

**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. **Arrestment Court** – Mr. Farrand asked for an update on arrestment 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 arrestment 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.**