are State employees assigned to each county and work through the County Fire Coordinator to deliver the State Fire Training Courses.

The former recruit school, Firefighter Basic, provided 42 contact hours and required the scheduling of approximately 56 instructor hours per session. The newly revised recruit school is 78 hours long and requires the commitment of 141 instructor hours. Mr. Sprague explained the problem with this is that in order to service the training needs of Steuben County's fire departments for 3 recruit schools would require us to expend 423 hours of an annual allocation of 375 hours, which is a deficit of 48 hours. These 3 recruit schools would allow us to train 50 firefighters, or the maximum of 20 per class. This would be an average of approximately 1.5 new firefighters per department. In order to teach the other courses that firefighters need, we would need to double our current allocation of hours. He stated the courses start in May and end in October.

Mr. Sprague stated there are two issues surrounding this. The first is that we need to increase the field training budget for the Office of Fire Prevention and Control by at least \$750,000 to meet all of the current unmet needs of the State Fire Training Program. Our current allocation is for 375 instructor hours which represents a training budget of \$7,800. The increase of \$750,000 would allow us to realize approximately 200 additional training hours, which would bring our total up to 500 hours. This would represent a budget for Steuben County of approximately \$12,600. We have an average attendance of 250 students and the increased funding would mean the State would be providing \$50 per student per year. Mr. Sprague stated the second issue is that a serious review needs to be done to establish a realistic funding base for the delivery of fire service protection in New York State.

Dr. Baker stated it is obvious that the firefighters have to have essential training. The funds are inadequate. He stated that he had suggested that Mr. Sprague draw up a resolution to ask for more money which we could present to the Legislature. Mr. Creath asked how many fire departments are there in the County? Mr. Sprague replied there are 42 volunteer companies and 4 full-time companies. Mr. Creath asked could you utilize homeland security funding? Mr. Sprague replied it is not appropriate for this use.

Mr. Creath stated there was a 40 percent increase in student course completion. Does that reflect an increase in the number of volunteers? Mr. Sprague replied statewide the figures show either an increase in volunteers or an increase in the amount of training. It could very well be a combination of both. Mr. Sprague stated if the funding isn't increased, we may end up putting students on a waiting list for the next course and that is not a good way to keep volunteers.

MOTION: MEMORIALIZING THE GOVERNOR AND THE STATE LEGISLATURE TO INCREASE THE FIELD TRAINING BUDGET FOR THE OFFICE OF FIRE PREVENTION AND CONTROL BY \$750,000 TO MEET ALL OF THE CURRENT UNMET NEEDS OF THE STATE FIRE TRAINING PROGRAM AND TO BEGIN A REVIEW TO ESTABLISH A REALISTIC FUNDING BASE FOR THE DELIVERY OF FIRE SERVICE PROTECTION WITHIN NEW YORK STATE MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

Mr. Sprague informed the committee that there have been write-ups in the Albany and Rochester newspapers regarding the Statewide Communications System. MayCom will be the successful bidder. They have a SEQR review out now and will have a number of sessions across the State. There may be issues of equipment compatibility

Dr. Baker asked Mr. Alger to talk about a letter that was received from Assemblyman Bacalles regarding the wireless surcharge. Mr. Alger stated that Assemblyman Bacalles has asked the Commissioner of Taxation and Finance to do an audit of Verizon and other wireless providers to determine which counties they are paying the surcharge to. Verizon had assured us and Assemblyman Bacalles that they were correcting the problem. There were several people who had the surcharge coming up wrong on their March bills. This issue developed as a result of legislation that was in effect in 2002 – 2003. Prior to that, companies would assign the surcharge based on where the phone was purchased. The surcharge is supposed to go to the County of primary use and residence.

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR
Monday, June 7, 2004
10:00 a.m.

PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Tuesday, June 1, 2004.

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, June 7, 2004

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Lldon E. Jamison, Vice Chair Donald B. Creath
Patrick F. McAllister John Walsh

STAFF: Mark R. Alger Frank Justice Richard C. Tweddell
Mike Sprague John Tunney Byrum Cooper
Frederick H. Ahrens, Jr. Michele Smith

LEGISLATORS: Philip J. Roche, Esq. Thomas J. McIntyre

OTHERS: Rob Price, *Steuben Courier Advocate*

I. CALL TO ORDER

Dr. Baker called the meeting order at 10:00 a.m. He asked Mr. Creath to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MAY 3, 2004 MEETING MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. JAMISON ABSENT FOR VOTE).

III. DEPARTMENTAL REPORTS/REQUESTS

1. Probation

Mr. Justice stated that he would like to finish answering a question that Mr. Creath had previously asked. The success of probation is a reflection of the success to the community. There are three indicators of that success. The first is that the individual gets turned around. The second is that the victim gets their money back and the State gets their fine money. The third indicator is that if there is a probationer who continues to be a risk to the community, they are removed from the street.

Update – Mr. Justice informed the committee that they have 808 probationers. Of those, 545 are felony and 263 are misdemeanor. They conducted 141 investigations and of those 74 were felony and 67 were misdemeanor. The Pretrial Release program has 95 cases with 59 being felony and 36 being misdemeanor. Year-to-date they have conducted 431 investigations, they have 807 cases on supervision and have had a total caseload of 950.

Grant – Mr. Justice stated that originally he had received a letter from the State that indicated that he needed to have a resolution passed by the ATI board as well as the Legislature to receive this funding. However, that letter was an error. The money is still available, but as we already have a drug/alcohol program we can just apply for that funding. The amount of funding available is \$6,100.00. He will apply for this grant, however, it is not necessary to have a resolution from the Legislature

Mr. Justice stated that he would like to apply some of this funding toward the purchase of computers. He explained they have a need for 20 computers. One of the main reasons is the age of the laptops. We are going to convert the laptops into desktops, which will be half the price of the laptops. Also, the current laptop computers don't have the

right Windows program to access the software that has been developed by the State for their use. He would like to purchase four computers, which cost \$775.00 each. He would like to apply \$3,100.00 toward the purchase of the computers and \$3,000.00 toward salaries and benefits.

Mr. Alger commented we do need to begin to replace those computers. Mr. Justice explained that originally they had the laptops for mobility purposes and to allow workers in the outer offices to access the MIS (management information system) program. That system is extremely slow in the outer offices and at that time we did not have the ability to set up a generic computer for everyone to use. We are now at the point where workers from the other offices can come into the Bath office and logon to the computer to do their work.

MOTION: AUTHORIZING THE PROBATION DEPARTMENT TO APPLY FOR STATE FUNDING IN THE AMOUNT OF \$6,100.00 AND APPROPRIATING \$3,100.00 FOR THE PURCHASE OF FOUR COMPUTERS AND THE REMAINING \$3,000.00 TO BE APPROPRIATED TO THE SALARIES AND BENEFITS LINE ITEM MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. Sheriff's Department

Civil Report – Sheriff Tweddell reported civil fees paid year-to-date are \$55,044.80.

Jail Report – Sheriff Tweddell reported fees owed to the Jail year-to-date are \$188,900.09. The population as of this morning is 163. They have 7 Federal's, 6 boarded out, 0 State Ready and 0 boarded in. They have 19 in the female unit. There are 13 inmates that will be going to court today and 7 are due to get out within the next two weeks, which should help the population. Year-to-date they have spent \$68,325.00 to board out prisoners.

Sheriff Tweddell stated that he sent the committee a copy of a letter that he sent to the State regarding Assembly Bill No. 10851 which requires heightened risk as a requirement for 207-c. In the past, in order for an employee to submit a 207-c, they had to be doing something that was job related. Now, under the new bill that was passed last year, they lowered those requirements and anything will qualify for a 207-c. Sheriff Tweddell stated that he wrote a letter to the Governor and he believes this is something that the Legislature should act on.

Mr. Ahrens stated the question is whether or not a person who qualifies for Worker's Compensation would also qualify for 207-c. Under the 207-c, they pay full wages until the employee is able to return to active duty. Mr. Biehl commented that there is no mandatory retirement age. Mr. Ahrens stated that someone who applies for the 207-c could collect for the balance of his or her lives. He explained that for years, there was an equation between qualifying for Worker's Compensation and the 207-c. Then there was an interpretation that no, the individual has to have been involved in some heightened risk to qualify, such as being injured during a chase or being assaulted by an inmate. Then the Court of Appeals said that we misunderstood their previous interpretation and there doesn't have to be heightened risk. This legislation would resolve the risk standard. Mr. Ahrens stated that there is also a 207-a for firefighters, which we don't deal with per se, but the communities throughout the county do and he believes the same standard would apply to them. He would urge the Legislature to support a resolution to restrict the standards.

MOTION: MEMORIALIZING THE GOVERNOR AND THE STATE LEGISLATURE TO ENDORSE LEGISLATION ASSEMBLY BILL No. 10851 REQUIRING THE 207-C TO HAVE A HEIGHTENED RISK STANDARD MADE BY MR. JAMISON. SECONDED BY MR. WALSH.

Mr. McIntyre asked is there a Federal standard and does that override the State standard? Mr. Ahrens replied there is no Federal standard. Mr. McIntyre stated that in the military there is something similar. Mr. Ahrens replied that would not be applicable here.

Sheriff Tweddell stated that he is in favor of officers getting the 207-c if it is related to their duties.

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

3. Emergency Management Office

CERT Grant Funding Allocation – Mr. Sprague stated a couple of months ago the committee accepted the grant in the amount of \$75,000.00 for two years. At that time, we did not set up the allocation of funding of revenue. This funding is for community education for response training. In the budget, there are several different categories. He stated that they are directing the Treasurer to appropriate and distribute this revenue. Mr. Sprague stated that he would also need to amend his equipment lists. He explained that under contractual services, there is an individual through RSVP that is working part-time on a similar program, and we looked at trying to make that a full-time position, but they were not interested in working full-time.

Mr. Alger commented this is a good program. It will give us an opportunity to keep track of the volunteers in the community and be able to access them in an emergency. Mr. Sprague stated the volunteer tracking software will be put together by Information Technology.

MOTION: AUTHORIZING THE TREASURER TO APPROPRIATE \$75,000.00 INTO VARIOUS LINE ITEMS UNDER THE EMERGENCY MANAGEMENT OFFICE FOR FISCAL YEAR 2004 AND FISCAL YEAR 2005 AND AMENDING THE MAJOR AND SMALL EQUIPMENT LISTS TO REFLECT THOSE CHANGES IN REVENUE MADE BY MR. CREATH. SECONDED BY MR. JAMISON.

Mr. McAllister asked is the part-time position doing the training? Mr. Sprague replied yes. There are volunteers, but we need a person to head up the program to make sure that it follows through. That individual will report to us. This individual will be from the Red Cross as they have disaster training and this will allow us to accomplish several things.

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

Weather Spotter Recognition – Mr. Sprague informed the committee that the National Weather Service would like to recognize, in conjunction with the Legislature, a weather spotter who has been reporting weather for the past 65 years. This individual is Marguerite Wilson who is 92 years old and lives just outside of Risingville. This is an amazing thing as she has been establishing a climate record for 65 years. Chairman Roche and the members of the committee were in agreement to recognize Ms. Wilson at the Board meeting.

EMS Day – Mr. Sprague informed the committee that they held the EMS Continuing Education Day. It went very well. Thirty people attended. This was the first year and they would like to do this again next year.

4. Public Defender

Mr. Cooper distributed a copy of his monthly report for review. Dr. Baker asked do the total cases to date include the full year? Mr. Cooper replied yes. Mr. McAllister asked do those number include existing? Mr. Cooper explained those numbers show how many files we have had since the beginning of the year. Some of those cases are still pending. He noted that under DWI the cases without co-defendants are the ones that they are looking to do in-house.

Mr. Creath asked do you screen for indigent clients? Mr. Cooper replied there is a Federal standard of 125 percent of the poverty income level. If you exceed that, you are not considered indigent. However, the determination is based on income as well as how many children live in the household. If you are not indigent and you are not making a good wage, you will not have an attorney.

Dr. Baker asked how is everything going? Mr. Cooper replied everything is going fine. He has interviewed two candidates for the secretarial position. The third candidate has not yet responded and if they don't then they will find another candidate to interview. He stated that they have posted the Assistant Public Defender's position on the web site and they are also advertising in several other locations.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 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. McALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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

5. 9-1-1 Enhanced

Addressing – Mr. Alger explained that Mr. Wixom was out today. He distributed a copy of the addressing map. Over the last couple of months they are coming along well. They have finished Painted Post, Lindley and Tuscarora. He noted that they were able to secure a summer intern who specializes in GIS to work with Tom Sears and he will be able to assist us in getting through this process. We are hoping that all of the addressing will be done in August/September.

CAD – Mr. Alger stated the contract with Positron has been signed. They met with the vendors and the vendors flew Mr. Wixom, Mr. Peaslee, Mr. Sears and one other individual from 9-1-1 to a county in Florida who is currently using the system. That was very well received and it looks like they made a good choice. They will be installing the CAD over the next couple of months and doing testing, etc. Mr. Sears is putting coordinates on each building so they will have a very good system. This will allow the addresses to be matched to the database.

IV. OTHER BUSINESS

Dr. Baker reminded the members of the committee that there would be a press conference tomorrow at noon regarding the new Medicaid signs.

July Meeting – Due to the holiday, the committee was in agreement to change the date of the meeting to Monday, July 12, 2004 at 10:00 a.m.

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR
****PLEASE NOTE CHANGE**Monday, July 12, 2004**PLEASE NOTE CHANGE****
10:00 a.m.

PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Tuesday, June 28, 2004.

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, July 12, 2004

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Lldon E. Jamison, Vice Chair Donald B. Creath
John Walsh

STAFF: Mark R. Alger Gregory P. Heffner Richard C. Tweddell
Tim Wixom Mike Sprague Byrum Cooper
Frederick H. Ahrens, Jr. Robert Biehl Nancy Smith
Michele Smith

LEGISLATORS: Philip J. Roche, Esq. Thomas J. McIntyre

ABSENT: Patrick F. McAllister

OTHERS: Mary Perham, *The Leader*

I. CALL TO ORDER

Dr. Baker called the meeting to order at 10:05 a.m. He asked Mr. Creath to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JUNE 7, 2004 MEETING MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REPORTS/REQUESTS

1. Sheriff's Department

Civil Report – Sheriff Tweddell reported civil fees paid year-to-date are \$67,453.55.

Jail Report – Sheriff Tweddell reported the total monies due the Jail year-to-date are \$278,909.51. The population as of this morning is 153. They have 5 Federal's which include 3 males and 2 females, although they will be getting two more females today. They have 0 board in's and 1 State ready. He noted that they have 24 inmates boarded out to other facilities. They had some inmates housed at Chemung County, but they needed the space and our inmates went to Ontario County. Year-to-date we have expended \$117,100.00 to house out inmates.

DWI Report – Sheriff Tweddell reported that they have slowed down on the education programs at the schools, as they are not in session. They are, however, working on getting outstanding monies for DWI fines.

16B Request – Sheriff Tweddell informed the committee that the Office of Court Administration has asked for three additional deputies. We have put in two more x-ray machines and now we have one at every entrance. The Office of Court Administration would fund these positions. They can either be peace officers with guns, or Deputy Sheriff positions. Mr. Alger commented we have had difficulty finding trained deputies. At this point, these positions are fully funded and he doesn't see any reason not to go ahead and include them. We should include them as Deputy Sheriff positions and if you need to, you can make them Peace Officers with guns. Mrs. Smith stated they have lists for both positions. It is hard to get a Deputy Sheriff with training.

Sheriff Tweddell explained with the Peace Officers with guns, they can be trained in-house. We have a list of people on the civil service list for Deputy Sheriff that don't have academy. We have to pay their wages for six months while they are at the academy.

MOTION: APPROVING THE 16B REQUEST FOR THE SHERIFF'S DEPARTMENT TO CREATE THREE NEW DEPUTY SHERIFF POSITIONS, SAID POSITIONS TO BE FUNDED BY THE OFFICE OF COURT ADMINISTRATION MADE BY MR. CREATH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. Alger asked do you have an estimate on the cost for transporting inmates? Sheriff Tweddell replied it is \$40.00 to do a transport depending on what they are coming back for. Also it may take one or two officers, depending on the inmate. Mr. Alger commented that with housing out 20 inmates at a cost of \$75.00 per day, if you did that for a year, it would cost you \$550,000.00 plus transportation.

2. 9-1-1 Enhanced Department

Addressing Update – Mr. Wixom distributed copies of the addressing map. The Town of Avoca is done, they are halfway done with Prattsburgh and they are just getting into Wayland and Cohocton. They have hired a summer intern who has been helping Mr. Sears with the mapping. The process is going very well. Mr. Wixom stated once the addressing of the County is done, they will be going through the MSAG and as they are doing the reviews for the towns, they will be double checking to make sure we have all of the streets, roads, etc. and that we have the correct range.

RFP – Mr. Wixom informed the committee that they would like to link the cities of Corning and Hornell into the CAD and mapping systems. The most secure way to do this is off the microwave system in the County. He requested authorization to put out a request for proposal for a wireless link of the County's microwave system. The cost will be approximately \$10,000.00 per city for this link. This will also afford us secure access into any county offices in the two cities. Mr. Peaslee has been doing most of the work on this. Mr. Wixom explained we need to have connectivity to the two cities. With the telephone lines you have recurring costs. Wireless is the best way to go.

Mr. Roche asked is there a backup or alternative connection? Mr. Wixom replied at this point, he doesn't know. Positron is coming in this afternoon and these are some of the questions that we are going to ask them.

MOTION: AUTHORIZING THE 9-1-1 ENHANCED DEPARTMENT TO PUT OUT AN RFP FOR A WIRELESS LINK OF THE COUNTY'S MICROWAVE SYSTEM FOR THE CITY OF CORNING AND THE CITY OF HORNELL MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. Emergency Management Office

Informational – Mr. Sprague informed the committee that we had some flooding during the month of May, however, we didn't receive the brunt of that, counties East and North of us did. The Governor did put in a request for a Federal Disaster Declaration. Steuben County had approximately \$800,000.00 in damage. FEMA has been asking questions and that generally means that they may be turning that request down. There will be a timeframe where they will come back to look at the damages that were reported. He stated that he will keep the committee posted.

4. Public Defender

Mr. Cooper stated that Mr. Creath had previously asked how client's qualified for services. He distributed a handout that depicted the formula used. This is income-based and also family size is taken into account.

Mr. Cooper distributed a copy of his monthly report for the committee's review. He stated that he has completed interviews with candidates for the Assistant position. He will conduct second interviews and expects to have the position filled in about a month. He has conducted interviews for the secretarial position, however, he is not set up for that person to come to work yet.

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 AND ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR

**Monday, August 2, 2004
10:00 a.m.**

**PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Tuesday, July 27, 2004.**

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, August 2, 2004

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Ldon E. Jamison, Vice Chair Patrick F. McAllister
John Walsh

STAFF: Mark R. Alger Richard C. Tweddell David V. Cole
Byrum Cooper Tim Marshall Frank Justice
Tim Wixom Frederick H. Ahrens, Jr. Ken Peaslee

LEGISLATORS: Philip J. Roche, Esq. Harley R. Mayo

ABSENT: Donald B. Creath

OTHERS: Mary Perham, *The Leader*
Rob Price, *The Courier Advocate*

I. CALL TO ORDER

Dr. Baker called the meeting to order at 10:00 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JULY 12, 2004 MEETING MADE BY MR. McALLISTER, SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. JAMISON ABSENT FOR VOTE).

III. DEPARTMENTAL REPORTS/REQUESTS

1. Sheriff's Department

Civil Report – Sheriff Tweddell informed the committee that the income figures for Civil and Jail will remain the same as last month as they have not yet been updated due to it being the beginning of the month.

Jail Report – Sheriff Tweddell informed the committee that the population as of this morning is 159 inmates. They have 8 Federal's, which includes 4 females. They have 1 board in (female), 1 State ready and 21 boarded out. Chemung County contacted us and they now have more room, so we will be bringing out inmates that we boarded out in Ontario County back to Chemung County.

Sheriff Tweddell stated that to-date they have spent \$179,072.50 for housing out inmates, from an account that only had \$100,000.00. They need \$73,935.00 to pay for housed out inmates for the month of July. He has estimated that they have paid Ontario County approximately \$22,695.00 to house out inmates at their facility.

Mr. Alger asked do you have an estimate for what you have taken in? Sheriff Tweddell replied the income taken in will be close to what we had projected. It will exceed the cost this year of housing out inmates. Mr. Walsh asked what is the amount you need to cover right now? Sheriff Tweddell replied they need enough to cover the expenses through July. They will need more money next month. They have been averaging approximately 20 inmates per month that are being housed out. For the first six months of the year, they have spent \$168,000.00. Mr. Walsh asked is this a transfer

that we are going to do monthly, or should we just transfer a lump sum? Mr. Alger replied that we should start with the \$73,935.00 although we can talk with the Treasurer to see if he can give them another \$100,000.00 or \$150,000.00

MOTION: AUTHORIZING THE TREASURER TO TRANSFER \$150,000.00 FROM THE CONTINGENCY FUND TO THE SHERIFF'S LINE ITEM FOR HOUSING OUT INMATES MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. JAMISON ABSENT FOR VOTE).

DWI Report – Sheriff Tweddell informed the committee that they have contacted Albany to get a report for which courts have outstanding DWI fines. We have estimated that there is approximately \$150,000 to \$200,000 in outstanding fines. We will start going to the courts to see if they will issue warrants for us.

2. Emergency Management Office

Contract – Mr. Marshall stated that as part of the Citizen's Corp Grant they had put in a request to fund a part-time position with the Red Cross. This individual would identify training programs as well as track volunteers. He requested authorization to enter into a contract with the Red Cross in the amount of \$30,000.00 through November 30, 2005. There are no county dollars involved; all of the funding is coming from the Homeland Security grant. *Mr. Jamison arrived.*

Mr. Alger asked this would be the Red Cross's employee, not ours? Mr. Marshall replied that was correct. Mr. Alger asked, does the contract with Federal Homeland Security call for this position to be a two-year position? Mr. Marshall replied it calls for establishing the position and the funding is available through the grant.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO A CONTRACT WITH THE AMERICAN RED CROSS IN THE AMOUNT OF \$30,000.00 UNTIL NOVEMBER 30, 2005 FOR A PART-TIME INDIVIDUAL TO IDENTIFY TRAINING PROGRAMS AND TRACK VOLUNTEERS MADE BY MR. WALSH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Informational – Mr. Marshall informed the committee that they had \$80,000.00 in public assistance damages from the May and June storms. The Governor has requested disaster relief, however, as of yet, that has not been approved by FEMA. We have had more storm damage during July and we will be able to add that to our previous total and that may help us get the disaster relief funding.

3. 9-1-1 Enhanced

Addressing Update – Mr. Wixom distributed a copy of the updated addressing map. They are doing the last two towns and three villages. He stated that once the mapping is done, we will go through every town again to check our records to make sure that we have not missed anything.

The next project will be the MSAG (Master Street Addressing Guide). This is the process where we will make sure that our data matches Verizon's data perfectly. This is not something that will hold us up. Mr. Wixom explained, Verizon has a lot of people to get services without a numerical address. We have to get that information to them. Once all houses on a road have addresses, nobody can call to get phone service unless they have an address.

Dr. Baker asked you have been making changes to addresses that were previously changed? Mr. Wixom replied yes, in some cases. With the mapping, it's another step of checks and balances. We cannot have any range duplications across the county on any road. He used State Route 21 as an example of this.

Budget Transfer - Mr. Wixom informed the committee that the Rural Health Network received a grant to run fiber optic between the 9-1-1 Center and Civil Defense Center. The original purpose was so that a telephone system could be put in at the Civil Defense Center. Mr. Wixom stated that 9-1-1 needs an off-site, backup facility. The Civil Defense Center is a good site for the backup facility. With their fiber optic cable connectivity, we would be using that also. The Rural Health Network is short \$19,000 to be able to put the cable in. He requested using \$19,000 from the 9-1-1 Start-up Project to complete this project.

Mr. Alger stated there is more than enough money in that account to do this. He stated the proposal we have allows us to do this in a number of ways. We can fully bury the cable and we could also bury part and put part aerial. They are leaning toward burying the cable.

MOTION: AUTHORIZING THE TRANSFER OF \$19,000 FROM THE 9-1-1 START UP PROJECT TO BE USED TO BURY FIBER OPTIC CABLE THAT IS BEING RUN FROM THE 9-1-1 CENTER TO THE CIVIL DEFENSE CENTER MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. McAllister asked had a decision been made on where to locate the backup facility? Mr. Alger replied we had a group look at the options. The Civil Defense Center is the most logical at this point. There are some issues that the Civil Defense Center is not that far from the current Center. It makes sense to put it there. To put the backup facility in the County Office Building, you would have to do significant additional work. With the Civil Defense Center we can permanently put hardware in. We are exploring the possibility of building a small addition to that building to put in hardware that he needs and lock it up. This would be a small room.

4. Probation

Update – Mr. Justice informed the committee that last month they were asked to do 92 felony investigations and 109 misdemeanor investigations. They have a total of 124 investigations from last month to complete. In the Supervision department they have 844 adult cases and 200 youth cases. They had received \$6,100 in additional funding for alcohol/substance abuse and have allocated \$2,900 to offset administrative costs and \$3,200 for computers.

Informational – Mr. Justice informed the committee that the Governor signed a new law which will create more work for Probation. This new law added 100 new offenses to the DNA list. This resulted in 25 or 30 additional tests that we had to perform. There is legislation pending that wants all people to be DNA tested (misdemeanors and felons) and that will increase our work by 500 percent. The Office of Court Administration has attached a \$25.00 fee to the testing, but fees collected will go to the Office of Budget. Theoretically, the offender pays the fee.

Mr. Justice informed the committee that between States, there's a Commission for adult offender supervision. For someone that is on probation and wishes to move to another state, that is not a right. The Governor has signed this into law, naming the new members of the Commission. Anyone, who lives in another state and comes back to the county to be sentenced, cannot leave the county until their state of residency says they can go back. We are no longer allowed to give them a travel permit. If the other state does not say that first, they can reject the request because process was not followed. The judges have been advised of this new law. Mr. Justice stated that New York will not absorb any liability that comes back. If a probationer goes, then we will file a violation. On the flip side of this, our state will abide by the rules and screen cases closer so that we don't have people here that we don't want here. This will affect 20 – 30 of our cases per year. With regard to the time period, we can only go as quickly as the other state chooses to proceed.

Mr. Alger stated if he understands the issue, someone from Pennsylvania is convicted here, they can't just go home, they have to stay until they are allowed to leave, whether there is a warrant for them or not. Mr. Justice replied that was correct. Mr. McAllister asked if they are not in jail, what's to say they don't just drive home? Mr. Justice replied nothing. As long as we make a good faith effort, then we will be covered. This new law affects the sentenced population.

Mr. Justice stated that the other issue is do we want to consider the issue of having people who move out of the state bonded, to cover our costs of going to get someone? Mr. Ahrens asked if you put out a bond, what will that cover? Mr. Justice replied we would set the bond at a certain amount and cover any costs we absorb from having to go retake the individual and bring them back to New York. Mr. Ahrens asked is that available? Mr. Justice replied he knows of one county that has used this in the past. Mr. Ahrens asked the individual pays? Mr. Justice replied yes. Mr. Ahrens asked would the bond be set by the court as a term of probation? Mr. Justice replied that he would have to find out. Mr. Ahrens stated with a bond like that, it would be similar to a bail bond which is 10 percent of face value. If a person is out on \$5,000 bail, he has to come up with \$500. This could swell our inmate population even more. If they don't have the bond and violate the terms of probation, we end up shipping them to another county because we don't have any room.

Dr. Baker requested the committee delay discussion of this topic until next month so that Mr. Justice and Mr. Ahrens could look into this further. *The committee was in agreement.*

5. Public Defender

Monthly Report – Mr. Cooper distributed his monthly report for review.

Update – Mr. Cooper informed the committee that he has hired a full-time, permanent attorney to take the Assistant's position that he previously was in. He has also hired his secretary. Both of these individuals will begin work on August 16, 2004. His secretary will be trained by Mr. Squires secretary in administering the criminal caseload. There is another transition period upcoming. He noted that he will be appointing Mr. Squires as a temporary assistant public defender during that transitional period. Mr. Alger commented that we are nearing the end, but will have a short period of overlap with Mr. Squires and transition issues.

IV. OTHER BUSINESS

Sheriff Tweddell informed the committee that he has cellular service through Verizon. He lives in the Village of Wayland and signed up for service in Hornell. He is paying Monroe County taxes. He stated that he called Verizon and they told him there was nothing they can do. Mr. Alger stated Verizon is giving you the wrong answer. There is an 800 number that you can call to get that corrected. Sheriff Tweddell stated that his guess is that there are other people in his area that are having the same problem. Mr. Alger stated the Department of Taxation and Finance is supposed to be doing an audit of Verizon. This has been a real problem. There is a tendency for the rural counties to get the shaft by Verizon. They are supposed to look at the billing address and that's where the tax is supposed to go.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.D. DISCUSSION REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MR. McALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR

***PLEASE NOTE CHANGE* Monday, September 13, 2004 *PLEASE NOTE CHANGE*
9:30 a.m.**

**PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Monday, August 30, 2004.**

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Special Meeting

Monday, August 23, 2004

9:15 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Lldon E. Jamison, Vice Chair Patrick F. McAllister
John Walsh

STAFF: Mark R. Alger Richard C. Tweddell Michele Smith

LEGISLATORS: Philip J. Roche, Esq. Patrick F. Donnelly Francis L. Gehl
Harley R. Mayo Thomas C. Schwartz David Stachnik

ABSENT: Donald B. Creath

I. CALL TO ORDER

Dr. Baker called the meeting to order at 9:15 a.m.

II. GENERAL BUSINESS

1. Sheriff's Department

Petty Cash – Sheriff Tweddell informed the committee that his office, the District Attorney's Office and the Bath, Corning and Hornell police departments have a small drug task force. In the past, he has kept \$500 in petty cash for drug buys. They are finding out that this is not enough. He requested that the amount be increased to \$1,500. Sheriff Tweddell commented that money does not come out of the budget; it comes out of a fund where seized money goes into and that's the only purpose for which those funds can be used for. As we make seizures, that money is replenished.

MOTION: AUTHORIZING THE TREASURER TO INCREASE THE SHERIFF'S PETTY CASH FUND TO \$1,500 MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (Resolution Required)

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, September 13, 2004

9:30 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: Lldon E. Jamison, Vice Chair Donald B. Creath Patrick F. McAllister
John Walsh

STAFF: Mark R. Alger Gregory P. Heffner Frank Justice
Richard C. Tweddell Mike Sprague Tim Wixom
Dave Hopkins Nancy Smith Byrum Cooper
Frederick H. Ahrens, Jr.

LEGISLATORS: Thomas J. McIntyre

ABSENT: DeWitt T. Baker, D.V.M., Chair

OTHERS: Mary Perham, *The Leader*

I. CALL TO ORDER

Mr. Jamison called the meeting to order at 9:30 a.m. He asked Mr. Creath to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE AUGUST 2, 2004 AND AUGUST 23, 2004 MEETINGS MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. McALLISTER ABSENT FOR VOTE.)

III. DEPARTMENTAL REPORTS/REQUESTS

1. Probation

Update – Mr. Justice informed the committee that criminal court supervisions consisted of 526 felonies, 281 misdemeanors and 36 felony drug court cases, which is a total of 843. That puts the average caseload between 68 – 70 cases per officer. With regard to investigations, they had 88 felonies during the month of August and of those they were able to complete 33. There were 55 remaining at the end of the month. They had 122 misdemeanor investigations of which 42 were completed, with 80 remaining at the end of the month. In Family Court during the month of August they had supervisions for 46 youth, 29 JD's and 43 PINS for a total of 118. Mr. Justice stated that collections to-date are up, although they have been down in some areas. Fines collected for DWI are up \$7,652 over the same period last year.

Mr. Justice stated that last month he had discussed with the committee intra-State transfers and had mentioned the use of bonds in this process. He has learned that these bonds are performance bonds and he suggests that they stay away from doing that.

2. Sheriff's Department

Civil Report – Sheriff Tweddell informed the committee that civil fees paid year-to-date are \$92,822.22.

Jail Report – Sheriff Tweddell informed the committee that moneys due the Jail year-to-date are \$340,130.82. They are not as far behind as they had anticipated that they might have been due to the facility being full.

Sheriff Tweddell stated the population as of this morning is 147. Their capacity is 164. They still have 7 Federals, 1 board-in (female), no state readies and no board-outs. He stated that they have not used their variance that allows for double bunking.

Sheriff Tweddell stated that year to-date they have spent \$198,170 for the housing out of inmates. Of that amount, he has transferred \$4,600 from other accounts. The county on one occasion has given them \$100,000 and on another occasion given them \$75,000. That puts him at \$180,100. Right now he is in arrears approximately \$30,057. He noted that he says approximately because they don't have the final figures from Schuyler County. Sheriff Tweddell stated that he knows that Chemung County is full because we had to move some of our inmates that were housed there to Schuyler County last month.

Vehicle – Sheriff Tweddell informed the committee that they have a Ford Explorer that they were going to put into the auction, however Information Technology is interested in using that vehicle. He requested authorization to transfer the Ford Explorer to Information Technology rather than putting it into the County Auction.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO TRANSFER ONE FORD EXPLORER TO INFORMATION TECHNOLOGY MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. McALLISTER ABSENT FOR VOTE).

Grants – Sheriff Tweddell requested approval to accept a grant for Child Passenger Safety in the amount of \$6,780. This funding will be used to promote that program. This is non-matching.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT \$6,780.00 IN GRANT FUNDING FOR THE CHILD PASSENGER SAFETY PROGRAM MADE BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. McALLISTER ABSENT VOTE VOTE).

Sheriff Tweddell informed the committee that they have received word that the federal Byrne Grant has been re-awarded to us. This is a \$22,500 grant. We have a 25 percent match that is \$7,500.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO ACCEPT \$22,500 IN FUNDING FROM THE BYRNE GRANT WITH A 25 PERCENT MATCH OF \$7,500 MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Sheriff Tweddell stated that he recently met with the County Magistrate's Association to discuss outstanding DWI fines. Currently we have 852 fines for alcohol related arrests. These fines can range from \$300 - \$900. He stated that he has broken down every court with a list of people that are outstanding to see if the courts will do suspensions, warrants, etc. to try to recoup these fines. There is a lot of money out there. All fines will come back to the STOP DWI fund. Mr. Alger commented that's the first step and we will see what happens from there. It falls back to the courts to do the follow-up.

Budget Transfer – Sheriff Tweddell stated he is short \$30,000 in his boarding out account. Is there something we can do? This is what we are short for the month of August. Mr. Alger stated that we will go to Finance and let them decide what to do. We need to give the Sheriff the funds to pay the other counties.

MOTION: REFERRING THE SHERIFF'S BUDGET TRANSFER REQUEST FOR ADDITIONAL FUNDING FOR HIS BOARDING OUT ACCOUNT TO THE FINANCE COMMITTEE MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. Emergency Management Office

EMS Update – Mr. Sprague stated that there have been numerous letters back and forth. STREMAC did hold a meeting to address issues, complaints, etc. and also to address a letter that had been sent from State EMS requesting that they not implement the program. Mr. Sprague stated that his understanding is that the rest of the medical advisory committee backed up the chairman in that they were not going to take the advice of the State EMS and they felt that they would be incompetent if they just stopped the program. Since that meeting, they did meet with Hornell and Mr. Sprague stated that he did talk with Hornell about the meeting. More or less, they will continue with the program, but Dr. Huffner recognizes that this is a volunteer program. The council is offering to loan Hornell two units for up to one year.

Mr. Sprague stated that Thursday will be the Regional Council meeting. He has some issues that he will be bringing up. One of the issues will be the letter that came out regarding no faith in STREMAC. He doesn't believe the council itself is a group of people that are willing to do enforcement activities.

Mr. McAllister asked is the Hornell issue settled? Mr. Sprague replied there is no enforcement against the County, but there are discussions of how it will be implemented. Hornell will be getting loaned equipment. Mr. McAllister asked are we expected to implement it in the County? Mr. Alger replied the 12-lead EKG's are really for ALS. In the County you have Rural Metro and Hornell. The rest of the ambulances don't typically provide advanced life support services. With Rural Metro meeting the standards and with Hornell being provided equipment, that meets the requirement for the County. Mr. Sprague explained the equipment issue is the means, the transportation issue is the end. These are separate issues. The question is how the rule is being applied to both transport agencies. The transport issue is a problem because once you get out of Rural Metro's area, you get into the volunteer ambulance corps dynamics with them having to leave the area to do a transport for extended periods of time and being out of service.

Storm Update – Mr. Creath asked how do we stand with the storm damage? Mr. Sprague replied Woodhull had 5 ½" of rain with 8/10" coming down during the course of an hour. Cameron had a similar situation with getting ½" within a half an hour. The projects that had been completed in Addison did keep water from getting into the village. We were over flood stage in Campbell. He commented that for a long-term event, this is the first that we have had in quite some time that affected all the rivers. Mr. Sprague stated that they are going to put this storm and the storm of August 30th together for storm assessment damage. We have already qualified for damage assessment for August 30th. At this point, we can accumulate damages all together. Before we can qualify for State help, generally there has to be \$20 million in damage across the entire State. To be able to include storm damages from August 30th and this most recent storm will be in our best interest. There are still a lot of complications from the damage that occurred in the spring. We are also trying to accumulate individual property damage assessments. Those teams will be coming out in the next couple of days to begin that process.

Mr. Jamison asked have we been declared a disaster area? Mr. Sprague replied not yet. Mr. McAllister asked did the areas that were assessed for damage a year ago and didn't get fixed, have to be assessed again? Mr. Sprague replied not from last year. That is more of a problem from the May storms. There are issues that

had not been addressed yet. Mr. Creath commented since we have 852 outstanding DWI fines, those people could clean up the storm damage to help pay off their fines.

Mr. Sprague stated that before Frances hit, there was talk that our area had the potential to receive 5 ½” of rain. A couple of days before it hit, they backed that down to 1 – 3” of rain, and they were not correct. South of us in West Virginia, Virginia they saw phenomenal inches of rain. Hurricane Ivan is forecast to track somewhere in this area. It is trending further West. If necessary, they will be starting their conference calls tomorrow at 11:00 a.m. The conference calls give us an idea of what is going on.

Other – Mr. Sprague informed the committee that they are working with Public Works to finish upgrading their radio system. They are tied in with our system and have remotes on fiber at Mt. Washington. When it comes down to the County Office Building, it is still connected to the telephone lines. We made a proposal to buy new remote hardware. They have 6 – 8 remotes in the County Office Building. They would like to have a central base station with remotes wired off the base and wired directly to the fiber. We need to purchase another channel bank that would be for the County Office Building. Public Works will purchase the hardware from their budget. He requested authorization to spend up to \$3,000 for the purchase of a channel bank. The total amount of this project is approximately \$10,000 and Public Works’ portion will be \$6,000 for all of the hardware. Mr. Sprague noted that he has money in the radio communication project.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO SPEND UP TO \$3,000.00 OUT OF THE RADIO COMMUNICATION PROJECT TO PURCHASE A CHANNEL BANK FOR THE PURPOSES OF UPGRADING THE DEPARTMENT OF PUBLIC WORKS RADIO SYSTEM MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

4. 9-1-1 Enhanced

Personnel Issues – Mrs. Smith stated that at last month’s meeting, we had talked about starting the Deputy 9-1-1 Director at a salary above the mid-point, between \$42,000 - \$45,000. This was never reported out from last month’s meeting.

MOTION: SETTING THE SALARY FOR THE DEPUTY 9-1-1 DIRECTOR ABOVE THE MID-POINT, BETWEEN \$42,000 - \$45,000 MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Grant – Mr. Wixom informed the committee that we are getting a substantial grant from the State of New York. He explained, New York wanted to get all of the county 9-1-1 center to Phase II compliance, which means that a person calling from a cellular phone could be located within 200 feet of their cellular phone. The amount of the grant is \$567,297.50.

MOTION: AUTHORIZING THE 9-1-1 ENHANCED DEPARTMENT TO ACCEPT A GRANT IN THE AMOUNT OF \$567,297.50 FROM NEW YORK STATE MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Phone System – Mr. Wixom stated when they did the RFP, they had another phone switch that was not in use. That switch will be the backup for our facility. Ronco has the switch in their shop and they gave us a quote to bring the software and hardware that we need. He would like permission to spend no more than \$57,461 which is the amount quoted. Mr. Wixom stated that he thinks that quote is a little high and we are going to ask them to look at their numbers again. Loading the software will take hours of work, and we want to know how many hours and what they are going to charge per hour. He would like permission to move ahead

with this. This is a key structure that we need to get up and running. Hopefully it will be less money than what they have currently quoted us.

Mr. Alger explained we want to sit down with Ronco and hammer on the price a bit. In the interest of time, we need to move forward to get the project finished. He anticipates the amount being less than what it currently is. Mr. Creath commented he hates to approve a blank check. Can we make the amount that we approve lower? Mr. Jamison stated he doesn't want to give them a number that can't be reached.

Mr. Wixom explained we had the box and knew it would need new software. We have spent the last two weeks looking at exactly what we need. This is the first look at it that we have seen. If we wait another month, Ronco can't start doing the work until we cut a purchase order. Mr. Hopkins, the Deputy 9-1-1 Director, wants a line for line bill. Hopefully by the end of the week we will have a figure for them to go on. Mr. Wixom stated Positron will be here on September 29th to begin installing the equipment.

MOTION: AUTHORIZING THE 9-1-1 ENHANCED DEPARTMENT, WITH THE APPROVAL OF THE COUNTY ADMINISTRATOR, TO ENTER INTO A CONTRACT WITH RONCO TO UPGRADE THE TELEPHONE SWITCH WITH NEW HARDWARE AND SOFTWARE AT A COST NOT TO EXCEED \$57,461.00 MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Addressing Update – Mr. Wixom distributed a copy of the addressing map for review. He noted that there no longer is any yellow on the map which depicted areas that had not been addressed. They have sent the information for the southern portion of the County to Positron so that they can begin loading that information into the system.

Mr. Wixom informed the committee that when they sent out the RFP's for the CAD/Mapping/E 9-1-1 Phone System, they included an option for aerial photography. The company is Pictometry and he requested permission to have them come to next month's meeting to do a brief presentation to the committee. Mr. Wixom stated that Pictometry licenses their product in such a manner that if we purchased it, every city, town, village and the County would have a copy of their area. This would help with assessing permits, and also would be help to police and EMS personnel as they could put this program on the laptops in the response vehicles. Mr. Wixom stated that the cost is \$180,000, however, with the grant that they just received, the State is going to release an additional \$50 million this fall and the hope is that we could get another grant to cover Pictometry's proposal. He stated this was something that we did include as an option on the original RFP. This is not something that we have to have, but it makes the system much, much better. Pictometry will provide updates every two years and it would cost us \$180,000 each time there is an update. Mr. Creath asked is this something that could be overlaid with the tax maps? Mr. Wixom replied it could be. Once we have all the mapping done, it would be in different layers.

5. Public Defender

Monthly Report – Mr. Cooper distributed his monthly report for review. Mr. Creath asked is Mr. Squires still working? Mr. Cooper replied the transition from Mr. Squires office to his is virtually complete. The assigned counsel is in this building as of today. The administrative functions are also here now. We are done except for some minor issues. He noted that he has not discussed a date with Mr. Squires, but would think that by the end of the month he will be finished. Mr. Cooper noted that the Bath, Hammondspport and Urbana caseloads will now be his. The new Assistant Public Defender, Jonathan Altman, has been working for three weeks.

6. Administrator

2005 Budget – Mr. Alger distributed a copy of the proposed 2005 budgets for the departments under this committee’s jurisdiction. He noted that 9-1-1 and the Jail have the biggest numbers. The Jail has increased \$1 million and 9-1-1 has increased \$1.3 million. There is a 36.2 percent increase over last year for these departments.

Mr. Creath asked where do we stand on the proposal to look at a new jail? Mr. Alger replied the Sheriff is looking at the proposal statistics. We should take a look comprehensively at Probation and the Jail as a package. We need to look and see if we have maxed out the alternatives. There could be major implications for the population in the Jail. We are using the projections from the Sheriff and the State for the inmate population to determine what kind of project we are looking at. Mr. Creath asked is the drop of 40 inmates since July due to increased prosecution, etc.? Mr. Alger replied there are a number of things that contribute to that. There is no simple answer. We lost several inmates to State facilities. There are also people who have maxed out their sentences and get released. Mr. Alger commented with the Jail, you can be full, but still have beds. It depends what population you are looking at. There is a separate unit for adult males and females as well as a unit for male and female youth. Typically, the biggest numbers are the adult males.

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. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR
Monday, October 4, 2004
10:00 a.m.

**PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Monday, September 27, 2004.**

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Special Meeting

Monday, September 27, 2004

9:15 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Dewitt T. Baker, D.V.M., Chair Patrick F. McAllister	Lldon E. Jamison, Vice Chair John Walsh	Donald B. Creath
STAFF:	Mark R. Alger	Tim Wixom	Frederick H. Ahrens, Jr.
LEGISLATORS:	Harley R. Mayo David R. Stachnik	Thomas J. McIntyre	Robert V. Nichols

I. CALL TO ORDER

Dr. Baker called the meeting to order at 9:15 a.m.

II. GENERAL BUSINESS

1. 9-1-1 Enhanced

Mr. Alger stated the purpose of this meeting is to get the committee's approval to sign the documents for the Verizon 9-1-1 services that we received. By signing the documents, that allows Verizon and Frontier to move forward with the lines that are necessary for the system. They sent us a form agreement to be signed. Mr. Ahrens stated they sent an agency agreement that needs to be signed. With regard to signing authority, we need to have something comprehensive. Verizon has requested a certified copy of documentation authorizing the signature to the agreements. Mr. Alger explained we are signing the agreements for the 9-1-1 trunk lines that come into the facility. This is a formal process that Verizon requires. Mr. McAllister asked does this also give you authority to enter into a contract for what it will cost month to month? Mr. Alger replied yes. That is a tariffed amount.

MOTION: AUTHORIZING AND DIRECTING THE COUNTY ADMINISTRATOR TO SIGN THE REQUISITE DOCUMENTATION WITH VERIZON FOR THE INSTALLATION OF TELEPHONE LINES FOR THE E9-1-1 SYSTEM, AS WELL AS A LETTER OF AGENCY WITH FRONTIER TELEPHONE OF ROCHESTER, NY, TO ACT ON BEHALF OF THE COUNTY OF STEUBEN AND SUCH OTHER DOCUMENTS NECESSARY TO THE IMPLEMENTATION AND OPERATION OF THE E9-1-1 SYSTEM MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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

Respectfully Submitted by: Amanda L. Chapman, Senior Stenographer, Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, October 4, 2004

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Lldon E. Jamison, Vice Chair Patrick F. McAllister
John Walsh

STAFF: Mark R. Alger Frank Justice Richard C. Tweddell
David V. Cole Tim Wixom Mike Sprague
Tim Marshall Frederick H. Ahrens, Jr. Byrum Cooper

LEGISLATORS: Philip J. Roche, Esq. Thomas J. McIntyre

ABSENT: Donald B. Creath

OTHERS: Brian Beha, Pictometry
Mary Perham, *The Leader*

I. CALL TO ORDER

Dr. Baker called the meeting to order at 10:00 a.m. He asked Mr. Walsh to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE SEPTEMBER 13, 2004 AND SEPTEMBER 27, 2004 MEETINGS MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. JAMISON ABSENT FOR VOTE)

III. DEPARTMENTAL REPORTS/REQUESTS

1. Probation

Update – Mr. Justice reviewed statistical information with the committee. He stated that during the month of September they had 528 felonies and 291 misdemeanors. This month they have had 541 felony cases and 304 misdemeanor cases. This resulted in 119 individuals and 845 cases that we are supervising. Mr. Justice stated that currently they have 34 felons participating in drug court. During the past month they had 88 felony investigations and 113 misdemeanor investigations, which is a total of 201 investigations. This month they have done 32 felony investigations and 41 misdemeanor investigations. There are 128 investigations pending, which consists of 56 felony and 72 misdemeanors. Mr. Justice commented that they continue to prioritize anyone in the County Jail so that they can move the sentencing process along.

Mr. Justice informed the committee that they just completed their 2003/2004 Juvenile Accountability Block Grant. They are required to submit quarterly reports to the State. From the period of October 1, 2003 – October 1, 2004 we screened 388 PINS cases and 334 JD cases. That is a total of 722 youth. He noted that 81 percent of both of these categories did not go to court. The court cost for the County for these cases is tremendous. Our department diverting 81 percent is quite an accomplishment. For the past year they have been doing pre-PINS meetings which has helped out a lot.

Dr. Baker asked are the PINS expenses going as expected? Mr. Justice replied PINS is probably down. He is not sure about the numbers for JD. Some of the JD cases are going to criminal court. We have created the JD Educational Program that the Center for Dispute Settlement does a great job with. Most of the JD cases go through that. If the offense is serious or the victim is adamant, then the case will go to criminal court.

Dr. Baker asked how many probationers are on electronic home monitoring? Mr. Justice replied 20. Dr. Baker asked is that limited due to the number of machines you have? Mr. Justice replied no. We have about five more machines that are old. There are times when we may be operating at full capacity, but usually one goes off and another goes on. Mr. Jamison asked what is the cost per machine? Mr. Justice replied we pay a lease fee and a maintenance fee that amounts to approximately \$4,000 per year. The cost is about \$2.50 per day for the monitoring costs. We do try to collect that fee from the probationer if possible. Our collections have increased over last year. Currently the County owns five of the machines. He explained when the maintenance agreement runs out, then they become ours. Mr. Justice stated beginning in December 2005, the manufacturer will no longer be making replacements parts for the older machines.

Mr. Roche commented 113 in investigations sounds high. Is that an abnormally high number and can we reduce that? Mr. Justice replied we have to respond to any court order. The courts have a form that Probation has provided and if they would use those forms that would cut down on the number of investigations. He stated that he has encouraged the Magistrate's Association to use these forms.

2. Sheriff's Department

Civil Report – Sheriff Tweddell informed the committee that civil fees paid year-to-date are \$103,631.04.

Jail Report – Sheriff Tweddell informed the committee that total monies due the Jail year-to-date are \$446,215.54. The population at the Jail is 156. Of those, there are 8 federals, 1 board-in (female) and 2 state readies. He noted that they have no inmates boarded-out.

Sheriff Tweddell stated that year-to-date expenses for the housing out of inmates is \$205,850. This does include the \$320.00 from September.

Budget Transfers – Sheriff Tweddell requested authorization to transfer \$15,000 from Major Equipment and appropriating \$10,000 into Vehicle Chargebacks and \$5,000 into Overtime. He explained that the Vehicle Chargeback reflects the increase in the price of gas.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER \$15,000 FROM MAJOR EQUIPMENT AND APPROPRIATE \$10,000 INTO VEHICLE CHARGEBACK AND \$5,000 INTO OVERTIME MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Sheriff Tweddell requested authorization to transfer \$20,00 from Lodging of Prisoners into Overtime. He explained that housing out inmates has affected the overtime budget.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER \$20,000 FROM LODGING OF PRISONERS AND APPROPRIATING \$20,000 INTO OVERTIME MADE BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Informational – Sheriff Tweddell informed the committee that they just completed a homicide investigation and the cooperation between his office, the State Police and the District Attorney's Office made for a quick result. He commented that he would be sending a letter to those departments thanking them for their cooperation.

Jail Expansion – Dr. Baker asked what is the status of the study that you are doing with regard to the Jail? Mr. Alger replied we have talked about requesting authorization from this committee for us to pursue an outside consultant for the Jail. We also need to check on the schedule for the NCIC. Sheriff Tweddell commented going with the NCIC will be the best idea because they won't have a vested interest in anything. Dr. Baker asked what has been the population growth in the last eight years? Sheriff Tweddell replied since 1992 we have had an average increase of 4 percent per year with one year, 2000, where the population actually went down. Dr. Baker commented we should have those figures for the projections. Mr. Alger stated he would request authorization for the Sheriff to pursue participation with NCIC and find

out what dates they may be able to work with us. If their timeframe is not acceptable, then we should talk about looking for a consultant. Sheriff Tweddell commented the consultant from NCIC is furnished by them at no cost to the County.

Dr. Baker asked is it time to start seriously thinking about this? Sheriff Tweddell stated he's had the Commissioner of Corrections meet with him, and Mr. Alger and their concern is that once the facility gets to 90 percent population, the Commission will start looking at the facility. We will have to come up with something to show them that we are at least looking into this before they come down and tell us what to do. Mr. Alger stated we are not just looking at the Jail, but we are also looking at the alternatives that we have in place. If the programs we have in place are maxed out, should we expand? All of these questions need to be reviewed before you put more money into bricks and mortar. We have been hurt in the Alternatives areas by State reimbursement because it costs us less than it would to house them. The review is part of the analysis for what we do with the Jail. That's a piece that often gets overlooked when we are talking about the Jail population. Mr. McAllister asked do we do that before we contact NCIC? Mr. Alger replied that is part of their program.

Mr. Jamison asked how much control do we have? Mr. Alger replied we have control over the probation programs that we have in place. There are staffing issues in Probation. We have cut a couple of Probation Officers over the past couple of years and we need to see what impact that has had on the Jail. We don't control the courts, but we can control other issues. Sheriff Tweddell commented that in the building of the facility, when we did the fencing, that has helped out in this situation because we can keep different classifications out of the general population.

MOTION: AUTHORIZING THE SHERIFF AND THE COUNTY ADMINISTRATOR TO PURSUE A PARTNERSHIP WITH THE NCIC REGARDING THE PROPOSED EXPANSION OF THE JAIL AND BRING BACK INFORMATION TO THE COMMITTEE MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Dr. Baker asked are we talking about a 50-bed pod? Sheriff Tweddell replied NCIC will make a recommendation. Mr. Alger stated they will evaluate the size issue.

3. Public Defender

Mr. Cooper distributed his monthly report for the committee's review. He noted that there is a new category labeled Risk Assessment which is used for sex offenders. He stated that an individual sued the State and now we are scheduling hearings for risk assessments for cases prior to a certain date in 2000. Dr. Baker asked is there money involved and will the County be liable for this? Mr. Cooper replied that he doesn't know the answer to that. This is a stipulation that would address these cases. The Governor was sued for lack of due process and they decided to revisit these cases and go through the due process that supposedly was not done.

Mr. Ahrens asked with regard to assignments, are these cases that your staff are not able to get to? Mr. Cooper replied D and E felony cases are routinely assigned. That's the bulk of the assigned cases. The C felony cases are also assigned out. Typically, A and B felony cases are done in-house and are only assigned out if there is a conflict of interest. We do not have the staffing to do the D and E felony cases at this point. Mr. Ahrens commented all assignments are generating costs to the County. We need to compare those costs with the cost to staff. In-house the cost is approximately \$50.00 per hour versus assigning the cases out at a cost of \$75.00 per hour. Mr. Cooper stated he is compiling those numbers. With Family Court we only assign cases out if there is a conflict. Mr. McAllister asked on your report you show 125 DWI cases and 47 DWAI cases. Are those numbers cumulative? Mr. Cooper replied those cases are assigned to the Public Defender and are done in-house. All misdemeanor class cases are in-house except for those where there is a conflict of interest. The D and E felony cases are still routinely assigned out. Mr. Ahrens asked are we utilizing our misdemeanor staff to handle the preliminary stages of felony cases? Mr. Cooper replied part of that will be handled when we have the D and E felonies done in-house. Mr. McAllister asked once you have everything in place and coverage in the courts, do you anticipate being able to increase the caseloads? Mr. Cooper replied no. The part-time public defenders have indicated that it's a full-time job and they tend to their practices with 80-hour weeks. They can't handle anymore caseloads in his opinion. The misdemeanor public defenders who are covering the local courts are swamped.

4. 911 Enhanced

Addressing Update – Mr. Wixom distributed the addressing map for the committee’s review. He noted that the majority of the County is in the green, meaning that those areas have been addressed, mapped, etc. He is very happy with the progress they have made and he anticipates that within the next 30 – 45 days the addressing will be done and the map will be done. Mr. Wixom stated that they sent the information that they had to Positron and they indicated that all of our mapping information was good. Mr. Wixom credited Mr. Sears, the GIS Coordinator, with this.

Equipment – Mr. Wixom informed the committee that all of the equipment arrived last week. At this point, we are ahead of schedule with regard to installing the information. The 911 phones are up and running in-house. A Positron representative will be arriving today to make sure that the CAD and mapping system is up and running. By the end of the week, the majority of the installation should be done. He stated that anyone on the committee should feel free to stop by and see what’s gong on.

Dr. Baker asked what is the projected start-up date? Mr. Wixom replied the first quarter of next year. Mr. Ahrens asked what is the status of the work with Verizon? Mr. Wixom replied they had a productive conversation. They haven’t wanted to work with us as well as they should. He stated that he has talked with the Public Service Commissioner who has indicated they will help out any way they can. Mr. Wixom stated that with regard to Verizon, there are misconceptions on their end. With the MSAG, we have eight people working on that and in most counties there is only one individual that works on it. Verizon said they wouldn’t give permission to have the trunks installed until they were comfortable with the MSAG. Now they have given their permission. Currently we have several processes that are going on and we are moving forward. Mr. Wixom stated that he doesn’t want to put a firm date until everything is up and running. We still have to do the testing. He is very comfortable with the start-up being the first quarter of next year.

5. Emergency Management Office

Storm Update – Mr. Sprague informed the committee that a declaration was issued by FEMA. They have broken the August 30th and September 9th storms into one declaration for Hurricane Frances. We have been declared for public assistance, however, there was no individual assistance. That is a big concern to us. Also, they issued another declaration that covered September 17th, which was Hurricane Ivan. This storm was declared for individual assistance, but not for public assistance. The Governor is appealing this decision. The Federal Coordinating Office and the Regional Director are questioning this as well.

Mr. Sprague commented the media has it out there that we have been declared, but the public will not know which storm received the declaration for individual assistance. As they are doing the advertising for the declaration, they are also showing the 800 number to call. FEMA will be taking information from the public and setting it aside until we are declared. We have compiled a listing and have them call the 800 number so that we can track what is happening. At this point, FEMA will be sending out teams to look at all the damage. Mr. Sprague reiterated there have been two declarations, but each is separate. Senator Schumer last week was saying that New York would be declared for all of this. Anyone who has damages should be contacting their congressman/senator asking them what the situation is. If we are not declared, he doesn’t know how we will address these damages. This is a very confusing process for individuals, as well as for the municipalities that have been affected.

Dr. Baker stated he had heard that there may be money available for the Freeman Bridge replacements. Is that true? Mr. Sprague replied that they have been working with FEMA, the State DOT and County Public Works to address an alternate route for that. There was a concern that that would not be sufficient. There should not be a problem doing the replacement/interim bridge. We are working through that process to see if there are resources that we can use. With this declaration, the public assistance part is included, as the damage was not related to Hurricane Ivan. We would be using Federal dollars when we do that. It will be 75 percent FEMA, 12.5 percent State and 12.5 percent County. We have already done some engineering work that we may be able to count as part of our 12.5 percent.

EMS Update – Mr. Sprague stated that everyone should have received a copy of the letter that he sent to the EMS Council. At their recent meeting, the Chairman of the EMS Advisory Committee tried to explain their reasoning, but it was not a very good explanation. The agenda for that meeting came out and there was no mention of the letter, but Mr. Sprague stated that he will make sure that the letter will be on their agenda. They did hold a discussion regarding the

new name of the program agency which is now EMSTAR. That was news to the council, although we had heard rumors. They felt that the program agency had gotten a bad reputation from the Council and that is why they changed their name.

Dr. Baker asked is the Council responsible for appointing Dr. Huffner? Mr. Sprague replied no. He thinks that appointment goes back to the Corporation. The membership of the Corporation is difficult to get a handle on. If these are separate organizations then there should be separate people in the Corporation and on the Council. Dr. Baker asked do we have MD members on the Corporation? Mr. Sprague replied on REMAC we have Dr. Seaman, Dr. O'Connor and Dr. Robshaw. On the Corporation we have Al Lewis as the County representative. The good part of the meeting is that several issues were brought up that most of the members of the council were not aware of. The members of the Council will continue to ask more questions.

Mr. Alger explained STREMS was formed by NYS legislation and organized under Public Health Law. The Corporation is the result of legislation requiring that an independent corporation be responsible for the funds. There are regional councils across the State.

Informational – Mr. Sprague informed the committee that starting today through Wednesday, the Department of Environmental Conservation (DEC) will be conducting their annual levy inspections. They are making changes in the new interchange section as well.

IV. PRESENTATION

1. Pictometry

Mr. Wixom explained to the committee that this was an option on the RFP and it is a service that provides aerial photographs of the County. On the CAD system we would see a map of the area, but also an aerial photograph.

Mr. Beha explained that when the County purchases this service, they will get the software, the images and a countywide license. This license can be used by assessor's offices, EMO, etc. Currently there are ten counties and the five boroughs of New York City that have purchased our product. He explained that they tie into the mapping system, in fact right onto the MSAG. The County controls where we shoot and what type of shot they want. You can also share this license across county lines to counties that are adjacent. He stated they are going after every county in New York State. They would like to do the entire country within the next five years. Everything is time and date stamped.

Mr. Wixom asked if we purchase this product and Law Enforcement wanted it in the MDT's, can we get the information from the AVL and show the individual where they were in a neighborhood at night? Mr. Beha replied we can reconstruct where you were, we can show a foot chase, etc. Mr. Roche asked does the license include sharing the information with the local municipalities? Mr. Beha replied yes. Also, in a disaster if anything happens, FEMA can use it when they come into the County, although they would have to use it on a county machine. If that happens, you just need to let us know. This software is intended to help you. Dr. Baker asked the Sheriff will this help you with your school program? Sheriff Tweddell replied yes.

Dr. Baker asked is this a one-time fee or a yearly fee? Mr. Beha replied there is an original licensing fee for two years. From there, you have the option to renew or there are various buyout options that are available. Every two years we take photographs. It all depends on you county, what you can afford, etc. You can have the photos taken more frequently, less frequently, etc. Mr. Ahrens asked is this patented? Mr. Beha replied yes. We have five different patents and we are looking to get six or seven more. The technology is growing and developing. He commented that two years ago they were hired by the United State Geological Service to teach them how to calibrate their camera equipment. He stated that photographs of neighborhoodss are shot at an elevation of 2,500 feet and photographs of rural communities are shot at an elevation of 5,000 feet. Our cameras are 100 percent digital.

Mr. Wixom asked what is the training time? Mr. Beha replied our software is Windows based. Everything can be run off pull down menus and toolbars. It is very easy and simple to use. The user training is included with the sale. We do administrative training and work with your IT department to help them set it up, store it and we also preach redundancy. Mr. Wixom asked if we purchase this software but a town didn't have enough to use it, could we just take

out that town? Mr. Beha replied yes. The information would be at the dispatch center. For the Planning Department, you may want a copy at the County Office Building. For the MDT's, typically most hard drives are big enough that we will compress the data so that it will fit. The license allows you to put it where you need it. He noted that they do not have routing. We rely on GIS for that as we are not a fully functional GIS. Mr. Wixom stated with this technology the dispatcher would be able to give a responder directions over the radio.

Mr. Ahrens stated that he has issues with the public trying to access this information. Mr. Beha stated that with FOIL that's why we license it for two years. After two years, the information is the county's and you can keep it or give it back to us. It does not fall under FOIL as we own it and you lease it. The County has the option to sell the imagery or send it back to Pictometry and we will sell the imagery. Whenever we sell imagery for your County, you will get a cut of that and that amount will be credited toward your next purchase. Mr. Ahrens asked are there any security issues? Mr. Beha stated that the Homeland Security Department is very interested in our product. They said we are helping to bring Law Enforcement up to the speed of anyone else that is out there.

Mr. Jamison asked what is the cost? Mr. Wixom replied the first year is \$86,585, the second year is \$86,420 for a total cost of \$173,005. If we purchase the software now, we will get a 2 percent discount, which equates to approximately \$3,460.10, bringing the total down to \$169,544.90. There will be a second round of Phase II Expedited Wireless Grants and that could pay for this. Mr. Wixom commented, the State is thinking about purchasing this software. If we purchase it and the State decides to purchase it, if there is enough money in the grant, they would reimburse us. He stated that he thinks this would be a great process, not only for 911. Just the use by the assessor's will make it worthwhile. Monroe County uses Pictometry and they found \$2 million of properties that were not on the tax rolls. Mr. Wixom explained, the concept with the second round of grant money is that if the 911 centers do not use that funding, then the State may purchase Pictometry to be used by the entire State. He would like to have the cost covered every two years in the grants. He doesn't want this to be a burden on the County. This would help 911 coming up since Positron is in town and they can put the interface right in so that we can have it on day one. Mr. Alger commented this is a fantastic tool.

Mr. Beha stated if you renew your contract, you could come back and tell us how you want us to refile it. The images that are historical are yours. If you choose not to renew, there are multiple buyout options. As an example, you could keep the current map and the current software. You could keep the map and update the software. Mr. Ahrens asked are there procurement issues? Mr. Alger replied we haven't talked about that. Mr. McAllister asked Mr. Beha if he had a contract that the County Attorney could review? Mr. Beha replied yes. The contract includes all of the pricing and other information. The committee agreed to discuss this further to determine what they would like to do. Mr. Ahrens commented that his issues deal with if we can sole source, or if we have to do a competitive bid. Mr. Beha stated they do have sole source documentation.

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR
Monday, November 1, 2004
10:00 a.m.

PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Monday, October 25, 2004.

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, November 1, 2004

10:00 a.m..

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Lldon E. Jamison, Vice Chair Donald B. Creath
John Walsh

STAFF: Mark R. Alger Richard C. Tweddell David V. Cole
Tim Wixom Mike Sprague Tim Marshall
Frederick H. Ahrens, Jr. Byrum Cooper

LEGISLATORS: Philip J. Roche, Esq. Harley R. Mayo Thomas J. McIntyre

ABSENT: Patrick F. McAllister, Esq.

OTHERS: Mary Perham, *The Leader*
Dave Shoen, WENY

I. CALL TO ORDER

Dr. Baker called the meeting to order at 10:00 a.m. He asked Mr. Walsh to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE OCTOBER 4, 2004 MEETING MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. JAMISON ABSENT FOR VOTE).

III. DEPARTMENTAL REPORTS/REQUESTS

1. Sheriff's Department

Civil Report – Sheriff Tweddell reported civil fees paid to the County as of this date are \$114,228.39.

Jail Report – Sheriff Tweddell reported money due the Jail as of this date are \$475,186.00. The population is 158. They have 8 Federal's, 0 State readies and 0 boarded out. Money expended to house out inmates as of September 30th was \$205,840.00. Right now it is \$207,790.00 as we spent \$2,500.00 last month.

Sheriff Tweddell informed the committee that with regard to the inmates, they were contacted by the NIC regarding a survey that will be done with our facility. If they can do it, it will be done late summer or early fall of 2005. We have a lot of figures that we have put together. Sheriff Tweddell stated that he would like to suggest if we are considering going either way with regard to the expansion of the Jail, that we hire someone to do this survey for us. Mr. Alger stated that he is not sure that he thinks we need to come up with a number. He would recommend the committee authorize them to do an RFP. We would have to define what we want them to do and it will give us the numbers that way. He doesn't expect that this is a huge expense and he would recommend doing that.

MOTION: AUTHORIZING THE SHERIFF TO LET OUT AN RFP TO CONDUCT A SURVEY OF THE JAIL MADE BY MR. JAMISON. SECONDED BY MR. WALSH.

Dr. Baker commented by doing that we would get an unbiased survey. Mr. Alger stated that his recommendation is whomever you use would be a third party and would not be someone you would look to do the design. They would not be tied to anything in the future. Sheriff Tweddell commented there are four facilities that have completed a building or are in the process. Once the firm they chose to do the survey completed, they were out of the picture. Mr. Creath asked will this survey be used as a basis to make the final decision? Mr. Alger replied this survey will help identify and review current trends. They would look at the Alternatives to Incarceration programs that are in place and Probation generally. They would also look at the Jail housing operations themselves in evaluating the classification and where needs are. They would also project what our needs may be in the future.

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

Sheriff Tweddell informed the committee that he has received a request from both the M.A.D.D. and S.A.D.D. organizations regarding the deployment of DWI road checks at the Halloween weekend along with the other major events. We conducted one this weekend and had 9 DWI's and 40 driving without licenses. Last year there were 109 DWI related fatalities during Halloween.

Sheriff Tweddell informed the committee that he received a letter from Senator Kuhl and Assemblyman Bacalles informing him that there is \$100,000.00 in funding available to assist with the MDT's. They are setting up a contract and information on the grant. He would like to request authorization to accept this funding when it comes in. When they get this, this will go along with the \$25,000.00 that they already have in the DWI fund. Previously, the Legislature had authorized \$150,000.00 from the DWI fund. Our total will be \$275,000.00. Sheriff Tweddell explained the MDT's are all makes of police vehicles. Everyone has had a part of this. The police departments will have to do their own installations. We will be ordering four extra units to be kept at the 911 Center and they will be laptops. If there is a problem with a unit, they can exchange for a working unit. All of the equipment will belong to the STOP DWI program and Information Technology will program them all and will update the software. Mr. Alger asked when this goes into effect there will be a monthly service charge? Sheriff Tweddell replied yes, that will be paid by the individual police department.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT ADDITIONAL GRANT FUNDING IN THE AMOUNT OF \$100,000.00 WHEN IT BECOMES AVAILABLE TO BE USED FOR THE MDT'S MADE BY MR. CREATH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. Emergency Management Office

FEMA Update – Mr. Sprague stated the declarations are a continuing process. We have been declared for the Ivan flood, however, the biggest issue is the lack of individual assistance (IA) for the destruction from Frances. We have been working with a number of townships and families with regard to problems related to flooding in homes. We are trying to arrange a stopgap safety net for individuals. Mr. Sprague stated they are trying to make sure that everyone is aware that we are trying to arrange for no cost housing for individuals and repair of structures.

Mr. Marshall explained, we are trying to identify the fact that a lot of people during Frances lost their hot water and furnaces. The majority of people have their hot water and approximately half of the people have their furnaces back. We are trying to identify, if individual assistance does not come, what kinds of programs are there to assist us. ProAction has the HEAP program, but that does not cover damages due to flooding. Catholic Charities does not have a program. Steuben Churchpeople Against Poverty has a limited home repair program that is available. Mr. Marshall stated they have been talking with SEMO who has a task force of human service agencies that have manpower resources. We have offered that to some of the faith-based groups. This doesn't include the cost of any supplies that would be needed. They are trying to figure out what services can provide the unmet need if the individual assistance does not come through. The municipalities have been working with the gas companies to get people back up and running.

Mr. Sprague commented that during the Flood of 1996, we were able to arrange for specific need type issues. In that event, though, we did have the individual assistance. This has been very time consuming and they are hopeful that the individual assistance will come through. There is no timeframe in which FEMA has to respond. The State has appealed their decision. We do know of other regions that have already gotten the individual assistance.

Dr. Baker asked in case of an emergency, is the County supplied with equipment with regard to water, sandbags, etc.? Mr. Sprague replied our sandbag stockpile is low at this point. We do have services that we can receive sandbags from. We are fortunate to have the Corps of Engineers project around. With regard to our water supply, we have a number of ways to get water to people. We have tanker trucks, pumps, etc. We can access that equipment on relatively short notice. The biggest issue for the equipment is that a lot of the equipment is tied up rebuilding roads, streams, etc.

Dr. Baker asked in the case that there is a massive medical problem, is that process established now? Mr. Sprague replied yes, with the exception of manpower. We have a problem with the lack of volunteers. Generally, volunteers will come out if there is a big event. The number of ambulances we have depends on the mutual aid from outside of the County. In Corning, at any one time, there are five to six ambulances available. The State is working on a new mass casualty plan that will be distributed next year. We do have the mass casualty incident trailer that has a lot of equipment. The State is currently working on a statewide mutual aid program.

EMS Update – Mr. Sprague distributed a letter that he received from STREMS. This letter states that Rural Metro will no longer be providing an ALS unit in the northern part of the County. This unit served Avoca, Prattsburgh, Dansville, Naples, Springwater, Wayland, Canaseraga, etc. This was a very busy car. Rural Metro has indicated that they will try to get their fly car from the Bath area to fill in when there is a call. Mr. Sprague stated that he has talked with the EMS coordinator from Livingston County and they had something similar happen there. Livingston County is attempting to state their own unit support by the County with billing services. They will be doing that in the Geneseo area. If that comes to fruition, we may look to use that to fill the gap, but at this point there are no guarantees. It was nice having the fly car based in Wayland as a lot of services go to Noyes Hospital. Mr. Sprague stated his question to the Council will be are they going to make adjustments to the protocol or review with this new development.

Mr. Alger commented that he wonders if STREMS' decision may have impacted Rural Metro's decision to pull their car and he would suggest to the committee that he still has serious concerns about what STREMS is doing to services and further aggravation by this agency. Mr. Sprague stated that car in Wayland has always been busy. He questions whether this is directly related to the funding issue? The cost of those twelve leads cannot be helping. Dr. Baker asked are charges made to the patient? Mr. Alger replied Rural Metro billed the patients. A lot of the MVA's are billed to the insurance companies. There also have been issues with Medicare.

Mitigation Grant – Mr. Sprague informed the committee that they have been involved in this for one and one half years. This is something that Mr. Marshall has been working on. Mr. Marshall stated in July 2003, we were awarded \$18,525.00 from the State to develop a hazard mitigation plan for the County. We did a multi-jurisdictional plan and any municipality that wanted to sign on, could. We were supposed to have the plan in place by November 1, 2004. With five federal disasters in the past year, we have slipped on our schedule. We are approximately three-quarters done, but we do need additional time and management to help finish this up. There is a possibility to get a consultant to finish up the remaining portion of the grant with the grant funding that is still available. Mr. Alger asked how much is the consultant? Mr. Marshall replied there is approximately \$10,000.00 left in grant funding.

Mr. Sprague explained, we put the program together and sent in for the first review and FEMA send it back with a list of things that needed to be done. That is not specific to this County. One issue is everything they are asking for has a lot of time commitments and with staff shortages, that has been very difficult. Some counties have managed to go through the process. We would like to bring someone in for a short period of time. Mr. Alger stated at this point we need quotes or costs. We should pursue further what those costs would be and if there are any other alternatives. He stated that he doesn't think it would hurt to get quotes and get things started. We should also look at other ways of completing this without bringing in a consultant.

MOTION: DIRECTING EMERGENCY MANAGEMENT TO BRING BACK PROPOSALS FOR A CONSULTANT TO HELP FINISH UP THE MITIGATION GRANT MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

General Update – Mr. Sprague informed the committee that the Rural Fire Administrators Conference is Thursday and Friday. Last spring we did a resolution requesting that money be put back into the fire training budget for the State. We wanted to get temporary funding for this year. Both houses put it in and the Governor rejected it. It previously was in a line item for mutual aid to municipalities, but that was rejected outright. Since then, there are 100 courses sitting in Albany waiting to be approved because there is no funding. The Governor has been made aware of that.

There is no definitive direction as to where this is going. Mr. Sprague stated the Fire Coordinators will wait until Thanksgiving and then make a push. He would like to suggest that we bring the resolution back, reword it and it it ready to go for the Board Meeting on November 29, 2004. If a solution is found prior to that, then we would pull the resolution. We have had some new recruit come in. If we can't get them trained, he doesn't know how long we can keep them. We need to get the funding restored in some fashion.

Dr. Baker stated we did adopt a resolution and it did go to InterCounty. He would be in favor that we readopt the previous resolution. Mr. Sprague stated that we can update it with current information. Dr. Baker asked can we reword the resolution? Mr. Ahrens replied yes. If the facts and circumstances where changed, it could be adopted to reflect those changes.

MOTION: MEMORIALIZING THE GOVERNOR AND LEGISLATURE OF NEW YORK STATE TO INCREASE THE FUNDING FOR FIREFIGHTER TRAINING IN ORDER TO ESTABLISH A REALISTIC FUNDING BASE TO INSURE THE DELIVERY OF FIRE SERVICE PROTECTION WITHIN NEW YORK STATE MADE BY DR. BAKER. SECONDED BY MR. WALSH.

Mr. Alger stated we are looking for the State to find money to fund it, this is outside of the budget adoption process. Mr. Sprague commented their training periods are very short. Mr. Alger stated that he would think there is probably a growing amount of pressure for the Governor to fund this.

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

3. Public Defender

Monthly Report – Mr. Cooper distributed copies of his monthly report for the committee's review.

Mr. Cooper stated that he has looked at the 2003 numbers for the D and E felony cases that our office handles and we assign out. In November 2003, we vouchered \$6,837.63. If we do nothing and the hourly charge remains the same as well as the caseloads, we can expect to voucher \$16,590.00 this November. During December of 2003 we paid out \$7,434.22. If we have the same hourly charge as last year, we can expect to pay out \$19,132.50 this December, which represents a 257 percent increase. He stated across the board, in December last year, the total of assigned cases for D and E felonies and all other cases that might be assigned out such as misdemeanors and Family Court, they spent \$23,616.50. At the current rates, we can expect to spend \$66,458.24 this December. For November last year across the board we spent \$21,743.60. At the current rate we can expect to spend \$61,099.68 this November. Mr. Cooper stated that across the board assigned cases have increased 280 percent in cost. These numbers are based on the \$75.00 per hour rate that is now in place. We currently have outstanding vouchers that total \$15,000.00. He is requesting \$150,000.00 to finish out the year.

Mr. Alger commented it doesn't look like there is a lot of choice. Mr. Cooper stated that he has no reason to believe that the numbers won't be comparable. He thinks the numbers are accurate. He stated that he is continuing to pick up cases, but he hasn't counted those in these numbers. Dr. Baker asked ho does that compare to last year? Mr. Cooper replied compared to last year, our request was \$55,000.00. This reflects the 280 percent increase in the cost which is simply for the hourly rates. Mr. Cooper stated that he will have a comprehensive proposal to cut these costs down and do them in-house. Mr. Jamison asked how many attorneys do you have? Mr. Cooper replied there are 2 full-time, including himself. There are also 5 part-time. These positions are all salaried.

Mr. Creath stated if you took the increase in the fee and adjusted this year's estimate, he would like to get a comparison of the same fee base and tell how much is the cost. If the fees were the same. Mr. Cooper replied all of the increase is due to the fees. All of the costs in assigned counsel are due to the fee increase to \$75.00 per hour. With the regard to the estimate based on comparison he doesn't have all the vouchers in hand. If November and December are similar, he thinks it is an accurate number. Mr. Creath commented last year we needed \$55,000.00 and this year we now need \$150,000.00. Mr. Cooper stated the only new position is mine, which is in-house. With my administrative purposes I can take on a reasonable amount, but I can't make an appreciable impact. I'm looking at the vouchers that were paid that month. The other thing, is that he is looking at the monthly reports that show a slight increase in the overall felony caseload. We get approximately a 10 percent increase in caseload per year. He doesn't have the actual numbers.

Mr. Alger commented the caseload hasn't surprisingly gone up. The cost is going up because the State tripled the rates. We are still looking for Mr. Cooper's recommendations on what to do with the lower level felonies as opposed to just assigning them out. He would expect hiring one full-time attorney to handle just that caseload. We will look at how much of an impact will they actually have on the caseload and on that cost. You will pay them less per hour than you are paying for the assigned counsel fees. We will look at how that position will impact the caseload, costs and what to do to contain that. Mr. Cooper stated that he can have a recommendation for the December meeting.

MOTION: RECOMMENDING TO THE FINANCE COMMITTEE THAT THEY TRANSFER \$150,000.00 FROM THE CONTINGENCY FUND TO THE PUBLIC DEFENDER TO COVER ASSIGNED COUNSEL FEES THROUGH THE END OF THE YEAR MADE BY MR. JAMISON. SECONDED BY MR. CREATH.

Mr. Creath stated that he would like to see them start tracking how effect the Public Defender's office is and do a comparison with last year. We should look at how effective the department has been to use in-house staff. Mr. Alger stated we haven't increased staff. We went from a part-time to a full-time public defender to get an overall handle on the administration of the program. We haven't hired any additional attorneys. Into next year we are looking at bringing in additional staff to make an impact. He stated we can look at the caseload this year and last year and tell you the number of cases that have gone into the public defender's realm. He's expecting that you would see a slight increase. The resulting increase in dollars has been from the tripling of the fee. Mr. Alger stated that with regard to next year's budget we need to be aware of this request. Part of this year's expenses were paid at the old rate.

Dr. Baker asked how closely do we monitor requests of the Public Defender's Office when an individual could support their own attorney? Mr. Cooper replied we have a financial cutoff and we go by 125 percent of the Federal poverty level. We look at the income of the individual and/or household and how many children live with them under the age of 21. As an example, if you are single, no dependents and work full-time at McDonald's, you will not qualify. The individuals that are in Jail tend to qualify because they are not working. You have to be pretty close to indigent. If someone has resources that we didn't know about, we will ask to be relieved.

Mr. Ahrens asked with regard to D and E felonies, has there been any effort to see that they get resolved at the magistrates? Mr. Cooper replied no. We haven't gotten there yet. All of these things are being discussed. Mr. Ahrens asked on a statewide basis, how does the caseload of the part-time staff compare with the State caseload? Mr. Cooper replied that he doesn't have the numbers, but he has spoken with the State Association. Their concern is individual caseloads. They are putting together a packet of Federal guidelines regarding how many cases an attorney should have. Mr. Ahrens stated you made reference to statistics that dealt with the assignment of cases where there was a conflict. Monroe and Chemung counties looked at funding to fund a conflicts office so they would be handled by an independent agency that would be salaried. Mr. Cooper commented that they only have two to three per month that seem to be from conflicts. Mr. Ahrens asked do you have any D and E felonies that get plead to misdemeanor? Mr. Cooper replied there are a few, but he doesn't have that figure.

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

4. 9-1-1

Mr. Wixom informed the committee that the Secretary of State came down last week to present us with a check in the amount of \$462,812.00 from the grant we stated last year. The State opened up \$100 million to every county in the State so they were Phase II compliant. We applied and were successful. There is \$50 million left and there will be a second set of grant application. We will apply for the second round.

Mapping – Mr. Wixom informed the committee that most of the County is now green. In the next 30 – 45 days the mapping will be done. Our entire system is map based. Mr. Sears and the 9-1-1 staff have worked quite a bit on this. This is quite an accomplishment. Mr. Creath asked can you get State money to cover the cost of the aerial photography that you are proposing? Mr. Wixom replied yes. The State will review our grant.

Mr. Wixom stated that they have finished another project. There was a request to put 9-1-1 on the front of the building and that has now been completed.

Mr. Wixom requested permission to apply for the second round of grant funding through the State.

MOTION: AUTHORIZING THE 9-1-1 DEPARTMENT TO PUT AN APPLICATION IN FOR THE SECOND ROUND OF GRANT FUNDING BEING PROVIDED BY THE STATE MADE BY MR. CREATH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Pictometry – Mr. Wixom stated that last month Pictometry did a presentation for the committee. They are willing to give us a two percent discount if we purchase the system. He is requesting permission to purchase this system. Mr. Wixom stated that he would like Pictometry to be in our system on day one. Our staff would get to train on it before we turn the system on. He would like permission to purchase this program for two years at a cost of \$169,544.90. This money is in our budget. Mr. Ahrens asked do you pay half up front and the other half in six months? Mr. Wixom replied the cost is \$86,585.00 for the first year. We asked if we could wait six months to pay the rest of the balance and they were agreeable. They will give us the two percent discount as if we had purchased it up front.

Mr. Walsh asked after two years if we financially can't afford to do this any further, can you keep the product you purchased and it would just be out-of-date? Mr. Wixom replied his goal is to always find a grant for this. If we couldn't do that, then at the end of two years there are several options. We could get out of it 100 percent. We could keep the pictures as the cost is just for the license to keep it going. The photos are always our's. We pay for the license to use their software.

MOTION: AUTHORIZING THE 9-1-1 DEPARTMENT TO PURCHASE THE PICTOMETRY AERIAL PHOTOGRAPHY PROGRAM AT A TOTAL COST OF \$169,544.90 MADE BY MR. CREATH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. Wixom informed the committee, once we get this product, anybody that lives in Steuben County that sees a picture of their property in the system can contact Pictometry and get a picture. If they purchase a picture, half of what the citizen pays will come back to 9-1-1. Dr. Baker commented this will be an excellent continuation of what the Sheriff did with the school project. Mr. Wixom stated every governmental agency in the County will have access to this program.

Backup Buildings - Mr. Wixom informed the committee that part of their backup plan is that we put fiber optic cable to the Civil Defense Center if we ever had to leave the 9-1-1 Center and move out to the Civil Defense Center. He requested authorization to put out a bid for a 20 x 20 addition which would house all of the 9-1-1 equipment. The second part is if the system was damaged, we would need to go to Mt. Washington. He would also like permission to put out a bid for a 20 x 20 structure at the tower site that would be adjacent to the building. Mr. Walsh asked if the facility is destroyed, do you still have the ability have working at Mt. Washington because of the duplication? Mr. Wixom replied there are copper lines to the tower to take incoming calls. We would get the caller ID. Our design is to have some dispatch positions run off laptops and we would have enough information stored to be able to verify the addressed where the caller is at and the protocol. If we are at Mt. Washington, things are very bad. Mr. Walsh asked how many other facilities have backup? Mr. Wixom replied since September 11th more facilities are thinking about it. The major cities are scrambling because they don't have it. We can't have our systems down for seconds. He stated that he couldn't tell them the percentage that do have backup because of the different levels around the country. Dr. Baker asked do you have money left to cover the extra buildings? Mr. Alger replied yes. These are not expensive buildings. Mr. Wixom stated that they looked at the most economical. Mr. Wixom commented the problem with the Sheriff's Department is that it is too close in proximity to the 9-1-1 Center.

MOTION: AUTHORIZING THE 9-1-1 DEPARTMENT TO LET OUT BIDS FOR THE BUILDING OF TWO 20 X 20 BUILDINGS, EACH ADJACENT TO THE CIVIL DEFENSE BUILDING AND THE MT. WASHINGTON TOWER MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Generator – Mr. Wixom requested permission to put out a bid for a generator for the Civil Defense Center. Currently there is no generator there. Mr. Alger commented that with the Civil Defense Center the generator makes that a more self-supporting facility. You could use that building for a lot of different things. The Sheriff's Department and the 9-1-1 Center are operational if the power is off. The County Office Building only has emergency lighting. This is a worthwhile investment. Mr. Wixom stated the generator would be a 60 kw diesel.

MOTION: AUTHORIZING THE 9-1-1 DEPARTMENT TO PUT OUT A BID FOR A 60 KW DIESEL GENERATOR FOR THE CIVIL DEFENSE CENTER MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

5. Law Department

Traffic Safety Board – Mr. Ahrens informed the committee that currently we have a magistrate who sits on the Traffic Safety Board and a question arose regarding this. It is okay for a magistrate to sit on this Board as long as the Traffic Safety Board is not receiving any DWI funds or funded by fines. The STOP DWI budget is submitted as a courtesy to the Traffic Safety Board, but the real approval is by the Legislature. He would suggest adopting a resolution stating that the DWI Budget be sent directly to the Public Safety & Corrections Committee for approval and shall not include any funding for the Traffic Safety Board itself.

MOTION: DIRECTING THE STOP DWI BUDGET BE SENT DIRECTLY TO THE PUBLIC SAFETY & CORRECTIONS COMMITTEE FOR APPROVAL AND SAID BUDGET SHALL NOT INCLUDE ANY FUNDING FOR THE TRAFFIC SAFETY BOARD ITSELF MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 105.1.A. MATTERS WHICH WILL IMPERIL THE PUBLIC SAFETY IF DISCLOSED MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR

**Monday, December 6, 2004
10:00 a.m.**

**PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Monday, November 29, 2004.**

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Special Meeting

Monday, November 29, 2004

9:45 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE: DeWitt T. Baker, D.V.M., Chair Lldon E. Jamison, Vice Chair Donald B. Creath
Patrick F. McAllister, Esq. John Walsh

STAFF: Mark R. Alger Frederick H. Ahrens, Jr. Tim Wixom

LEGISLATORS: Philip J. Roche, Esq. Kenneth E. Isaman Harley R. Mayo
Robert V. Nichols David R. Stachnik Gary D. Swackhamer

OTHERS: Dave Shoen, WENY

I. CALL TO ORDER

Dr. Baker called the meeting to order at 9:45 a.m.

II. GENERAL BUSINESS

1. 911

Grant – Mr. Wixom informed the committee that they are in the process of applying for another grant. The State is requesting that we do another resolution designating the Steuben County 911 Center as the Public Safety Answering Point to receive all wireless 911 calls in Steuben County. In that resolution, they would also like included that the County supports the request for Expedited Deployment Funding as available through the New York State 911 Board. Mr. Wixom explained that the State has an additional \$50 million. We are looking at everything that we are spending and putting it into this grant.

MOTION: DESIGNATING THE STEUBEN COUNTY 911 CENTER AS THE PUBLIC SAFETY ANSWERING POINT TO RECEIVE ALL WIRELESS 911 CALLS IN STEUBEN COUNTY AND SUPPORTING THE REQUEST FOR EXPEDITED DEPLOYMENT FUNDING AS AVAILABLE THROUGH THE NEW YORK STATE 911 BOARD MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, December 6, 2004

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Lldon E. Jamison, Vice Chair	Patrick F. McAllister	John Walsh
STAFF:	Mark R. Alger Richard C. Tweddell Dave Hopkins Nancy Smith	Frank Justice David Cole Frederick H. Ahrens, Jr.	Tim Marshall Tim Wixom David English
LEGISLATORS:	Philip J. Roche	Harley R. Mayo	Thomas J. McIntyre
ABSENT:	DeWitt T. Baker, D.V.M., Chair	Donald B. Creath	
OTHERS:	Mary Perham, <i>The Leader</i> Dave Shoen, WENY		

I. CALL TO ORDER

Mr. Jamison called the meeting to order at 9:00 a.m. He asked Mr. McAllister to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE NOVEMBER 1, 2004 AND NOVEMBER 29, 2004 MEETINGS MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. DEPARTMENTAL REPORTS/REQUESTS

1. Probation

Resolution – Mr. Justice informed the committee that he has received the paperwork for next year to send to the State. Last year, we did a resolution appointing the Alternatives to Incarceration Board and those appointments were good for two years. We have been advised that we need to have a victim appointed to that Board as well. He requested the committee amend the appointment resolution to include the appointment of David Collson as victim representative.

MOTION: AMENDING THE ATI APPOINTMENT RESOLUTION TO INCLUDE THE APPOINTMENT OF DAVID COLLSON AS VICTIM REPRESENTATIVE FOR A TERM OF TWO YEARS MADE BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

2. 911 Enhanced

Addressing – Mr. Wixom distributed the final addressing map showing that the addressing project is completed. This is a huge step for 911. Mr. Wixom explained the 911 staff traveled every road in this County and documented everything in 35-foot increments. Now this is in the mapping system and we can see the house that is out of addressing sequence and tell you where it is located. Mr. McIntyre stated that he would like to compliment Mr. Wixom, as this is something that we have long waited for and he has more confidence that the project is near the final stage.

Verizon – Mr. Wixom stated that they have had ups and downs with Verizon, but everybody who has been involved at this point is really cooperative. The 911 CAMA trunks have been installed. Last week Positron, Verizon, Frontier and Ronco were all here. Now we are just waiting for a couple of more switches from Positron. On Wednesday they made their first test call into the system. We have to have the switch because there are several layers of redundancy in the building which are comprised of the two switches and the ALI/ANI controller. Can we take calls this afternoon? No, but we are getting down to the refinement of the system.

Mr. Wixom informed the committee that they still have a couple of crucial interfaces that Positron needs to make work. This includes the integration of the CAD and radio system as well as the integration with NYSPIN. Once the interfaces are done, then we can set a date to train staff and turn the system on. Mr. Wixom explained testing the system will be complicated. His biggest concern is that during the testing process we don't catch a real 911 call. The testing needs to be very controlled. He stated that Dave Bates and Mike Foley will be taking the test calls just in case we get a true emergency. They won't do the live cellular testing until the system is up and running. Everyone is welcome to come by and see what they are doing.

Mr. Jamison asked you will be having eight weeks of training? Mr. Wixom replied yes. Mr. McAllister replied are you still planning to turn the system on during the first quarter of 2005? Mr. Wixom replied yes, however, he can't set a specific date at this time. Positron will be coming to do the training in-house.

Personnel – Mr. Wixom requested authorization to reclassify two Grade IV Clerks to one Grade XIII GIS Technician. We currently have a gentleman who has been working as a temporary staff person since the summer. Mr. Wixom explained, Mr. Sears is the GIS Coordinator for the County. Our entire 911 system is based on data in the map. We need someone in-house to maintain the mapping. This individual will have to take the test which is being offered in April. He would be provisional until he passes the examination. Mr. Wixom stated that he could easily justify this position for five or six years.

Mr. Alger commented the addressing will constantly change and that is a function of the GIS system. We will have to have maintenance done on it. He doesn't envision this being a temporary position. This would need the approval of the Legislature. Mr. Walsh asked what is the dollar amount involved? Mr. Wixom replied the starting pay would be \$29,332. This is already in the budget for next year. Mrs. Smith clarified that the two clerk positions equal \$39,222, so the new position would be less money.

MOTION: AUTHORIZING THE RECLASSIFICATION OF TWO GRADE IV CLERKS TO ONE GRADE XIII GIS TECHNICIAN IN THE 911 ENHANCED DEPARTMENT MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Motorola API – Mr. Wixom informed the committee that in the Positron contract, there is a line item for the Motorola API. This is an interface that in CAD when we get a call the system acknowledges the call and the dispatch and the system will send the tones out on the radio system. The County has to purchase this as we own the system. Motorola then has the opportunity to use the interface. We are the only one that can purchase this piece of equipment. Positron had originally quoted us a price of \$16,500, however Motorola is stating that

the actual price is \$18,112. Mr. Wixom asked for permission to purchase the Motorola API from Motorola and to tell Positron that our contract states that the cost is \$16,500 and that Positron will be eating up the difference.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO PURCHASE A MOTOROLA API FROM MOTOROLA AT A COST OF \$18,112 AND DIRECTING THAT POSITRON BE RESPONSIBLE FOR THE DIFFERENCE IN THE ACTUAL COST VERSUS THE PRICE THAT POSITRON QUOTED IN THEIR CONTRACT MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Equipment for Civil Defense Center – Mr. Wixom informed the committee that they are developing the off-site backup facility that will be located at the Civil Defense Center. There will be two off-site radio consoles at that site and Motorola has quoted us a price of \$87,873 for the equipment that would be installed at the Civil Defense Center.

Mr. Jamison asked why is the backup facility there? Mr. Wixom replied there are two scenarios that they have developed. If we had to evacuate the 911 Center and assuming that the equipment was still up and running at the 911 Center, we would be fully functional at the Civil Defense Center. The other scenario is if the 911 Center is destroyed and the equipment was no longer functioning, we could go to Mt. Washington and still use the radio system. At the Civil Defense Center we could also have staff there if needed. Mr. McAllister asked did we budget for this? Mr. Wixom replied he has money for these projects in his budgets. We will also be submitting a grant for \$919,845.75.

Mr. Jamison asked is there any remodeling that needs to be done at the Civil Defense Center? Mr. Wixom replied we would need to build an addition onto the back of the Civil Defense Center. Wherever we are has to be secure. We originally looked at a 20 x 20 building and then looked at a 16 x 24 building. We are trying to find something that suits our needs. Mr. Jamison asked what about using the vacant room at the Sheriff's Office? Mr. Wixom replied that is in very close proximity to the 911 Center. Mr. McIntyre commented at one time we had talked about using the Bath Police Department or a mobile unit. Mr. Alger stated we took out the idea of the mobile vehicle a long time ago. The Bath Police Department is just not big enough. We have looked at several alternatives. There is not space in the County Office Building. The Civil Defense Center is the most logical choice. We can put a small addition on and secure it. At this point we are evaluating the cheapest alternative to do this. We are looking at something prefabricated that is ready to set down. The price on the prefabricated modular trailers was reasonable. Mr. Wixom stated that's why we went to the 16 x 24 size so that we wouldn't have to get something custom built which would be more expensive. We are looking at \$16,000 for each of these buildings and we have to have a certified building, as people will be working out of them. Mr. Alger stated that any other alternative that we looked at, we were looking at \$30,000 - \$40,000. The modular buildings are the least expensive way to get what we need.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO ENTER INTO AN AGREEMENT WITH MOTOROLA TO PURCHASE EQUIPMENT FOR THE OFF-SITE BACKUP FACILITY LOCATED AT THE CIVIL DEFENSE CENTER AT A COST OF \$87,873 MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Cabling – Mr. Wixom requested authorization to spend \$5,500 for additional cabling in the 911 Center. We have maxed out all of the cable in our building and we need additional cabling for some items and for growth.

MOTION: AUTHORIZING THE 911 DIRECTOR TO SPEND UP TO \$5,500 FOR ADDITIONAL CABLING FOR THE 911 CENTER MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Equipment – Mr. Wixom informed the committee that they will need to add five workstations at the Civil Defense Center and they also will need to have separate servers for the MDT and AVL system. Positron has quoted a price of \$187,936.24 for the additional equipment for the Civil Defense Center and a price of \$59,712.20 for the MDT and AVL servers. The total is \$247,648.44. Each position that we put in at the Civil Defense Center will cost \$16,326.96 for the license, hardware and the connectivity into the network at the 911 Center.

Mr. McIntyre asked do all counties have backup systems? Mr. Wixom replied he can't say they all did, but after September 11th, they realized that they needed to. If something happens to the 911 Center, what do you do? Mr. Ahrens asked can you have an intergovernmental cooperation agreement with other counties to take our calls? Mr. Wixom replied you could if we lost our ability to take calls. We are currently talking with the counties contiguous to us regarding this. Mr. Jamison asked is there money in your budget for this? Mr. Wixom replied yes.

Mr. Alger stated this is all part of the project budget. These are some of the things Mr. Wixom will be applying for under the grant. We recently received \$460,000 for the general setup of the Center and that allows us to do some of these things. We hope to get the projects funded out of the grant. Mr. Alger stated Mr. Wixom is asking to go forward with these projects that he will have the backup capability when he turns on the system. Mr. Wixom commented his goal is to have this all paid for by the State Wireless Grant.

Mr. Walsh asked when will the backup system be turned on? Mr. Wixom replied the Mt. Washington site needs to be on before the 911 system is in operation and he would also like the site at the Civil Defense Center to be on at the same time. Mr. McAllister asked could we have a backup system with adjoining counties? Mr. Wixom replied it is feasible, however, he thinks that it would become cost prohibitive. Our agreement is to answer calls and be able to dispatch them on another channel. The other county has to have the staff on board to take that additional influx of calls. You would have no warning of something like that. Mr. Alger stated that there are good points as well as bad. The bad is that it is expensive. The good is that you can do this within the cost of the project and you have the grant. If you didn't have the grant, we would be trying to do this, but we would not be able to do it. Mr. Walsh asked this won't affect next year's budget? Mr. Alger replied no. Mr. Walsh asked do we have to have a backup? Mr. Alger replied we do have to have a backup plan. Mr. Wixom stated you have to have a backup someplace. The State will look at the system and give us permission to turn the system on. Mr. Alger commented this is one of the last major hurdles. Mr. Wixom stated we will be submitting a grant application for \$919,845.75.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO PURCHASE FIVE ADDITIONAL WORKSTATIONS FOR THE CIVIL DEFENSE CENTER AT A COST OF \$187,936.24 AND TWO SERVERS FOR THE MDT AND AVL SYSTEMS AT A COST OF \$59,712.20 FROM POSITRON FOR A TOTAL COST OF \$247,648.44 MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Mr. Wixom requested authorization to go out to bid for two frame relay circuits for our building to connect us to Massachusetts and New Jersey to handle inbound and outbound MDT traffic.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO GO OUT TO BID FOR TWO FRAME RELAY CIRCUITS FOR THE 911 CENTER TO HANDLE INBOUND AND OUTBOUND MDT TRAFFIC MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Rural Metro – Mr. Wixom informed the committee that he had spoken to Al Lewis from Rural Metro who had asked what kind of interface they will have with 911. The easiest would be to dispatch Rural Metro on the VHS frequency and we could follow that up with a fax of the information we received. They asked if they

could have a computer system linked to our office in their office. Technically it is feasible, but it is a question of cost. It would cost \$16,000 for the computer and the wireless link into their office. Mr. Wixom stated that his question is do we allow it, and who pays the initial setup and recurring costs? Mr. McAllister stated that he would like to table this issue until the rest of the committee is here. Mr. McIntyre commented that they should have Mr. Lewis come to the next meeting. Mr. Wixom stated that he would ask him to attend next month's committee meeting. Mr. Jamison asked would you do this for the other ambulance corps in the County? Mr. Wixom replied technically, we could look at any agency that had their own dispatcher. With Rural Metro the question is which is the best interface. This would give them the ability to use our system, but there is cost involved here.

Mr. Ahrens asked would there be a workstation for them at the 911 Center? Mr. Alger replied no. That concept was not approved. This is a question of how to best give them their calls. They are a private for-profit group. Virtually all of the remaining ambulance corps are public or quasi public organizations and they are not the same. They don't have dispatching capabilities with the exception of Hornell. Mr. Ahrens commented then we don't have an equal party issue. Mr. Alger stated Corning City is dependent upon Rural Metro to do all of their ambulance work. Mr. McAllister asked would this be in addition to how they would normally receive calls? Mr. Wixom replied they would use the same system as the 911 Center and it would give them better statistics. What they are asking for is to be able to lease time and space on our system. This gives them the call a little bit faster. It also would give us better knowledge of when they are enroute, etc. We are giving them the option of using our system. It gives them another tool to use. If they paid for the computer and gave us, for example, \$1,000 per month to use our system, that would be a hypothetical situation. Sheriff Tweddell asked what information would be available to them? Mr. Wixom replied only the jobs for Rural Metro. They would not have access to anything else. Mr. Ahrens asked do we tell them of potentially dangerous situations? Mr. Wixom replied absolutely.

MOTION: TO TABLE ACTION OF RURAL METRO'S REQUEST FOR HOW BEST TO INTERFACE WITH THE 911 CENTER UNTIL THE JANUARY MEETING MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

3. Public Defender

Monthly Report – Mr. Cooper distributed his monthly report for the committee's review.

D & E Felony Proposal – Mr. Cooper stated his intent is to propose a plan to reduce costs of delivering legal services in all D and E felony cases, except conflicts of interest. He stated that he is planning on doing all of the C felony work. Mr. McAllister asked what about addressing this issue with a conflicts office? Mr. Cooper replied that he will look at it, however, he doesn't think the County would need that. He reminded the committee that the old rate was \$40.00 in court and \$25.00 out of court per hour. The current rate is \$75.00 per hour across the board.

Mr. Cooper stated that currently all D and E felonies are assigned to attorneys outside the Public Defender's office. The projected cost for a calendar year of all assigned cases is \$680,791.93. The projected number of D and E felony cases for a calendar year with eligible indigent defendants is 275 which would amount to a projected cost of \$265,409.50. Mr. Cooper stated that there are three options. The first is to do nothing and the projected cost for the D and E felonies is \$265,409.50. The second option is to hire one full-time attorney to handle all D and E felonies, excluding conflicts of interest. However, one full-time attorney would not be able to handle all of those cases and we would still be assigning some cases out. He commented that there are very few conflicts of interest with D and E felonies. The projected savings would be \$77,493.75. The third option is to hire two full-time attorneys and one full-time secretary to handle all D and E felonies, excluding the conflicts of interest. The projected savings with this option would be \$130,830.21. Mr. Cooper

commented the starting salaries for the two attorneys would be between \$35,000 - \$55,000 depending on experience. The starting salary for the full-time secretary would be \$20,000. That is a savings of \$130,000.

Mr. Cooper explained the total cost of the staff estimate is based on the cost of the attorneys at \$40,000 each. He is not advocating for two Deputy Public Defenders, but rather just Public Defenders. The projected total for assigned counsel for 2004 is \$442,553.92. He commented that when we began 2004 the new rate increase was just in effect. It wasn't until about mid-year that we started seeing the vouchers that contained the \$75.00 rate. We had not yet made the full transition to the new rate.

Mr. McIntyre asked where would you put the new people? Mr. Cooper replied he doesn't know yet. Mr. Roche stated you have 275 cases minus the conflicts which may be 25 - 50 cases. Are two individuals going to be able to handle a caseload of 240 which is 120 cases each? Mr. Cooper replied yes. Mr. Roche asked would these two individuals have other responsibilities? Mr. Cooper replied no. If the caseload varies more than expected, then we would adjust the caseloads. Their basic duties would be D and E felonies. Mr. Roche commented then A and B felonies would be done by the part-time attorneys, you would be handling the C felonies and the two new attorneys would be handling the D and E felonies.

Mr. McAllister asked if the part-time attorneys were full-time, what would be the normal felony caseload? Mr. Cooper replied the caseloads would be 125 - 130. If you get above that, then you are getting into ethical issues. He commented that the caseloads for the A and B felonies would need to be less as they are more time intensive. Mr. Cooper stated that he talked with other counties, attorneys and his association regarding more manageable caseloads and he feels that he is just about right with the D and E felony caseload. Mr. Roche asked would you say that of those about 10 percent go to trial? Mr. Cooper replied it would be less than that. The vast majority of cases don't go to trial. With the higher risk felonies, what have you got to lose by going to trial. There tend to be more trials at the higher levels. He would be surprised if 5 percent actually go to trial. Mr. McAllister asked what is the average time to dispose of a case. Mr. Cooper replied a couple of month. He would like to reduce that.

Mr. Cooper informed the committee that travel time is included in the travel savings. There is \$5,000 of travel savings included within the \$130,000 savings of the third option. When we are assigning cases out, they are going to attorneys all over the County. That accounts for a lot of travel. The felonies are going to be, for the most part, coming out of the population centers, such as Bath, Corning and Hornell. Mr. Ahrens asked how will you handle preliminary appearances? Mr. Cooper replied he is still struggling with that. His preference would be to have those be done by the attorneys who are the misdemeanor attorneys for that particular court. He thinks that is the direction that they are headed. Mr. McAllister asked are the D and E attorneys just handling County Court? Mr. Cooper replied that's the way that he wants it to be. The part-time public defenders have practices of their own. Their other schedule has to be accounted for as well.

Mr. Alger informed the committee that they have been budgeting for the last several years approximately \$250,000 - \$275,000 for assigned counsel, prior to the rate increase. When you look at the projected increase, it is a little bit less than three times what we have been budgeting. We are estimating \$680,000 for the upcoming year and we budgeted \$275,000. That is \$400,000 that we would need next year to fund the current system. We should get \$160,000 - \$170,000 in additional State aid sometime next year. In the bigger scheme of things, if we are successful with this, we will be close on the assigned counsel program for the year with the additional State aid. We would be pretty close to being even for the year. Mr. Ahrens asked what is the process for creating these positions? Mr. Alger replied over a year ago we put in a 16B request. These positions have already been requested, but we didn't act on them as we didn't have a recommendation. Mr. Ahrens asked would this have to go to Administration? Mr. Alger replied this request would need to go to Administration, Finance and the Legislature.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO HIRE TWO FULL-TIME ATTORNEYS AND ONE FULL-TIME SECRETARY TO HANDLE ALL D & E FELONIES, EXCLUDING CONFLICTS OF INTEREST MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

4. Emergency Management Office

Hazard Mitigation – Mr. Marshall stated last month they had brought a request to the committee to seek out a consultant to help them with their Hazard Mitigation Plan. In talking with Mr. Heffner, we feel at this point by freeing up his staff, he has the time to reallocate toward Hazard Mitigation and we will be doing this in-house with Planning, our department and other County agencies that need this plan.

5. Sheriff

Civil Report – Sheriff Tweddell reported fees paid to date are \$128,779.52.

Jail Report – Sheriff Tweddell reported that money owed to the Jail to date is \$501,384.18. The population as of this morning is 162 which includes 6 Federal's, 1 State ready and 10 boarded out in Chemung County. Money spent as of December 2, 2004 to house out inmates is \$237,000.

Budget Transfer (Jail) – Sheriff Tweddell requested authorization to transfer a total of \$8,331.29 from Major Equipment, Minor Equipment and Miscellaneous line items into the Food line item.

MOTION: AUTHORIZING THE JAIL TO TRANSFER A TOTAL OF \$8,331.29 FROM THE MAJOR EQUIPMENT, MINOR EQUIPMENT AND MISCELLANEOUS LINE ITEMS INTO THE FOOD LINE ITEM MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Sheriff Tweddell informed the committee that for 2004 for the medical expenses for the Jail they took out \$50,000 and put it into the Mental Health line item for psychotropic drugs. That account needs an additional \$28,000 to cover expenses through the end of the year. We paid this out of the Sheriff's account and billed Mental Health for it.

MOTION: AUTHORIZING THE TRANSFER OF \$28,000 FROM THE CONTINGENT FUND TO THE SHERIFF'S ACCOUNT FOR PSYCHOTROPIC MEDICATIONS MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Grant – Sheriff Tweddell informed the committee that they have received notification that they have received \$6,000 from the Governor's Traffic Safety Board for the Buckle Up New York campaign. This is a non-matching grant. These funds will be put into his personal services line item.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A GRANT FROM THE GOVERNOR'S TRAFFIC SAFETY BOARD IN THE AMOUNT OF \$6,000 FOR THE BUCKLE UP NEW YORK CAMPAIGN MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Jail Survey – Sheriff Tweddell informed the committee that he has been meeting with Mr. Alger regarding this survey. They have decided that the RFP to have this done might not be a good idea. The Commission of Corrections will tell us how big we will build the Jail if we build. He did confer with Chemung County who had the survey done. Mr. Alger stated one of the things we are looking at is how do we avoid people going to Jail. Other counties have used the Center for Governmental Research to do that research for

them. That will give you some information about alternatives that you are not doing, and what we can do with Probation. That is independent of the Jail. The Commission will come back and tell you how many beds you need. When we put out the RFP, all of the responses we got back were from Colorado. There were no regional firms here. Mr. Alger stated if we pursue an analysis with the Center for Governmental Research we will get what we are after. He would like to pursue that alternative and then we can get a proposal from them and go from there.

MOTION: DIRECTING THE SHERIFF AND THE COUNTY ADMINISTRATOR TO PURSUE A PROPOSAL FROM THE CENTER FOR GOVERNMENTAL RESEARCH TO DO A SURVEY OF THE COUNTY'S CRIMINAL JUSTICE SYSTEM MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

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. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: AUTHORIZING THE TRANSFER OF \$28,000 FROM THE CONTINGENT FUND INTO THE SHERIFF'S DEPARTMENT PERSONAL SERVICES, TEMPORARY HIRE AND OVERTIME LINE ITEMS MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO ENTER INTO A CONTRACT FOR A WIRELESS LINK TO THE CITIES OF HORNEILL AND CORNING AT A COST OF \$64,810 MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

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

Respectfully Submitted by: Amanda L. Chapman, Senior Stenographer, Steuben County Legislature

NEXT COMMITTEE MEETING SCHEDULED FOR
Monday, January 3, 2005
10:00 a.m.

**PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Monday, December 27, 2004.**