

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, May 1, 2017

9:00 a.m.

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

****MINUTES****

COMMITTEE:	Dan C. Farrand, Chair Kelly H. Fitzpatrick	Aaron I. Mullen, Vice Chair Steven P. Maio	Eric T. Booth
STAFF:	Jack K. Wheeler Tim Marshall Phil Roche	Mitchell Alger Jim Allard Alan Reed	David Hopkins Cheryl Crocker
LEGISLATORS:	Joseph J. Hauryski John V. Malter	Carol A. Ferratella	Kelly H. Fitzpatrick
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. Booth to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 5, 2017, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Public Defender

1. **Monthly Report** – Mr. Roche commented that through the first quarter of the year they are still seeing an upwards trend in serious felonies and probation violations. Our numbers are pretty much on target for last year.

2. **Public Defender Investigator** – Mr. Roche informed the committee that back in 2012 they contracted with Don Tubman to provide investigator services. In 2013, they received increased grant funding for investigative services. It has recently come to his attention that this contract was never approved by committee and does need to be approved. He requested authorization to pay nine vouchers that are currently on hold in the amount of \$10,071.15. Additionally, he would like authorization to issue an RFP for investigative services and to continue to utilize Mr. Tubman until the RFP is awarded. We do have a need for these services, particularly with regard to felony cases.

Mr. Hauryski asked what kind of work does the investigator do? Mr. Roche replied he tracks down witnesses, interviews witnesses, draws up depositions, serves subpoenas, background checks, etc. We pay him about \$30,000 annually. Mr. Farrand asked what is Mr. Tubman's background? Mr. Roche replied he is retired from the Rochester City Police Department and is also a licensed Private Investigator.

Mr. Roche asked with regard to the RFP, should they do an hourly rate or a rate based upon a set number of hours per week? Mr. Wheeler replied that you should bid it both ways.

Mr. Maio asked how much grant funding do you get? Mr. Roche replied it is part of a larger grant. It is a rolling grant; in any one year we will have three different grants that we would be able to draw from. The County has also allocated \$5,000 for these services, but it has been paid for using all grant funding.

MOTION: AUTHORIZING THE PAYMENT OF EXISTING VOUCHERS FOR PUBLIC DEFENDER INVESTIGATIVE SERVICES TO DON TUBMAN IN THE AMOUNT OF \$10,071.15; AND AUTHORIZING A TEMPORARY WAIVER OF THE RFP PROCESS TO ALLOW FOR THE PAYMENT OF FUTURE VOUCHERS TO DON TUBMAN MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: AUTHORIZING THE PUBLIC DEFENDER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT REQUESTS FOR PROPOSALS FOR PUBLIC DEFENDER INVESTIGATIVE SERVICES MADE BY MR. BOOTH. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **2017-2018 State Budget Impact for Indigent Defense** – Mr. Roche reviewed the history of indigent defense. In 1965, County Law §722 stated that the governing body of each county shall place in operation throughout the county, a plan for providing counsel to persons charged with a crime who are financially unable to obtain counsel. As a result, each county has a different system in place. In 2014, for the first time, the State recognized that they had an obligation to pay for these services, however, that only applied to the five counties involved in the Hurrell-Harring lawsuit. In 2016, the remaining 57 counties pushed to have the State take over all costs, and the Governor vetoed that measure. Mr. Roche stated in 2017, the State Budget implements the Hurrell-Harring initiatives statewide.

Mr. Roche stated the initiatives that will be implemented statewide include counsel at arraignment, which is a plan to ensure that each defendant who is eligible for public representation is represented by counsel in person at their arraignment. Caseload relief is a plan that establishes the caseload for each provider. The last is initiatives to improve the quality of indigent representation, which will require having access to investigators, interpreters and expert witnesses, along with effective supervision and training. The State Budget indicates that a written plan shall be submitted by December 1, 2017. That gives us six months to put something together and will be a challenge for many counties as there are many unknowns. However, this plan will not be fully implemented and funded by the State until April 1, 2023. The plan must be approved by both the Office of Indigent Legal Services and the State Division of Budget. Implementation, at the earliest, will be July 2018.

Mr. Roche informed the committee that he will be participating in a statewide conference call tomorrow to discuss the implementation. They have also learned that a representative for the Governor will also be participating. It is unlikely the counties will be able to approve their plans in six months. If the State does not fund the plan, you do not have to do it.

Mr. Maio asked if we come up with a plan, who decides how much our plan will cost us? Mr. Roche replied we do not know that. This is a reimbursement program; you pay the costs up front and then we will find out later whether or not they will reimburse us. Mr. Wheeler commented the Office of Indigent Legal Services knows the challenges that the counties face, and they will be the first step in the approval process. Ultimately, the Division of Budget has to give their approval. We are a large county geographically and our costs will be more due to our size.

Mr. Roche stated that he has met with Judge Renzi of the 7th Judicial District to discuss the possibility of how to handle the counsel at arraignments. With regard to caseload limits, the State will make that determination. Mr. Mullen asked have studies been done to show the correlation between what is spend on indigent legal services and how that relates to Jail costs? Mr. Roche replied that he has not seen anything, however, what he will tell you is that we are seeing a decrease in the number of individuals who are going to jail after their arraignment. In terms of general comparison, those are not usually true as it depends on the level of the crime. There will be some

impact on being able to move cases more quickly through the system. Mr. Mullen asked will there be more costs for the District Attorney? Mr. Roche explained the District Attorney already has an investigator and other supports that we, as the Public Defender, do not have. The District Attorney is also not required to be at arraignments. Discussion followed.

B. Emergency Management Office

1. **Pinnacle State Park Agreement** – Mr. Marshall informed the committee that they have a repeater located at Pinnacle State Park. We had worked with the proprietor who ran the golf course, however, the proprietor's contract with the State has expired and the State has put out a new RFP for the operation of the golf course. Mr. Marshall requested authorization to contract with New York State Parks to allow access to the facility to perform routine maintenance on the repeater. There is no cost.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF PARKS TO ALLOW ACCESS TO THE FACILITY AT PINNACLE STATE PARK TO PERFORM ROUTINE MAINTENANCE ON THE REPEATER MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Institute for Human Services MOU** - Mr. Marshall requested authorization to enter into a memorandum of understanding with the Institute for Human Services, specifically the 211 Helpline. This will allow us, in the event of an emergency, to share information with the Helpline. There is no cost involved.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE INSTITUTE FOR HUMAN SERVICES TO SHARE INFORMATION WITH THE 211 HELPLINE IN THE EVENT OF AN EMERGENCY MADE BY MR. MULLEN. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Sheriff's Office

1. **Contract Renewal – U.S. Marshall's Service** – Sheriff Allard requested authorization to renew the contract with the U.S. Marshall's Service for the housing of federal prisoners. The rates have increased to \$95.00 per day per inmate and the transport rate is \$25.00 per hour.

MOTION: AUTHORIZING THE SHERIFF TO RENEW THE CONTRACT WITH THE U.S. MARSHALL'S SERVICE FOR THE HOUSING OF FEDERAL INMATES AT A RATE OF \$95.00 PER DAY, PER INMATE AND A TRANSPORT RATE OF \$25.00 PER HOUR MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Donation from U.S. Marshall's Service** – Sheriff Allard requested authorization to accept a donation of gym equipment from the U.S. Marshall's Service. This equipment will be for the Corrections Officers and includes dumbbells and a back extension station.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF GYM EQUIPMENT FROM THE U.S. MARSHALL'S SERVICE MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. County Manager

1. **Request to Issue RFP** – Mr. Wheeler requested authorization to issue a request for proposals for the installation of the fiber laterals. We previously contracted with Southern Tier Network (STN), however, the State did not want to declare this a sole source, and is requiring we issue an RFP.

MOTION: AUTHORIZING THE COUNTY MANAGER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS FOR THE INSTALLATION OF THE FIBER LATERALS MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Mullen asked with the wind projects that are being proposed, is there any mapping of where our towers are and if there will be any interference with our radio system? Mr. Marshall replied we have not seen a map, but we have mapped out our microwave system so that we can provide that information to the wind companies. We are running primarily on fiber now and use the microwave as a backup.

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Monday, June 5, 2017
9:00 a.m.**

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