

**STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE**

*Monday, January 9, 2017*

*9:00 a.m.*

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

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

|                     |   |  |   |
|---------------------|---|--|---|
| <b>COMMITTEE:</b>   | Aaron I. Mullen, Vice Chair<br>Steven P. Maio | Eric T. Booth                                | Kelly H. Fitzpatrick                            |
| <b>STAFF:</b>       | Jack K. Wheeler<br>John McNelis<br>Alan Reed  | Mitchell Alger<br>Tim Marshall<br>Phil Roche | Jim Allard<br>Noel Terwilliger<br>David Hopkins |
| <b>LEGISLATORS:</b> | Joseph J. Hauryski<br>Hilda T. Lando          | Carol A. Ferratella<br>John V. Malter        | K. Michael Hanna<br>Scott J. Van Etten          |
| <b>OTHERS:</b>      | Jeff Smith, <i>The Leader</i><br>Mary Perham  |  |   |

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE DECEMBER 5, 2016, AND DECEMBER 19, 2016, MINUTES MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. MAIO ABSENT FOR VOTE)**

**III. DEPARTMENTAL REQUESTS**

A. Sheriff's Office

1. **Introduction of Undersheriff** – Sheriff Allard introduced Undersheriff John McNelis. Undersheriff McNelis is a Hornell native and brings a vast amount of knowledge and experience to our office. He started his career in the Steuben County Sheriff's Office as a Corrections Officer, moving on to work with the New York State Police and also with the Canisteo Police Department. Sheriff Allard stated the Undersheriff's first task is to do an audit of our agency with respect to our operations. He hopes to come back to committee within a year with a strategic plan. We are very excited to have Undersheriff McNelis on board.

2. **Report on Animal Cruelty Deputy** – Mr. Mullen asked in your synopsis you referenced that Chemung County has three officers. Do we need more people? Sheriff Allard replied it wouldn't hurt, but we are not bringing that forward at this time, however, that is something that we may need to look at in the future. Our animal cruelty deputy is very busy, but so far is keeping up. Mr. Hauryski commented animal cruelty operations are a lot better than they used to be.

3. **Awarding Bid for Water Storage Tanks** – Sheriff Allard informed the committee they put out a bid for hot water storage tanks for the Public Safety Building and received one response from BJ Muirhead for \$27,107. This price is good until the end of the month and he would recommend awarding the bid. Mr. Wheeler informed the committee they do have money in a capital project for this. The next step will be putting together a bid for the labor component. In the meantime, BJ Muirhead will store the water storage tanks.

**MOTION: AWARDING THE BID FOR WATER STORAGE TANKS TO BJ MUIRHEAD FOR A TOTAL COST OF \$27,107 MADE BY MR. BOOTH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. MAIO ABSENT FOR VOTE)**

4. **Tours** – Sheriff Allard stated that he and Mr. Hopkins would like to invite the committee, as well as other members of the Legislature, to come out and tour the Jail and the 911 Center.

B. **Emergency Management Office**

1. **Annual Contract Renewals** – Mr. Marshall presented his 2017 contract renewals for approval. He commented that with regard to the contract with the Monroe County Medical Examiner’s Office, we were 5 – 10 cases over the 45 case limit for 2016. However, the addition of a Coroner’s Physician has helped to lower the caseload.

**MOTION: APPROVING THE FOLLOWING 2017 CONTRACTS FOR THE EMERGENCY MANAGEMENT OFFICE – MONROE COUNTY MEDICAL EXAMINER’S OFFICE - \$94,500; MOTOROLA - \$117,315.60; CRISIS TRACK - \$2,400; EMPIRE TELECOM - \$1,899 AND ENVIRONMENTAL EMERGENCY SERVICES, INC. - \$8,400 MADE BY MR. MAIO. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **RFP for Mobile App** – Mr. Marshall informed the committee that mobile apps are the new trend in emergency management. The mobile app allows emergency management to send emergency preparation information. It also allows individuals to establish emergency plans and start their emergency supply kit.

Mr. Mullen asked who is the end user? Mr. Marshall replied the general public. He requested authorization to put out an RFP to look at pricing. He is only aware of two vendors doing this. He stated that he reviewed the specifications with both Information Technology and Purchasing.

Mr. Booth asked how much did Chemung County pay for their app? Mr. Marshall replied the price is increasing as more counties are coming on board. Chemung County paid \$5,000 - \$6,000 and now the pricing is closer to \$10,000. We have grant funding available through the State that we can utilize for this. The grant funds can be used for the purchase and installation of the mobile app. There will be a small annual maintenance fee, which would also be covered by grant funds.

Mr. Mullen asked different is this than Code Red? Mr. Marshall replied Code Red is more of a notification system. The mobile app is more for emergency preparedness. Mr. Malter asked how will you notify the public of the app? Mr. Marshall replied he would work with Ms. Perham to put out a press release. Chemung County did a big campaign this past fall using numerous PSA’s (Public Service Announcements). He stated if the committee wanted to view the mobile app, they could download Chemung County’s to look at it. There are two versions; a customizable and a static, web-based app. Chemung County purchased the customizable app.

Mr. Maio asked in Chemung County, how much is the public taking advantage of the app? Mr. Marshall replied they have had a good response. Mr. Wheeler commented that he just looked it up and they have 1,000 downloads on Android. Mr. Maio asked how many are using it to get notifications? Mr. Marshall replied once the individual downloads the app, we would have no way of knowing how many are taking advantage of the information or using it.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR A MOBILE EMERGENCY PREPAREDNESS APP MADE BY MR. MAIO FOR DISCUSSION. SECONDED BY MS. FITZPATRICK.**

Ms. Fitzpatrick asked will this be free to the public? Mr. Marshall replied yes. Mrs. Ferratella asked is this something that could be utilized by Public Health? Mr. Wheeler replied yes, they would need to coordinate with

the Emergency Management Office. Mr. Marshall replied they would probably use it for notification of a mass inoculation.

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

3. **Fire Mobilization Mutual Aid Plan** – Mr. Marshall informed the committee that they have been working for the past year to update this document. He provided a revised draft to the Fire Advisory Board in November for a final review. Some of the major changes included specifying the significance of the law outlining liability. If there is a request within New York State for mutual aid, then the company requesting the mutual aid is covering the liability. If the mutual aid is outside of New York State, each department will hold their own liability. Additionally, we are also adopting the language for the National Incident Management System for incident command. Mr. Marshall stated with the revision to the plan, each governing body will have to adopt a new resolution adopting the new plan.

Mr. Mullen stated the plan addresses what happens if a municipality withdraws, but what happens if they do not opt into the plan? Mr. Marshall stated we do provide them with county-owned radios. If they don't opt in, then they will not receive radios or portables, or have access to the County radio system.

Mr. Maio asked how do you notify them? Mr. Marshall replied once the plan is reviewed and adopted by the Fire Advisory Board, it will be sent to the Legislature for adoption. Following that, it will be sent to the State for their approval and then it will be sent out to the municipalities along with a letter outlining the process for adoption.

Mr. Mullen asked with regard to Section 4, item B, it states that the host municipality is liable for an expense incurred in the operation of the apparatus or other equipment in answering a call for assistance from an outside territory; and the cost of any materials used in connection with said response including salaries and travel costs. He asked if Canisteo requested mutual aid from Hornell, would Canisteo be paying the salaries of Hornell? Mr. Marshall replied they could, however, typically it is not done at the local level. Typically it is used when there is a large disaster and an agency is deployed statewide. For example, if Hornell went to Long Island, Hornell would bill Long Island to cover the cost of personnel and equipment. Mr. Mullen commented you may want to clarify that in the plan. He asked if Mr. Reed had any comments. Mr. Reed replied that he has not seen the plan. Mr. Marshall stated the plan was sent to the Law Department for review prior to Ms. Prossick. He stated he would forward it to Mr. Reed for his review.

Mr. Hopkins commented a real world example is if Cohocton wrecks their vehicle on their way to an incident in Atlanta, Atlanta will get the bill for that. Mr. Marshall explained if damage occurs, then the company requesting the aid pays for the damages incurred. There is a FEMA rate for use of equipment. So, if we go to Erie, the municipality responding can charge Erie a certain amount per hour for various equipment, per the FEMA rate. Additionally, paid firefighters can be paid an hourly rate and overtime. Volunteer firefighters are volunteers and not paid. Discussion followed.

C. County Manager

1. **Contract – Finger Lakes SPCA** – Mr. Wheeler requested authorization to renew the contract with the Finger Lakes SPCA for animal cruelty investigation assistance. The amount of the contract is \$10,000. We have been working well with the SPCA and they have been a great partner and provide assistance. We do have an accounting of the money that was billed against the \$10,000. There is a little remaining, which will be used to purchase supplies to be used jointly by the Sheriff's office.

**MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE CONTRACT WITH THE FINGER LAKES SPCA TO PROVIDE ANIMAL CRUELTY INVESTIGATION ASSISTANCE AT A RATE OF \$10,000 ANNUALLY MADE BY MR. BOOTH. SECONDED BY MR. MAIO. MOTION CARRIES 3-0-1. (MS. FITZPATRICK ABSTAINED DUE TO PERSONAL RELATIONSHIP)**

2. **Assigned Counsel** – Mr. Wheeler stated that he would like to hold this item until next month as he is still waiting for Mr. Pelych to provide his office expenses. The caseloads since Mr. Pelych came on board have significantly increased since 2014. We saw an increase of 15 percent in 2014 – 2015, and an increase of 4 percent in 2015 – 2016. Mr. Pelych did sign the contract based on the parameters that were previously agreed upon. We will revisit the issue of office expenses when we receive his information.

3. **Conflict Defender** – Mr. Wheeler informed the committee that the Conflict Defender Office has been working very well. Brenda Aston is our part-time Conflict Defender. There is currently a vacancy in the Assistant Conflict Defender as Mr. Ferratella resigned. We are currently recruiting for that position. He stated they are looking to reclassify the part-time Conflict Defender to full-time. Mr. Roche will be amending his grant application to hopefully receive additional funding to cover that. Ms. Aston is doing an excellent job. The salary is within the range of a senior attorney on the management scale. The salary would go up to \$75,000 if the position is reclassified to full-time. This is exactly double the current salary for part-time.

Mr. Mullen asked how much time does Ms. Aston put in? Mr. Roche replied since she is part-time we do not track time. Mr. Wheeler explained when Mr. Ferratella resigned in October, she has been doing a lot of work. If you approve a resolution to reclassify, the transition would take place in the beginning of February. We will set her up with an office in the Corning Courthouse in the Probation area until the completion of the new building.

Mr. Mullen asked are we keeping the Assistant Conflict Defender position part-time? Mr. Wheeler replied yes, for now. Mr. Mullen asked have we seen a savings and is it working? Mr. Wheeler replied he thinks so. In 2016 there were 52 felony cases. If we had assigned them out, that would have been at a cost of \$75.00 per hour. Mr. Roche explained typically the cost of a felony case in 2016 was \$1,900 and is consistent with the numbers from 2013. With 52 cases in 2016, we saved the County over \$100,000. He stated that \$71,000 of County costs were funded by a grant. By going to a full-time Conflict Defender and filling the Assistant part-time position, hopefully 80 percent of the average of 168 felony assignments per year will be covered.

Mr. Maio asked about the caseload standards? Mr. Roche replied the caseload standards are unclear. As of today, he has a caseload of 64, and he considers himself to be part-time with regard to assignments.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF THE PART-TIME CONFLICT DEFENDER TO FULL-TIME MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

Mr. Roche stated with regard to Indigent Defense, the Governor vetoed a bill passed by the Legislature to take over the costs of Indigent Defense. The Governor indicated that the good parts of the proposed legislation were counsel at first arraignment and caseload standards and they are negotiating that. If that passes, we will get those mandates. We are not in compliance with existing caseload standards, and if these mandates pass, we may be required to hire additional staff. He commented the State has never funded a program like this at 100 percent. Mr. Roche stated counsel at first appearance will be forced upon us at some point. We have had an informal group meet to discuss what counsel at first appearance would look like. We plan to meet with the Magistrates this Thursday to discuss this. A centralized arraignment court is a possibility. That would permit us to have all arraignments in one location. At first arraignment you have a defense attorney, a prosecutor, security and any necessary administrative staff. Mr. Roche stated that he has received notice that there is a competitive grant for counsel at first appearance. He will be applying for funding and the grant applications are due February 24<sup>th</sup>. The grant provides \$17 million statewide.

Mr. Maio asked can we opt into this? Mr. Roche replied right now the court mandates that we provide counsel. Mr. Maio asked could you rotate the arraignment court and rotate the magistrates that are on duty? Mr. Roche replied you could do both. The problem with rotating locations is that it is difficult for law enforcement to stay on top of that. We also have to get the attorneys out to the different locations. The thought is that an arraignment court centralized in the Bath area would make the most sense. Mr. Maio asked would you rotate the justices? Mr. Roche replied yes. Mr. Maio asked would this encompass the city courts? Mr. Roche replied the local justices'

appearance would be in proportion to their caseloads. The city courts are 24/7 courts now. They will be part of the plan. Mr. Maio asked with regard to defense counsel, does that have to be staff from the Public Defender's Office, or could you contract that out? Mr. Roche replied generally they prefer that it be an employee of the Public Defender's Office. Both are options.

Mr. Malter asked when is a Public Defender assigned? Mr. Roche replied we will have someone at the arraignment regardless. Under the new eligibility standards, an individual is automatically entitled to assigned counsel or a Public Defender. Mr. Mullen asked do we need to have a local law to reimburse the County if an individual is not eligible? Mr. Roche replied they will get counsel period, if they are incarcerated. If they are not incarcerated, almost everyone is eligible, and there are some provisions. If an individual is not eligible, the local court can assign counsel and they can be reimbursed through the County.

4. **Traffic Diversion Program** – Mr. Alger requested approval to disburse law enforcement and traffic safety monies for the Traffic Diversion Program in the amount of \$140,000. He provided a handout showing the breakdown. This proposed disbursement is consistent with what we did last year, and money is available in the 2016 budget to cover these costs. The intent for the disbursement of these funds is to improve traffic safety throughout the County.

Ms. Fitzpatrick asked what is the Child Advocacy Capital? Mr. Alger replied that is a capital project to provide a child advocacy center. This is a joint program with the Department of Social Services, the Sheriff and the District Attorney. Children who are impacted by crime will have a safe place to be interviewed. Mr. Wheeler explained the \$20,000 for this is general County funds and can be used for these purposes. The law enforcement disbursements are for enhanced traffic functions.

Mr. Van Etten asked what is the distribution formula? Mr. Alger replied there is no formula per say. We have kept it consistent with the previous year. We look at the size of the law enforcement agency and take into account the volume of traffic safety incidents.

Mr. Maio asked if we didn't give money back to the New York State Police, would they do less work? Mr. Wheeler replied the caveat is the New York State Police cannot accept the distribution directly. We plan to identify equipment or things that the New York State Police could utilize. That item or items would be purchased by the County and used for traffic enforcement. Sheriff Allard commented we have talked with Lt. Michael McDarby about purchasing an unmarked vehicle that the New York State Police could use for seatbelt and speed details. We would purchase the vehicle, but they would have the ability to sign out and use the vehicle. Mr. Mullen asked would this be considered a shared service? Mr. Reed replied technically not because it is with the State.

Ms. Fitzpatrick asked do you need to make an account for that money? Mr. Alger replied no, we are working with the Sheriff to help coordinate that. Sheriff Allard stated we will be starting a pilot program to do enhanced patrols in those areas that have had high crashes. We will report back to the committee on how that works. Mr. Wheeler explained we will identify with the Sheriff and District Attorney what is happening with traffic enforcement.

Mr. Mullen asked are there any legal issues regarding these disbursements? Mr. Reed replied it needs to be modified to transition into something that is more accounted for. The City of Corning may not be willing to receive the funds that you are submitting without a more detailed accounting. Going forward, if certain changes were made, the City may be more willing to participate. Mr. Reed explained under this program, ultimately a plea is negotiated between the defendant, the court and the District Attorney. It required a conviction in order for that fee to be imposed and it was concluded that a section of law applies to our program. That is the transition that needs to occur.

Mr. Maio asked could we say that the Sheriff is actually getting \$42,000, rather than showing the New York State Police getting \$27,000? Mr. Mullen asked can we hold this over for further discussion in February? Mr. Wheeler

replied the disbursements are a budget issue as the encumbrances from the 2016 budget need to be made by February. Ms. Fitzpatrick commented that she does not care for how the disbursement proposal is written.

Mr. Mullen commented that he does not like the line item for Child Advocacy Capital. Mr. Wheeler stated that was budgeted for in the 2016 budget.

Mr. Malter commented we need to look at how the allocation process is done. He doesn't know if he likes the formula that is being used.

**MOTION: AUTHORIZING THE ALLOCATION OF TRAFFIC DIVERSION PROGRAM FUNDS IN THE AMOUNT OF \$140,000 AS FOLLOWS: SHERIFF'S OFFICE - \$42,500; CORNING PD - \$15,500; HORNELL PD - \$15,500; BATH VILLAGE PD - \$15,500; ADDISON PD - \$4,000; CANISTEO PD - \$4,000; PAINTED POST PD - \$4,000; WAYLAND PD - \$4,000; COHOCTON PD - \$3,000; HAMMONDSPORT PD - \$3,000; NORTH HORNELL PD - \$2,500; CATON CONSTABLE - \$1,500; COUNCIL ON ADDICTIONS - \$5,000; AND ALLOCATING \$20,000 TO THE CHILD ADVOCACY CAPITAL PROJECT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

5. **Coroner's Physician** – Mr. Wheeler stated for the past couple of years, Dr. Cole, an elected Coroner, has served as the Coroner's Physician. In the case of an unattended death, Dr. Cole works with the decedent's primary care physician to determine the cause of death for those instances that do not require an autopsy. This has saved the County as we have sent 25 – 30 fewer cases to Monroe County. Dr. Cole is paid a \$100 per case and is requesting an increase to \$125 per case. This averages out to about a \$600 increase per year, however, we are getting twenty times that in savings. Mr. Wheeler stated Dr. Cole is retiring, but in order to be the Coroner's Physician, he will need to keep up with his licensure and certifications.

**MOTION: INCREASING THE RATE OF COMPENSATION PAID TO DR. COLE TO ACT AS CORONER'S PHYSICIAN FROM \$100.00 PER CASE TO \$125.00 PER CASE MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. 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§ 105.1D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

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

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**\*\*NEXT MEETING SCHEDULED FOR\*\*  
Monday, February 6, 2017  
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS  
NO LATER THAN NOON  
Tuesday, Monday, January 30, 2017.**

**STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, February 6, 2017*

*9:00 a.m.*

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

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

**COMMITTEE:** Dan C. Farrand, Chair Eric T. Booth Kelly H. Fitzpatrick  
Steven P. Maio

**STAFF:** Jack K. Wheeler Mitchell Alger Tina Goodwin  
Tim Marshall Cheryl Crocker Phil Roche  
Andy Morse Jim Allard Brooks Baker

**LEGISLATORS:** Joseph J. Hauryski Carol A. Ferratella Hilda T. Lando  
**John V. Malter** Gary B. Roush Scott J. Van Etten

**ABSENT:** Aaron I. Mullen, Vice Chair

**OTHERS:** Mary Perham  
Kristin Klemenz, B & W Towing

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE JANUARY 9, 2017, MEETING MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**III. DEPARTMENTAL REQUESTS**

A. Sheriff's Office

1. **STOP DWI Agreement** – Sheriff Allard requested authorization to disburse STOP DWI funds to various local law enforcement agencies pursuant to the STOP DWI Plan.

**MOTION: AUTHORIZING THE SHERIFF TO ENTER INTO AGREEMENTS WITH LOCAL LAW ENFORCEMENT AGENCIES FOR THE DISBURSEMENT OF STOP DWI FUNDS MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

B. 911

1. **Contract Renewal** – Mrs. Goodwin requested authorization to renew the contract with Canara for UPS Battery Monitoring. The annual cost is \$990, which remains the same from last year.

**MOTION: AUTHORIZING THE DIRECTOR OF 911 TO RENEW THE CONTRACT WITH CANARA FOR UPS BATTERY MONITORING FOR AN ANNUAL COST OF \$990 MADE BY MR. BOOTH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **RFP – Intelligent Data Portal** – Mr. Morse requested authorization to reject the RFP's for the Intelligent Data Portal. We received two proposals. He explained the Intelligent Data Portal will allow 911

systems of different counties to communicate with one another. The proposals we received were about ten times what we had anticipated. He stated they would like scale back the scope of the project and put it back out. Mr. Maio asked how far will you scale it back? Mrs. Goodwin replied perhaps being more specific with the scope of the project will give the vendors a better idea of what they are bidding on. She stated that they have \$25,000 in grant funding to do this.

**MOTION: REJECTING THE RFP'S FOR AN INTELLIGENT DATA PORTAL AND AUTHORIZING THE DIRECTOR OF 911, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO REISSUE THE RFP MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

C. Emergency Management Office

1. **MOU with DHSES for Mutualink** – Mr. Marshall informed the committee that they did an MOU a couple of years ago for Mutualink. This was installed at the 911 Center and also has remote capabilities. He requested an extension through 2018. Mr. Reed commented this will now be in the form of a contract, rather than a Memorandum of Understanding.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO EXTEND THE AGREEMENT WITH THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR MUTUALINK THROUGH 2018 MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **STN Agreement** – Mr. Marshall stated one component of the Homeland Security Statewide Interoperability Grant is to work on a governance plan for the operations of communications between the three-county consortium of Chemung, Schuyler and Steuben. He requested authorization to enter into an agreement Southern Tier Network (STN) to provide governance for the grant so that we will be in line with what the State would like.

Mr. Reed commented State Homeland Security has designed STN as a sole source, which is limited to this particular project. Mr. Wheeler commented this follows what Chemung and Schuyler did. Of the grant funds, 10 percent had to be dedicated toward governance.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO CONTRACT WITH THE SOUTHERN TIER NETWORK TO PROVIDE A GOVERNANCE PLAN FOR THE OPERATIONS OF COMMUNICATIONS BETWEEN THE THREE-COUNTY CONSORTIUM OF CHEMUNG, SCHUYLER AND STEUBEN MADE BY MR. BOOTH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **B&L Contract Extension** – Mr. Marshall informed the committee they had a contract with Barton & Loguidice for consultant services regarding the Multi-Jurisdiction, Multi-Hazard Mitigation Plan. That contract expired October 31, 2016; however, FEMA and Homeland Security have extended the project through the end of 2017. He requested authorization to extend the contract with Barton & Loguidice through December 31, 2017.

Mr. Farrand asked is the equipment at its life expectancy yet? Mr. Marshall replied this is for the mitigation work that is done with the municipalities for projects in the field. Mr. Wheeler explained this is separate from the hazmat equipment. This is the plan that all municipalities have to adopt. Mrs. Ferratella asked how many municipalities have signed? Mr. Marshall replied most have submitted their point of contact and we are in the process of scheduling meetings. This is a slow process, but by the end of the month we hope to have a lot of that work completed. Mr. Farrand asked Mr. Marshall to let the Legislators know which towns still need to participate so that we can encourage them to participate.



**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO EXTEND THE CONTRACT WITH BARTON & LOGUIDICE FOR CONSULTANT SERVICES REGARDING THE MULTI-JURISDICTION, MULTI-HAZARD MITIGATION PLAN THROUGH DECEMBER 31, 2017 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

4. **Major Equipment Adjustment** – Mr. Marshall informed the committee that through the State Interoperability Grant, they are looking to upgrade their net monitor. This monitors the network for the radio system. We need to upgrade the monitor to enhance the monitoring of the fiber network. He requested amending the major equipment list to reflect \$16,593.50 for this purpose. Mr. Wheeler commented the Emergency Management Office and 911 have been very efficient in their use of grant funds.

**MOTION: AUTHORIZING AN AMENDMENT TO THE MAJOR EQUIPMENT LINE FOR THE EMERGENCY MANAGEMENT OFFICE, REFLECTING \$16,593.50 FOR THE UPGRADE OF THE NET MONITOR MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

5. **Fire Mutual Aid Plan** – Mr. Marshall informed the committee that the Fire Advisory Board and the Law Department have reviewed and approved the proposed plan. The next step is for the committee to approve.

**MOTION: APPROVING THE PROPOSED FIRE MUTUAL AID PLAN AS PRESENTED BY THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

D. County Manager

1. **Assigned Counsel** – Mr. Wheeler informed the committee that our Assigned Counsel Administrator, Mr. Pelych had requested additional funds related to copying and office expenses. He is asking for a \$5,100 stipend. Mr. Wheeler stated that he would recommend approval of this. Mr. Farrand asked what do we have in the contract for this? Mr. Wheeler replied nothing.

Mr. Maio asked why can't he email the information to the attorneys, rather than printing and copying it? Mr. Roche commented with regard to the vouchers he needs to keep copies and that would be his guess.

**MOTION: AUTHORIZING AN OFFICE STIPEND FOR JOE PELYCH, ESQ., ASSIGNED COUNSEL ADMINISTRATOR, IN THE AMOUNT OF \$5,100 MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.**

Mr. Maio commented that when he was originally awarded the contract, Family Court may have not been emailing him the paperwork, so that may be a change in what he had based his bid on. Mr. Wheeler commented the caseloads in 2016 were similar to 2015, however, there was a significant increase in 2015. The landscape has changed and he does not believe this is an unreasonable expense. It is difficult to find people willing and able to do this.

Mr. Maio asked is this motion just for this year? Mr. Wheeler replied yes, this will cover this year and we could bring it back for recommendations from committee. The contract was bid for one year with three one year renewals, with a \$500 increase each year. Mr. Roche commented the caseloads are between 900 – 1,100. With the eligibility standards changing, he would expect that cases may go up by another 200. Mr. Wheeler stated Mr. Pelych has done a great job, especially with the vouchers. He does not think this request is unreasonable.

Mr. Farrand commented that he also does not think this request is unreasonable. Ms. Fitzpatrick stated that this is a bad precedent to have a contract and then have the vendor come back for additional money because the work

was more than anticipated. That is the nature of a contract. Mr. Wheeler commented another item to note is that the attorneys that contract with us have the ability to charge for copies. This request is in line with that.

**VOTE ON PREVIOUS MOTION: MOTION CARRIES 3-2 (YES – HAURYSKI, FARRAND AND MAIO; NO – BOOTH AND FITZPATRICK).**

2. **Handicap Parking Education** – Mr. Wheeler stated about ten years ago, the County received \$600 which was put into a dedicated account for handicap parking education. In order to spend those funds, we need to have a coordinator who would be in charge of using the funds for handicap parking education. He recommended Sheriff Allard for that.

**MOTION: AUTHORIZING SHERIFF ALLARD TO ACT AS COORDINATOR FOR THE PURPOSE OF SPENDING MONEY OUT OF THE DEDICATED ACCOUNT FOR HANDICAP PARKING EDUCATION MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**IV. OTHER BUSINESS**

A. **Indigent Defense** – Mr. Roche informed the committee that the changes to eligibility standards will be effective April 1, 2017. We can expect an increase in caseloads from 2 percent up to 32 percent. As a result of these changes, Onondaga County has already seen a 32 percent increase in their caseloads. The State used to pay us \$280,000 toward the \$2.2 million cost for Indigent Defense. In 2010, they instituted a grant program, and we received the same amount of \$280,000. Last year, the Justice Equality Act would have had the State taking over the full cost of the \$2.2 million, however, the Governor vetoed it. The Governor came back with a new proposal where they will pay for counsel at first arraignment and costs associated with caseload standards, but only for the criminal arena, and that program would be implemented over the next six years. They will pay for new costs, but not existing costs. Again, this would only apply to the criminal cases. Additionally, this program will be overseen by the Office of Budget. Mr. Roche stated Steuben County is odd in both our size and our numbers. He anticipates that they will probably just take an average and we will end up on the short of the stick and we will get stuck with the new mandate.

Mr. Roche stated our association is pushing back. We are requesting a memorializing resolution from all counties, to reintroduce the Justice for Equality Act. Under the Governor's proposal, our costs will go up and the mandates will increase. We could be required to have a significant number of personnel.

Mr. Wheeler commented this was a main focus of discussion at NYSAC. As an example, Washington County had a part-time Public Defender and Assigned Counsel, and now they have 12 full-time Public Defenders. The population in Washington County is 60,000 – 70,000. He agrees with Mr. Roche that it is problematic that the Office of Budget will be in charge of this.

**MOTION: MEMORIALIZING THE GOVERNOR AND THE STATE LEGISLATURE TO SUPPORT THE EQUALITY FOR JUSTICE ACT RELATIVE TO INDIGENT DEFENSE MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.**

Mr. Malter asked how are the counties reimbursed? Mr. Roche replied right now they counties have to spend the money up front and then are reimbursed.

Mr. Maio asked has there been any discussion of us joining the Hurrell-Harring Lawsuit? Mr. Wheeler replied no, this was not a class action. For that, they picked different counties based on different practices and population sizes. It is very unlikely, unless the State takes action to help fund enhanced services, that everyone would get sued again. Mr. Reed replied there was some discussion of interpleading and it is an odd case. Mr. Roche commented that of the five counties in the original lawsuit, Ontario is the most similar to us. Mr. Wheeler commented Ontario County's revenue stream is different and they have implemented the changes more quickly than required under the settlement. Mr. Roche stated the State can mandate certain things, such as counsel at first arraignment, but they are not required to pay for it. Mr. Maio

commented it is a problem throughout the State, but they are treating those five counties differently. Mr. Wheeler stated we will continue to monitor this. It is a good time to do the memorializing resolution as the Assembly and Senate are currently in session.

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

B. **Arraignment Court** – Mr. Farrand asked for an update on arraignment court. Mr. Roche replied that he has met with the District Attorney, Chief Magistrate and the Magistrates. The 7<sup>th</sup> Judicial District is creating a model through their committee and they have asked us to wait on implementing our system. We have been talking about having a centralized arraignment court in Bath.

C. **Sheriff Recognition** – Mrs. Lando stated that when she was at NYSAC, she met the Sheriff from Orleans County and he was singing Sheriff Allard’s praises and had only good things to say. He commented that Sheriff Allard is very helpful.

D. **Goals** – Ms. Fitzpatrick commented that she thinks one of the goals for this committee for 2017 should be to resolve the issues with the Traffic Diversion Program. Mr. Wheeler stated they are working on it.

**MOTION: TO ADJOURN MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**\*\*NEXT MEETING SCHEDULED FOR\*\*  
Monday, March 6, 2017  
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS  
NO LATER THAN NOON  
Tuesday, Monday, February 27, 2017.**

**STEUBE COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, March 6, 2017*

*9:00 a.m.*

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

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

**COMMITTEE:** Aaron I. Mullen, Vice Chair Eric T. Booth Kelly H. Fitzpatrick  
Steven P. Maio

**STAFF:** Jack K. Wheeler Mitchell Alger Cheryl Crocker  
Tim Marshall Jim Allard Noel Terwilliger  
Eric Tyner Phil Roche Tina Goodwin  
Alan Reed Andy Morse Judge Peter Bradstreet  
Brooks Baker Scott Rodbourn Patricia Clarkson  
Daniel Brown

**LEGISLATORS:** Joseph J. Hauryski Carol A. Ferratella Hilda T. Lando  
Robin K. Lattimer **John V. Malter** Robert V. Nichols  
Gary D. Swackhamer Scott J. Van Etten

**ABSENT:** Dan C. Farrand, Chair

**OTHERS:** Mary Perham  
Kristin Klemenz, B&W Towing

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE FEBRUARY 6, 2017, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**III. DEPARTMENTAL REQUESTS**

A. Probation

1. **Accepting S.T.O.P. Violence Against Women Grant** – Mrs. Crocker requested authorization to accept a S.T.O.P. Violence Against Women Grant in the amount of \$3,400. This funding will be used toward training and a portion will also be used toward the salary of a staff member who attends trainings. Mr. Mullen asked what do we have to do to be certified? Mrs. Crocker replied we have to submit quarterly reports.

**MOTION: AUTHORIZING THE DIRECTOR OF PROBATION TO ACCEPT A S.T.O.P. VIOLENCE AGAINST WOMEN GRANT IN THE AMOUNT OF \$3,400 MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

B. 911

1. **Accepting NYS 2016-2017 Public Safety Answering Points Operations Grant** – Mrs. Goodwin requested authorization to accept \$190,105 in grant funding from the NYS Public Safety Answering Points Operations Grant. This is a portion of the \$10 million allotment the State takes from the surcharge on

cellular devices, and divides among the counties. We will be reimbursed based on payroll and are hoping to use these funds in the capital project for the CAD renewal and hardware replacement in the dispatch center. This is a zero match grant.

**MOTION: AUTHORIZING THE DIRECTOR OF 911 TO ACCEPT A \$190,105 NYS 2016-2017 PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT AND APPROPRIATE INTO THE CAPITAL PROJECT ENTITLED "DISPATCH CONSOLES" MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

C. Sheriff's Office

1. **Commendations** – Sheriff Allard presented a letter of commendation to Sergeant Brown, Corporal Clarkson and Officer Rodbourn for the efforts of the entire Court Security Division during the trials of Michael Beard and Thomas Clayton. They successfully met all security concerns and received high praise by members of the public for their professionalism. Additionally, a plaque will be on display in the Court Security Office, which will be co-signed by Judge Bradstreet.

Sheriff Allard presented a letter of commendation to Captain Eric Tyner for his outstanding performance, professionalism and commitment to justice relative to the murder investigation of Kelly Clayton. Investigator Tyner also created a digital lead desk, the first of its kind in our office.

2. **S.T.O.P. Violence Against Women Grant (DART)** – Sheriff Allard requested authorization to accept a S.T.O.P. Violence Against Women Grant in the amount of \$3,400. These funds will be used to reimburse a portion of the salary of the Sergeant who reviews all domestic incident reports.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A S.T.O.P. VIOLENCE AGAINST WOMEN GRANT IN THE AMOUNT OF \$3,400 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **K-9 Program Donation** – Sheriff Allard requested authorization to accept a \$250.00 donation to the K-9 Program from Mary Lou Butler in memory of her late husband, Paul Butler.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A \$250.00 DONATION TO THE K-9 PROGRAM FROM MARY LOU BUTLER MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

4. **Authorization to Bid** – Sheriff Allard requested authorization to bid the installation of the new water lines at the Jail.

**MOTION: AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT BIDS FOR THE INSTALLATION OF THE NEW WATER LINES AT THE JAIL MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

5. **Recognition** – Sheriff Allard stated that he was not sure of the proper avenue to do this, but would like to publicly recognize the Chemung County District Attorney and his office for their efforts in the Thomas Clayton trial and thanking them for everything they did.

**MOTION: PUBLICLY REGOGNIZING AND THANKING THE CHEMUNG COUNTY DISTRICT ATTORNEY AND HIS OFFICE, FOR THEIR EFFORTS IN THE THOMAS CLAYTON TRIAL MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

D. Emergency Management Office

1. **Mobile App RFP Award** – Mr. Marshall informed the committee they received two proposals from OCV, LLC and QuickSeries. The low proposal was OCV, LLC which came in at \$19,995. QuickSeries was \$21,915 plus an additional cost for GIS mapping. He recommended awarding to OCV, LLC. Mr. Maio asked how do these compare to what you budgeted? Mr. Marshall replied OCV came in within the scope of what we were looking for. He stated we will be using NYS Homeland Security grant funds to pay for this.

Mr. Van Etten asked what does the cost cover? Mr. Marshall replied the \$19,995 covers the building of the app. There is an annual maintenance fee of \$4,495 which can also be paid for using Homeland Security grant funds. Ms. Fitzpatrick asked are other counties using this? Mr. Marshall replied yes and Chemung County has the same vendor.

Mr. Mullen stated last month you indicated that Chemung County paid \$5,000 - \$6,000 for their app. Why is our cost so high? Mr. Marshall replied since there has been so much interest in these apps, the cost has been increasing. Mr. Mullen asked since you are using grant funding, is there another item that you will not be using because of this? Mr. Marshall replied no, this was a budgeted item.

Mr. Marshall explained this app will give us the capability to interface with the public by providing immediate information regarding disasters and other emergencies. This will contain a lot of citizen preparedness information. People will also have the ability to push information to us, so then we will be able to get real time situational awareness. The app will include weather information, 511 traffic information, as well as a link to the NYSEG power outage map.

Mr. Mullen asked will this require additional staffing to manage? Mr. Marshall replied no. All of the mobile apps push RSS feeds from Facebook, Twitter and the National Weather Service. There will be very little interface by staff. Mr. Mullen asked what is the term of the contract? Mr. Marshall replied this is a one-time build with an annual maintenance fee of \$4,495. The first year there will not be a maintenance fee, but for subsequent years, the cost will be \$4,495. Mr. Wheeler commented we will monitor and look to allocate grant funds for that.

Mrs. Lando asked how will you roll this new program out? Mr. Marshall replied we will work with Mary Perham and Mr. Wheeler to do press releases. We will also post information on Facebook as well as our website, Public Health's website and 911's website. Mr. Wheeler commented we can also include it in the County Newsletter.

**MOTION: AWARDING THE RFP FOR A MOBILE APP TO OCV, LLC FOR A ONE-TIME BUILDOUT COST OF \$19,995 AND ANNUAL MAINTENANCE COST OF \$4,495 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **Functional Needs Application** – Mr. Marshall informed the committee that they have been doing functional needs requests since the late 1990's. This is a program where we work with the Department of Social Services, Public Health, Mental Health and other agencies to register citizens with special needs. We currently have 300 individuals in our database. The original database was built in-house by Information Technology and we have an RSVP volunteer who maintains the database. With technology updates, there are applications that we can do online so that individuals can register themselves and we would not need to have a volunteer doing all of the data entry and mailings. Mr. Marshall stated the one-time cost for the purchase of the software is \$17,100 with an annual maintenance cost of \$3,500. These costs would be covered by the Homeland Security Grant. He requested authorization to transfer \$8,845 from major equipment to software within the 2016 Homeland Security Grant program.

**MOTION: AUTHORIZING THE DIRECTOR OF EMERGENCY MANAGEMENT TO PURCHASE SOFTWARE FOR A CLOUD-BASED FUNCTIONAL NEEDS APPLICATION AND TRANSFERRING \$8,845 FROM MAJOR EQUIPMENT TO SOFTWARE WITHIN THE 2016 HOMELAND SECURITY GRANT PROGRAM MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

Mr. Malter asked how is the data utilized? Mr. Marshall replied this allows us to identify individuals and what their special needs are. In the event of an emergency or natural disaster, we reference the database and contact those individuals to determine whether they have power or need power. We also interface with the local fire departments to send someone out to check on those individuals to make sure they are safe. This database has been used quite extensively in the past.

Ms. Fitzpatrick asked how do individuals know they can be placed on this list? Mr. Marshall replied we have a link on our website and we also work with other agencies to spread the word about the application.

Mr. Mullen asked will you still have to do follow-up with this new software? Mr. Marshall replied yes, but it will not be as extensive as what we currently do.

E. County Manager

Mr. Wheeler requested an executive session for the purpose of discussing potential litigation. Mr. Maio commented that the issue at hand he does not believe requires an executive session as the purpose for entering for discussing litigation would be to keep strategy unknown. Mr. Reed commented it is at the committee's discretion, however, this topic would be within the purview.

**MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.D. DISCUSSION REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH FOR DISCUSSION.**

Mr. Maio stated the purpose of this executive session under Open Meetings Law is for the purpose of discussing proposed or pending litigation where we do not want to disclose our strategy. Mr. Mullen stated with this particular topic, there is the potential of liability to the County concerning a potential admission. Mr. Wheeler commented there are multiple details that we would not necessarily like to publicly disclose at this time. Mr. Maio stated any action we take opens us up to potential litigation. Mr. Reed stated the other point is if the committee wants to more fully discuss outside of the hearing of the presentation, that individual could be excused from executive session at that time.

**VOTE ON PREVIOUS MOTION: MOTION CARRIES 3-2. (IN FAVOR: LEGISLATORS BOOTH, HAURYSKI AND MULLEN; OPPOSED: LEGISLATORS FITZPATRICK AND MAIO; ABSENT: LEGISLATOR FARRAND)**

**MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**MOTION: TO ADJOURN MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**\*\*NEXT MEETING SCHEDULED FOR\*\*  
Monday, April 3, 2017  
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS  
NO LATER THAN NOON  
Monday, March 27, 2017.**