

**STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, June 6, 2016*

*9:00 a.m.*

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

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

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

**STAFF:** Jack Wheeler Mitchell Alger Brooks Baker  
Noel Terwilliger Dave Hopkins David Cole  
James Allard Cheryl Crocker Tim Marshall  
Ken Forenz Phil Roche Alan Reed  
Andy Morse

**LEGISLATORS:** Joseph J. Hauryski Carol A. Ferratella Hilda T. Lando  
John V. Malter Robert V. Nichols Gary D. Swackhamer

**OTHERS:** Kristin Klemenz, B & W Towing  
Peter Kehoe, Executive Director, NYS Sheriff's Association  
Mary Perham

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE MAY 2, 2016, AND MAY 23, 2016, MEETINGS MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**III. DEPARTMENTAL REQUESTS**

A. District Attorney

1. **Inter-Municipal Agreement with Schuyler County** – Mr. Baker stated last month the Legislature presented a local law to waive the residency requirements for part-time Assistant District Attorneys. He is requesting authorization to enter into an inter-municipal agreement with Schuyler County for a part-time Assistant District Attorney. Both counties will pay half of the salary. Mr. Wheeler stated the annual cost is not to exceed \$50,000. By doing this, we will be saving approximately \$10,000 - \$15,000.

**MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH SCHUYLER COUNTY FOR A PART-TIME ASSISTANT DISTRICT ATTORNEY FOR AN ANNUAL COST NOT TO EXCEED \$50,000; SAID AGREEMENT CONTINGENT UPON THE PASSAGE OF THE LOCAL LAW WAIVING THE RESIDENCY REQUIREMENT FOR PART-TIME ASSISTANT DISTRICT ATTORNEYS MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

B. Emergency Management Office

1. **Accepting 2016 NYS Homeland Security Grant Program** – Mr. Marshall requested authorization to accept the 2016 NYS Homeland Security Grant in the amount of \$130,000. He stated 25 percent, or \$32,500, is allocated to the Sheriff for local counter terrorism program. The remaining 75 percent, or \$97,500,

is for emergency services. We will be using these funds to pay for our ongoing programs such as I Am Responding, and Code Red. Additionally we will use funds to pay for cell connectivity, GIS hardware and funding a mobile smartphone application to provide citizens with preparedness messages and to inform them of what is going on in their community.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT A 2016 NYS HOMELAND SECURITY GRANT IN THE AMOUNT OF \$130,000 WITH \$32,500 TO BE ALLOCATED TO THE SHERIFF'S OFFICE FOR LOCAL COUNTER TERRORISM PROGRAM AND THE REMAINING \$97,500 TO BE APPROPRIATED TO VARIOUS LINE ITEMS WITHIN THE EMERGENCY MANAGEMENT OFFICE BUDGET MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **Emergency Operations Plan for Department of Social Services** – Mr. Marshall informed the committee that the Department of Social Services (DSS) has money set aside in their budget to work on developing a comprehensive emergency operations plan. They have various divisions within the department and some of those divisions are required by the State to have a plan. The Commissioner has asked if we could provide assistance with this. He requested authorization to enter into a contract with the Institute of Human Services to help develop a comprehensive plan, which will be incorporated into the county's comprehensive plan. The total cost is not to exceed \$30,000.

Mr. Maio asked are there other county agencies that will also need this? Mr. Wheeler replied different departments have different mandates, however, most can fall under the County plan. DSS is different because of the requirements of the State.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO A CONTRACT WITH THE INSTITUTE FOR HUMAN SERVICES TO PROVIDE SERVICES RELATIVE TO THE DEVELOPMENT OF A COMPREHENSIVE EMERGENCY OPERATIONS PLAN SPECIFIC TO THE DEPARTMENT OF SOCIAL SERVICES; SAID CONTRACT NOT TO EXCEED \$30,000 MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. MOTION CARRIES 4-1. (MR. BOOTH OPPOSED) Resolution Required.**

C. Sheriff's Office

1. **Reaccreditation Presentation** – Sheriff Cole introduced Peter Kehoe, the Executive Director of the NYS Sheriff's Association.

Mr. Kehoe stated he is here today on behalf of the NYS Sheriff's Association to recognize the Sheriff and his staff on the occasion of their reaccreditation of the Corrections, Court Security, Jail and Civil divisions. These are not easy tasks and are a great achievement, as well as a testament to the Sheriff's professionalism. He explained the benefit of accreditation is that it improves facility operations and efficiency, improves employees and improves the public's perception. Mr. Kehoe presented the Sheriff with plaques. Additionally, he presented certificates of recognition to Sergeant Matthew Sorge and Corporal Patricia Clarkson who did extra work for the reaccreditation of the Civil and Court Security units.

2. **Commendations** – Sheriff Cole and Undersheriff Allard presented a letter of commendation to Sergeant Matthew Sorge for his work on the reaccreditation of the Civil Office. There are 121 standards that need to be met. Sergeant Sorge was tasked with the job of researching and recreating all of the documentation as that documentation was taken by the previous administration. Sergeant Sorge's work included updating all policies and procedures and correcting all deficiencies. He is being recognized for his self-initiative and perseverance. *Congratulations!*

Sheriff Cole and Undersheriff Allard presented a letter of commendation to Corporal Patricia Clarkson for her work on the reaccreditation of the Court Security Unit. There are 39 standards that need to be met. Corporal Clarkson was tasked with the job of researching and recreating all of the documentation as that document was

taken by the previous administration. Corporal Clarkson's work included updating all policies and procedures and correcting all deficiencies. She is being recognized for her self-initiative and perseverance. Additionally, Corporal Clarkson is also being recognized for her diligence and actions regarding the screening of an individual entering the County Office Building, who was found to be carrying contraband knives within his waistband. *Congratulations!*

3. **Donation – Sgt. Devin Snyder Foundation** – Sheriff Cole requested authorization to accept a donation from the Sgt. Devin Snyder Foundation for inserts for the two K-9 vehicles.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION FROM THE SGT. DEVIN SNYDER FOUNDATION FOR INSERTS FOR THE TWO K-9 VEHICLES MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

4. **Law Enforcement Memorial Park** – Sheriff Cole informed the committee that last year they held a memorial plaque dedication to the site of the Law Enforcement Memorial Park. This park will be dedicated to all fallen law enforcement police and peace officers for Steuben, Allegany, Livingston, Ontario, Yates, Schuyler and Chemung Counties. On May 21, 2016, they held the official ground breaking ceremony for the park. The targeted date for completion is May of 2018. The centerpiece will be a bronze, life size Steuben County Deputy Sheriff attending to a call for service. The statue will be placed in the center of a raised pedestal in the form of the shape of Steuben County and the six adjoining counties.

Sheriff Cole requested authorization to create a capital project account to accept donations for the memorial park. There is no cost to the County for the park, as it will be entirely funded by donations. Ms. Fitzpatrick asked how will the transaction be handled? Mr. Wheeler replied the donations will come to the Sheriff's confidential secretary and upon receipt, will become county funds. If the Sheriff wanted to make a purchase out of this account, he will need to come to committee for authorization.

**MOTION: AUTHORIZING THE CREATION OF A CAPITAL PROJECT ACCOUNT FOR LAW ENFORCEMENT PARK DONATIONS MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

D. County Manager

1. **Towing RFP** – Mr. Wheeler informed the committee that in 2013 we were placed in the position of looking at dispatching and procedures for calling out tow trucks. We created a last resort RFP. The motorist, law enforcement and/or fire service have the ability to request whatever tow company they would like, and 911 will facilitate the dispatch. If that does not happen, we have a rotating list for secondary roads. The RFP designated five separate areas in the County pertaining to limited access road (Interstate).

Mr. Maio asked why is there a difference? Mr. Wheeler replied that was determined by Vehicle Traffic Law and Law Enforcement. There are a number of larger vehicles that require larger tow equipment, and specialized equipment. This committee last year authorized the extension of the award and we have one more extension remaining. He would recommend at this time extending the award through 2016 with the intent to reissue the RFP next year. This RFP covers I-86, I-99 and I-390.

Mr. Maio asked why are we waiting to reissue the RFP until next year? Mr. Wheeler replied this is a standard protocol that we use for any RFP that has extensions. If we are happy with the work, we usually approve the extensions. At this point 911, Emergency Services, and Law Enforcement feel this is working well.

Mrs. Lando commented so much has changed in the last three years. Mr. Booth stated that is his concern as well. Our circumstances are different now than they were originally. Mr. Maio asked when the RFP was originally done, how long was the term? Mr. Wheeler replied it was for one year, with three renewals. We are still under the terms of the original RFP. This is a last resort only RFP. He stated we have added companies to our rotating list as we receive requests.

Mr. Maio commented if another agency were interested in bidding on the limited access highways and they did not have the proper equipment, they would not meet the qualifications. He does not see the harm in reissuing the RFP this year. Mrs. Lando stated she believes things have changed in three years and now there are companies that could compete and compete well.

**MOTION: AUTHORIZING THE COUNTY MANAGER TO REISSUE THE RFP FOR TOWING SERVICES ON LIMITED ACCESS HIGHWAYS WITHIN STEUBEN COUNTY MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. MOTION CARRIES 3-1-1. (MR. FARRAND OPPOSED; MR. MULLEN ABSTAINED DUE TO A CONFLICT OF INTEREST)**

2. **Driver Diversion RFP** – Mr. Alger informed the committee that in May we issued a request for proposals for the education component of the Driver Diversion Program. We received responses from Interactive Education Concepts out of Encino, California; and Valley Consultants (Joel Ordway). In the RFP we had asked vendors to be capable of hosting a minimum of two courses per month, with the potential to host up to three. We informed potential vendors that annually the District Attorney refers 3,000 – 4,000 individuals into the program and that we anticipated a cost to do this not to exceed \$50,000. He stated that for either option, the County will cover the cost of DMV fees and workbooks for attendees, totaling \$42,000 annually.

Mr. Alger stated Interactive Education Concepts indicated they would hold online courses for a total of 2,500 students at a cost of \$19.50 per student, for an annual cost of \$49,998. They did propose a classroom option for 724 students at a per student cost of \$69.00 for an annual cost of \$49,956. If we use our average of 3,000 students annually, the cost to provide classroom instruction would be \$58,500. He indicated they provide these services all over the country and their closest local office is in New York City. The District Attorney has indicated his preference that this course be offered in a classroom setting with online only being offered as an option for individuals who reside outside of the County.

Mr. Alger stated Joel Ordway of Valley Consultants is our current provider. The vendor proposed \$20.90 per student for education and \$20.00 per hour for administrative duties including data entry, emails and mailings. This is similar to Mr. Ordway's original proposal. He did not acknowledge the cap of \$50,000 or indicate if he would be willing to provide services for that amount. Mr. Alger stated when you break it down based on an average of 3,000 students per year, the cost would be \$62,700 for the educational portion plus \$24,000 in administrative fees.

Mr. Booth commented that he would prefer not to pay the vendor to do data entry. Ms. Fitzpatrick stated she would not want to pay per hour for administrative work. Mr. Maio asked since the second proposal was opened, does it fit under our cap? Mr. Alger replied no, the education component would cost \$62,700.

Mr. Alger stated we do have a third option. The Sheriff came forward with a proposal to train, certify and assign two existing deputies to provide the instruction component. In addition, they would utilize a new part-time account clerk-typist position for the administrative work. He stated his understanding is the Sheriff is preparing to be able to do this upon the current contract expiration. There would be start-up costs. The certification from the National Safety Council would cost \$2,300 including membership, training kit and three-day course for both deputies. There would be an ongoing cost of \$55.00/deputy annually for membership, and salary for part-time clerical of approximately \$12,000 - \$19,000.

Mr. Farrand commented that he has concerns about overtime and taking two more deputies off the road. Undersheriff Allard stated our department already provides boater safety and pistol permit courses. We would schedule these courses to be part of their normal work week. Mr. Farrand stated we would be eliminating road patrol shifts to provide these classroom services. Undersheriff Allard replied we would be losing two shifts per month. Mr. Mullen stated you also have a deputy who is doing animal control. Undersheriff Allard stated that position was backfilled and we are fully staffed.

Mr. Farrand asked can we reject these proposals and reissue the RFP? Mr. Baker commented his concern is the classes have to continue and the current contract expires June 15<sup>th</sup>.

Mr. Mullen asked the Undersheriff to explain his proposal in more detail. Undersheriff Allard stated we believe having the deputies teach this course is a benefit to public safety for the county residents. The deputies are more in touch with what is going on. When the Risk Manager does the yearly defensive driver course, we would have the ability to teach those in-house and save the county money and at the same time provide continuing training for drivers. We would lose two road patrol shifts per month, but he sees this as being a public safety benefit.

Mr. Maio asked Mr. Baker will this help you with the local court judges if the Sheriff is running the program? Mr. Baker stated the judges were originally reluctant because of timing issues. They don't care who provides the program as long as it is done in a timely fashion.

Mr. Reed commented that 1804 of the VTL (Vehicle and Traffic Law) references an impact from imposing fees on an individual with traffic tickets pending in local court unless there is a conviction. He stated that in his view the safe interpretation is that it has an impact on a program that proposes a designation resulting in a dismissal or reduction of charges. Our numbers may go down based on the fact we that only receive referrals where there is a plea to a violation of VTL. Mr. Wheeler commented this is a broader issue that what we are discussing today.

Mr. Baker stated his position is 1804 of the VTL was designed to deal with downstate issues as they were imposing fees even though charges were dismissed. Mr. Reed stated the local law states that there are fees imposed by the County. You are operating the program under the auspices of the County Manager who can appoint an administrator, and can consider a private vendor for that position. Mr. Wheeler stated we believe that we could utilize the Sheriff as an option for providing the course. Mr. Allard commented that after we receive our certification from the National Safety Council, we could also offer the online courses.

Mr. Farrand stated the District Attorney would still be involved as he would authorize the course and then the Sheriff would provide. Mr. Reed stated that the distinction is important. If you take a more aggressive interpretation that 1804 of VTL does not apply and you are wrong, then you may have to refund any fees to the individuals. His advice would be to not take an aggressive interpretation.

Mr. Wheeler recommended that the committee take these issues separately. The first focus needs to be on the selection of a vendor which will keep the program running.

**MOTION: REJECTING THE REQUESTS FOR PROPOSAL FOR THE PROVISION OF THE EDUCATIONAL COMPONENT OF THE DRIVER DIVERSION PROGRAM AND RECOMMENDING THE SHERIFF'S OFFICE TAKE THE NECESSARY STEPS TO PROVIDE THOSE SERVICES EFFECTIVE JUNE 15, 2016 MADE BY MR. MULLEN. MOTION CARRIES 4-0-1. (MR. BOOTH ABSTAINED AS HE HAS A PERSONAL RELATIONSHIP WITH ONE OF THE VENDORS)**

**MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

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

**MOTION: TO ADJOURN MADE BY MR. BOOTH. SECONDED BY MR. MAIO. ALL BEING IN FAVOR.**  
**MOTION CARRIES 5-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**\*\*NEXT MEETING SCHEDULED FOR\*\***  
**\*\*PLEASE NOTE CHANGE\*\* Monday, July 11, 2016. \*\*PLEASE NOTE CHANGE\*\***  
**Legislative Committee Room**  
**9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office**  
**NO LATER THAN NOON**  
**Tuesday, July 5, 2016.**