

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, January 3, 2005

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, Esq.
John Walsh

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

LEGISLATORS: Harley R. Mayo Thomas J. McIntyre

ABSENT: Donald B. Creath

OTHERS: 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 DECEMBER 6, 2004 MEETING MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REPORTS/REQUESTS

A. Public Defender's Office

1. **Monthly Report** – Mr. Cooper distributed his monthly report for review. He commented that his office handled 2,600 cases last year. Our caseloads have increased approximately ten percent every year for the past few years. Dr. Baker asked do you have enough money to cover through the end of 2004? Mr. Cooper replied yes. Mr. Ahrens asked with regard to the Assigned Counsel, how many of these cases do you expect your office to pick up once you have your additional staff in place? Mr. Cooper replied for the year upcoming, if we had those attorneys in place today, we would be able to pick up 270 cases out of 419. Mr. Walsh asked what is the time frame for hiring the new attorneys? Mr. Cooper replied he is hoping to hire them some time in February. Right now office space is a problem. Mr. McAllister asked will you be looking this year into the possibility of a Conflicts Office? Mr. Cooper replied the next two things that he is going to look at is how we are doing A and B felonies and how we can improve our misdemeanor work. The very next thing after that is will it be feasible to look at a Conflicts Office. Mr. Ahrens commented that Chemung County has started up a Conflicts Office and we will be able to use them as a model.

2. **Personnel** – Mr. Cooper informed the committee that his secretary needs more help. There is a program called Experience Works and we have interviewed an individual from there. This person won't cost the County anything. The State pays for it. He would like to have this individual start this week if at all possible. He anticipates that this individual would be working in his office for a few months at most. Mr. Cooper stated that his secretary is overwhelmed with voucher work. The closer we get to hiring the attorneys, then that work will start to trickle off. Mr. Ahrens commented there is the expectation that this will turn into some sort of a position. Mr. Cooper stated that he is not aware of that. Mr. Ahrens stated that he talked with Mrs. Smith and there are

some legalities with this that we still need to work out. Mr. McAllister asked are we caught in a situation that we need to make a position that is funded by the County? Mr. Ahrens replied we can't do that according to our Rules of Procedure. Experience Works is the employer, not the County. Mrs. Smith is working on the expectations of this being made into a position, and we cannot commit to that because of our Rules of Procedure and also because if it were made into a position, it will be a Civil Service position that would have to be tested and that individual would have to qualify in the top three. Dr. Baker asked is there a time limit on the State funding? Mr. Ahrens replied that is something that would be reviewed either quarterly or every six months. Mrs. Smith is under the impression that she could move the position to another department.

MOTION: AUTHORIZING THE PUBLIC DEFENDER'S OFFICE TO HIRE A TEMPORARY WORKER FROM EXPERIENCE WORKS CONTINGENT UPON FURTHER REVIEW BY THE COUNTY ATTORNEY REGARDING VARIOUS LEGALITIES AND THE COUNTY ADMINISTRATOR'S FINAL APPROVAL MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER.

Mr. McAllister commented that he is fine with hiring this person with the provision that we are not obligated to make that into a full-time position. Mr. Ahrens stated we will be entering into a contract as we are providing a work opportunity for someone. Mr. Cooper stated that his understanding is that we are not paying a dime.

B.. Sheriff's Department

1. **Civil Report** – Sheriff Tweddell reported that civil fees paid to the County for 2004 were \$141,994.73. This is over what we had budgeted.

2. **Jail Report** – Sheriff Tweddell reported that total money due the Jail for 2004 is \$522,211.39. This is down \$100,000 from what was budgeted. The population at the Jail as of this morning is 161 inmates. This includes 6 Federals, 0 board-in's, 1 State ready and 27 boarded out to Chemung County. The cost for those 27 inmates is \$2,000 per day. Sheriff Tweddell stated that he has talked with Chemung County and without our 27 inmates their population would be 132 for a 250-bed facility. They are thanking us. He stated that he has talked with the District Attorney and indictments are up 25 percent since last year. Approximately 50 percent of those are felonies. Arrests are up, however, major crimes are down. Sheriff Tweddell stated that they have spent \$270,640 in 2004 to house out inmates. They have \$100,000 budgeted for next year.

3. **Jail Survey** – Sheriff Tweddell stated that he has talked with Mr. Alger regarding the survey. Mr. Alger stated that they sent a letter to the Center for Governmental Research and he has talked with Mr. Gleason about how to secure their proposal under our purchasing rules. We are going to look at their quote and then go from there. They will come in and do an analysis of the Alternatives to Incarceration Program, make recommendations and do an overview of the Jail population and also do recommendations about the population in general. You will most likely find that their numbers will correspond with what the Commission has told us. We really want to look at the Alternatives to Incarceration Program. Sheriff Tweddell informed the committee that he will be meeting with the Commission next week. His fear is that if we don't show that we are trying to do something, then the Commission will come in and do something. Your advantages of negotiation are greatly reduced if they do that.

4. **Personnel** – Sheriff Tweddell stated that at the December Legislative Meeting, his request for hiring three additional Deputy Sheriff's for Court Security was approved. He stated that he would like to reclassify those three positions to Peace Officers with a weapon. The list for Deputy Sheriff does not include individuals that have already gone through the academy. Peace Officers with a weapon go through two weeks of training and the 7th Judicial District will pay for one week of classroom, but not the 47 hours on the range. Sheriff Tweddell stated that the starting salary for a Deputy Sheriff is \$26,000 and the starting salary for a Peace Officer with a weapon is \$20,000.

MOTION: AUTHORIZING THE RECLASSIFICATION OF THREE DEPUTY SHERIFF BUILDING SECURITY TO THREE BUILDING SECURITY PEACE OFFICERS WITH GUNS WITHIN THE SHERIFF'S DEPARTMENT MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

5. **Major Equipment** – Sheriff Tweddell requested authorization to release funding for the following projects: Drug Enforcement, including the Byrne Grant to order vehicles, Navigation to look at a different motor, Jail for facility locks and cameras and DWI to partially purchase a speed trailer only if we can get other grant money to match.

MOTION: AUTHORIZING THE SHERIFF TO ACCESS THE FOLLOWING ACCOUNTS: DRUG ENFORCEMENT, INCLUDING THE BYRNE GRANT TO ORDER VEHICLES, NAVIGATION TO LOOK AT A DIFFERENT MOTOR, JAIL FOR FACILITY LOCKS AND CAMERAS AND DWI TO PARTIALLY PURCHASE A SPEED TRAILER ONLY IF THEY CAN GET OTHER GRANT FUNDING TO MATCH MADE BY DR. BAKER. SECONDED BY MR. McALLISTER.

Mr. Jamison asked how is a speed trailer going to help speeding? Sheriff Tweddell explained the speed trailer has a computer setup and will tell us what the speeds are. You can have the trailer show the speeds to the drivers as well. They tried a speed trailer in Corning at the college to try to collect more data. Mr. Alger asked will this be the same type of sign that you can put messages on as well? Sheriff Tweddell replied no. This will be a lot smaller than those.

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

C.. Emergency Management Office

1. **Budget Transfer** – Mr. Sprague requested authorization to transfer \$3,000 from the Emergency Management Budget Personnel line item to the Emergency Communications Budget to cover utility costs for the remainder of 2004. He stated that they had originally budgeted \$12,000 but that was cut back to \$9,000. They have projected that the total utility costs for 2004 will be \$11,940.

MOTION: AUTHORIZING THE TRANSFER OF \$3,000 FROM ACCOUNT # 364000.5.110.000 TO ACCOUNT #3641.5.411.200 TO COVER UTILITY COSTS FOR THE REMAINDER OF 2004 MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D.. 911 Enhanced Department

1. **Pictometry** – Mr. Wixom informed the committee that Pictometry, which has aerial photos of the entire County is in place. They will be doing an all-day training tomorrow. The contract we have allows us to legally install the program and give copies of the images to every County agency, city, village and town.

2. **Grant** – Mr. Wixom informed the committee that he has submitted his application for the second round of grants for the Phase II Expedited Wireless Program. He is asking for approximately \$1 million. On February 1st and February 2nd he will be in Albany available to answer any questions they may have. He anticipates that he should know February 2nd whether his application has been approved.

3. **Pagers** – Mr. Wixom requested authorization to issue a pager to each of his employees. If there is a crisis he needs to be able to quickly contact them. Also, this is a requirement from the State that staff be readily available in case of an emergency. He would like to purchase 28 pagers at a cost of \$347.10 each for a total cost of \$9,718.80. He does have money available in the Project budget.

MOTION: AUTHORIZING THE 911 ENHANCED DEPARTMENT TO PURCHASE 28 PAGERS AT A COST OF \$347.10 EACH FOR A TOTAL COST OF \$9,718.80 FOR ALL EMPLOYEES AT THE 911 CENTER MADE BY MR. JAMISON. SECONDED BY MR. WALSH. 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.A. MATTERS WHICH WILL IMPERIL THE PUBLIC SAFETY IF DISCLOSED AND 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. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: APPROVING THE LOW BID OF \$31,360 FROM HALCO ELECTRIC FOR A GENERATOR AND INSTALLATION AT THE CIVIL DEFENSE CENTER MADE BY MR. McALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: APPROVING THE LOW BIDDER, WILLIAM SCOTTSMAN, FOR A 16 X 24 MANUFACTURED BUILDING FOR \$34,497 FOR THE MT. WASHINGTON BACK-UP SITE MADE BY MR. McALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: RECOMMENDING TO THE ADMINISTRATION COMMITTEE THAT THE SHERIFF BE GIVEN RESPONSIBILITY FOR PISTOL PERMIT ADMINISTRATION, REMOVING SAME FROM THE COUNTY CLERK'S OFFICE 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. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN MADE BY MR. WALSH. 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, February 7, 2005

10:00 a.m.

PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE

NO LATER THAN NOON

Monday, January 31, 2005.

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Thursday, February 3, 2005

1:00 p.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 Byrum Cooper Michael Sprague
Tim Wixom Dave Hopkins James Gleason
Richard C. Tweddell David V. Cole Frank Justice
Frederick H. Ahrens, Jr. David English Nancy B. Smith
Edward J. Castellana Gregory P. Heffner

LEGISLATORS: Philip J. Roche Kenneth E. Isaman

ABSENT: Lldon E. Jamison, Vice Chair

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

I. CALL TO ORDER

Dr. Baker called the meeting to order at 1:05 p.m. He asked Mr. Walsh to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 3, 2005 MEETING MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REPORTS/REQUESTS

A. Probation

Dr. Baker thanked Mr. Justice for his 2004 report that he sent to the committee. Mr. Creath asked how much capacity do you have for the ATI program based upon your staff and equipment? Mr. Justice asked is this related to the overcrowding of the Jail? Mr. Creath replied yes. Mr. Justice replied with the ATI program there are two components. The first is the pre-trial release program and we are full capacity with that now. Currently, the Probation Assistant goes to the Jail and interviews the new detainees. When we get all of the information, including any holds on individuals, we go back to the office and calibrate that information. With pre-trial release, we look at if the individual will show for their next court appearance. In 2004, we had 4 failures out of 157. Of the 795 people we screened, we interviewed 414. There is also community safety, and we have to look to see if individuals qualify for that.

Mr. Justice explained the other part of ATI is community service and Electronic Home Monitoring. Mr. Creath asked are the people in Jail waiting for ATI? Mr. Justice replied post-sentence, no. Dr. Baker asked are you at capacity for home monitoring? Mr. Justice replied yes. Most units were used last year. We extended that program to the pre-trial population. Last year we had 31 individuals let out on electronic home monitoring and 2 of those individuals destroyed the units. We currently have 31 units at a cost of \$75.00 per day. We can extend that. We have a contract with BI, Inc. and they are more than willing to sell us more units. We have a maintenance agreement with them for 3 – 5 years. Mr. Justice stated that they did look at global positioning passive units. With these units we have to depend upon an offender to wear something on a belt and then come in

and place the unit into a home unit and download the information. He stated that he has talked with the Sheriff about collaboration with this, but there are many questions that have to be answered about this. If we know they are in a no zone and we don't respond what kind of issues are there? Right now, this is a passive unit.

Mr. Justice stated ISP is full. The community services program is working at a good clip. With the pre-trial release, he believes that we saved 6,294 total jail days last year. He stated that his statistics show that the department is working beyond capacity. Our caseloads are creeping up into the 70's. Mr. Justice commented that he would ask them to remember that the Legislature continues to change the laws. When you change laws you create consequences. Approximately 95 percent of the time, the consequence is probation. For example, with the new changes in the Rockefeller Drug Laws, we have halfway houses in this County. We are talking about people that transfer here and then become our problem. There are practices outside of the County that come to bear on us. Mr. Justice stated with the Jail population and that being a catalyst to our caseload, he could use another person to go into the Jail. We will not make a promise that we could reduce the Jail population. Could we be more effective? Yes. What we lack right now is the ability to do the amount of necessary follow through.

Mr. Alger stated that we are in the process, with the approval of the AdHoc Committee, to go forward with an RFP for a group to come in and do an expanded evaluation of the Alternatives Program. Mr. Creath had suggested looking at the entire system and seeing if we can't implement practices in the system that would in fact cause some extension of time in the Jail that maybe we could effect. In the next month or two we will be discussing with you and your staff, ideas of what we could do. The Chairman is looking at the ATI Board and the concept of a Criminal Justice Council. We will look at the population currently served and those in the Jail.

Mr. Justice commented when you look at restitution, last year we took in \$378,396. We have one person who is taking care of that amount of money. This will only get higher. The degree of accountability is to the point where we need someone else there. The JD and PINS diversions are very good.

ATI Plan – Mr. Justice stated that he has already sent his plan in. Chairman Roche has signed off on the financial piece. He asked that the committee authorize them to submit the plan and to accept funds in the maximum amount as allowed by the State.

MOTION: AUTHORIZING THE PROBATION DEPARTMENT TO SUBMIT THEIR ATI PLAN AND TO ACCEPT FUNDS IN THE MAXIMUM AMOUNT AS ALLOWED BY THE STATE MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

Mr. Justice informed the committee that there will be an ATI Board meeting next Monday at 2:30 p.m.

Mr. Justice stated he received a letter from Senator Winner and Assemblyman Bacalles informing him that the Probation Department has been awarded \$25,000 for hardware and software needs. He requested authorization to accept this funding.

MOTION: AUTHORIZING THE PROBATION DEPARTMENT TO ACCEPT \$25,000 IN FUNDING FROM NEW YORK STATE TO HELP WITH HARDWARE AND SOFTWARE NEEDS MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. Emergency Management Office

1. **Designation of Hazard Mitigation Committee** – Mr. Sprague informed the committee that the Planning Department has been helping them to finalize their Hazard Mitigation Plan. One of the components is that we need to designate a committee. We would like to use members of the LEPC which is already set up and then add a few more people to it. Mr. Heffner commented we would like to add some of the people that were part of the hazard analysis that we originally did, to the LEPC committee, which we will then call the Hazard Mitigation Planning Committee.

MOTION: DESIGNATING A HAZARD MITIGATION PLANNING COMMITTEE TO BE MADE UP OF MEMBERS OF THE LEPC COMMITTEE IN ADDITION TO SOME INDIVIDUALS WHO WERE PART OF THE ORIGINAL HAZARD ANALYSIS MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. Sprague distributed a copy of the district summary of the mutual aid report for the past six years. This report gives you an idea of how incidents have increased over the years. When we started, we had 5,200 incidents and now we are up to 6,000 incidents. He commented that this does not include numbers for the Hornell area.

Mr. Sprague informed the committee that he went to a meeting in Rochester regarding the WMD Task Force and funding for this year. At the time of the meeting, they did not know the amount. We did not get paperwork as it will be an online application. The application period started October 1, 2004 and the information was just sent to Chairman Roche, which has the designation of who can apply and the amounts of funding. Last year they had \$75,000. Of that, \$50,000 was for homeland security and \$25,000 was for the law enforcement terrorist prevention program. Mr. Sprague stated the online application needs to be done by February 28, 2005. He would like permission to go ahead and fill out the application.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO COMPLETE AND SUBMIT THE ONLINE APPLICATION FOR WMD FUNDS PRIOR TO THE FEBRUARY 28, 2005 SUBMISSION DATE MADE BY DR. BAKER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Fire Training** – Mr. Sprague informed the committee that there was discussion at the last Fire Advisory Board meeting regarding the fire training program. As of this point, there is still no additional funding for this year. We had two programs that were turned down. Some money was put into the budget, but it is not available to be used. Mr. Sprague stated we can't deliver any training courses until April 1st, or when the budget passes.

Mr. McAllister stated there have been several fire investigators who say that the County used to pay for their yearly training. They spend 1,700 man-hours and they do services for the County and don't get paid. Is there money available for that? Mr. Sprague replied we used to pay for some of their training. We don't have the training funds that we used to have. Training is a requirement for the fire investigators in order to maintain their certifications. We would have to increase our training budget in order to accommodate them.

Dr. Baker asked is the training requested just from the Governor's budget proposal or from the Legislature? Mr. Sprague replied the Legislature put \$500,000 into the budget, however, he has heard that the Governor vetoed, or that it was put into parts of the budget that it wasn't supposed to go into. There are two different stories. Mr. Walsh asked is there a dollar amount that would help? Mr. Sprague stated the question is could the County fund some of the training? An average training program is 16 – 24 hours. If you do a 24-hour program, you are looking at \$650 - \$700. We have instructors, but we don't know if we can use State instructors as County instructors without any ramifications. If we can use the State instructors, they are certified. If not, any of the County instructors would have to be certified annually. For \$3,000 we could run a couple of courses. Mr. Walsh commented it's a shame to turn away people that are willing to volunteer.

Mr. Sprague stated there is some ability to use WMD funding if it is related to WMD. He stated that he could put together a proposal for the committee to look at for the next meeting. Dr. Baker commented that it would be worthwhile for Mr. Sprague to come back to the committee with a proposal.

3. **Insurance** – Mr. Sprague stated that he is trying to purchase a simulator board. The auditor thought that we should have a contract. We have looked at the contract and there are insurance issues. Mr. Castellana has concerns about the liability insurance, specifically, the manufacturer's liability. Mr. Sprague explained, the simulator board is used for training. This board folds down and then would be able to be locked up. This is available for police, fire and EMS personnel. We are able to purchase this through a grant funded through the CERT program. There are a lot of different uses for this.

Mr. Castellana stated his concern is that the simulator board is 20' x 8'. We are going to have all kinds of people using this. His concern is that if we put it together and it collapses and someone gets hurt, the County will get sued. Any claim would fall under the County's Worker's Compensation program and those claims can get expensive in a hurry. He would like this person to have a general liability policy. Mr. Sprague says that this person sells his product all over the United States. Mr. Castellana stated that he is reluctant to waive the liability requirement.

Mr. Creath asked is this board laid out on a table, or does it have it's own legs? Mr. Sprague replied it has it's own legs. This is a folding table. Mr. Walsh asked how much does it weight? Mr. Sprague replied it does have some weight to it. Corning Incorporated has also agreed to build a board of their own so that it would interface with our board. If we can't do this, I need to tell everyone up front. Mr. Creath stated that with all due respect to Mr. Castellana, he believes this is a negligible risk. Mr. English asked, is there an electrical outlet? Mr. Sprague replied no. He explained that this will be kept at the Civil Defense Center.

Mr. McAllister asked is it covered under the County's insurance? Mr. Castellana replied, not having liability insurance and having a volunteer going in and hurting their back, we would pay them \$400/week under the benefit law, plus medical for something we have no recourse back on. Mr. McAllister asked when a fireman gets hurt during the course of duty, those claims go for a long time? Mr. English replied those claims go until they retire. Mr. Castellana stated he is asking for product liability insurance. Mr. McAllister asked each company has to get their own? Mr. English replied it doesn't change the responsibility we would have if we were putting the training on. The question is will the vendor have responsibility to us even for general liability to the public at large. He commented that he does find it unusual that he doesn't have at least general liability protection of some sort for himself.

Mr. Sprague commented there is nobody else out there that can build this thing. Mr. Creath stated this is part of the risk taken to put people on the front line.

MOTION: WAIVING THE PRODUCT LIABILITY INSURANCE FOR THOMAS H. BARR, SR. TO BUILDING A 20' X 8' SIMULATOR BOARD FOR THE EMERGENCY MANAGEMENT OFFICE MADE BY MR. CREATH. SECONDED BY MR. WALSH.

Mr. McAllister commented he is all for firemen and training, but Mr. Castellana raises valid concerns. He is very hesitant about this.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 3-1. (MR. McALLISTER OPPOSED)

Mr. Sprague informed the committee that he had a meeting with MidState on Tuesday. When we redid the system, we freed up hardware for the Bath Police Department. MidState is looking into changing the backup. If we lost the fiber, we could run communications from Mt. Washington. We could take out the old hardware from the original project and move it to the tower site so that we could run from five of the six towers. We have 75 percent of our capacity if we lost connectivity from the main console system. Mr. Sprague stated MidState came back with a quote of \$24,395 for taking the old electronic bank from the Bath Police Department and the one we have at the hill and reconfiguring it so we could move the channel banks and reconnect those.

Mr. Alger stated one of the things we are trying to do is build in redundancy. There is not a lot of that in the radio system and that is a concern that we have had. If you lose 911 capabilities with the telephone, we can go to the hill and operate. If we lose the radio, we have the same issue. Mr. Wixom commented if we have to go to Mt. Washington, we need to have the ability to control the towers, other than just Mt. Washington. Mr. Sprague stated this will be funded out of the radio capital project. Mr. Alger commented this is something that will help to supplement the backup system.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO CONTRACT WITH MIDSTATE AT A COST OF \$24,395 TO RECONFIGURE OLD ELECTRONIC BANKS TO ALLOW REDUNDANCY IN THE RADIO SYSTEM MADE BY DR. BAKER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. Sprague stated that he has talked with Mr. Gleason and they will be sending out a letter for Mr. Alger and Mr. Ahrens to review. Previously, MidState had been designated as a sole source vendor and we are going to revisit that to make sure that designation is still current.

Mr. Sprague stated that they are looking, at some point, to having backup at the hill and having a single point transfer switch from downtown to the hill. It has everything, but doesn't have the single point transfer and that will be an additional cost. The building at the tower site for 911 is proposed to be a stand alone construction

trailer with AC power. We need to connect this building to the Mt. Washington building. Mr. Sprague explained, we need to provide some level of grounding inside, outside and between the buildings to ensure that no lightning strikes are possible. The proposal is for grounding the exterior, include a buried halo grounding, two bus beams in the building and attaching that to the existing halo ground with CAD wells. This would also include the aluminum siding and grounding that to the halo, surge protection to protect the cable between the buildings and electric surge panels. We would also be putting in alarms for high temperature, smoke, etc. The price is \$43,816.17. Mr. Sprague explained when we built the tower site, as a separate building, this was in line with what we did at Cameron and Prattsburgh. Mr. Alger stated we think there is funding to do it. We don't have any choice. If you don't ground, you run the risk of losing the entire tower. Mr. Sprague stated the caveat is that this would be the maximum. There are some things we could do to minimize the cost.

Dr. Baker asked can we put this out to bid? Mr. Gleason replied we would have to sole source if we chose to go with MidState. We have to review the requirements to see if they are above the bidding threshold. Mr. Alger stated something we are pursuing is alternate backup at the tower site and we have to ground it. It is a lot of money. Mr. Sprague stated that the grounding of the halo, inside and out will cost \$26,000. Mr. Alger asked is there anyone else we can get a quote from? Mr. Sprague replied the question is the interfacing of things from the tower. What if something fails and we have different vendors? Mr. Gleason asked what is the major component, the electrical or the communications? Mr. Hopkins replied both types of vendors would be capable of doing the grounding. Mr. Gleason stated if that's the case, then we should bid it. Dr. Baker stated that he would like to see an RFP. Mr. Alger commented if you have separate vendors, then he doesn't know who you would hold responsible. Mr. Sprague stated it is a maintenance issue. When we built the tower sites in Cameron and Prattsburgh, we were running \$75,000 - \$80,000 per site. Take away the tower price of \$26,000 and you are at this number. This price is not far off from what we did in the past. Mr. Gleason stated that he, Mr. Sprague, Mr. Ahrens and Mr. Alger will review the criteria for sole source and if MidState doesn't meet the criteria then they will bid it out. Mr. Sprague stated that with the grounding we have that factor that this standard has been very successful. Mr. Hopkins commented the other possibility would be to put on vinyl siding and reduce the cost. Mr. Alger suggested that the committee allow them to do a review to see if this is sole source or not. He is not prepared to say that it is. If it is not, then we would have to get quotes.

MOTION: AUTHORIZING THE DIRECTOR OF EMERGENCY SERVICES, THE COUNTY ADMINISTRATOR, THE PURCHASING DIRECTOR AND THE COUNTY ATTORNEY TO REVIEW SOLE SOURCE CRITERIA REGARDING THE GROUNDING OF A TOWER SITE MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C.. Public Defender

1. **Monthly Report** – Mr. Cooper distributed his monthly report for the committee's review. He stated that this week he will be interviewing individuals for the attorney and secretarial positions. In the future, on the monthly report he will be showing a breakdown on what assigned counsel is costing now and what it would have cost. He stated that he is in the process of making recommendations for the A and B felonies and misdemeanors. He doesn't think that he can make any responsible proposal that would save money and therefore, he will leave it as it is for the time being. Mr. McAllister asked there are no viable alternatives to what is being done? Mr. Cooper replied nothing to save money. There is no responsible proposal that I could make that wouldn't cost more money at this point. Mr. McAllister asked Mr. Cooper to put something together that shows the numbers of what we are doing and what we are spending on A and B felonies as well as misdemeanors. Mr. Cooper stated that he would do that. Mr. Alger asked assigned work is the conflicts? Mr. Cooper replied yes. Mr. Creath stated at NYSAC they talked about how as soon as the assigned counsel rates went up to \$75.00 per hour, they were surprised at how many motions were made. The hourly billing increased.

D.. 911 Enhanced

1. **Personnel** – Mr. Wixom stated that previously they have discussed his staff and how there will be 18 dispatchers and 6 supervisors. We only have 5 supervisors and he requested authorization to reclassify a Key Entry Operator to a Supervising Dispatcher. Mrs. Smith commented we had created 5 supervising dispatchers and we needed to create an additional one.

MOTION: AUTHORIZING A RECLASSIFICATION OF ONE KEY ENTRY OPERATOR TO A SUPERVISING DISPATCHER IN THE 911 ENHANCED DEPARTMENT MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

2. **Grant** – Mr. Wixom informed the committee that originally the State had \$100 million available for all counties to be Phase II compliant. After the first round of grants they still had \$50 million available and opened up the second round of grants. During the second round, we asked for several things. We have secured \$296,000. There currently is \$6 million left and the State is coming up with a calculation by population, of how they would split the remaining money across the counties. Mr. Wixom believes we may get a little more money.

3. **Chairs** – Mr. Wixom requested authorization to purchase five additional chairs for Primary Ops. He stated that he would like to have two chairs for each position. He explained, the two chairs at each position would be switched every shift. These are heavy-duty chairs that are guaranteed for five years. The cost per chair is \$900.00 and the total cost is \$4,500.

MOTION: AUTHORIZING THE 911 ENHANCED DEPARTMENT TO PURCHASE FIVE ADDITIONAL HEAVY DUTY CHAIRS AT A TOTAL COST OF \$4,500 MADE BY MR. CREATH. SECONDED BY DR. BAKER. MOTION CARRIES 3-1. (MR. McALLISTER OPPOSED).

Mr. Wixom stated that he has had discussions with the City of Hornell and they are requesting a second dispatch position. One is for fire and the other is for their police dispatch. The fire department feels they need this position and Mr. Wixom stated that he supports their request. They provide ALS services for the Western third of the County. The cost for the position is \$18,000, with \$16,326 of that just being for the software. In the past, we have been paying for this. Mr. Wixom explained, their fire dispatch is a unique situation as they dispatch their paramedics to the Western third of the County.

Mr. Creath asked does Rural Metro do the Eastern part? Mr. Wixom replied that was correct. Mr. Creath asked what about Bath? Mr. Wixom stated the Eastern two-thirds of the County sends a voice request to Rural Metro. Dr. Baker asked could we split the cost with them? Mr. Creath asked is this a one time cost? Mr. Wixom replied it is a one time cost. In regard to splitting the cost, we would have to discuss that with Hornell. What we are talking about here is the actual computer. Dr. Baker stated that makes a difference.

MOTION: AUTHORIZING THE 911 ENHANCED DEPARTMENT TO PURCHASE AN ADDITIONAL DISPATCH CONSOLE FOR THE CITY OF HORNELL FIRE DEPARTMENT AT A COST OF \$18,000 MADE BY MR. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

E. Sheriff's Department

1. **Civil** – Sheriff Tweddell reported fees paid to the County year-to-date are \$10,760.67.

2. **Jail** – Sheriff Tweddell reported monies due the Jail year-to-date are \$23,390.12. Today's population is 161 which includes 6 Federal inmates, 0 board in, 0 State readies and 47 boarded out. Monies expended to house out inmates year-to-date is \$90,000.

3. **Office of Convenience** – Sheriff Tweddell informed the committee that he would like to open an office of convenience in Arkport. This would be a plain room with a file cabinet and no phone. They would keep processing papers and fingerprinting supplies. This office will be similar to those in South Corning, Woodhull and Greenwood. This would be very convenient for our people to stop there. The newspapers said that we were already open, but we just sent the Village a copy of the contract.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF ARKPORT, WHEREBY THE VILLAGE WILL PROVIDE AN OFFICE OF CONVENIENCE AT NO COST TO THE COUNTY MADE BY DR. BAKER. 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. CREATH. 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. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN MADE BY MR. WALSH. 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, March 7, 2005
10:00 a.m.**

**PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Monday, February 28, 2005.**

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, March 7, 2005

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 Richard C. Tweddell David V. Cole
Michael Sprague Tim Marshall Tim Wixom
Byrum Cooper Gregory P. Heffner Robert F. Biehl
Frederick H. Ahrens, Jr. James Gleason Judith Hunter

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

ABSENT: Lldon E. Jamison, Vice Chair

OTHERS: Dave Shoen, WENY
Rob Price, *The Courier Advocate*

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 10, 2005 MEETING MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REPORTS/REQUESTS

A. Sheriff's Department

1. **Civil Report** – Sheriff Tweddell reported fees paid year-to-date are \$21,371.77.
2. **Jail Report** – Sheriff Tweddell reported fees due the Jail year-to-date are \$46,652.29. This morning's population is 160 with 6 federal's 0 board-in's, 0 State readies and 19 parole violators. We have 30 prisoners boarded out. Current money spent to house out inmates is \$180,975.00.
3. **Grant** – Sheriff Tweddell requested authorization to accept a non-matching traffic grant in the amount of \$20,160.00.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO ACCEPT A NON-MATCHING TRAFFIC GRANT IN THE AMOUNT OF \$20,160.00 MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Emergency Management Office

1. **Contracts** – Mr. Sprague requested authorization to renew a contract with Environmental Emergency Services in the amount of \$7,000.00. They provide our flood warning services. He also requested authorization to renew the contract for the Coroner's Office with Monroe County Medical Examiner's Office in the amount of \$74,138.00. This is a three-year contract and there will be a 2 percent increase every year for three years.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO RENEW THEIR CONTRACT WITH ENVIRONMENTAL EMERGENCY SERVICES FOR FLOOD WARNING SERVICES IN THE AMOUNT OF \$7,000.00 AND FOR THE CORONER'S OFFICE TO RENEW THEIR CONTRACT WITH THE MONROE COUNTY MEDICAL EXAMINER'S OFFICE FOR THREE YEARS IN THE AMOUNT OF \$74,138.00 MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Training Proposal** – Mr. Sprague stated they had 375 hours for State training and this year that has been increased to 600 hours. However, only 50 percent of those hours are available until the State budget is passed. He is suggesting that if we do fund additional money for training, that we would take the State hours and use those for outside courses which have a lot of opportunity for someone to get injured. When the State funds the training, they accept all of the liability. He stated that he has talked with the Risk Manager who has indicated that as long as the trainings are classroom in nature, there is very little risk. Mr. Sprague distributed a handout outlining the recommended courses in his training proposal. This is a comprehensive proposal that would include all three services. He stated that the total training proposal is \$6,132.00. This funding would be used for courses that would supplement State delivered courses.

Dr. Baker asked what if the State reneges? Mr. Sprague replied then we would be able to train in Firefighter I. They only give us 300 hours to start with. Over the last year we have realized new recruits and they are asking for training. Mr. McAllister commented with regard to training, Weapons of Mass Destruction has been a big topic, but the volunteers are doing this day in and day out and he believes that this would be money well spent. Mr. Walsh asked you get 300 hours immediately? Mr. Sprague replied yes.

Mr. Alger commented we need to do what we can to support training. He suggested that they take this discussion to Senator Winner and Assemblyman Bacalles before we fund this ourselves to see if there is any way they could assist us with this. Mr. Sprague stated he spoke with Assemblyman Bacalles last week. There are two issues. The first is their concern about their ability to influence the budget process itself. There is a possibility for legislative initiative funding. He stated that he would continue looking into this. We have training requests out now and then in April we look at the schedule. April and September are the windows for scheduling training. We have 300 hours in April and it would easier if he knows now.

Dr. Baker asked can we do a resolution for the first six months with the second six months being contingent on the State budget? Mr. Sprague replied he would like to get most of the first series of training scheduled. If you did that, it would be \$2,000.00. If you wanted to split it, he could work with that. Mr. Alger stated his preference would be to approach Senator Winner and Assemblyman Bacalles to see if we could get funding. He stated that he is sure their concern would be that they would share our concern that there is training for volunteers. Mr. Alger stated that he is not sure that he understands the timeframe. Mr. Sprague stated legislative initiative funding does not fix the problem. He stated that he will be meeting with the four neighboring directors along with Senator Winner and Assemblyman Bacalles to see if they can try to fix the problem. This is only a stopgap.

Mr. Creath asked can't we authorize the program and have the second phase be contingent on securing outside funding? Mr. Alger replied this is a question of the chicken and the egg. If we commit to funding, are we going to get any other? Mr. McAllister commented this should be funded, even if they don't step in. Dr. Baker stated the education is long overdue. Mr. Sprague stated the legislative initiative funding is really geared toward fire training. We would have to talk about the other stuff.

MOTION: AUTHORIZING ONE-HALF OF THE PROPOSED \$6,132.00 TRAINING PROPOSAL BY THE EMERGENCY MANAGEMENT OFFICE WITH THE SECOND HALF OF THE FUNDING BEING CONTINGENT UPON FUNDING THAT MAY BE SECURED FROM SENATOR WINNER AND ASSEMBLYMAN BACALLES MADE BY MR. McALLISTER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **General Update** – Mr. Sprague distributed copies of the 2004 Annual Report. He commented that one of the areas that consumed a great deal of their time was the management and coordination of the Emergency Medical System across the County. He stated that they feel they need to have a dedicated EMS Coordinator to deal with the EMS program. Mr. Creath asked would that be a full-time position or just a position

to get things organized? Mr. Sprague stated that for the near future they see it as being a full-time position. This is an issue that will need to be addressed. Mr. Sprague stated that during 2004 their office was successful in securing \$75,000 in Federal Homeland Security Grant money to help develop and improve the Human Needs Task Force/Citizen Corps.

4. **Civil Defense Fire Training Center** – Mr. Sprague informed the committee that with some of the changes in the telephone system and with the 911 backup center located behind it, they have changed the use of the center and who can use it. The use of the facility will be limited to town/county related agencies. We did send letters to all other individuals that have used the facility asking them to find other arrangements after May 1st. There will be a change in how county departments access the center. Mr. Alger explained there is going to be quite a bit of equipment in the facility with no permanent staff, so we can't continue to let it be used by the community in general.

MOTION: ENDORSING THE DECISION TO LIMIT THE USE OF THE CIVIL DEFENSE FIRE TRAINING CENTER TO COUNTY RELATED AGENCIES DUE TO THE AMOUNT OF EQUIPMENT LOCATED AT THE FACILITY AND THE PROXIMITY TO THE 911 BACKUP FACILITY MADE BY MR. CREATH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. Public Defender

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

Mr. Cooper reported that they have sent in last year's activity report to the State. Mr. Alger commented this is important because at the present time we receive \$12,000 for Aid to Defense. This is a dedicated fund and the Governor has proposed to appropriate the balance to the counties for the fiscal year. Once that is done, that should be an ongoing process. This probably won't happen until the budget is adopted.

D. 911 Enhanced Department

1. **General Update** – Mr. Wixom informed the committee that the entire staff has been hired and they are on week three of their training. Positron is here this week to do the basic training on the CAD, mapping and E911 telephones. Mr. Wixom commented that if anyone tries to contact him, there will be a delay as both he and Mr. Hopkins are staying both shifts while Positron is teaching the basics of the system.

Mr. Wixom stated Verizon is doing testing and we are weeks away from turning on the system. We don't have a final turn on date. When we get the date, we will have an announcement in the Legislative Chambers and will do a media blitz. The target date is April.

2. **Plotter/Printer** – Mr. Wixom requested authorization to purchase a new plotter/printer for the Planning Department and 911 would take their old one. He explained that Mr. Sears did a wonderful job with the GIS work and has been printing 20 – 30 maps per day. We would like to take the current plotter/printer in the Planning Department and use it for when agencies call up and request mapping information. He stated that he does have money in the budget for this and the price would not exceed \$7,000.

MOTION: AUTHORIZING THE 911 ENHANCED DEPARTMENT TO TAKE THE PLANNING DEPARTMENT'S PLOTTER/PRINTER AND TO PURCHASE A NEW ONE IN ITS PLACE AT A COST NOT TO EXCEED \$7,000.00 MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR.

Mr. McAllister asked what does this machine do? Mr. Wixom replied with this machine, any agency that says they need a map, we have the ability to print maps which show addresses. We print maps for the fire companies to make sure that their borders are correct. We are currently printing 100 maps or more per day.

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

Dr. Baker asked have you applied for any more grants? Mr. Wixom replied they may get another grant in the amount of \$380,000.

Mr. Creath asked can we include 911 monitors in the Corning area for the ambulance service? Mr. Wixom replied this discussion was brought up two months ago and it is a question of who will pay for the purchases. Mr. Creath commented this is for the benefit of the people. Mr. Wixom stated he needs guidelines. The software costs \$16,000, the computer is \$1,000 and \$1,500 for the wireless interface to the radio tower. Mr. Creath stated that he has been getting comments from members of the community and they want the latest up-to-date service. Mr. Wixom explained if they don't have a terminal in the building, then we will tone them out and follow up with a fax. If they have a PC in their office, we will do an electronic transfer and they could use the system for all of their dispatching. Mr. Creath stated we need it. Could you include money for the system for Rural Metro in your grant? Mr. Wixom replied the grant has already been applied for. He believes that we could cover the cost with money that we have.

MOTION: PROVIDING TO RURAL METRO THE COMPUTER AND SOFTWARE NECESSARY TO ENABLE THEM TO SEE THE SAME INFORMATION AS THE 911 CENTER MADE BY MR. CREATH.

Mr. Walsh commented Rural Metro is a for-profit private company. Mr. McAllister asked can anyone apply for the same thing? Mr. Alger commented this is a unique situation. Rural Metro does dispatch their own operation. The only other ambulance service that does that is Hornell. Obviously there is a difference between Hornell and Rural Metro. The City of Hornell will be able to do that using essentially the same information that we see at the Center. All of the other ambulance corps will be directly dispatched by 911. All those calls come into the Center. Then there is Rural Metro who does their own dispatching. We intended to send to Rural Metro information about their call and would do that via fax. The difference being that Hornell will have the same information on the computer in front of them that our dispatchers will see. Rural Metro will receive that information via fax and we will tone them out. They won't be able to track or enter information into our system. They will not have access to the Pictometry information that Hornell will. Mr. Alger clarified that Mr. Creath's proposal is to provide to Rural Metro the ability, through computer and software, to see the same information that we see at the 911 Center. Mr. Creath stated that is correct. Rural Metro will not have the house information that you have and will not know which door to go to. Mr. Wixom explained the fax is a follow-up. The information that goes over the radio would also be sent via fax.

Mr. Roche commented we are essentially providing a service to three-quarters of the County that we are not providing to Corning. Mr. Creath's motion makes sense. With regard to protocol it would be easier, once 911 is open, to treat everyone the same rather than have a special system for Rural Metro. We did this with Hornell. Rural Metro should have the same coverage as Hornell. The \$20,000 is really a small investment. Dr. Baker asked did we provide this equipment to Hornell? Mr. Wixom replied yes. Mr. McAllister commented that he has concerns about government giving money to a private company. Mr. Ahrens suggested that they adjourn to executive session to discuss this matter further.

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. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO TABLE FURTHER DISCUSSIONS REGARDING RURAL METRO UNTIL NEXT MONTH'S MEETING 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. WALSH. SECONDED BY MR. McALLISTER. 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, April 4, 2005

10:00 a.m.

PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE

NO LATER THAN NOON

Monday, March 28, 2005.

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Special Meeting

Monday, March 28, 2005

9:30 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 John Walsh

STAFF: Mark R. Alger Michael Sprague Tim Wixom
David English Lawrence Crossett James Gleason
Frederick H. Ahrens, Jr.

LEGISLATORS: Patrick F. Donnelly Francis L. Gehl Harley R. Mayo
Robert V. Nichols L. Ronald Nielsen John Walsh

ABSENT: Lldon E. Jamison, Vice Chair Patrick F. McAllister

OTHERS: Dave Shoen, WENY

I. CALL TO ORDER

Dr. Baker called the meeting to order at 9:30 a.m.

II. GENERAL BUSINESS

A. Office of Emergency Services

1. **Backup Building Facility at Mt. Washington** – Mr. Alger informed the committee that this had been tabled about a month ago and we have been working on costs and comparison of those costs to see what this would entail. Mr. Sprague stated originally the cost for the backup facility was \$43,816 and at that time we had put together a proposal without a limited amount of knowledge. The current proposal includes work that we can do ourselves and the total cost is \$31,117. This includes grounding and communications connectivity between the building, which is tied into the grounding system. There are six components to this project. Mr. Creath asked does this include lightning rods? Mr. Sprague replied yes.

Mr. Alger explained there are specific standards that we have to follow for the maintenance requirements for Motorola. We are using Motorola's sub-contractor. We are going through them so we have gone through a sole source and the sub-contractor is Motorola's representative. Dr. Baker asked since this is a separate building, is the grounding separate from 911? Mr. Alger replied this is for the tower site, in addition to the modular building.

MOTION: AUTHORIZING THE OFFICE OF EMERGENCY SERVICES TO ENTER INTO A CONTRACT WITH MOTOROLA'S SUB-CONTRACTOR FOR THE 911 BACKUP BUILDING INSTALLATION GROUNDING PROJECT AT THE MT. WASHINGTON SITE FOR A TOTAL COST OF \$31,117.00 MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. OTHER BUSINESS

A. Emergency Services Volunteer Incentive Act – Dr. Baker explained Senator Winner has introduced a bill for the recruitment and retention of emergency services volunteers. Mr. Creath has proposed we do something and Mr. Ahrens has drawn up a memorializing resolution. Dr. Baker commented we need to be careful with what we are committing ourselves to regarding tax breaks for automobiles. Mr. Alger explained there is a whole host of bills for volunteers. Rather than getting into each bill, we are suggesting a more general bill to encourage the Governor and Legislature to adopt a program to assist in the recruitment and retention of volunteers. We would like to urge the State to take action to support volunteers.

MOTION: MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ADOPT LEGISLATION ASSISTING IN THE INDUCEMENT AND RETENTION OF VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

MOTION: TO ADJOURN MADE BY MR. WALSH. 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

Monday, April 4, 2005

10:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

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

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

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

ABSENT: Lldon E. Jamison, Vice Chair

OTHERS: Al Lewis, Rural/Metro
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. He asked Mr. McAllister to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MARCH 7, 2005 MEETING MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REPORTS/REQUESTS

A. Sheriff's Department

Sheriff Tweddell informed the committee of the passing of Lynn Bates on Saturday. Calling hours will be held at Bond-Davis Funeral Home today from 6:00 p.m. – 8:00 p.m. and tomorrow from 1:00 p.m. – 3:00 p.m. and 6:00 p.m. – 8:00 p.m. The funeral will be held Wednesday at 11:00 a.m.

1. **Civil Report** – Sheriff Tweddell reported that fees collected to-date are \$36,471.19.
2. **Jail Report** – Sheriff Tweddell reported monies due the Jail to-date are \$146,000.46. The population as of this morning was 160 which includes 6 federal's, 0 board in's, 1 State ready, 25 boarded out and 20 parole violators. Total monies spent to house out inmates is \$254,285.00.
3. **Navigation Patrol** – Sheriff Tweddell informed the committee that they have put out the bids for the boat motor. Mr. Gleason stated we bid for a 225-hp outboard motor. One bid was received from Bombardier Recreational Sports for an Evinrude for the GSA price of \$10,372. This is an excellent price as this motor is listed at \$16,000. There is a three-year top to bottom warranty. Sheriff Tweddell stated they have budgeted for this year \$10,400. We are down to one boat on the lake. We reduced the hours during the day during the summer. The other boat was sold to Schuyler County.

MOTION: AWARDING THE BID FOR A BOAT MOTOR FOR THE SHERIFF'S NAVIGATION PATROL TO BOMBARDIER RECREATIONAL SPORTS FOR \$10,372.00 FOR A 225 HP EVINRUDE MOTOR MADE BY DR. BAKER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

4. **STOP DWI** – Sheriff Tweddell informed the committee that in December a test was held for deputies. That potential list is out and the physical portion will be done on April 23, 2005. We are down three deputies on road patrol. We took J.D. Hawley and temporarily removed him from DWI and put him on the road. We are hoping after April 23rd, to bring some people in and reinstate that position again. That position is paid for entirely by the DWI program.

Chairman Roche commented with 20 parole violators, that seems unusually high. Is there any reason for this? Sheriff Tweddell replied it seems with the State releasing all of their inmates, we are getting more violators. This is a problem throughout the State.

B. Emergency Management Office

1. **Update** – Mr. Sprague commented this weekend is an example of how wet we are. We are picking up where we left off last fall and that is not a good sign. This weekend we received 1 ¼” – 2” of rain.

2. **Firefighter Training** – Mr. Sprague informed the committee that they have a meeting with Senator Winner and Assemblyman Bacalles on April 28, 2005. This meeting will also include Chemung, Schuyler and Yates counties. We will be talking about some long-range training solutions. Mr. Alger commented he doesn't believe the Legislature increased the appropriation in the budget, but he is hopeful that we could get local funding from our representatives.

C. Public Defender

1. **Monthly Report** – Mr. Cooper distributed his monthly report for the committee's review. Mr. McAllister asked are there any marked difference from last month other than parole violators? Mr. Cooper replied it is actually as he had expected it. We have increases, but we have had increases in caseload overall every year since he has been in the Public Defender's Office. Mr. Cooper stated one of the full-time Public Defenders will be starting on April 22, 2005 and the other will be starting in August.

Dr. Baker asked, could we get a report that shows a comparison to the previous month? Mr. Cooper replied yes. Mr. Ahrens stated you are saving money with assigned counsel by doing that in-house. Perhaps we could track how we are able to bring cases in-house rather than having them assigned out. Mr. Cooper stated when we have personnel, we will present how many cases are not assigned. He stated he will look to see what we can do for a comparison. Dr. Baker stated he would like him to give them an indication of how things are going.

Mr. Ahrens asked are the misdemeanors being disposed of at the misdemeanor level? Mr. Cooper replied it is case specific. Sometimes the District Attorney is willing to offer a reduction and sometimes not. Mr. McAllister asked is the misdemeanor attorney in the local courts screening these felonies? Mr. Cooper replied yes. Mr. Ahrens asked who will handle that when the new attorneys come on board? Mr. Cooper replied in the majority of cases, the misdemeanor Public Defender will make the initial appearance to complete the arraignment. Discussion followed.

D. 911

1. **911 Center** - Mr. Wixom informed the committee we are weeks away from being turned on. Positron is here this week as they have not signed off on the system yet. The staff are continuing their training. We are still hoping for a turn on date at the end of April, but that will depend on when Positron signs off on the system. Positron is fairly sure that everything will be done by April 15, 2005. Once everything is 100 percent complete, we will need to give the 911 staff time to feel comfortable with the system. Mr. McIntyre asked when will you start doing testing? Mr. Wixom replied some of the testing we have done internally. We still will have to do testing when the system is 100 percent complete. Verizon is ready to start the testing.

2. **Backup Facility** – Mr. Wixom informed the committee that for the backup building at Mt. Washington, we need to be able to answer telephone calls up there. We don't want to bring the copper lines to Mt. Washington because if there was a lightning strike, that could follow the lines and would cause damage. The

best and safest way is to relay telephone traffic through the fiber optic cable that is already in the ground. Mr. Wixom requested authorization to spend \$6,885.00 to put equipment in this building to pick up the 12 copper lines and translate them to fiber optic and then send those to Mt. Washington and translate them back to regular phones. He stated that he does have money in the budget.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO SPEND \$6,885.00 TO PUT EQUIPMENT IN THIS BUILDING TO PICK UP 12 COPPER LINES, TRANSLATE THEM TO FIBER OPTIC, SEND UP TO MT. WASHINGTON AND TRANSLATE BACK TO REGULAR PHONES MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Display Board** – Mr. Wixom informed the committee that in the money we are getting from the grants, we will be able to pay for a display board in the building. This board will provide us with various statistics, such as how many calls per hours, etc. He requested authorization to put out an RFP to see who would be the best vendor to do this.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO LET OUT AN RFP FOR A DISPLAY BOARD FOR THE 911 BUILDING MADE BY DR. BAKER. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

4. **Request for 911 Data Transfer to Corning Rural/Metro Operation** – Mr. Lewis distributed a memo to the members of the committee. He read the following into the minutes as he felt it necessary to have it entered into the record. Everything is up for discussion.

I believe it is very important to share the following information with you as part of the record at this Public Safety Committee meeting clarifying our request and how the 911 data link will benefit residents our company provides emergency medical services for in Steuben County.

Facts: Rural/Metro contracts with and is issued a Certificate of Need (CON) from the New York State Department of Health for the City of Corning and the Towns of Corning, Erwin, Caton, Hornby, Lindley, Campbell and Thurston to provide general ambulance services to include all 911 and inter-facility requests. (*A copy of the CON is on file in the Clerk of the Legislature's Office*). Rural/Metro is and has been the sole provider of general ambulance services for the listed municipalities since January 1, 1953 with a current aggregate population of 35,247. New York State Law prohibits Rural/Metro from providing general ambulance service in any other municipality unless requested by mutual aid.

Rural/Metro Paramedic Intercept Services, often times referred to as a Fly-Car has operated in Bath for over 15 years with a Certificate of Need for Steuben County issued by the New York State Department of Health. (*A copy of the CON for Paramedic Intercept Services is on file in the Clerk of the Legislature's Office*). Rural/Metro staffs Advanced Life Support (ALS) ambulances at the Corning based operation 24-hours every day of the year. Additionally, the Bath based Fly-Car stationed at Ira Davenport Hospital is staffed 24-hours every day. The Bath based Fly-Car responds upon request as part of a two-tiered EMS Response System complimenting Basic Life Support Volunteer Ambulance Corps with Advanced Life Support for Central Steuben County providing response coverage for approximately 32,000 residents.

Overall, Rural/Metro is the largest EMS provider in Steuben County receiving between 6,500 and 7,000 requests for services annually, and we anticipate response volumes will remain unchanged with the 911 system. Inter-facility transports received from Hospitals and Skilled Nursing Facilities contribute significantly to our volume of requests for service and those numbers will continue to be part of a separate company database unless they originate from the 911 Center. Rural/Metro contributes to the tax levy in Steuben County and employs 50 full and part-time people with a payroll in excess of one million dollars annually. The Company is publicly held and headquartered in Scottsdale, Arizona. Rural/Metro provides a coordinated ALS System with documented average "out of chute" (time measured from receipt of the emergency request until the ambulance is enroute) time of less than two minutes for emergency requests.

Rural/Metro is requesting the 911 Center electronically transfer data to our Pulteney Street base of operations utilizing the same technology and procedures as this committee approved for Western Steuben County residents.

Our request provides parity for immediate emergent response to Steuben County residents in South-Eastern Steuben County through an automated data transfer system minimizing the chance for human error at times when life or death is in the balance. Included in this request, Rural/Metro will provide the appropriate computer and microwave hardware for receiving data located at our facility to complete the automated link. We are requesting Steuben County provide the appropriate software with ongoing maintenance and upgrading as necessary for compatibility to the Bath based 911 System. Through a contractual relationship, Steuben County would maintain ownership of the Rural/Metro based 911 software and should Rural/Metro no longer be the primary ambulance service for South-Eastern Steuben County residents – the software and electronic connection may, upon approval by the appropriate county authority, transfer to the new ambulance service provider. Rural/Metro will maintain and update the receiving automated hardware at all times at it's own expense and will adhere to operational policies and procedures as prescribed by the 911 Center. Steuben County data would be transmitted to Rural/Metro from the 911 Center for emergent requests within Rural/Metro's area of General Ambulance and ALS coverage. All other requests for EMS will be received at the 911 Center exclusively and dispatched to the appropriate EMS services.

Lastly, thank you for allowing me time on this morning's schedule to share with you facts about our company and how a partnership between Rural/Metro Medical Services and Steuben County can complete a vital link and provide optimal Emergency Medical Services response notification for approximately 67,000 residents. It is important to state once again that our company fully supports the 911 System and that we are willing to absorb the additional costs of hardware to receive 911 data, as it will bring great benefit to county residents that put their trust in our EMS Professionals every day.

Mr. Creath stated his question to Mr. Ahrens at last month's meeting was to explain how we would enter into a contract to supply this service. Mr. Ahrens stated Mr. Lewis is on the right track when he is emphasizing that we are not contracting with Rural/Metro, but with who has the CON. That gives us the opportunity to enter into a relationship with whomsoever has the CON. Mr. Ahrens stated his concern, however, is what kind of responsibility will we have in the event that the CON changes and there is another provider? What is our responsibility in terms of dispatching? Mr. Lewis stated the data is coming to us and we are dispatching our own ambulances. Mr. Ahrens stated he came to the conclusion that by tracking the CON that is how we would, he believes be appropriate and proper. The fall out from that needs to be analyzed more in detail. He would also note, that we had agreed early on that we would not delay the start of 911 to iron out those wrinkles.

Mr. McAllister asked, Rural/Metro has the CON now? Mr. Lewis replied yes. Mr. Roche asked Mr. Wixom, operationally when you compare electronic transfer versus the other way, which is better? Since Rural/Metro is picking up the cost of the computer and transmitting hardware, what would the cost be to the County for the software? Mr. Wixom replied it will cost the County \$16,000 for the software. He explained, if we turned on 911 tomorrow, the agreement we have with Rural/Metro is Rural/Metro would have tones on one of the frequencies, the dispatcher would give the address and would transmit the information by fax machine. The voice dispatch is to start the ambulance with their dispatch and the fax is a follow up. They can call us back on the radio for confirmation, directions, etc. Is it better for them to have the computer in their office? They would be using the same system we have right now. We have computers in Corning Police Department and they are doing testing. We also put computers in Hornell Police Department and Fire Department and the information instantly pops up on the screen. Mr. Roche asked Mr. Wixom, from his point of view, is either one better for record keeping management? Mr. Wixom replied the concept is that everyone is using the same system so there is one system for data analysis. The only negative is obviously the training. This is the same challenge for the 911 Center, Bath, Corning and Hornell and is a systemic issue.

Mr. McAllister asked, Rural/Metro will get 911 dispatched to them and right now as it sits the other ambulance corps don't get the same thing unless we approve it? Mr. Wixom replied Rural/Metro has full-time dispatch staff. The other ambulance agencies have pagers. Any of the agencies have the ability to have information faxed to them either when we dispatch or at the end of the call. Mr. McAllister asked would we be giving Rural/Metro more than what we are giving the rest of the County? Mr. Wixom replied most of the other agencies don't have a full-time dispatcher sitting there. It is a vacant building until the tones go off. Very rarely would they leave anyone at the base to act as dispatcher. We are their dispatcher. With Rural/Metro we are handing off the request for response and they are dispatching.

Mr. Alger explained the real difference is we hand the call to Rural/Metro and they take it from there. If we have a call for Jasper, we stay with them the whole entire time. We handle the call. Mr. Lewis commented the huge difference is the volume. You won't hear from our people unless we need mutual aid. Mr. McAllister asked how is Rural/Metro paid? Mr. Lewis explained we bill directly to the insurance company. The patient is responsible for any co-pay or deductible. Dr. Baker asked do you contract with the towns? Mr. Lewis replied they pay us a subsidy which is based per capita.

Mr. McAllister asked if we didn't do this, what would happen? Mr. Wixom replied we would receive the call, tone out the agency and it would be voice dispatched. Rural/Metro would acknowledge and at the same time they would be receiving a fax. Mr. Walsh asked we would continue to work with them without computers? Mr. Wixom stated we have a fail safe system just in case the computers shut down. If Rural/Metro had a computer, the EMS dispatcher would still see the job. They would have 60 seconds to do something and if we don't see any action, we would call them.

Dr. Baker commented it is premature to adopt this today. He would like Mr. Alger, Mr. Ahrens, Mr. Wixom and Mr. Roche to form a group and come back next month with a recommendation. Mr. Ahrens stated he also has some questions that deal with the economics of the situation which are not appropriate for open session. He would like to look to see if there is any benefit being bestowed upon them. Mr. Creath stated we should proceed with this and it is imperative that we do it. He stated that he would hate to see his ambulance service having one hand tied behind them trying to find someone. The County has the total package available.

The committee was in agreement to refer this to Mr. Alger, Mr. Ahrens, Mr. Wixom and Mr. Roche for review and discussion at next month's meeting.

E. Probation

Mr. Justice stated after last month's meeting, he was advised that they received an additional \$2,900 in funding from the State. This will help pay for our alcohol prevention program. The application has already been turned in, however, he is requesting permission, after the fact.

MOTION: AUTHORIZING THE PROBATION DEPARTMENT TO ACCEPT AN ADDITIONAL \$2,900 IN STATE FUNDING TO BE USED FOR THE ALCOHOL PREVENTION PROGRAM MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. Justice commented, as food for thought, when we constantly are hearing about the Jail population, that is indicative of what is going on in the criminal justice system. During the month of March, we had 96 individuals in the pretrial release program. He commented that when they conduct their investigations after conviction, we are able to turn those around very quickly and within four to five weeks ask for sentencing. Mr. Justice stated the number of people sentenced to probation has increased over the last five years due to the Governor increasing sentencing times for sex offenders. Currently a misdemeanor charge is 6 years and a felony charge is 10 years. Previously it was 3 years for misdemeanor and 5 years for felony. The times have doubled for sex offenders. That has increased our caseload as we have between 820 – 850 probationers and 2 – 1 those are felons. Right now, during the month of March we had 136 open investigations and last year we did a total of 1,000.

Mr. Justice stated we are understaffed when you look at the numbers. There comes a point in time where you no longer have the flexibility. He stated that during the course of the budget process he will be asking for more staff because the need is there. Probation Officers are carrying caseloads of 78 – 80 cases. There will come a point in time when the staff begin to burn out. Mr. Justice stated our department does not use the Jail as frequently as we would like to. There is a real need for additional staff. When we file a violation of probation, we attempt to move it through court as soon as possible. We have no control over parole violators.

F. Administrator

Mr. Alger announced the AdHoc Jail Committee will be interviewing architects tomorrow beginning at 1:00 p.m.

IV. OTHER BUSINESS

A. Pistol Permits – Dr. Baker stated the Sheriff is requesting to transfer the pistol permits to his office. There has been a lot of controversy regarding this. The Fish and Game clubs are opposed to doing this. He stated that he has talked with several individuals who don't see a need to do this. The Sheriff has indicated that he thinks it could speed up the approval process. The judges don't think it will speed things up. The committee needs to decide if we want to pass this on to the Legislature. Mr. McAllister stated that he doesn't oppose letting the Legislature make the decision. Let it be discussed and debated.

MOTION: DESIGNATING THE SHERIFF AS LICENSING OFFICER FOR THE ISSUANCE OF PISTOL PERMIT APPLICATIONS EFFECTIVE JULY 1, 2005 MADE BY MR. McALLISTER. SECONDED BY MR. CREATH.

Sheriff Tweddell stated that he feels he can speed the system up and make it more efficient. If the Legislature is content with how it is, then he will withdraw his request. He doesn't want to get into a political battle.

MOTION: APPROVING THE SHERIFF'S REQUEST TO WITHDRAW HIS PROPOSAL TO DESIGNATE HIM AS THE LICENSING OFFICER FOR THE ISSUANCE OF PISTOL PERMIT APPLICATIONS MADE BY MR. WALSH. SECONDED BY DR. BAKER. 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, May 2, 2005

10:00 a.m.

PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE

NO LATER THAN NOON

Monday, April 25, 2005.

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, May 2, 2005

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 Richard C. Tweddell David V. Cole
Byrum Cooper Tim Wixom Michael Sprague
Tim Marshall Frederick H. Ahrens, Jr. David English
Robert F. Biehl Lawrence Crossett

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

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. McAllister to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 4, 2005 MEETING MADE BY MR. McALLISTER, SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. CREATH AND MR. JAMISON ABSENT FOR VOTE)

III. DEPARTMENTAL REPORTS/REQUESTS

A. Sheriff's Department

1. **Civil Report** – Sheriff Tweddell reported civil fees paid to the County as of April 30, 2005 were \$46,457.82.

2. **Jail Report** – Sheriff Tweddell reported that revenues owed the Jail year-to-date are \$166,168.88. Monies paid year-to-date to house out inmates is \$303,770. The population as of May 1, 2005 is 159 inmates of which 6 are State readies and 17 are parole violators. Sheriff Tweddell commented that they had some successful drug arrests last week and they are housing out 21 inmates.

Dr. Baker asked with regard to the Jail project, how soon will we get leeway from the State? Sheriff Tweddell stated that this afternoon he will call the Commissioner of Corrections to advise him that you have picked the architect and engineer and at that time he will ask the Commissioner to consider variances. He will follow up that conversation with a letter.

B. Public Defender

1. **Monthly Report** – Mr. Cooper distributed the monthly report for the committee's review. He commented that it is in a new format showing a comparison of each month thus far. Mr. Cooper informed the committee that one of the new attorneys came on board last week and his casework will be dedicated to D and E felonies. The other attorney will be starting in August. Now that the new attorney is here, the only D and E cases that will be assigned out will be conflicts of interests. In the next six months, he anticipates that they will not be paying any vouchers for assigned counsel, or if there are any, it will be very few. The savings process is beginning.

Mr. Creath commented, over time, as you develop your information, it might be helpful to look at no more than three months at a time, rather than all twelve months. You could do a comparison of the current month versus the same month last year.

C. 9-1-1 Enhanced Department

Mr. Wixom distributed a copy of a memo received from Frontier stating that they, in conjunction with Positron have certified the 911 system. This was the last hurdle that we had to get over.

Mr. Wixom informed the committee that last week they did cellular testing and that went very well. They will do more testing this week. We will then pick a date and time to turn on the 911 for land-based and cellular calls, make a formal announcement to the public and then will start the movement of the seven-digit emergency numbers. Mr. McIntyre asked how has the training been? Mr. Wixom replied the training has gone wonderfully. We have a very dedicated crew. Dr. Baker asked when you turn the system on, you and Mr. Hopkins are both going to be working 12-hour shifts? Mr. Wixom replied that is correct. The staff can do it, but we are doing this for a comfort level and if any questions happen to come up.

Mr. Creath stated that he has talked with Mr. Wixom and Mr. Alger about doing a cross-reference address list to be made available to the public. Approximately ten years ago, Chemung County did this and sold the lists for \$35 per copy. He stated that he is looking into this with the Elmira-Corning Board of Realtors. This type of information would be useful for attorneys, people doing deed searches, delivery persons, real estate brokers, etc. Mr. Creath stated that he would like the permission of this committee to access this information. If the County doesn't want to, the Board of Realtors would be in the position to do this. We would not be releasing any personal information.

Dr. Baker commented he thinks this is a good idea, but he questions charging people \$35 per copy. The committee and the County should look at this very carefully. Mr. Ahrens stated when you devise a program and you print the first set, you could sell that. Everything after you made the program would be \$.25 per page under the Freedom of Information Act. You are not obligated to devise a program, but if you choose to, then you would be obligated to the \$.25 per page. If you consider doing this, you could look at getting a contract because we don't have one currently. You would probably want to market for the creation of the book. That is where the revenue will come from. Mr. Creath stated the Board of Realtors would pay for the information and would print and publish it at cost.

Mr. McIntyre asked has a determination been made with regard to Corning and the linkage with Rural/Metro? Mr. Roche replied last month this committee asked him, Mr. Alger, Mr. Wixom and Mr. Ahrens to meet and discuss this matter. He stated that he told Mr. Wixom to get 911 up and running first. We will meet this month and present a recommendation at next month's meeting.

Mr. Creath stated that he would like to have Mr. Alger and Mr. Wixom look further into the possibility of publishing a cross-reference of addresses. Mr. Ahrens commented once you develop the program you could automatically correct information. Mr. Creath stated that he doesn't see a need to publish this every year. It could be published every five years. Mr. Ahrens stated that he would like to look at this as a public service rather than a revenue generator. Mr. Alger stated we can do this once and updates can be done as inserts. We don't want to publish this every time there is a change. Any changes would be the addition of new addresses. Dr. Baker commented this would be very useful to have for the public. Mr. Ahrens commented this is an issue that Mr. Peaslee and Mr. Wixom could look at. Mr. Wixom stated that he would like a couple of months before starting as he would like to get 911 up and running.

Mr. McIntyre asked when is the actual turn on date? Mr. Wixom replied he doesn't want to nail down a date. There are many variables and if this week goes well, then it could be a matter of days.

D. Emergency Management Office

1. **Firefighting Training** – Mr. Sprague informed the committee that he met with Senator Winner and Assemblyman Bacalles to talk about funding for firefighter training. We have not yet received word if we can use the other half of the State funding. We had a discussion with the fire coordinators that legislative

initiative funding is not the best way to go with this process. They are aware of it and have discussed the discrepancies with the amount of funding for fire training versus EMS training.

Mr. McAllister asked didn't we authorize some money for firefighter training? Mr. Alger replied that was approved and will come before the Board in May. Dr. Baker stated we approved \$3,000.

2. **Grant** – Mr. Marshall explained the AmeriCorps VISTA program is a one year position awarded to local applicants through a cooperative grant awarded to the American Red Cross of Greater New York in partnership with the State Emergency Management Office. This grant is funded by the Corporation for National and Community Service. The goal of this project is to work with and document local organizations to identify human service programs that would assist county residents following a disaster or local emergency. They would also work with the local municipalities in assisting with the development of Comprehensive Emergency Plans, and also to identify local resource management capabilities within the County. The position will be funded for one year and there is a \$1,000 cost share that the County must invest as well as any job related travel reimbursement, such as mileage. The Corporation of National and Community Service provides the candidate with a living allowance as well as funding towards education or a cash stipend.

Mr. Creath asked where would the money come from? Mr. Alger stated this is \$1,000 plus other expenses and we need to know what the cost of those other expenses will be. He stated they will look at the Emergency Management Office budget to fund this. As part of the grant application, there would be an estimate of other expenses. Mr. McIntyre commented that he finds it hard to believe that the towns and villages don't know what to do or who to see in case of an emergency. Mr. Marshall explained the problem is the change over in the local municipalities. A lot of the newer people are not aware of the programs that are available.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO APPLY FOR THE AMERICORPS VISTA GRANT PROGRAM MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. Administrator

1. **Jail Expansion Project** – Mr. Alger informed the committee that he will be meeting with the architectural and construction consultants next week to talk about the scoping of the project and what kind of schedule we are looking at. With regard to the ATI piece, that consultant will come Monday for an ATI Board Meeting and then we will try to set up additional meetings with Probation, the Sheriff, etc. Once we get the construction and architectural consultants together, our intent is to develop an estimated projection for this project and an overview of the services needed. We will bring that back to the committee for review.

Mr. Creath asked when will the Jail AdHoc committee be involved again? Mr. Alger replied next month we should have the information back and be ready for the committee to meet. Mr. Ahrens asked do you anticipate doing a bond inducement in June? Mr. Alger replied he would hope to. We will know more by this time next month. That will give the consultants three to four weeks to look at the scoping and get back to us. Mr. Walsh asked after you get the bond in place, how long until actual construction? Mr. Alger replied his estimate is that hopefully in June we can get the bond inducement and have the actual design. At the end of this year, beginning of next year we would look to do the bids so that construction could begin next construction season. He would expect that it would be a 12-month construction schedule on the outside. If we do the prefabricated cells, that could go a little quicker. By the end of 2006 or the beginning of 2007 we should be ready to occupy the facility.

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

NEXT COMMITTEE MEETING SCHEDULED FOR

Monday, June 6, 2005

****PLEASE NOTE CHANGE IN TIME** 9:30 a.m. **PLEASE NOTE CHANGE IN TIME****

PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE

NO LATER THAN NOON

Tuesday, May 31, 2005.

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, June 6, 2005

9:30 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
Byrum Cooper Michael Sprague Tim Marshall
Tim Wixom Frederick H. Ahrens, Jr. David English
Gregory P. Heffner James Gleason

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

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

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MAY 2, 2005 MEETING MADE BY MR. JAMISON, SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. McALLISTER ABSENT FOR VOTE).

III. DEPARTMENTAL REPORTS/REQUESTS

A. Probation

1. **Acceptance of Funds** – Mr. Justice informed the committee that previously they had applied for additional TASC money to be used for drug prevention in the amount of \$2,900. He requested permission to accept this money.

MOTION: AUTHORIZING THE PROBATION DEPARTMENT TO ACCEPT \$2,900 IN ADDITIONAL TASC MONEY TO BE USED FOR DRUG PREVENTION MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. McALLISTER ABSENT FOR VOTE).

2. **Informational** – Mr. Justice reported that as of the first of the month they have 810 probationers which equates to 900 cases. Of those, 508 are felonies, 302 are misdemeanors, and 30 are drug court cases. Of the 508 felonies they have 84 open felony investigations and of the 302 misdemeanors, they have 113 open misdemeanor investigations. The average caseload is 65. Currently there are 64 cases in the department that are sex offenders.

Mr. Justice informed the committee that there has been a change in Article 735 which is the PINS program. We have to make very few adjustments in Steuben County as we have been ahead of the game. This new bill brings the rest of the State more in line with what Steuben County has been doing for the past few years. One area requires the development of some sort of respite services and that is something we will have to look at. Everything else in the law, we already have in place.

Dr. Baker asked do your cases reflect State parole violators? Mr. Justice replied the Public Defender's Office deals with parole violators and that does affect the Jail population. He stated that currently at the Jail we are housing 17 parole violators. Mr. Walsh asked the numbers you presented, are they in line with what you have had in the past, or have they increased or decreased? Mr. Justice replied our numbers have gone up by 100 cases. Part of that is due to changes in the law and the sentencing of sex offenders. Mr. Alger explained when the department was asking for help when they had caseloads of 700 cases we cut their staff and now they have caseloads of 810. We decreased staff and there has been an increased caseload for the remaining staff.

Dr. Baker asked what is the status on using GPS for sex offenders? Mr. Justice replied this is very controversial. There are two types of systems. The first type of system is an active, live GPS where we know where the person is at any given time. One of the things we have to look at is the liability with regard to an immediate response. Live GPS will tell us if someone is still in the State. The other type of system is a passive GPS which is offered to us locally. The Electronic Home Monitoring system consists of an ankle bracelet and a base monitoring unit. In addition to that there would be an additional small unit that would clip to their belt. You have to depend on that individual to put that smaller unit into the base unit to download their activity. One of the questions we had asked was if the individual disposed of that small clip unit, would we be able to find it and the answer was no. When you look at the issues surrounding the supervision of sex offenders, we check their homes and we are out in the field. If the Governor moves toward GPS and mandates it, we will have to follow. If we do, then he hopes the State will fund it. The new GPS system would be more expensive than what we already have.

B. Sheriff's Department

1. **Civil Report** – Sheriff Tweddell reported civil fees paid year-to-date are \$58,437.23.

2. **Jail Report** – Sheriff Tweddell reported money due the Jail year-to-date is \$201,440.78. The population as of this morning is 158. Of that number, 8 will be going to County Court this morning, there are 4 federals, 9 boarded out and 15 parole violators. Money expended to house-out inmates to date is \$346,350.

Sheriff Tweddell informed the committee that Chemung County has raised their board-in rates from \$75.00 per day to \$91 per day and we have pulled our inmates out of there. We are paying \$75.00 per day in Yates County, \$65.00 per day in Schuyler County and \$85.00 per day in Ontario County.

Sheriff Tweddell announced that Terry Moran from the Corrections Commission will be coming tomorrow to assist in the study on our variance request. The Commission needs to okay the space and the variance.

Sheriff Tweddell stated that he was able to get back two deputies that had left and wanted to return. This brings his road patrol up. Corporal Bill Norton is now in charge of the STOP DWI Program.

Mr. Creath asked are you turning the corner on losing individuals after they have been trained? Sheriff Tweddell replied no. The State has gotten another great contract and there is no way that we can compete with that. They are in the process, at the end of this year, of going to a 25-year retirement and that will be a big issue.

C. Public Defender

1. **Monthly Report** – Mr. Cooper distributed his monthly report for review. He commented that they are now doing a quarterly comparison of the preceding three-month period. He commented that the new attorney, James Ferratella has been handling D and E felony cases. This past month he had 33 cases which, had we been assigning them out at the rate of \$75.00, we would have spent approximately \$33,000.

Mr. Cooper stated that with regard to the parole violators, the process is cumbersome and it has nothing to do with the courts in the County. This is an administrative procedure whereby an administrative judge is appointed by State Parole and they have a circuit of counties. They are only in Steuben County two times per month. The first day they are here is a preliminary hearing. Those are usually waived and we file a notice of appearance and when the judge comes back on the fourth Thursday, we go to the first appearance. If we need to meet with the judge again, that doesn't happen for another 30 days. As a result, parole violators can tend to linger. Mr. Alger asked is there a statutory requirement for the parole violators? Mr. Cooper replied we have done some investigating into the requirements involved with keeping parole violators in jail and there are no mechanisms in place to apply for

bail. Mr. Alger asked if there were more judges, would that move the process along faster? Mr. Cooper replied probably.

D. Emergency Management Office

1. **Budget Transfer** – Mr. Sprague requested authorization to move Homeland Security grant funds from last year to this year and appropriate to revenue line items so that they can fulfill the terms of the grant.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO TRANSFER \$59,379.48 IN 2004 HOMELAND SECURITY GRANT FUNDING (DCJS #WM04836140) AND APPROPRIATING \$50,741.21 TO THE EQUIPMENT LINE ITEM, \$5,000.00 TO THE OPERATING SUPPLIES LINE ITEM AND \$3,638.27 TO OTHER EXPENSES; TRANSFERRING \$30,003.00 IN 2004 HOMELAND SECURITY GRANT FUNDING (DCJS #WM03836120) AND \$27,000.00 IN 2004 HOMELAND SECURITY GRANT FUNDING (DCJS #WM03836130) AND APPROPRIATING \$20,500.00 TO THE EQUIPMENT LINE ITEM, \$14,000.00 TO CONTRACT LABOR, \$13,966.00 TO TRAINING/CONFERENCES, \$700.00 TO POSTAGE, \$837.00 TO COPYING AND \$7,000.00 TO ROOM RENTAL – DEVELOPMENT AND IMPLEMENTATION AND AMENDING THE CAPITAL BUDGET EQUIPMENT LIST TO INCLUDE 3 LAPTOP COMPUTERS, 1 DESKTOP COMPUTER, SOFTWARE AND 3 PROJECTORS AT A TOTAL COST OF \$20,500.00 MADE BY MR. WALSH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. 911 Enhanced

1. **Grant** – Mr. Wixom informed the committee that they have received \$729,904.00 in second round grant money from the State. Overall, we have received \$1.2 million in funding. After the first grant, the State decided to have a second round of grants. We will be using this grant award for the backup facilities at the Civil Defense Center and Mt. Washington. This will also pay for Pictometry, additional installation and wiring and the first year of initial start up costs.

MOTION: AUTHORIZING THE 911 ENHANCED DEPARTMENT TO ACCEPT A STATE GRANT IN THE AMOUNT OF \$729,904.00 MADE BY MR. CREATH. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Creath commented when we get more money, he would like to see us put laptops in every emergency vehicle in the county, ambulances and fire trucks. Mr. Wixom commented that would have to be a specific grant that we would go after. We can look to see if we can find that type of grant.

2. **Vehicle** – Mr. Wixom informed the committee that they have an extra truck that they used for the addressing project. The Sheriff needs an additional truck for the maintenance crew. Mr. Wixom requested authorization to transfer the truck to the Sheriff's Department.

MOTION: AUTHORIZING THE 911 ENHANCED DEPARTMENT TO TRANSFER ONE 911 ADDRESSING TRUCK TO THE SHERIFF'S DEPARTMENT MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Informational** – Mr. Wixom informed the committee that since they turned on, they have taken 8,668 calls. We still need to educate the public to have them use the seven-digit numbers less and 911 more. He stated that Phase II calls are wonderful. We can pinpoint someone within 68 meters of where they are standing. Verizon and Nextel are Phase II compliant, however, Cellular One will not be compliant until August. Mr. Wixom explained that six months prior to turning on a letter was sent out to all of the cellular companies letting them know. He stated that he will be sending out a one-page brochure to the public. They will have a booth at the County Fair and will be working with the fire departments in the Fall during Fire Prevention Week.

Dr. Baker asked have you had a problem with non-emergency calls? Mr. Wixom replied it is tough to tell someone what is an emergency. Mr. Creath asked have you had problems with telephone services providing you with information to check the locations of calls? Mr. Wixom replied no. Telephone companies cannot block us from getting address information. The voice over IP phones are an issue as they are only good if you have power in the house. If there is no power, there is no phone. Mr. Alger explained the voice over IP phones are the next generation of phone service and right now it is not 911 compatible. Individuals using this will not be able to be

found other than by asking where they are located. Also, the hand held portable phones don't work without power. The traditional landline phones work well. Every house should have at least one regular phone.

Mr. McAllister suggested that in the brochure 911 sends out to the public perhaps they could include a sticker or a magnet that they can put by the phone. Mr. Wixom commented that they are trying to determine if the stickers or the magnets are most cost effective. The biggest thing is getting people to use 911 instead of the seven-digit numbers. Mr. Roche asked have all the seven-digit numbers been converted? Mr. Wixom replied all the ones we are taking have been switched over. Hornell, Bath and the Sheriff's Department are keeping their seven-digit numbers. Mr. Alger stated the concern is that people will continue to use those seven-digit numbers.

F. Administrator

1. **Jail Update** – Mr. Alger informed the members of the committee that they will not be having a Jail Ad Hoc meeting. The Commission is coming to review the facility variance. The consultant, Labella, has met with the Sheriff and Major Lian to talk about the facility and the needs and are starting that process. The Center for Governmental Research has started their portion of the study and have been down about four times to meet with a large number of people. They are discussing where we are at, various issues, etc. The Center for Governmental Research has scheduled additional days to meet with individuals. When we have something more concrete, we will have an Ad Hoc meeting to review that.

IV. OTHER BUSINESS

A. July Meeting – Dr. Baker stated that as the July meeting falls on a holiday, the meeting will be moved to Monday, July 11, 2005 at 9:30 a.m.

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. 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. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: REJECTING THE BILL FROM WILLIAMS SCOTSMAN FOR \$3,900.00 AS THEY FAILED TO DELIVER ACCORDING TO THE CONTRACT MADE BY DR. BAKER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. McALLISTER. 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 11, 2005 **PLEASE NOTE CHANGE****
9:30 a.m.

PLEASE SEND AGENDA ITEMS TO THE CLERK OF THE LEGISLATURE'S OFFICE
NO LATER THAN NOON
Monday, June 27, 2005.

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, July 11, 2005

9:30 a.m.

Legislative Committee Conference Room
Steuben County Office Building
3 East Pulteney Square
Bath, New York

MINUTES

Committee: DeWitt Baker, D.V.M., Chair Lldon E. Jamison, Vice Chair John Walsh
Patrick McAllister, Esq.

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

Staff: Mark R. Alger Timothy Wixom Byrum Cooper
James Gleason Richard C. Tweddell David English
Frederick H. Ahrens, Jr. Michael Sprague Timothy Marshall
Lawrence P. Crossett Robert Biehl

Other: Kyle Tuttle, LP Ciminelli Mark Kukulvka, LaBella Eric Eshelman, LaBella
Mary Perham, *Leader*

Absent: Donald B. Creath

I. CALL TO ORDER

The meeting was called to order by Dr. Baker at 9:38 a.m.

II. APPROVAL OF MINUTES

MOTION APPROVING THE MINUTES OF THE JUNE 6, 2005, MEETING MADE BY MR. MCALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REPORTS/REQUESTS

A. Sheriff's Department

1. **Civil Report** – Sheriff Tweddell reported they have collected \$71,289.16 in civil fees to date.

2. **Jail Report** – Sheriff Tweddell reported there is \$218,922.36 due to the facility to date. They current population of the facility is 160 inmates with 4 federal inmates, 1 state ready, 18 parole violators and 17 are boarded out. The cost to house out inmates to date is \$394,175.

Sheriff Tweddell stated the variance request to renovate two program rooms to hold 12 more inmates was accepted by the Commission of Corrections. The equipment has been ordered and he is hoping to be able to bring back eleven inmates by the end of this week. They will only bring back eleven because they need one cell available for bathroom facilities. The equipment costs \$6,000 and he will pay for it out of the building maintenance line item. Mr. Jamison asked will it require additional employees? Sheriff Tweddell stated no, it was approved by the Commission without increasing the staffing levels. Discussion followed.

B. Emergency Management Office

1. **Budget Transfers** – Mr. Sprague stated last month they reallocated funds from the 2004 Weapons of Mass Destruction grant. We need to reassign some of that funding into the small equipment line items so they can purchase 2 suit testers, air conditioning equipment and 4 haz-mat units. It was in last year's budget but they need to reassign the funds for this year. Discussion followed.

MOTION: AUTHORIZING THE APPROPRIATION OF 2004 WEAPONS OF MASS DESTRUCTION FUNDS TO EMERGENCY MANAGEMENT'S 2005 EQUIPMENT LIST AS FOLLOWS: TWO (2) SUIT TESTERS FOR \$1,000; AIR MONITORING EQUIPMENT FOR \$10,000 AND FOUR (4) HAZMAT UNITS FOR \$7,000 MADE BY MR. WALSH. SECONDED BY MR. MCALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Legislative Initiative** – Mr. Sprague stated his office has received \$10,000 in Legislative Initiative funding from Senator Winner and Assemblyman Bacalles to assist with the Steuben County Volunteer Fire Training Program. He requested authorization to accept this funding.

MOTION: ACCEPTING \$10,000 IN LEGISLATIVE INITIATIVE FUNDING FOR THE STEUBEN COUNTY VOLUNTEER FIRE TRAINING PROGRAM MADE BY MR. MCALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

3. **Informational** – Mr. Sprague informed the committee that their application to serve as a host site for VISTA Member in the 2005/2006 year of the NYS Emergency Preparedness Project has been approved. He noted it would require a \$1,000 match from the County for the first year. He doesn't have all of the information regarding the program at this time so he'll bring it back to the Committee for approval.

C. Public Defender

1. **Monthly Report** – Mr. Cooper reviewed the monthly report. He noted they have seen an impact as a result of hiring attorney Jim Ferratella. He stated Mr. Ferratella has handled 63 cases since April. These cases would have otherwise been assigned out, which means the County would have paid an outside attorney \$75/hour for the handling of these cases. Discussion followed.

Mr. Alger asked Mr. Cooper do you have an idea what is the average duration of each case? Mr. Cooper stated he hasn't looked at it that way. However, he projected they'd have 275 felony cases each year and he believes that can be handled with two attorneys. He noted even with these savings, assigned counsel is still a substantial cost and they may want to consider setting up another office to handle the conflict of interest cases. Discussion followed.

D. E911 Department

1. **Update** – Mr. Wixom distributed a graph depicting the number of 911 calls to date. He stated they have received 21,214 calls to date and less than 3 percent of them have not been 911 related or requests for services. He noted the interface with Corning, Hornell and Bath is working very well.

Dr. Baker asked have there been any complaints related to service? Mr. Wixom stated they received bad press in the Evening Tribune when they reported that a fire victim told them it took 15 minutes for 911 to dispatch the fire department. They reviewed the tapes for that incident and learned it took 45 seconds for 911 to dispatch the fire department. He and the fire chief went to the newspaper about it and they printed a clarification/retraction. Discussion followed.

Mr. McAllister stated there have been issues/concerns with 911 in his district and he may ask Mr. Wixom to attend some of his towns' board meetings to clarify some of the issues. Discussion followed.

2. **911E Old/New Address Book** – Mr. Wixom presented a draft page of what the 911E Old/New Address book would look like. He noted in this format, the book would be 250 pages. Mr. McAllister asked how much will it cost to print? Mr. Wixom stated the real question is who is going to pay for the printing? Mr. Roche asked couldn't they make it available on CD-ROM and/or place it on the County's website? Mrs. Mori noted that the Clerk of the Legislature's Office already provides the 911 Database on CD-ROM to those individuals who request it under Freedom of Information. Mr. Jamison stated they don't need to print it if it is already available on CD-ROM.

E. County Administrator

1. **SEQRA Review for the Jail Project** – Mr. Alger distributed a copy of the completed short environmental assessment form. He stated with this particular project, they had actually completed a portion of

the review when they completed the assessment on the original jail in 1992 as it included 50 extra beds. This would be an additional 50 beds on top of the 50 beds initially requested. He stated the Planning Director has indicated that we would perform an uncoordinated review where we conduct it on our own and notify all interested parties. We don't believe it will have a significant impact on the environment based upon this review. As such, we recommend they forward it to the Legislature for approval. This needs to be completed so we are in compliance with the environmental rules associated with this project.

MOTION: APPROVING A NEGATIVE DECLARATION IN ASSOCIATION WITH THE SEORA REVIEW FOR THE JAIL EXPANSION PROJECT MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

2. **Jail Program Summary** – Mr. Kukulka distributed a draft program summary for the Jail Expansion Project. He reviewed the summary for the Committee. There are changes that need to be made to the existing facility to accommodate the expansion so they will be renovating 7,841 of gross area square feet. The total gross square footage for the addition is 45,406. The result is a building total gross square footage for the addition and renovation of 53,427. This number is what the building cost estimate is based upon.

Mr. Kukulka showed a floor plan that displayed the existing, existing renovated and new additions to the building. He reviewed the changes they are suggesting. He also showed a site plan for the building. He noted they haven't committed on exactly where the new pod will be located. He stated that's the point where we are at and LP Ciminelli has developed a budget for this. Once the project is funded, they'll be able to discuss where the pod will be located.

Mr. Tuttle distributed copies of the conceptual cost estimate. Mr. Alger stated the conceptual estimate at this point has come in at \$15.7 million. We believe we should use \$16 million as the estimated cost of the project at this time. Mr. Tuttle stated he met with LaBella, the Sheriff and Mr. Alger for input on what was needed at the facility. From that meeting, LaBella developed the program summary and then we developed the numbers. We also looked at two or three new facilities that are being built to obtain knowledge of known costs to develop these numbers. We included a design and construction contingency, as well as a soft cost estimate. The current facility was initially designed to accommodate a new addition so there shouldn't be any surprises on that end. The engineers have given us a good visualization of where the addition is likely to be located. Discussion followed.

Mr. McAllister stated since these are conceptual figures, can the cost increase or decrease? Mr. Tuttle stated we've set parameters in the program and they are estimating 45,500 square feet of new construction. There are contingency plans in place. But in the design of the project the key parameters are the square footage of the addition and the budget. If one goes up, it affects the other. We keep a careful eye on the parameters to control the budget. Discussion followed.

Dr. Baker asked have they discussed with the Sheriff the complete enclosure of the exercise facility? Mr. Kukulka stated we've discussed it but we haven't budgeted for it. Mr. Alger stated at this point we haven't anticipated fully enclosing the existing yard, just what can be done to further secure the existing area.

Mr. McIntyre stated by the time this project is completed, the existing roof will have 15 years life on it. Will we need to replace that as well? He stated he's only asking because they should consider the whole overall building when determining the size of this project so they don't have another project to replace the roof once this is done. Mr. Alger stated they have gone through each area to determine if there is a change or renovation that needs to be done. You have a good point, though; we should definitely look at the roof. Discussion followed.

Mr. Tuttle stated we have also given some thought to the safety and security of everyone involved in the project. He doesn't want there to be any opportunity for a worker to come into contact with the inmates. They can work the logistics out with the Sheriff. It is delicate work in and around that area.

Sheriff Tweddell asked is it possible to do the renovations first? It would make a difference with security when they construct the addition. Mr. Kukulka stated he doesn't see why not unless they need swing space in a particular area. Sheriff Tweddell stated it would be more comfortable to do it that way.

Mr. Alger stated regarding Mr. McAllister's question as to whether this is a low or high estimate. It will do whatever you will let it do. The challenge the County has is to manage the budget within the number selected. If \$16 million is the number selected, our job is to make sure the budget doesn't go over that. We need to make the project work for what it is intended and do it within budget. We will constantly review the cost and scope of the project. Suggestions and ideas will come up and, while those things might be nice to do, we might not be able to do them because of the budget. We have to adhere to the budget for the duration of the project. Discussion followed.

MOTION: APPROVING THE PROPOSED BUDGET OF \$16 MILLION FOR THE JAIL EXPANSION PROJECT AND RECOMMENDING THE FINANCE COMMITTEE APPROVE THE FUNDING THEREOF MADE BY MR. MCALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

3. **ATI Analysis** – Mr. Alger stated the Center for Governmental Research has conducted extensive interviews to assist in the analysis of the jail population. They are still in the data stage and once that is done, they will bring their recommendations back to the Committee.

4. **Other** – Mr. Gleason stated this Committee had approved the purchase of an outboard motor for the Sheriff's Department. The old motor has been declared surplus and they advertised for sealed bids. They received one bid for \$2,599. Mr. Gleason stated he thinks it is a good price and it is roughly one quarter of the cost of the new motor, which was used for 5 years. Discussion followed.

MOTION: ACCEPTING THE BID OF \$2,599 FOR THE SALE OF A SURPLUS OUTBOARD MOTOR MADE BY MR. JAMISON. SECONDED BY MR. MCALLISTER. 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. MCALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: PRESENTING A LOCAL LAW ESTABLISHING A DEPARTMENT OF EMERGENCY MANAGEMENT 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. MCALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

Respectfully submitted by, Brenda K. Mori, Deputy Clerk, Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, August 1, 2005
9:30 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, July 25, 2005**

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, August 1, 2005

9:30 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 Gregory P. Heffner Byrum Cooper
Richard Tweddell David Cole Tim Wixom
Tim Marshall Michael Sprague Nancy Smith
Frederick H. Ahrens, Jr. David English Ken Peaslee

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

OTHERS: Joseph Dick
Mary Perham, *The Leader*

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JULY 11, 2005 MEETING MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (Mr. Creath and Mr. McAllister absent for vote).

III. DEPARTMENTAL REPORTS/REQUESTS

A. Sheriff's Department

1. **Civil Report** – Sheriff Tweddell reported civil fees paid to the County year-to-date are \$80,876.85.

2. **Jail Report** – Sheriff Tweddell reported total monies due the facility year-to-date are \$312,835.31. The population at the Jail as of this morning is 165. Of those, 165 are male and 15 are female, they have 4 federals, no state readies and they boarded out 8. There are 16 parole violators of which 13 are without local charges. Monies expended to house out inmates year-to-date is \$426,975, not counting medical and transport expenses.

3. **Telephone Server** – Sheriff Tweddell informed the committee that he has been talking with Mr. Peaslee about changing the telephone switch in the Jail. The cost would be \$36,000 and would make more lines available. He stated that they will shut down the dispatch from 10:00 p.m. until 6:00 a.m. and will answer those calls with an answering machine until the new switching system goes in. In talking with 911, he is hoping that they would be able to take over that time period. Typically they only get 8 – 10 calls per week. Sheriff Tweddell explained that if he cuts down on his dispatching, that would cut down on eight hours during the week. Our dispatch will be active from 6:00 a.m. – 10:00 p.m. Monday – Friday. On the weekends, he may cut it back to 9 ½ - 10 hours per shift. He could save 6 – 8 hours per week which would more than pay for this system in a year. There are still a couple of things that need to be researched.

Mr. Peaslee explained we have two lines from the County Office Building to the Public Safety Building and we lease those through Verizon at a rate of \$140.00 per month for the two. We have fiber between the two buildings and we are unable to utilize it because of the current switch. The cost to upgrade the switch would be \$120,000.

The cost to replace the switch with a smaller version is \$36,000. Currently there is no four-digit dialing between the Sheriff and the 911 Center and the new switch would allow us to do that. With the new switch, we could eliminate the two lines that we currently lease from Verizon.

Mr. Alger commented this is a step in the right direction. There is no question that 911 could handle the additional calls. We will have to replace the switch anyway. The current switch was purchased when we built the Jail and it wasn't maintained in terms of upgrades to the software.

Mr. McIntyre asked instead of the Sheriff paying for this out of his budget, can it be taken out of the 911 budget? Mr. Alger replied it doesn't matter which way we pay for it. Ultimately the switch will pay for itself.

MOTION: APPROVING THE SHERIFF'S REQUEST TO PURCHASE A NEW TELEPHONE SWITCH FOR THE PUBLIC SAFETY BUILDING AT A COST OF \$36,000 AND FORWARDING TO THE FINANCE COMMITTEE FOR THE APPROVAL AND TO IDENTIFY A FUNDING SOURCE MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (Mr. McAllister absent for vote).

B. Public Defender's Office

1. **Monthly Report** – Mr. Cooper distributed a copy of his monthly report for review. He stated that the quarterly figures for misdemeanors have dramatically increased. During the second quarter of last year they had 293 and during the second quarter of this year they have 480. Mr. Cooper commented that the number of DWI vouchers are decreasing and as these are typically E felonies, this is a reflection of us doing those types of cases in-house. That number should continue to go down. Mr. Cooper commented that using Attorney Ferratella as an example, year-to-date he has 98 felony cases. Typically D & E felony cases average \$1,000 each so that means that \$98,000 or more is not being paid out because we are doing those cases in-house.

Mr. Alger asked so that number you are talking about is primarily those cases where you do have a conflict? If you are taking the majority in-house, that vouchered number should be relatively small. It may be good to have a number that shows us what kind of numbers we have for conflicts of interest in that area. Mr. Cooper commented they are assigning only conflicts of interest. Mr. McAllister asked don't we have to see the total to know how much was vouchered? Are the vouchered cases only conflicts? It would be nice to have that total. Mr. Alger stated you could pull out the monthly vouchered amounts by level and show as a total.

Mr. Cooper commented typically you see more conflicts of interest in Family Court. Mr. Ahrens asked do you see in the future a Conflicts Office being established in Family Court? Mr. Cooper replied yes. The primary focus would be Family Court, though there would be some criminal work.

Mr. Creath asked are we saving money by doing these in-house? You will need that data if you want a public advocate's office. Mr. Cooper replied when you look at Attorney Ferratella and take his salary, the \$98,000 that would have been spent is almost twice his salary. In a sense, his salary is already paid for. Mr. Creath commented we just want to know that we made the right decision by going in-house.

2. **16B Request** – Mr. Cooper stated currently he has three attorneys, two secretaries and a part-time secretary through the Experience Works Program. It is becoming clear that the two full-time secretaries, based on the volume of work in our office, are not going to be able to handle the load without help. He stated that he has talked with Personnel about hiring a part-time individual.

Dr. Baker asked what would the salary be? Mr. Cooper replied it would be \$10,000 per year with no benefits. Mr. Creath asked would this position replace the current part-time secretary? Mr. Cooper replied yes. The current part-time secretary through Experience Works has been with us for three months and will continue for another three months. Dr. Baker asked will this position turn into a full-time position? Mr. Cooper replied it is possible, but he won't predict it.

Mrs. Smith commented that this request was received by the May 1st deadline. Mr. Alger stated this position will be put into place for the budget next year. Mr. McAllister commented that he would like to find out what the current part-time secretary is doing.

MOTION: APPROVING THE 16B REQUEST FOR THE PUBLIC DEFENDER'S OFFICE FOR ONE PART-TIME SECRETARY MADE BY MR. CREATH. SECONDED BY MR. JAMISON.

Mr. McAllister stated he is not against it, but he doesn't know that he wants to forward it until he knows what the current part-time secretary is doing. Would it be possible to table this until next month? Mrs. Smith replied that would be fine. The 16B requests go to the Administration Committee in September and then to the Finance Committee in October.

PREVIOUS MOTION WITHDRAWN.

MOTION: TO TABLE THE 16B REQUEST FOR THE PUBLIC DEFENDER'S OFFICE UNTIL THE SEPTEMBER MEETING MADE BY MR. CREATH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Cooper commented that next month he will have the numbers to discuss a Conflicts Office.

C. Emergency Management Office

1. **Grant Application** – Mr. Marshall informed the committee that they have an opportunity to apply for \$46,893.75 in grant funding through Homeland Security for the FFY05 Citizen Corps Grant Program. We have received funding in the past for the Citizen Corps. This additional funding will be to promote citizen preparedness, education and training. Last year's funding supported a half position at the Steuben County Chapter of the Red Cross. Part of this additional funding would be used to continue the agreement with the Red Cross.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO APPLY FOR \$46,893.75 IN GRANT FUNDING THROUGH HOMELAND SECURITY FOR THE FFY05 CITIZEN CORPS GRANT PROGRAM MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. 911 Enhanced

1. **Update** – Mr. Wixom informed the committee that during the month of July they completed 10,685 jobs and in June they completed 10,845 jobs. Since they turned the system on they have answered approximately 28,000.

2. **Mt. Washington Building** – Mr. Wixom informed the committee that the Mt. Washington Building has been completed and they are waiting for the radio system to be connected. Once the radio system is installed, they will be doing quarterly testing.

3. **Radio Identification Issues** – Dr. Baker introduced Joe Dick, a member of the Steuben County Fire Advisory Board, who is here to discuss issues that the fire departments are having with radio identification. Mr. Dick stated at the June Fire Advisory Board meeting, the fire departments discussed that they would like 911 to be called Steuben 911 instead of 911 Center. The fire departments that border other counties are running into communication problems. He stated that this was brought before the 911 Advisory Board last week and the members of the Fire Advisory Board wanted him to bring the issue here. Mr. Dick stated over the years, the fire service was told to call Steuben Fire Control. This is Steuben County's 911 and the Building says Steuben County 911 Center.

Dr. Baker asked Mr. Wixom if we went with Steuben 911, would that handicap you? Mr. Wixom replied he doesn't care what we are called, his only request is that it is consistent on each channel. The Sheriff is called Steuben. This discussion has to continue because on his channel, he would prefer not to have the Sheriff's dispatcher Steuben and his dispatcher being Steuben 911.

Sheriff Tweddell stated 155310 that we transmit on is the Sheriff's frequency and we have been known as Steuben. Contrary to what others have said, I'm not whining. Whatever the County decides to call me is fine. He stated that he has been a member on committees from the start of this and this was going to be designated as the 911 Center.

Mr. Roche asked is the 911 Advisory Committee still considering this issue? Mr. Alger replied at the last meeting this was discussed at great length and we did not make a decision that day. They felt that we should make a decision that everyone was comfortable with and that would also be a final decision. There is sensitivity to the fact that the fire service is feeling alienated and their advisory board had recommended to the County that they be called Steuben County 911 Center. The concern has been that we don't want to create confusion. The objective is to come up with something that the fire service is comfortable with that doesn't create confusion.

Mr. Walsh asked what about Steuben Sheriff or Steuben 911 or Sheriff Steuben? Why do you need to distinguish? Mr. Wixom replied the first thing you hear is what you are keying in on. Some people just use fire dispatch. A lot of this is just historical reference on a channel. The question is what can everyone agree on. We need to think about what is appropriate. If we are going to change, we only want to do it one more time.

Mr. Dick stated the County Fire Chief's Association meeting is next Thursday. Mr. Alger stated that he would like them to hear that we are not saying no. We are interested in coming up with something that makes sense. Mr. Roche commented that we should let the 911 Advisory Board take another month or two to think about this and make a decision. Dr. Baker stated that he was agreeable with that. As long as if the Advisory Board can't come to an agreement, that someone in the Legislature will need to make the decision.

Mr. Alger commented we have a Board resolution indicating that the 911 building be known as the 911 Center. He would like to hear from the fire service some more. Mr. McIntyre commented you could call Steuben County 911 and let the Sheriff say Sheriff Dispatch. Mr. McAllister commented if traditionally Steuben has meant the Sheriff, you will have a lot of confusion if you switch it.

Mr. Jamison asked do emergency calls go to the Sheriff directly or to 911? Sheriff Tweddell replied most of the emergency calls go through 911. We use my frequency when officers are serving civil papers and when the Jail checks in and out of service with us.

Dr. Baker commented we are completely dependent on the volunteer firemen in the County and he does not want to do anything that alienates them. He is in favor of helping the firemen. Mr. Wixom commented when you are on the radio you have to be on the right channel. If you are by the county line, these radios have hundreds of channels. We are talking about having difficulty reaching the center, if you are on the right channel we can talk to you.

Dr. Baker asked who goes to the Fire Advisory Board meetings? Mr. Dick replied Mr. Wixom, Mr. Sprague and members from each of the fire departments. Sheriff Tweddell stated that he is not holding this up. Whatever you want to call us is fine with him.

The committee was in agreement to table this issue for one month pending a decision by the 911 Advisory Board.

E. Administrator

1. **Jail Project Update** – Mr. Alger informed the committee that the Center for Governmental Research is indicating that by this month or September, they will have information on their study back to us for discussion. That piece is starting to come together. We will also begin the actual design work for the Jail and get that off the ground. The Sheriff is already utilizing the additional twelve beds that he has. It will take a month or two to get the preliminary design. We will go into the schematic design now and as soon as we get something back we will bring it to the committee. One consideration is whether to have something that is stick built or prefabricated. If the cells are prefabricated it will speed up the construction process. We will be looking at the cost implications for these two alternatives. Mr. Alger stated that he anticipates groundbreaking to be spring 2006 unless for some reason we can do the earthwork this fall. Mr. Walsh commented that if you go prefabricated that is something that could be in production while you are constructing. Mr. Alger stated once a decision is made to go prefabricated, that could be put out to bid independently from the rest of the Jail.

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. 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. WALSH. SECONDED BY MR. CREATH. 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

NEXT MEETING SCHEDULED FOR

****PLEASE NOTE CHANGE** Monday, September 12, 2005 **PLEASE NOTE CHANGE**
9:30 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, August 29, 2005.**

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, September 12, 2005

9:30 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
Tim Wixom Mike Sprague Tim Marshall
Byrum Cooper Frederick H. Ahrens, Jr. David English

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

ABSENT: Donald B. Creath

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

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE AUGUST 1, 2005 MEETING MADE BY MR. WALSH. SECONDED BY MR. ROCHE. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Mr. Jamison and Mr. McAllister absent for vote.

III. DEPARTMENTAL REPORTS/REQUESTS

A. Probation

1. **Local Conditional Release Commission** – Mr. Justice informed the committee that the Division of Parole used to do this, but in 1989 the State passed legislation requiring that the counties form and designate a Local Conditional Release Commission. When this legislation was passed, it included a sunset clause that if it were not removed, the counties responsibility to have this commission would end effective September 1, 2005. This responsibility has now ended and is now back under the Division of Parole. Steuben County had three individuals who served on this commission and the commission had a budget of \$3,000 - \$4,000. Mr. Justice commented the Commission has done a good job. Dr. Baker requested that a letter be sent to the members thanking them for their service. Mr. Alger commented the commissioners have stayed the same since we started the Commission. The members are Dr. Anderson, Ralph Schnell and Jim Murray. It is appropriate to send a letter of thanks to them. They also each received \$1,000 for the job.

MOTION: ABOLISHING THE STEUBEN COUNTY LOCAL CONDITIONAL RELEASE COMMISSION MADE BY MR. WALSH, SECONDED BY MR. ROCHE. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Mr. Jamison and Mr. McAllister absent for vote. Resolution Required.

B. Sheriff's Department

1. **Civil Report** – Sheriff Tweddell reported civil fees paid year-to-date are \$96,606.67.

2. **Jail Report** – Sheriff Tweddell reported total monies due the Jail year-to-date are \$330,839.67. The population at the Jail as of this morning is 170, with 150 males and 20 females. There are 4 federals, 0 boarded in, 0 state readies, 15 boarded out and 18 parole violators. Of the parole violators, 15 are without local

charges. Money spent to house out inmates year-to-date is \$451,650.00, not counting medical, transports or overtime.

3. **Dispatching Coverage** – Sheriff Tweddell informed the committee that he has reduced their dispatch coverage. Their current coverage is from 6:00 a.m. – 2:00 p.m. and 2:00 p.m. – 10:00 p.m. during the week. The 10:00 p.m. – 6:00 a.m. shift during the week is handled by 911. On the weekends our dispatch coverage is from 9:00 a.m. – 9:00 p.m. and the rest is covered by 911. This system seems to be working well. If you call after our dispatch hours you will get a message, or you can call the Jail and get someone, call 911 or leave a message for Administration.

4. **Grant** – Sheriff Tweddell requested authorization to accept a grant from the Governor’s Traffic Safety Board in the amount of \$6,460.00 for child passenger safety. There is no match required.

MOTION: AUTHORIZING THE SHERIFF’S DEPARTMENT TO ACCEPT \$6,460.00 IN GRANT FUNDING FROM THE GOVERNOR’S TRAFFIC SAFETY BOARD FOR CHILD PASSENGER SAFETY MADE BY MR. McALLISTER. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

5. **Jail Generator** – Sheriff Tweddell reported that they have a problem with the generator. The generator is twelve years old and the radiator is leaking. They received a quote from Cummins Northeastern for a price of \$12,657.00 to replace the radiator. This radiator holds 80 gallons and we could get it recored, however the generator would be out of commission for a couple of weeks. If we replace the radiator, it can be done in one ten-hour day.

Mr. Walsh asked what is the cost to recore? Sheriff Tweddell replied it would be approximately \$4,000.00, but would take a couple of weeks. Mr. Walsh commented it would be just as good except for the timeframe. Mr. Walsh asked do we have a standby generator that we could use? Mr. Alger replied we don’t have one that is comparable. Sheriff Tweddell stated the coolant in the radiator is running all the time whether the generator is running or not. Dr. Baker stated \$8,000.00 between replacing and recoring is quite a difference. Discussion followed.

Mr. Walsh asked over the past couple of years, how many times has the generator been put into service? Mr. Sprague replied it was used two weeks ago. We do experience periodic outages. Mr. Alger stated the Sheriff has the Jail Repair Reserve that he can take the money from. Dr. Baker asked is there a warranty on a recore? Sheriff Tweddell replied no. We have to have the generator inspected every six months. They have contacted the company and they will be sending someone back out and will not charge us for the last inspection. Mr. McAllister commented that he wonders if it would be cheaper to rent another generator and have the current one recored.

MOTION: AUTHORIZING THE SHERIFF TO PURCHASE A NEW RADIATOR FOR THE GENERATOR AT THE JAIL AT A COST OF \$12,657.00 MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. McIntyre commented we should keep the parts so if we need to, we could use the radiator core for a backup.

Mr. Alger stated that the Sheriff would find out about having the old one repaired. Then we would have a spare. Mr. Sprague explained there is corrosion that gets in the radiator. Most of the time they just sit and they are prone to this type of corrosion.

C. Emergency Management Office

1. **Adoption of Incident Command System (NIMS)** – Mr. Sprague stated the Homeland Security Presidential Directive/HSPD-5 states that beginning in Fiscal Year 2005, Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent permitted by law, for providing Federal preparedness assistance through grants, contracts or other activities. Under NIMS, the premise is that one person can only handle four to seven people at one time during an incident and with NIMS, they came up with a tree and various sections to follow during an emergency. In essence this is the framework for managing incidents. The Federal Government has already adopted this. Our Governor also did a couple of years ago. This has to be formally

adopted by the Legislature to be recognized by FEMA and Homeland Security. It will also allow us to continue receiving grant funding. We have already incorporated this into our emergency planning.

MOTION: APPROVING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN STEUBEN COUNTY MADE BY MR. WALSH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **911 Radios** – Mr. Wixom explained as part of the backup facility at the Civil Defense Center, we need to have two radio consoles put in. We are piggybacking off the system that we have at 911 to the Civil Defense Center. We need to purchase the hardware for the two positions. Mr. Sprague explained the Mt. Washington site is basic backup. The Civil Defense Center is as fully functional as the 911 dispatch area. He commented that at the Mt. Washington site everything has been moved in and we reused old LED equipment. The new equipment is the computers which are tied into 911.

Mr. Sprague distributed an equipment list which he said was put together by the vendor, which is Motorola. We have the ability to shop this list and lower the price. He requested authorization to spend up to \$90,000.00 for this radio equipment. He feels that they will be well below that amount. Mr. Wixom commented the funding will come out of the 911 Project.

Mr. McIntyre asked wasn't Bath PD considered as a backup facility? Mr. Alger replied the Bath Police Department has a console they can use, but the backup is between Mr. Washington and the Civil Defense Center. Mr. Wixom commented we need the two radio consoles to transmit to the responding agencies. This is a critical piece.

MOTION: AUTHORIZING THE EXPENDITURE OF NOT MORE THAN \$90,000.00 FROM THE 911 PROJECT BUDGET FOR THE PURPOSES OF PURCHASING EQUIPMENT FOR THE TWO RADIO CONSOLES TO BE LOCATED AT THE 911 BACKUP FACILITY LOCATED AT THE CIVIL DEFENSE FIRE TRAINING CENTER MADE BY MR. WALSH. SECONDED BY MR. McALLISTER.

Mr. Isaman asked why would it be necessary to vacate the 911 Center? Mr. Wixom replied if, for example, there were a fire in the building or outside, or if there was a suspicious package in the building. The Civil Defense Center would be used if we need to leave our building, but all of the system is still intact. If there were a catastrophic failure, then we would go to the Mt. Washington site. At that site there is a limited level of services. Mr. Walsh asked are you required to have a backup facility? Mr. Wixom replied yes. Mr. McAllister asked would you shop for the installation or would Motorola do it? Mr. Sprague replied we have sole source with Motorola as far as the actual equipment installation and maintenance. Mr. Alger commented this gives us flexibility in the event of an extraordinary emergency that Mr. Wixom can expand the response and it would be seamless.

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

Mr. Alger asked how much other equipment will we need at the Civil Defense Center? Mr. Wixom replied we have to run the fiber optic cable from the inside out to connect. Everything else has already been approved.

3. **Informational** – Mr. Sprague commented in lieu of the events in the Gulf Coast, we have been monitoring emails from the Emergency Management Assessment Compact. He made the observation that this disaster is operating differently than any other disaster to-date. The disaster in Florida had a seamless approach. With Hurricane Katrina, FEMA is at times reaching out directly to the National Associations of Police Chiefs and the National Association of Fire Chiefs. This is a different pattern. At this point, the head of FEMA is back in Washington. Typically, most disasters are of a local nature. In Steuben County, we plan for 72 – 90 hours without help. A lot will come out from this and bears watching. We do have some resources that have gone out from this area and Rural/Metro has sent some people down to help.

Mr. Alger commented the difference is that the state never authorized the feds to come in. Is that part of the problem? Typically, the federal government would go in and run the response. Mr. Sprague replied the state is asking and not asking to maintain control. Public officials are saying they need help. If we had a disaster here, all

of our requests would go to the State, then to FEMA and then out to other states. The issue of moving people out of their homes is very clearly defined in New York State. There is no clear line of authority in the Gulf. The affects of this will reverberate for years to come.

D. Public Defender's Office

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

2. **Conflicts Office/Personnel/Budget Request** – Mr. Cooper stated that he is projecting the annual cost of Assigned Counsel as it stands right now will be between \$550,000 - \$600,000 if we do nothing. This is based on \$75.00 per hour. Last year it was difficult to get a handle on the amount spent because 60 percent of the year was at the old rate and 40 percent was at the new rate. Last year the expenditures through August were \$181,000 with the old rates. About this time last year we started getting some vouchers with the new rates. When you apply the new rate to last year's vouchers, that would have been \$400,000 last year. Even though we are saving money, that doesn't mean we are spending less than in 2002. When we are talking about assigned counsel, the question is what would it have cost if we had done nothing? Actual expenditures this year through the end of August are \$261,956.10. Mr. Cooper stated we have \$275,000 budgeted up to this point. He requested approval to appropriate \$195,000 in indigent defense funds they received from the State to the Assigned Counsel line item.

Mr. Alger stated the State created an Indigent Defense Fund which was funded by fees collected. That is distributed to the counties on a pro-rated basis depending upon the number of assigned counsel cases you have. We don't have this funding in this year's budget. We need to appropriate that revenue to the Assigned Counsel line item. We will receive this funding each year and it will be based on the assigned counsel caseloads that we have. It should be about what it is now.

Mr. McAllister asked last year if we had adjusted the rates, how would we get to the \$550,000 - \$600,000 projection? Mr. Cooper explained we have been close to not having money left to pay the vouchers. We have \$28,000 and there are \$60,000 of outstanding vouchers to be paid. This number would be about \$300,000 if we had had the money to pay those. We have paid \$261,000 to-date and there is another \$60,000 to be paid. The D and E felonies were assigned. It has come to my attention that the C felonies were also assigned. He stated that since he has been on board, the C felonies have not been assigned out as he has been doing them. If we have 30 D and E cases, that equates to \$30,000 that is not being paid out. It's not that it will cost us less, but we are making it less than we would have otherwise. Mr. Roche clarified that \$400,000 is an estimate through August 2004 under the new rates. Mr. Cooper replied that \$400,000 is just through August. His point is that we are saving based on comparison.

Mr. Cooper explained with a conflicts office, we could assign cases out because there is a conflict, meaning that ethically, my staff cannot do the legal work. The question is can we set up an office to do that more cheaply and he believes the answer is yes. That office would need a department head at least equivalent to the Public Defender. They would need three or four assistants and two secretaries, maybe even three. The total salaries would be \$345,000 - \$385,000. He stated that in his calculations he did not include the cost of running the office. Mr. McAllister asked how many conflict cases are there per year? Does the \$550,000 - \$600,000 reflect the actual assigned cases that were due to conflicts? Mr. Cooper replied that yes, all assigned counsel cases are due to conflicts. Dr. Baker commented that he would like to delay this for one month for discussion. Mr. Cooper replied this is not a formal proposal. He stated that he can give the committee a more detailed analysis. Mr. McAllister stated that he would like to look at the average number of conflict cases per year.

Mr. Roche asked if there are 100 felony assigned cases, how many could be served by a conflicts office? The other office in theory would have a smaller number of cases, but the budget would be comparable. Mr. Cooper commented the only criminal cases that would have conflicts would be those cases with multiple defendants. The vast bulk of assigned counsel cases come from Family Court. Mr. Cooper commented that in response to Mr. McAllister's request of last month, the part-time secretary is doing everything that needs to be done that the other secretaries are unable to do. This individual does the mail, sends out administrative correspondence, vouchers, D and E felony information and correspondence, misdemeanor information and correspondence, data entry of SCI's and indictments, copying, filing, answering phones and greeting clients. He stated that they have 17 – 20 cases that have outstanding appeals. We are paying \$75.00 per hour for that work. That is very time intensive at

\$75.00 per hour. He will look to see how much that is costing us. He thinks we can do that in-house more cheaply and he will bring those figures to the committee next month.

MOTION: REFERRING THE ISSUE OF THE ADDITION OF ONE PART-TIME SECRETARIAL POSITION FOR THE PUBLIC DEFENDER'S OFFICE TO THE FINANCE COMMITTEE FOR THEIR REVIEW AND RECOMMENDATION MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: AUTHORIZING THE TRANSFER AND APPROPRIATION OF \$191,427.00 IN REVENUE RECEIVED FROM THE STATE TO THE PUBLIC DEFENDER'S ASSIGNED COUNSEL LINE ITEM MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

E. 9-1-1 Enhanced Department

1. **Informational** – Mr. Wixom stated there was an article in *The Evening Tribune* regarding the 9-day old baby who had stopped breathing and they called 911 and they had a response in one minute. This is what it is all about.

Mr. Wixom stated that during the month of August they received 10,556 calls. On average, for the summer months, they received 10,500 calls per month. He thinks this number will drop a little in the coming months.

2. **MDT/AVL** – Mr. Wixom announced the MDT/AVL system is up and running. We are in the process of doing field testing. The Sheriff's Department is waiting for the rest of the equipment to be sent to be put into the cars. That equipment should be here in two to three weeks and then Positron will come back and do a train the trainer session. The AVL works perfectly and the City of Corning has the equipment in their cars and they are doing the field testing. There are areas in the County where we don't have good cellular coverage, and the Positron system shows how good the coverage is where a particular car is located. With the MDT's, the cars can run data and we are able to send jobs to the cars. This seems to be working well.

Mr. Isaman asked will you be advertising the agency numbers so that calls don't go to 911? Mr. Wixom replied hopefully in the new phones books 911 will be shown as the emergency number and the non-emergency numbers will be shown.

Dr. Baker convened a Jail AdHoc Meeting for the purposes of discussing the Jail project.

F. Administrator

1. **Jail Project Update** – Mr. Alger informed the committee that the Center for Governmental Research (CGR) came back a week ago or so to do another round of interviews. They expect to have something in draft by the end of this month. They have indicated to us that we will find this to be a very interesting report.

Mr. Alger stated that today he wants to show the committee the preliminary drawings for the Jail expansion and review the layout. The working group has recommended Option #7. In the housing unit, there will be larger cells and they will be able to be double bunked in the future. There will be a total of 24 with 12 in each pod. That brings the total to 96 singles plus the 24 doubles. With regard to the internal recreational yard, the new concept is to make that part of the housing unit and we will be doing this in both housing units. We will include in the bidding a solid two-story wall to full contain the recreation area without having a fence between the existing area and the new pods. The other option is to put in a chain link fence. Mr. Alger explained the laundry area is being moved to accommodate the changes in the existing facilities kitchen. In each of the housing units on the main floor we will be putting in place a constant watch area which can be used for constant watches for up to three individuals. This will allow us to have a total of six inmates on constant watch under the supervision of two guards.

Dr. Baker asked will the cells be prefabricated? Mr. Alger replied we would like to propose that we go with the prefabricated concrete cells. We will be asking the Commission of Corrections for permission to build the prefabricated cells. An option with the cells is that we can allow the exterior of the cell to be the exterior wall. We can also color the concrete. The prefabricated cells also come with all the fixtures.

MOTION: APPROVING THE RECOMMENDATION TO BID FOR PREFABRICATED CONCRETE CELLS FOR THE JAIL EXPANSION PROJECT, USING THEM AS THE EXTERIOR WALLS AS APPROPRIATE MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0 (Mr. Isaman voting as member of Jail AdHoc Committee)

Mr. Alger stated that it has been suggested that we put a roof over the recreation area and surround it with mesh so that it is open to the air, but it wouldn't be subjected to rain and snow. The other option is to put a grate over the entire thing and then have to remove the snow.

Mr. Alger stated each unit would have to have 1 Correction Officer and for every post we would need 5 people. When you put the inmates in the new pod, you have to staff it. Once you open up the second unit, you will want to look at boarding in inmates to maximize your revenue. He explained that at the end of schematic design, the contractor will take the drawings and cost it. We are doing reconstruction in the old facility. We are redesigning the booking area and changing the use in the middle to accommodate additional inmates. We are also adding a holding area as we currently use four cells. He is predicting what will happen is that area will primarily be used for holding inmates for transporting.

Mr. Alger stated in the intake area it is proposed to have the area increased to accommodate a full size ambulance. There will be a 12-foot door on one side a 20-foot door on the other side. The design for the kitchen area is still in process. We have a kitchen consultant who is looking at and completing the new design. We will be relocating the laundry to one of the new pods to increase the size of the dry storage and refrigerated storage areas. In the visitation area we are increasing the counter space to increase the number of inmates that can be in there. There will also be the creation of an attorney/client room off of the booking area. In the booking area, we are trying to incorporate a separate booking space.

Mr. Alger stated at the beginning of October we expect to have the schematic design cleaned up to be presented to the Commission of Corrections and at that time we will present our request to bid the prefabricated cells.

MOTION: AUTHORIZING THE COUNTY ADMINISTRATOR AND THE SHERIFF TO CONTINUE WITH THE SCHEMATIC DESIGN PROCESS REGARDING THE EXPANSION OF THE COUNTY JAIL AS OUTLINED ABOVE MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. (Mr. Isaman voting as member of Jail AdHoc Committee)

MOTION: TO ADJOURN THE JAIL ADHOC MEETING MADE BY MR. ISAMAN. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 5-0. (Mr. Isaman voting as member of Jail AdHoc Committee)

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

Respectfully Submitted by,

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, October 3, 2005
9:30 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, September 26, 2005.**

**STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE
STEBEN COUNTY FINANCE COMMITTEE**

Joint Special Meeting

Monday, September 26, 2005

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	Lldon E. Jamison, Vice Chair John Walsh	Donald B. Creath
	Patrick F. Donnelly, Vice Chair Robert V. Nichols	Donald B. Creath	Harley R. Mayo
STAFF:	Mark R. Alger Frederick H. Ahrens, Jr.	Richard C. Tweddell David English	Lawrence Crossett
LEGISLATORS:	Francis L. Gehl L. Ronald Nielsen	Kenneth E. Isaman	Thomas J. McIntyre
ABSENT:	Gary D. Swackhamer, Chair		

I. CALL TO ORDER

Chairman Baker called the meeting to order at 9:30 a.m.

II. GENERAL BUSINESS

A. Sheriff's Department

1. **Jail Generator** – Sheriff Tweddell informed the committee that during a recent electrical failure, it was discovered that the generator's radiator was not working. The cost to replace the radiator is \$12,000. We had the choice of putting in a new radiator or recoring the old one, which would take one to two weeks. The inspector found other problems with the generator that had not been addressed. Sheriff Tweddell stated that he received a quote from Cummins Northeastern to fix everything for \$18,346.00.

Mr. Jamison asked how much would it cost to purchase a new generator? Sheriff Tweddell replied \$70,000 - \$80,000. The current generator is plenty big enough as we only run it at 30 percent when everything is down. He commented the generator is 10 years old and it is our fault that the repairs were not done. Dr. Baker asked in addition to the radiator, what are the other problems? Sheriff Tweddell replied the radiator repairs cost \$12,000 and there is another \$6,000 to change the thermostat, belts, hoses, etc. Dr. Baker asked do we need to bid this out or is this considered maintenance? Mr. Alger replied the Sheriff is doing a repair. This is considered to be more of a professional service and we are not purchasing a piece of hardware. He would guess that this doesn't have to be bid. This is also considered to be an emergency repair. Dr. Baker commented we have to have the generator ready for use at any time.

MOTION: AUTHORIZING THE TRANSFER OF \$18,346.00 FROM THE CONTINGENT FUND TO REPAIR THE JAIL GENERATOR MADE BY MR. MAYO. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 5-0 (PS&C) AND 4-0 (FINANCE).

MOTION: TO ADJOURN MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 9-0.

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

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, October 3, 2005

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
Tim Wixom Tim Marshall Richard C. Tweddell
David Cole Frederick H. Ahrens, Jr. James Gleason
David English

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

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

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

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE SEPTEMBER 12, 2005 AND SEPTEMBER 26, 2005 MEETINGS MADE BY MR. WALSH. SECONDED BY MR. ROCHE. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (Mr. Creath and Mr. Jamison absent for vote).

III. DEPARTMENTAL REPORTS/REQUESTS

- A. Sheriff's Department
1. **Civil Report** – Sheriff Tweddell reported civil fees paid to-date are \$106,374.41.
 2. **Jail Report** – Sheriff Tweddell reported monies due the Jail year-to-date are \$379,724.87. The population as the Jail is 173. They have 4 Federals, 3 State readies, 23 boarded out and 19 parole violators. Money spent year-to-date to house out inmates is \$473,480. This does not include medical transports or overtime.
 3. **Grant** – Sheriff Tweddell requested authorization to accept a grant from the Governor's Traffic Safety Committee in the amount of \$6,000 for Buckle Up New York.

MOTION: AUTHORIZING THE SHERIFF'S DEPARTMENT TO ACCEPT A GRANT FROM THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE IN THE AMOUNT OF \$6,000 FOR BUCKLE UP NEW YORK MADE BY MR. WALSH. SECONDED BY MR. ROCHE. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (Mr. Jamison absent for vote).

Mr. Roche asked what is the \$379,000 that is due the Jail? Sheriff Tweddell replied this is the total money that is due the facility. We received \$101,240 from the Federal government to house their inmates, \$21,316 for the nutrition program, \$6,130 for State transports, \$10,200 from Social Security and \$46,815.13 from the inmate phone system. The amounts that we receive from the State readies and parole violators are not up-to-date, but last month we received \$13,970.74 for State readies and \$149,090 for parole violators.

3. **Jail Generator** – Sheriff Tweddell informed the committee that he had a conversation regarding the fact that the emergency repairs to the generator need to be declared an emergency or we have to go through the bid process to get that work done. Mr. Ahrens commented repairs are usually bid, as they are deemed a purchase of goods. This declaration of an emergency exempts it from the competitive bidding process.

MOTION: DECLARING THE REPAIRS TO THE GENERATOR AT THE JAIL TO BE AN EMERGENCY MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

4. **Budget** – Sheriff Tweddell reported that he has a problem with the Jail budget. Right now, it appears that to get through the end of the year for inmate housing, electric, water, medication, food, we will need \$157,900. This shortfall is the result of when we spent the \$7,000 - \$8,000 to refurbish the two rooms to bring in twelve additional inmates. The expenses for medical, mental health and food have increased because of that. Mr. McAllister asked this is an estimate? Sheriff Tweddell replied yes. He stated that he has moved money around to fill in, but he is now out of places to move money from. We have exceeded our revenue projections. It is possible that the estimate in revenues will take care of this. We have \$87,000 over what we have budgeted for revenues. Mr. Jamison asked are you still bringing in revenue for housing? Sheriff Tweddell replied for the Federals we have taken in over \$100,000.

Mr. Alger stated we get paid by the State for the State readies and the parole violators. He is suggesting that the committee recommend to the Finance Committee that we appropriate some of that additional revenue. We should only need \$80,000 - \$85,000 of that \$87,000 revenue. We will look at the line items again in November or December to see how we are doing. The Sheriff actually received more revenue than he had anticipated. We're appropriating that excess revenue back to the budget.

MOTION: RECOMMENDING TO THE FINANCE COMMITTEE THAT THEY APPROPRIATE \$85,000 IN EXCESS REVENUE IN THE JAIL BUDGET TO COVER EXPENSES IN VARIOUS LINE ITEMS MADE BY MR. JAMISON. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Emergency Management Office

1. **Budget Transfer** – Mr. Marshall requested authorization to transfer \$18,525 from Budget year 2003 into a revenue line item within the Emergency Management Office. He explained this funding was originally appropriated in August 2003. He explained this was grant funding that was coming from the Federal Emergency Management Agency for the Pre-Disaster Mitigation Grant. These funds will be used to offset the writing of the County Hazard Mitigation Plan.

MOTION: AUTHORIZING THE TRANSFER OF \$18,525 RECEIVED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE PRE-DISASTER MITIGATION GRANT FROM BUDGET YEAR 2003 INTO A REVENUE LINE ITEM WITHIN THE EMERGENCY MANAGEMENT OFFICE MADE BY MR. WALSH. SECONDED BY MR. CREATH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Grant** – Mr. Marshall requested authorization to accept grant funding from the New York State Emergency Management Office in the amount of \$21,330.24 to help support the Steuben County Citizen Corps Program. We have received funding over the past three years and this will be used to promote and train individuals in disaster preparedness programs and to support coordination of the Citizen Corps Program. This funding will build upon current programs that were developed with the previous year's funding.

MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT GRANT FUNDING FROM THE NEW YORK STATE EMERGENCY MANAGEMENT OFFICE IN THE AMOUNT OF \$21,330.24 TO HELP SUPPORT THE STEUBEN COUNTY CITIZEN CORPS PROGRAM MADE BY MR. WALSH. SECONDED BY MR. JAMISON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mr. Roche commented that he recently attended the Citizen Corps recognition dinner. At the dinner, it was really good to hear State officials say that this is a program they look at as a model for other counties to emulate.

C. 911 Enhanced Department

1. **Update** – Mr. Wixom informed the committee that for the month of September they received 10,256 calls. In June we received 10,845 calls, so the number of calls is starting to decrease.

Mr. Wixom announced October 9th – October 15th is Fire Prevention Week. Several of the fire departments and EMS agencies have asked for copies of our brochure and they will be helping to get the word out about 911. Mr. Wixom distributed a copy of the brochure for the committee to look at. He stated that they have been printing the brochures in-house and it seems to be working very well.

D. Administrator

1. **Jail Project** – Mr. Alger stated they continue to move along with the project. They will be going to Albany on Thursday to present the schematic plans to the Commission and also to request approval to bid out the prefabricated jail cells. Once we get the designs approved by the State, we will begin the design development process. In terms of our schedule, we are looking to go out to bid in March/April and to begin construction in May 2006. He stated that he would like to get the bids out even earlier if at all possible. Mr. Creath asked is there a liaison with the design group? Mr. Alger replied, that he, the Sheriff and Dr. Baker have been meeting every other week to review the progress, etc. The next thing we expect to see is the interior design of the kitchen. The Sheriff stated they are hoping to occupy the building late October 2007. Mr. Alger commented that is hoping the construction will go quicker. Sheriff Tweddell stated this schedule is all depending on whether we went with the modular or stick built cells. The Commission of Corrections meets this month and we hope they will decide on our design at that time.

Mr. Alger informed the committee that at each step, the Commission reviews and comments on the plans. It is a time consuming process as their review takes time and we are waiting for their response before we begin the next step. In the end, the Commission will be certifying the facility. The construction manager has been involved throughout the schematic design, but their involvement will be more crucial as we get further into the design. Sheriff Tweddell commented the architect and engineering firms that this committee picked have been very adept at knowing what it is the Commission likes and doesn't like. He is very impressed with their knowledge thus far.

Mr. Alger stated that the Center for Governmental Research has contacted him and they are requesting further data. He is hoping that we will have the results of their study shortly. Mr. Creath commented that he would like to see the Jail AdHoc Committee review the plans every six to eight weeks. Mr. Alger replied that he agrees and they have called the one member who is not on this committee to come a little early so that the AdHoc Committee can have an opportunity to make comments. Once we know where we are headed and have more details on the designs, we will bring back the documents next month for the group to look at.

IV. OTHER BUSINESS

A. Emergency Preparedness – Mr. Creath commented that in light of the disaster in New Orleans, would we experience some of the same kinds of communication failures that they did? Mr. Wixom replied with communication, you just have to reach out to the Federal government and ask for help. They will bring in anything you need. The Federal Government won't come in until you say so.

Mr. Creath asked if there was loss of power to the entire County, do we have an emergency generator? Mr. Marshall replied yes we have generators at most of the tower sites. We can also get portable generators out to those sites if we need to. Most of the system is either battery or generator backup. Mr. Wixom commented in the majority of power outages, the cell towers don't have backups. Mr. Marshall stated we need to try to stress to people to limit their time on cell phones or the Internet during an emergency. In the event of an emergency, we also utilize the amateur radio operators. Mr. Creath asked what about using CB's? Mr. Marshall replied they are more difficult to use because of the frequency range they are in. The amateur radios have a higher frequency band and tend to work a little better. Mr. Marshall stated he is hoping that things would go differently in New York as they go from local, to County, to State and then Federal. We practice this and use this system day-to-day. That chain of events was not happening in New Orleans.

V. **DEPARTMENTAL REPORTS/REQUESTS (Continued)**

E. **Probation**

1. **Informational** – Mr. Justice reported that they have 800 probationers, the majority of which are felons. They have conducted 92 felony investigations and 91 misdemeanor investigations. They are also still dealing with 400 Family Court cases. On the upside, they had one week where they had no people at the Detention Center.

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 MEETING SCHEDULED FOR

Monday, November 7, 2005

9:30 a.m.

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, October 31, 2005.**

**STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE
STEBEN COUNTY ADMINISTRATION COMMITTEE**

Special Joint Meeting

Monday, October 24, 2005

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 John Walsh

Patrick F. Donnelly, Chair L. Ronald Nielsen

STAFF: Mark R. Alger John C. Tunney Robert F. Biehl

LEGISLATORS: Harley R. Mayo

ABSENT: Francis L. Gehl

I. CALL TO ORDER

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

II. GENERAL BUSINESS

A. District Attorney

1. **Personnel** – Mr. Tunney informed the committee that Loretta Sprague who had worked for his office for nearly four decades recently retired. The Personnel Office did a desk audit and determined that the position could be downgraded. He requested authorization to reclassify a Grade VI position to a Grade IV position.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A GRADE VI POSITION TO A GRADE IV POSITION IN THE DISTRICT ATTORNEY'S OFFICE MADE BY DR. BAKER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0 (PS&C) AND 4-0 (ADMINISTRATION)

MOTION: TO ADJOURN MADE BY DR. BAKER. SECONDED BY MR. NIELSEN. ALL BEING IN FAVOR. MOTION CARRIES 7-0.

Respectfully Submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, November 7, 2005

9:30 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 Gregory P. Heffner Tim Wixom
Michael Sprague David Cole Byrum Cooper
Frederick H. Ahrens, Jr. David English James Gleason
Chris Lian

LEGISLATORS: Harley R. Mayo Thomas J. McIntyre

OTHERS: Mary Perham, *The Leader*
Dr. Robert Cole, Coroner
Stephen Copp, Coroner
Michael Powers, Coroner

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE OCTOBER 3, 2005 AND OCTOBER 24, 2005 MEETINGS MADE BY MR. McALLISTER. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (Mr. Creath absent for vote).

III. DEPARTMENTAL REPORTS/REQUESTS

A. 9-1-1 Enhanced Department

1. **Update** – Mr. Wixom informed the committee that year-to-date, they have taken 61,639 calls. During the month of October they answered 10,382 which was up from September. He commented this morning they are finishing the phone service for Mt. Washington. They have 10 lines that are working properly and need to install two additional lines and should be able to do testing next week.

2. **Brochures** – Mr. Wixom informed the committee that they, through the local fire departments, distributed 10,000 brochures during the course of Fire Prevention Week.

3. **Radio Equipment** – Mr. Sprague stated last month the committee approved the financing of the installation of the radio equipment at the backup facilities. We have had several meetings to determine the best way to purchase that equipment. Skywave Communications was designated by Motorola as their sole subcontractor for the work to the communications system upgrade that was done in 2004. We are looking to hire them specifically to work on this as they built the actual technical documentation to go with that. Mr. Sprague requested that the committee designate Skywave Communications as a professional service and to dispense with the need to obtain additional quotes due to the fact that Skywave performed the initial installation. This designation would insure the safety and integrity of this key component to our communications dispatch system.

Mr. Ahrens commented when we first looked at this, we looked at this as being a sole source, but there are other people who can provide this service. We have concluded that this appeared to be professional in nature.

Under the procurement policy of the County, we would solicit several quotes from various other people. Given the relationship that we have had with this particular vendor as they have worked on the system, it doesn't seem to make sense to disrupt that. He recommends foregoing the necessity of getting three quotes as their quote is within the fair market value of this region. Mr. McAllister asked does our own procurement policy prevent us from doing this? Mr. Ahrens replied no. You have that ability to forego the necessity, but we want this to appear in the minutes as the procurement policy is mandated by State law. Mr. Jamison asked does this require full board approval? Mr. Ahrens replied no.

MOTION: DESIGNATING SKYWAVE COMMUNICATIONS AS A PROFESSIONAL SERVICE AND THEREBY DISPENSING WITH THE NEED TO OBTAIN ADDITIONAL QUOTES FOR THE INSTALLATION OF THE RADIO SYSTEM AT THE BACKUP 9-1-1 CENTER MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER.

Mr. Creath asked what is the cost? Mr. Sprague replied it is \$90,000. Mr. McAllister asked Skywave installed the original system? Mr. Sprague replied yes. We have a \$7 million - \$8 million radio system and if the installation is not done right, it could affect the performance of the entire system. Dr. Baker asked will this be funded out of the 911 project? Mr. Alger replied yes. Mr. Alger asked what portion of this is the hardware? Mr. Sprague replied it is a little less than 20 percent actual installation cost. The hardware is the remainder. Some of the hardware is provided by Motorola and some by Skywave.

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

Dr. Baker asked how is the 7-digit number system working? Mr. Wixom replied we thought it was 18 months and the Public Service Commission thinks that it is 12 months. They haven't given us an answer yet as they are still researching it. This issue is that we have received several 911 calls where the interview process takes 17 seconds or less. If someone calls the 7-digit number, the interview process could take 3 – 5 minutes. We need to get people to dial 911. Dr. Baker asked the deadline is not set? Mr. Wixom replied it is his impression that it will be 18 months. It will be at least 12 months.

Mr. Walsh asked once you drop the 7-digit numbers, what happens when someone calls? Mr. Wixom explained for six months after we discontinue the 7-digit numbers, there will be a message that the number they have dialed is no longer in service and to please dial 911. After that 6 months, it will just be a dead line. Mr. Jamison asked do you have any phones answered by machines? Mr. Wixom replied no. The administrative office does have a machine for after hours. There is no message service for any 911 call.

B. Public Defender

1. **Monthly Report** – Mr. Cooper distributed his monthly report for review. He stated the numbers on the Intake Summary are not correct as they have been having problems with their computer program, but they have been working with Information Technology to resolve that.

They have had the transition this year of bringing on board the D and E felony attorneys. They have two full-time attorneys who are only assigned D and E felony cases because of conflict. Since that time, we have had 231 D and E cases. Of those, 50 have been closed and the County was not billed for those. When 231 cases are completed, we will have \$231,000 that was not vouchered or paid out by the County. This is not a full year and only goes from April/May. Mr. Cooper explained he handles the C felony cases and has had 37 cases. Those cases were not assigned out, so we have approximately \$37,000 that we are not paying out. When you look at the new staff hires and the secretary, it will cost the County \$132,000 per year. Just these 231 D and E felony cases pay for those and more. This is money that is not being spent by the County.

Dr. Baker asked it looks like this is a growing proposition? Mr. Cooper replied yes. The number of cases will be more than he had originally anticipated. The impact on assignments is dramatic. In October of last year we had 34 felony cases that were assigned out. This year we have had 19 assigned. In June of last year we had 33 felony cases assigned and this year we have had 9. He believes that the anticipated assigned counsel costs will be a lot less than what he had projected. Mr. McAllister asked you had \$270,000 saved in assigned counsel fees and you paid \$132,000 in expenses? Mr. Cooper replied that's correct and that's not even a full year.

C. Sheriff's Department

1. **Civil Report** – Undersheriff Cole reported civil fees paid to-date are \$118,902.47.

2. **Jail Report** – Undersheriff Cole reported money due the Jail to-date is \$460,094.09. The Jail population is 165 and they have 153 males and 12 females. They have 4 federals, no board-ins, 5 state readies, 10 boarded out and 22 parole violators.

Mr. Roche commented that number of parole violators sounds high. Is there something that has caused that? Major Lian replied that number is normal. They are holding final hearings on the parole violators and they should be returning to the state in a week or so. Mr. Roche asked what is the average stay? Major Lian replied the average stay is 8 months to 1 year.

Mr. Walsh asked what was the cost to board inmates out? Undersheriff Cole replied the cost for October was \$40160 and the total year-to-date is \$513,640. Mr. Alger commented this is twice as much as what we spent total last year.

D. Administrator

1. **Jail Project Update** – Mr. Alger informed the committee that on October 15, 2005 they received approval from the Commission of Corrections to go forward with the cell package. Once we award that, we will then be able to design the facility around the cells. We expect by the end of this year or early next year that we will have awarded the cell package. The other piece is the schematic design estimate. It has been reviewed and we are still within the anticipated budget. We will continue to go forward with the design. Mr. Alger stated that we will go into schematic design and put together the components of the Jail. We are scheduled to go out to bid next spring, either March or April. Mr. McIntyre asked have we received approval from the State to go to bid? Mr. Alger replied at each stage we will forward our plans and the State will review those and make comments and give final approval before we will go out to bid. Mr. Walsh asked when will we break ground? Mr. Alger replied sometime in April, maybe May.

Mr. Alger stated that they still haven't received a report from the Center for Governmental Research. We hope to have a draft of their report this week. He expects that next month we will be able to take a look at their study. Mr. Walsh asked when will the Jail open? Mr. Alger replied fall 2007. The idea of the preconstructed cells is to help with the schedule. We have indicated to the vendors that rail service is available to bring in the prefabricated cells. Our bid would call for them to deliver the cells to the site, their choice on delivery method.

Mr. McIntyre asked with regard to staffing, you don't have to worry about that until 2007 and then you'll get guidance from the State? Mr. Alger explained staff is an important consideration. Each pod would have to have a Corrections Officer. Beyond that, the Corrections Officer would be a post. Each unit would have a post and you would have to have a certain number of full-time equivalents. There is big coverage in the cell block itself. The 2007 budget is when we would be looking at that.

E. Coroner's

Mr. Ahrens commented that this discussion is appropriate for Executive Session.

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

Respectfully submitted by:

Amanda L. Chapman
Senior Stenographer
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Monday, December 5, 2005
9:30 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, November 28, 2005.**

STEUBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, December 5, 2005

9:30 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 Gregory P. Heffner Richard C. Tweddell
David Cole James Gleason Byrum Cooper
Frank Justice Michael Sprague David Hopkins
David English Frederick H. Ahrens, Jr.

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

ABSENT: Donald B. Creath

OTHERS: Alan D. Lewis, Sr., Coroner/Corning City Mayor
Dr. Robert Cole, Coroner
Kyle Tuttle, LPCiminelli
Michael Powers, Coroner
Mary Perham, *The Leader*
Dave Shoen, WENY

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 NOVEMBER 7, 2005 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

A. Sheriff's Department

1. **Civil Report** – Sheriff Tweddell reported civil fees paid year-to-date were \$132,551.18.

2. **Jail Report** – Sheriff Tweddell reported fees due the Jail year-to-date are \$475,510.14. The population at the Jail as of this morning is 169. There are 152 males, 17 females, 4 Federal, 0 board ins, 0 State readies, 7 boarded out and 23 parole violators. Money expended to-date to house out inmates is \$540,145 not including medical, transport or overtime expenses.

3. **Jail Project** – Dr. Baker asked we received only one bid for the prefabricated cells for the Jail? Mr. Gleason replied they received one bid from Tindall Corporation for \$1,886,240.00. Mr. Tuttle explained this is a little higher than we had originally estimated, but it is a highly specialized area. There are only a couple of companies in the nation that make the pre-cast concrete modular cells. Receiving one bid was not necessarily a surprise. This bidder is very reputable nationwide. Mr. Tuttle explained our estimate was 4 percent lower than what was bid. We do have a contingency available to cover that. We did ask the company to submit items for consideration to help save money. We will await their response and put that before the architect and committee for their consideration.

Dr. Baker asked are you going to be replacing the glass? Mr. Tuttle replied we had an idea to help save money. There are two types of glass available; Polycarbonate and Lexon. The Sheriff has asked Tindall to replace the glass in the bid with Lexon and we are awaiting their quote. We also have included an add alternate for \$8,300.00 for the upgrade to get more glass in the doors for visibility and safety purposes. This appeared to be a very good value for the upgrade. Our recommendation is from a safety and security standpoint, to award the additional \$8,300.00 as there is no reason not to do so. Dr. Baker asked the replacement costs to replace the Lexon are half what it would be to replace the Polycarbonate? Mr. Tuttle replied that was correct. Sheriff Tweddell explained, the problem with the glass in the cells is that the inmates can break or crack the outer glass. In the higher risk areas we would like to replace the Polycarbonate glass with Lexon. When we have glass that has been broken, we replace it with Lexon. The Lexon is cheaper and the inmates cannot break through it. We have used the Lexon for five or six years.

Mr. Alger informed the committee there is an option on the cells to have them colored, leave them plain or face them with brick. If you face the cells, you will spend additional money. It is more cost effective to tint the concrete so it will blend with the building. The other issue is the glass. In the cells themselves, we are trying to get a deduct for the switch from the Polycarbonate to the Lexon. Mr. Alger recommended accepting the bid and taking the add alternate for the additional glass. He explained there are two types of doors and if you go with the door with more free span glass, it will cost approximately \$8,000. This will provide better visibility to the CO's. Mr. Alger stated the current facility has a block exterior, which is a beige/tan color. We can tint the concrete so it will blend a little better with the existing facility.

Mr. Walsh asked will there be finished floors? Mr. Tuttle replied there will be flooring material in the form of an epoxy type painted floor. That will be done after the cells are installed. Dr. Baker asked do the cells come with the plumbing? Mr. Tuttle replied yes. The plumber will make the final connections once the cells are installed. We do the flooring and all the finishing work. He explained the next step is to go through the shop drawing process and meet with the architect to specify the color of the tinting, etc. The cells when set will have the bunks and toilets already inside. The delivery date for the cells is the end of June 2006. The cells will be shipped to the site. We will be able to start the site work in the spring. The contract will have options for shipping. Mr. Alger stated the bidder has not indicated how they will ship the cells. Mr. Ahrens commented the cells will be shipped FOB to the site. If there were upgrades done to the rail, would we see any savings if they were to ship by rail? Mr. Tuttle replied no. The last thing we want to do is specify to them to ship by rail and then have a problem with the rail. Mr. Alger stated we will alert them to the fact that rail is available adjacent to the site. That has been left to the contractor to determine.

Mr. Isaman asked with regard to the Lexon glass, what is the replacement cost? Sheriff Tweddell replied the replacement cost for the Polycarbonate glass is \$500.00 and the replacement cost for the Lexon glass is \$200.00. Mr. Isaman asked will the cells be shipped at the same time? Mr. Tuttle replied yes. They will deliver the cells over the course of one to two weeks. Mr. Alger commented the cells will be fully equipped and all that needs to be done are the final connections.

MOTION: AWARDING THE BID FOR THE PRE-CAST CONCRETE MODULAR CELL PACKAGE FOR THE JAIL TO TINDALL CORPORATION IN THE AMOUNT OF \$1,886,240.00 AND INCLUDING THE ADD ALTERNATE FOR THE GLASS DOORS AT A COST OF \$8,300.00 MADE BY MR. JAMISON. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. (Mr. Isaman voting as member of the Jail Ad-Hoc Committee).

4. **Budget Transfers** – Sheriff Tweddell informed the committee that they are \$35,000 short in the Jail budget. This is mostly due to medical expenses. They currently have \$72,194.69 available in their excess revenue. He requested authorization to transfer \$35,000 from Excess Revenue to his expenditure accounts.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER \$35,000 FROM THE JAIL BUDGET EXCESS REVENUE ACCOUNT TO THE JAIL BUDGET EXPENDITURE ACCOUNTS TO COVER SHORTAGES MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Sheriff Tweddell informed the committee that he is \$28,000 short in the Sheriff's Department budget due to gas prices and the excess money paid to employees during the transfer from his department to the 911 Center.

They have \$100,000 available in the Personal Services line item and he requested authorization to transfer \$28,000 into his expenditure accounts.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER \$28,000 FROM THE SHERIFF'S DEPARTMENT BUDGET PERSONAL SERVICES LINE ITEM TO HIS EXPENDITURE LINE ITEM TO COVER SHORTAGES MADE BY MR. WALSH. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. 9-1-1 Enhanced Department

1. **Dobson Cellular E-911 Phase II Deployment** – Mr. Hopkins distributed a copy of a letter they received from Dobson Cellular, also known as CellularOne for the committee's review. This letter explains their inability to provide accurate information on the location of cellular callers who dial 911. Their variance on being able to pinpoint the location of caller ranges from a couple hundred feet to two miles. We don't see that this is going to improve anytime in the future. Mr. Hopkins explained when we receive a call into the center, we query the location of the caller. However, on some calls when you have someone who is not familiar with the territory, you can get different responses. CellularOne is the carrier that the County uses. He asked if the committee had any response that they would like the 911 Department to pursue? The other cellular carriers such as AT&T and Frontier are using a different technology that enables them to locate their callers fairly accurately. Dobson (CellularOne) uses network calculations to determine a caller's location.

Mr. Alger explained in the 911 Center, the location identification is based on a GPS chip. CellularOne does not provide as detailed location information as the other cellular carriers. Mr. Hopkins is informing you that this is a problem that doesn't appear will be solved immediately. There is not a lot we can do. Dr. Baker asked how does CellularOne locate callers? Mr. Alger explained, to be Phase II compliant, most of the cellular carriers use a chip in the phones to locate an individual who is calling. With CellularOne, they have a different means of identifying location, and at this point their system does not meet the limits set forth by the FCC. We are ready to go with Phase II, but CellularOne is not. Mr. Hopkins commented they have worked with all of the carriers to do testing and they will continue to do so with CellularOne.

2. **Update** – Mr. Hopkins informed the committee that during the month of November they received 10,105 calls. Year-to-date they have received 70,284 calls. During the month of November, 49 percent of the calls were 911 dialed calls. We are making progress with getting individuals to dial 911 rather than the 7-digit numbers. Mr. Hopkins stated they have learned that the 7-digit numbers will be in effect for 12 months. In May of this year we gave the numbers back to the agencies. It seems at this point that the majority of those 7-digit numbers will be deactivated. He commented that NENA (National Emergency Numbering Association) has put out a commercial on Time Warner which promotes calling 911 rather than the 7-digit numbers. This commercial can also be viewed on the NENA web site.

3. **Backup Facilities** – Mr. Hopkins informed the committee that with regard to the backup facility located at the Civil Defense Fire Training Center, they have activated the consoles. This site will be complete once Motorola finishes their piece. For the Mt. Washington site, we had training on how to transfer the radio system to the site. Once this site is operational, we will be doing quarterly testing.

4. **Bath Police Department** – Mr. Hopkins informed the committee that the Bath Police Department is now closed from 2:00 a.m. – 6:00 a.m. We are working with the Bath Police Department as well as the New York State Police during this transition.

5. **Personnel** – Mr. Hopkins stated we have one dispatch opening and we are awaiting the results of the dispatcher test that was recently given. Dr. Baker asked could you discuss your turnover? Mr. Hopkins replied we have been very up front with interested individuals. The reality of the job is that sometimes it is a little more than people are willing to endure. We did have a 30 percent turnover. That did put a burden on the department and as a result we ran a lot of overtime. The provisional employees that we have right now are a good group and we hope to retain those individuals and add to that group from the list that is currently under review. From the feedback that we have received from the fire and EMS agencies, it sounds as though the Center has been up and running for a longer period of time.

Mr. Isaman asked did we put the non-emergency numbers in the phone book? Mr. Hopkins replied the City of Corning published a sticker with their non-emergency numbers. We have asked the user agencies to contact the phone book to decide whether they want to list the non-emergency numbers. We have also asked that they list 911 for all emergencies. Mr. Alger explained, when we first started, the emergency numbers came to 911. Those agencies still have and have had administrative numbers. The old emergency numbers should go away and no longer be published.

C. Public Defender's Office

1. **Monthly Report** – Mr. Cooper distributed his monthly report for review. Dr. Baker asked is your new system saving the County money? Mr. Cooper replied yes. The savings is the money that we are not spending, that we would have spent if we had done nothing. Mr. McAllister commented that he would like to see a full year's report. Mr. Cooper stated their full year will not be in January, but he will give the committee an update.

D. Emergency Management Office

1. **Communications Issues** – Mr. Sprague informed the committee that NLECTC Northeast (National Law Enforcement and Corrections Technology Center) is located in Rome, NY and provides consultant support to communications technologies. He stated that he sent them a letter at the end of the summer requesting assistance with communications planning. They are looking to set up some sort of date to meet with us during January. The communications consulting and troubleshooting is free to us and is paid for by the Federal Government. We are looking to define the scope of work and what we would like them to do when they come. This is a service that we should be able to get. Mr. Sprague explained they will be able to look at interface issues, coverage issues and where we are going and where we can go in the future to make the best use of our system. MidState is very familiar with this group and has worked with them in the past.

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. 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.

Mr. Hopkins requested authorization to put out an RFP for the replacement of the recorder system at the 911 Center. The money used to purchase this will come from the \$1.2 million State grant we had received. Mr. McAllister asked how old is the recorder system? Mr. Sprague replied the system was purchased in 1996 – 1997. There are some features that the 911 Center needs that are not on the old recorder.

MOTION: AUTHORIZING THE 911 ENHANCED DEPARTMENT TO DEVELOP AND RFP FOR THE REPLACEMENT OF THE RECORDER SYSTEM AT THE 911 CENTER MADE BY MR. JAMISON. SECONDED BY MR. WALSH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

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

NEXT MEETING SCHEDULED FOR

****PLEASE NOTE CHANGE** Monday, January 9, 2006 **PLEASE NOTE CHANGE**
9:30 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON on Monday, December 27, 2005.**