

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

**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.**



**STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, April 3, 2017*

*9:00 a.m.*

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

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

<b>COMMITTEE:</b>	Dan C. Farrand, Chair Kelly H. Fitzpatrick	Aaron I. Mullen, Vice Chair Steven P. Maio	Eric T. Booth
<b>STAFF:</b>	Jack K. Wheeler Tina Goodwin Phil Roche Andy Morse	Mitchell Alger Tim Marshall Cheryl Crocker	David Hopkins Jim Allard Jennifer Prossick
<b>LEGISLATORS:</b>	Joseph J. Hauryski John V. Malter	Carol A. Ferratella Gary D. Swackhamer	Hilda T. Lando Scott J. Van Etten
<b>OTHERS:</b>	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 MARCH 6, 2017, MEETING MADE BY MR. MULLEN, SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MS. FITZPATRICK ABSENT FOR VOTE)**

**III. DEPARTMENT REQUESTS**

A. Public Defender

1. **Review of Office Structure** – Mr. Roche stated at last week’s Chairmen’s Meeting there were a couple of questions regarding the structure of the Public Defender, Assigned Counsel and Conflict Defender. He distributed a handout showing the organizational chart for the Public Defender, Conflict Office and Assigned Counsel; 2016 case flow, caseloads and costs; and Steuben County Indigent Defense Potential/Projected Staffing. He stated that the three offices of Public Defender, Conflict Office and Assigned Counsel all report to the County Manager. We are looking at possible staffing increases. Some of those may be mandated and some we may decide are a good idea to do.

Mr. Maio asked for an explanation of the 2 ½ full time attorneys under criminal felony? Mr. Roche replied he considers himself the ½. With regard to caseload distribution, all of the cases start with the Public Defender’s Office. Felony cases, if they are a conflict, go to the Conflict Office and if there is still a conflict, from there go to Assigned Counsel. This is our first year with a Conflict Office. The same process occurs for misdemeanor cases, except the Conflict Defender does not handle those at this time. Last year we had 200 cases which cost us about \$47,000. Under Family Court, we had 750 cases which cost about \$400,000. He stated that he is going to make a request to the Steuben County Bar Association to approve the creation of a Family Court Conflict Office. We first need the approval of the Bar Association; then the Legislature can decide if it is a good idea. Mr. Maio commented he is surprised how few conflict cases you have for misdemeanors. Mr. Van Etten asked does the Bar Association meet in July? Mr. Roche replied yes.

Mr. Mullen asked you have three full-time Family Court attorneys? Mr. Roche replied yes. The other thing that comes into play is the caseload cap. With that cap, we will need one to two additional attorneys. Mr. Mullen asked what are we paying a full-time Family Court attorney? Mr. Roche replied it varies, but with benefits, it ranges between \$100,000 - \$130,000. Mr. Mullen commented that there are an equal number of cases between the Public Defender and Assigned Counsel, it doesn't seem as though there would be any savings in creating a Conflict Office for Family Court. Mr. Roche stated the caseload, in theory, also applies to assigned counsel. Mr. Mullen asked if the caseload is spread out, would the attorneys make more per hour? Mr. Roche replied he expects that is coming. Currently they are making \$75.00 per hour and there has been discussion of going to \$100.00 per hour. What you will find is we can do things with the Conflict Defender rather than Assigned Counsel and that is also volume driven. If there are no caseload limits, we would be able to do Family Court cases much cheaper with the Conflict Defender.

Mr. Roche stated that he would like to apply for approval from the Bar Association to create a Family Court Conflict Office. He would not expect the Legislature would make a decision until a year from now. By then, we should know about the raise the age proposal, caseload caps, etc. In July or August of 2018, you can decide whether to create a Conflict Office for Family Court.

B. Emergency Management Office

1. **FY 2015 SHSP Grant Budget Adjustment** – Mr. Marshall requested approval to transfer a total of \$14,339 among various line items within the FY 2015 SHSP Grant to cover contract labor and equipment costs. This also includes \$6,900 in small equipment to purchase video displays for the EOC and portable mobile radios.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO TRANSFER A TOTAL OF \$14,339 BETWEEN VARIOUS LINE ITEMS WITHIN THE 2015 SHSP GRANT AND TO ADD \$6,900 IN SMALL EQUIPMENT TO PURCHASE VIDEO DISPLAYS FOR THE EOC AND PORTABLE MOBILE RADIOS MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **VHF Fire Radio** – Mr. Marshall informed the committee that they have had engineering struggles with getting the fire service radios switched to VHF. He stated that he would like to bring Televate back in to help us with the engineering issues. The proposal is \$46,052 and that would be covered by grant funds. Mr. Wheeler commented it would be a good investment to have another expert in the field look at this.

Mr. Mullen asked what is the problem? Mr. Marshall replied we are having issues with both the new and current frequencies. Mr. Mullen asked the first time we hired Televate, was it for the radio project and office structure? Mr. Wheeler replied yes and we had expanded the scope of that initial project to include Law Enforcement narrowband upgrade. They did not engineer at that time for this current project. Mr. Mullen stated he thought we had paid them \$100,000. Mr. Wheeler replied, no, we paid them approximately \$55,000. We expanded the original scope and they attended a meeting with Motorola and identified major issues on I390. This is similar to what we need to do this time.

Mr. Marshall stated with the new project we want to bring the fire service from low band to VHF and we need to implement the new VHF channel. Mr. Booth asked are we sure that they will have a solution? Mr. Marshall replied they have indicated that the issues are not insurmountable.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO AN AGREEMENT WITH TELEVATE FOR A TOTAL OF \$46,052, TO BE PAID FOR WITH GRANT FUNDS, TO ASSIST WITH THE IMPLEMENTATION OF MOVING THE FIRE SERVICE FROM LOW BAND TO VHF MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

C. Sheriff's Office

1. **Commendation** – Sheriff Allard presented a letter of commendation to Deputy Steven Ellison. Deputy Ellison was involved in an incident on March 22, 2017, where an officer was in distress and being attacked. Deputy Ellison promptly responded with the proper use of training and technique with the Taser. *Congratulations!*

2. **Bid Award – Water Tank Installation** – Sheriff Allard requested authorization to award the bid for the Water Tank Installation to the low bidder, Monroe Piping for \$22,781.

**MOTION: AWARDING THE BID FOR THE WATER TANK INSTALLATION AT THE JAIL TO THE LOW BIDDER, MONROE PIPING FOR A TOTAL COST OF \$22,781.00 MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

3. **Donation** – Sheriff Allard requested authorization to accept a donation of two bicycles and corresponding equipment from the Wineglass Marathon.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF TWO BICYCLES AND CORRESPONDING EQUIPMENT FROM THE WINEGLASS MARATHON MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

4. **Authorization to Bid Uniforms and Inmate Clothing** – Sheriff Allard requested authorization to issue bids for uniforms for Road Patrol and Corrections along with inmate clothing.

**MOTION: AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT BIDS FOR UNIFORMS FOR ROAD PATROL AND CORRECTIONS, ALONG WITH INMATE CLOTHING MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

5. **Budget Adjustment** – Sheriff Allard informed the committee that the School Resource Officers (SRO's) do not have digital radios which means they are unable to talk to 911 on the main channel. He has talked with the school superintendents and they are willing to reimburse us for the cost of new radios. Sheriff Allard requested authorization to transfer \$11,855 from the Minor Equipment line to the Sheriff SRO Fees line to purchase digital radios for the SRO's. The cost will be reimbursed by the schools.

**MOTION: AUTHORIZING THE SHERIFF TO PURCHASE NEW DIGITAL RADIOS FOR THE SCHOOL RESOURCE OFFICERS (SRO'S), SAID COST TO BE REIMBURSED BY THE SCHOOLS; AND TRANSFERRING \$11,855 FROM THE MINOR EQUIPMENT LINE TO THE SHERIFF SRO FEES REVENUE LINE ITEM MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

6. **Contract** – Sheriff Allard requested authorization to increase the contract with Johnson Controls by \$4,763 to install the controls on the new water tank at the jail. We do have money available in the capital project for this.

**MOTION: AUTHORIZING THE SHERIFF TO INCREASE THE CONTRACT AMOUNT FOR JOHNSON CONTROLS BY \$4,763 FOR THE INSTALLATION OF THE CONTROLS ON THE NEW WATER TANK AT THE JAIL MADE BY MR. MAIO. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

D. County Manager

1. **Grant Acceptance** – Mr. Wheeler requested authorization to accept a multi-jurisdictional grant from NYS DCJS for police protective equipment including patrol rifles and vests. The total amount of the grant

is \$49,200. He commented that his office will be managing the grant. Funds will be distributed to the Sheriff's Office, and police departments in Addison, Canisteo, Wayland, Hammondsport, Corning and Hornell.

**MOTION: AUTHORIZING THE COUNTY MANAGER TO ACCEPT A MULTI-JURISDICTIONAL GRANT FROM NYS DCJS FOR POLICE PROTECTIVE EQUIPMENT IN THE AMOUNT OF \$49,200 MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**IV. OTHER BUSINESS**

A. **Dateline** – Mr. Mullen commented that the Dateline special on the Kelly Clayton murder went well. He stated that he liked what the body cameras were able to do.

**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, May 1, 2017  
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS  
NO LATER THAN NOON  
Monday, April 24, 2017.**

**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\*\***

<b>COMMITTEE:</b>	Dan C. Farrand, Chair Kelly H. Fitzpatrick	Aaron I. Mullen, Vice Chair Steven P. Maio	Eric T. Booth
<b>STAFF:</b>	Jack K. Wheeler Tim Marshall Phil Roche	Mitchell Alger Jim Allard Alan Reed	David Hopkins Cheryl Crocker
<b>LEGISLATORS:</b>	Joseph J. Hauryski John V. Malter	Carol A. Ferratella	Kelly H. Fitzpatrick
<b>OTHERS:</b>	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 7<sup>th</sup> 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.**



**STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

Monday, June 5, 2017

9:00 a.m.

Legislative Committee Room  
Steuben County Office Building  
Bath, New York

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

<b>COMMITTEE:</b>	Dan C. Farrand, Chair Kelly H. Fitzpatrick	Aaron I. Mullen, Vice Chair Steven P. Maio	Eric T. Booth
<b>STAFF:</b>	Jack K. Wheeler Jennifer Prossick Jim Allard Shawn Shutt Kris Kester	Tina Goodwin Cheryl Crocker Phil Roche Brian Logsdon	Ken Forenz Alan Reed Brooks Baker Dean Swan
<b>LEGISLATORS:</b>	Carol A. Ferratella Gary B. Roush	Hilda T. Lando Scott J. Van Etten	John V. Malter
<b>OTHERS:</b>	Mary Perham		

**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 MAY 1, 2017, MEETING MADE BY MR. MULLEN, SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. (MR. BOOTH ABSENT FOR VOTE)**

**III. DEPARTMENTAL REQUESTS**

A. District Attorney

1. **Contingent Fund Transfer** – Mr. Baker requested a transfer of \$100,000 from the Contingent Fund to cover expert testimony, investigative costs and other related expenses. Mr. Wheeler stated that during the Clayton trial, we had a special prosecutor and we did pay those costs. When he did the budget last year, he had included an additional \$5,000 for special prosecution. All told, we have \$45,000 of costs to Chemung County for that trial. He stated that Mr. Baker is also handling a number of high profile murder trials as well. Mr. Van Etten asked does this transfer cover all of the up-to-date costs? Mr. Baker replied he has estimated to the best of his ability what the costs may be.

**MOTION: AUTHORIZING A TRANSFER OF \$100,000 FROM THE CONTINGENT FUND TO THE DISTRICT ATTORNEY'S OFFICE TO COVER COSTS RELATED TO EXPERT TESTIMONY, INVESTIGATIVE COSTS AND OTHER RELATED EXPENSES MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

B. Emergency Management Office

1. **Acceptance of Round 5 Interoperable Communications Grant** – Mr. Forenz requested authorization to accept the Round 5 Interoperable Communications Grant of \$862,857. This is a two-year grant. Mr. Mullen asked for an explanation in the budget plan of converting radio systems to IP. Mr. Forenz replied we

will be converting the Public Works radios over to IP so that they will be tied into the current system. Mr. Mullen asked what happens if there are internet problems? Mr. Forenz replied we have the fiber and microwave networks as backup.

Mr. Van Etten asked for an explanation of why it will cost \$450,000 to upgrade the core. Mr. Forenz replied the core is the brains of the radio system. We have set the system up so that we have redundancy. The upgrade will allow us to have the capability of being able to back up Chemung County. Chemung County is also working on having the ability to back us up as well. Mr. Van Etten asked is there any county cost? Mr. Wheeler replied this is all being done with grant funding. Mr. Forenz stated the grant starts January 1, 2017 and runs for two years. Mrs. Lando asked will there be any ongoing cost to keep the system current? Mr. Forenz replied there may be some equipment upgrades, but mainly just standard maintenance.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT THE ROUND 5 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT IN THE AMOUNT OF \$862,857 MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

2. **Contract Renewal** – Mr. Forenz requested authorization to renew the contract with Occustar to provide hazmat physicals for the Corning City Fire Department. This is a three-year contract. The cost for year one is \$3,900; year two is \$4,100; and year 3 is \$4,300.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO RENEW THE CONTRACT WITH OCCUSTAR TO PROVIDE HAZMAT PHYSICALS FOR THE CORNING CITY FIRE DEPARTMENT AT A RATE OF \$3,900 FOR YEAR ONE, \$4,100 FOR YEAR TWO AND \$4,300 FOR YEAR THREE MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

C. Sheriff's Office

1. **Commendations** – Sheriff Allard asked Sgt. Shawn Shutt to come forward. He presented Sgt. Shutt with a commendation in recognition of his exemplary performance, professionalism and commitment to duty related to his response to the vehicle crash on May 17, 2017 involving Trooper Foley. As a side note, Sgt. Shutt is also receiving a commendation from the New York State Police Superintendent Beech, upon the recommendation of a resident who witnessed the crash and the response of Sgt. Shutt.

Sheriff Allard asked Sgt. Brian Logsdon to come forward. He presented Sgt. Logsdon with a commendation in recognition of his exemplary performance, professionalism and commitment to duty related to his response to the vehicle crash on May 17, 2017 involving Trooper Foley.

Sheriff Allard stated for the past couple of years, the Sheriff's Deputies and the Corrections Officers can vote for the individual that they determine to be Deputy of the Year or Corrections Officer of the Year. He asked Deputy Dean Swan to come forward. He stated there are four core principles that the Department follows: professionalism, integrity, leadership and service to community. Deputy Swan is this year's recipient of the Deputy of the Year Award. Deputy Swan was the first responder on scene at the Clayton residence. He also is the only DRE (Drug Recognition Expert) in the County.

Sheriff Allard asked Officer Kris Kester to come forward. Officer Kester is a Corrections Officer in the Jail and has been voted by his peers as this year's recipient of the Corrections Officer of the Year Award. Officer Kester is also the Vice President of the Bath Ambulance Corps and provides our yearly first aid training in the Jail.

2. **Acceptance of Furniture Donation from Corning, Inc.** – Sheriff Allard requested authorization to accept a donation of furniture from Corning, Inc. The total value is under \$1,000 and consists of tables and chairs that we will use in the Jail and our training room.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF FURNITURE WITH A VALUE OF LESS THAN \$1,000, FROM CORNING, INC. MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

3. **Budget Transfer for STOP DWI Grant** – Sheriff Allard requested authorization to transfer \$5,000 from the STOP DWI Crackdown grant to contracted expenses to pay those agencies who participate in the STOP DWI program.

**MOTION: AUTHORIZING THE SHERIFF TO TRANSFER \$5,000 FROM THE STOP DWI CRACKDOWN GRANT TO CONTRACTED EXPENSES TO PAY THOSE AGENCIES WHO PARTICIPATE IN THE STOP DWI PROGRAM MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

4. **Court Security for Towns/Villages** – Sheriff Allard informed the committee that he received a request from the Towns of Dansville and Hornellsville to provide court security. He would propose providing enhanced enforcement to those town and/or village courts that request it, reimbursable at an hourly rate.

**MOTION: AUTHORIZING THE SHERIFF TO CONTRACT WITH TOWNS AND VILLAGES WHO REQUEST COURT SECURITY SERVICES, TO BE REIMBURSABLE AT AN HOURLY RATE MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.**

Mr. Farrand asked would you only be providing security for times when violators are issued tickets and are not already in custody? Sheriff Allard replied we would provide security for the entire court session, especially on DA days. Mr. Farrand stated his issue is with the number of courts we have.

Mr. Booth asked not all of the towns and villages have asked? Sheriff Allard replied no, only Dansville and Hornellsville. He stated that he thinks it is a win-win for everyone. If they want to pay for those services, we can provide those services and it keeps the courts secure. Mr. Mullen asked what will happen if all of the towns and villages want this service? Sheriff Allard replied we will provide what we can.

Mr. Farrand asked what would be the dollar amount? Sheriff Allard replied it would be the Deputy's hourly rate plus fringe. With the Town of Erwin, there is also a 10 percent administrative fee, however, he would not include that. He commented that contract was negotiated under the previous administration.

Mr. Maio asked will you charge an hourly rate or a per diem rate? Sheriff Allard replied it will be an hourly rate and will depend on the Deputy and their overtime rate. Mr. Roush asked could you use retired deputies under contract? Sheriff Allard replied we currently do not have the ability to hire that way now. Mr. Wheeler commented that may be a possibility in the future. Mr. Roush stated that might be a way to handle high demand. Mr. Mullen asked how will you prioritize who you will provide security for? Sheriff Allard replied we will do it on a first come, first served basis.

Mr. Roche commented this is one of the challenges with having so many local courts. With many of the municipalities, the judges are the only ones there, with nobody else. He thinks the municipalities should have this and they should pay for it. Mr. Reed commented it protects the citizens as well as County staff who are at the town and village courts. Sheriff Allard commented one of the issues for the towns is that many do not have a vehicle to provide this security.

Mr. Hanna asked will all of the towns and villages be made aware of this? Sheriff Allard replied if the committee approves the request, then yes, they will notify the towns and villages.

Mr. Farrand stated he agrees that the towns should pay the full reimbursement. He is looking at the number of courts and some of the towns are so small that they only have one or two cases per month. Mr. Van Etten

commented when he was Town Supervisor, we got the message that the Office of Court Administration was recommending security. The officer is just a deterrent as you don't know who is coming in. Mr. Farrand commented he just wants to make sure that the Town Supervisors know we are not pushing this.

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

**MOTION: TO ADJOURN MADE BY MR. MULLEN. 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 10, 2017\*\*PLEASE NOTE CHANGE\*\*  
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS  
NO LATER THAN NOON  
Monday, June 26, 2017.**

**STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, July 10, 2017*

*9:00 a.m.*

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

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

<b>COMMITTEE:</b>	Dan C. Farrand, Chair Steven P. Maio	Aaron I. Mullen, Vice Chair	Kelly H. Fitzpatrick
<b>STAFF:</b>	Jack K. Wheeler Tina Goodwin Andy Morse Phil Roche	Mitchell Alger Dave Hopkins Alan Reed Noel Terwilliger	Jim Allard Tim Marshall Cheryl Crocker
<b>LEGISLATORS:</b>	Joseph J. Hauryski Gary B. Roush	Carol A. Ferratella Gary D. Swackhamer	Hilda T. Lando
<b>ABSENT:</b>	Eric T. Booth		
<b>OTHERS:</b>	Kristin Klemenz, B & W Towing Mary Perham Jeff Smith, <i>The Leader</i>		

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE JUNE 5, 2017, MEETING MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**III. DEPARTMENTAL REQUESTS**

A. Sheriff's Office

1. **2018 Bicycle Safety Grant** – Sheriff Allard requested authorization to accept a 2018 Bicycle Safety Grant in the amount of \$2,000.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A 2018 BICYCLE SAFETY GRANT IN THE AMOUNT OF \$2,000 MADE BY MS. FITZPATRICK. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **Bethesda Foundation Grant** – Sheriff Allard requested authorization to accept a Bethesda Foundation Grant in the amount of \$4,000. This will be used to create medical go bags for Deputies. He commented that he is working toward requiring all Deputies to participate in training to become EMT's. Mr. Mullen asked what is the cost for providing that training? Sheriff Allard replied he has been working with EMSTAR to get an agency code and if we get that, then the training will be free. We currently have four or five deputies who are certified EMT's.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A BETHESDA FOUNDATION GRANT IN THE AMOUNT OF \$4,000 MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **SRO Contract Renewals** – Sheriff Allard requested authorization to renew the School Resource Officer contracts with Bath, Campbell-Savona, Corning-Painted Post, Hammondsport, Prattsburgh and Wayland-Cohocton under the same terms and conditions.

**MOTION: AUTHORIZING THE SHERIFF TO RENEW SCHOOL RESOURCE OFFICER CONTRACTS UNDER THE SAME TERMS AND CONDITIONS WITH THE FOLLOWING SCHOOL DISTRICTS: BATH, CAMPBELL-SAVONA, CORNING-PAINTED POST, HAMMONDSPORT, PRATTSBURGH AND WAYLAND-COHOCTON MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

4. **Uniform Bid** – Sheriff Allard informed the committee they put out a bid for uniforms and leather gear. We have streamlined it so that all uniforms will be identical and will no longer be division dependent. We received a bid from Galls for the uniforms, however, they did not respond on the leather gear. He requested authorization to accept the uniform bid and to reissue the leather gear bid. Mr. Morse explained typically award the uniforms and leather gear separately, but they are bid together.

**MOTION: AWARDED THE BID FOR UNIFORMS FOR THE SHERIFF'S OFFICE TO GALLS FOR A TOTAL PRICE OF \$31,736.00 AND AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO REISSUE THE BID FOR LEATHER GEAR MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

5. **Corning, Inc. Donation** – Sheriff Allard requested authorization to accept a \$3,000 donation from Corning, Inc. for computer equipment.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A \$3,000 DONATION FROM CORNING, INC. FOR COMPUTER EQUIPMENT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

6. **Ontario County Inmate Housing Contract** – Sheriff Allard requested authorization to enter into a contract with Ontario County for the housing of inmates. The rate is \$87.00 per inmate per day.

**MOTION: AUTHORIZING THE SHERIFF TO ENTER INTO A CONTRACT WITH ONTARIO COUNTY FOR THE HOUSING OF INMATES AT A RATE OF \$87.00 PER INMATE, PER DAY MADE BY MR. MAIO. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

7. **Vest Program** – Mr. Farrand asked if the Sheriff had received information about the vest program. Sheriff Allard replied that he had and they are in the process of submitting an application for those funds.

B. Public Defender

1. **Major Equipment Amendment** – Mr. Roche requested authorization to purchase a new Toshiba copier/fax/scanning machine for a total cost of \$3,522.00 and to amend his major equipment line to reflect this change. He commented that he will be using grant funds for this purchase.

**MOTION: AUTHORIZING THE PUBLIC DEFENDER TO PURCHASE A NEW TOSHIBA COPIER/FAX/SCANNER FOR \$3,522.00 AND AMENDING THE MAJOR EQUIPMENT LIST TO REFLECT THIS PURCHASE MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **Conflict Office for Family Court** – Mr. Roche stated that the Legislature created a Conflicts Office for criminal court. We had discussed in the past that it may make sense to create a Conflicts Office for Family Court. He introduced Shawn Sauro who is his First Assistant Public Defender and has been actively involved in this initiative. At this point, the proposal will be presented to the County Bar Association. If approved by the County Bar Association, then it will be presented to the Legislature for consideration.

C. 911

1. **Renewal of CAD Contract** – Mrs. Goodwin stated that for many years we have accepted 911 PSAP Operation Grant funds and we have used a portion for reimbursement of payroll; the remainder has been put in the capital project entitled “911 System Upgrades”.

Mrs. Goodwin explained we have been on a hosted CAD system through Tritech for the last five years. We have the option to renew for an additional five years at the same price. In addition, she stated they would like to increase the number of MDT licenses from 90 to 100 and would like to add 100 DN Mobile Android licenses for Fire and EMS. The total five year cost, including these two additions is \$1,316,480.65. Adding 10 MDT licenses is about \$300 per month and the 100 Android licenses is \$2,000 per month additional. The Android app can be used by Fire and EMS to change their status, enter notes, etc. They can also use it on-scene for interoperability. Mrs. Goodwin stated they have money in their budget to cover the cost for the remainder of this year. We are hopeful that with the new cellular prepaid surcharge, that will be an additional revenue source to help with this.

Mr. Farrand asked what will be the percentage increase in your budget for these add ons? Mr. Wheeler replied it is about \$30,000 per year, so about 1.5 percent to 2 percent. Mrs. Goodwin stated the CAD renewal cost remains the same at \$17,000 per month.

Mr. Mullen asked who will be using the additional MDT’s? Mrs. Goodwin replied the State Police, Sheriff, and all of the town and village police departments, with the exception of Hammondsport, have MDT’s. Some of those agencies would like more. Mr. Mullen asked what about the Android app? Mrs. Goodwin replied primarily that is for Fire and EMS. Mr. Hopkins stated Law Enforcement can also use this. Mr. Wheeler commented this is really a win for Fire and EMS.

Ms. Fitzpatrick asked has there been any discussion to have Fire and EMS help reimburse the cost for those licenses? Mrs. Goodwin replied she has gone out and talked with the departments as well as the Chief’s Association. Mr. Marshall explained depending upon what the agencies have for Android devices, they would have a monthly cell phone charge. Ms. Fitzpatrick asked can we ask them to provide some reimbursement? Mr. Wheeler replied the MDT’s were provided at the County’s expense to Law Enforcement. In our discussions, we thought it made sense for the County to bear the cost of this app/license.

Mr. Malter asked if the money is coming out of the capital project, are you then transferring it to the operational budget? Mr. Wheeler replied we essentially will be paying for it out of the capital budget this year. Next year we will adjust the budget accordingly.

**MOTION: AUTHORIZING THE DIRECTOR OF 911 TO RENEW THE CAD CONTRACT WITH TRITECH FOR AN ADDITIONAL FIVE YEARS AT THE SAME COST, PLUS ADDING 10 ADDITIONAL MDT LICENSES, BRINGING THE TOTAL TO 100 AND ADDING 100 DN MOBILE ANDROID LICENSES FOR FIRE AND EMS FOR A TOTAL FIVE-YEAR COST OF 1,316,480.65 MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **911 Recorder** – Mrs. Goodwin requested authorization to modify the 911 Recorder to migrate to VoIP and to provide redundancy. We also would like to obtain a few more licenses so that our 911 Dispatch Supervisors can perform the quality improvement process that takes place each shift.

Mr. Farrand asked how long do you keep the recordings? Mr. Hopkins replied we have recordings from day one. Mrs. Goodwin stated so far the hard drive on the recorder keeps things for three years before it starts recording over. The District Attorney has asked that we keep recordings for two years. Mr. Mullen asked is the annual maintenance cost a large amount? Mrs. Goodwin replied no, it is not too large. Mr. Mullen asked what is the projected life of the recorder? Mr. Hopkins replied he would guess five years; however, we typically keep things longer than that.

**MOTION: AUTHORIZING THE DIRECTOR OF 911 TO ENTER INTO A CONTRACT WITH WILMAC TO MODIFY THE 911 RECORDER TO ENABLE VoIP AND PROVIDE REDUNDANCY FOR A TOTAL COST OF \$37,936 MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **UPS Monitoring System** – Mrs. Goodwin informed the committee that when we had the batteries in the UPS replaced, the battery monitoring system hardware was damaged. We have been without the battery monitoring system since the batteries were replaced. The Law Department is working with the vendor, to see if they can provide some type of reimbursement to the County. While that is occurring, we would like to move forward to get that issue fixed. The cost to repair the battery monitoring system hardware is \$7,520.93.

**MOTION: AUTHORIZING THE DIRECTOR OF 911 TO CONTRACT WITH CANARA, INC. FOR THE REPAIR OF THE BATTERY MONITORING SYSTEM HARDWARE FOR A TOTAL COST OF \$7,520.93 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

4. **First Net Project** – Mr. Hopkins informed the committee the First Net Project is the Federal Public Safety Broadband Project. New York State is putting together a team of people to evaluate the Federal program to determine whether the state will join the Federal program, or if they will create a New York State Network. This is a very serious undertaking and the initial budget for the Federal project is \$7 billion. He stated he has been asked to sit on the panel that will be evaluating the program for the state. Mr. Hopkins stated that two days prior to the first meeting, they sent a non-disclosure document for his signature. Mr. Wheeler stated that the committee, if they would like him to participate, needs to authorize signing that document.

Mr. Farrand asked how much time will this take you away from your County responsibilities? Mr. Hopkins replied he asked if they would give us shared services credit and the State balked at that idea; however, they will require members to track the number of hours spent. Mr. Wheeler stated this will be a significant effort, but Mr. Hopkins participation has a lot of potential benefits for Steuben County. Mr. Hopkins stated the evaluation of the program has to happen within 45 days and will mainly take place via phone conferences. Mr. Mullen asked is there anything in the non-disclosure agreement that would impair your ability to communicate to the Legislature? Mr. Hopkins replied yes. Mr. Mullen asked is there anything in the non-disclosure agreement that will impair your ability to do your job? Mr. Hopkins replied that he does not think so.

**MOTION: AUTHORIZING THE DIRECTOR OF 911 TO PARTICIPATE IN THE FIRST NET STATE PLAN EVALUATION AND TO SIGN THE CORRESPONDING NON-DISCLOSURE AGREEMENT MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

D. County Manager

1. **Amending Wireless Surcharge Local Law** – Mr. Wheeler informed the committee that with the State budget, the Legislature and the Governor granted authority to extend the wireless surcharge to prepaid devices. Currently the surcharge is a monthly charge of \$.30 per wireless contracted device and there is no surcharge on prepaid devices. Our local law for contracted devices is superseded by State law. We need to amend our local law and he would suggest adding the surcharge of \$.30 per prepaid device or prepaid phone card. He suggested they proceed with it this month as it is a two-month process and the new law goes into effect December 1, 2017.



**MOTION: REPEALING STEUBEN COUNTY LOCAL LAW NO. 7 OF 2003 AUTHORIZING THE WIRELESS COMMUNICATIONS SURCHARGE, AS AUTHORIZED BY ARTICLE SIX OF THE COUNTY LAW OF THE STATE OF NEW YORK; AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO TAX LAW §186-G ON BOTH PREPAID AND POSTPAID WIRELESS COMMUNICATIONS EFFECTIVE DECEMBER 1, 2017 MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

**IV. OTHER BUSINESS**

A. *911 Tour* – Mr. Hauryski stated that he would like to make arrangements to make sure that all Legislators have had an opportunity to tour the 911 Center and see it in operation. He asked those Legislators present to indicate by a show of hands if they have not toured the 911 Center. Legislators Fitzpatrick, Lando, Maio and Malter indicated they have not toured the 911 Center. Mr. Hauryski stated that he will poll the other Legislators and will make arrangements to set up a tour.

**MOTION: TO ADJOURN MADE BY MR. MULLEN. 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, August 7, 2017**

**9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS**

**NO LATER THAN NOON**

**Monday, July 31, 2017.**

**PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, August 7, 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 Jim Allard  
Tim Marshall David Hopkins Andy Morse  
Jennifer Prossick Noel Terwilliger Cheryl Crocker  
Nate Alderman Phil Roche

**LEGISLATORS:** Joe Hauryski Carol A. Ferratella Hilda T. Lando  
John V. Malter Robert V. Nichols Gary B. Roush

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

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

**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 JULY 10, 2017, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**III. DEPARTMENTAL REQUESTS**

A. District Attorney

1. **Grant Award** – Mr. Terwilliger requested authorization to appropriate \$5,000 in Legislative Initiative Grant funds into their Minor Equipment line item to update local law enforcement cameras and video cameras.

**MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT LEGISLATIVE INITIATIVE GRANT FUNDING IN THE AMOUNT OF \$5,000.00 AND APPROPRIATING TO THE SMALL EQUIPMENT LINE ITEM TO UPDATE LOCAL LAW ENFORCEMENT CAMERAS AND VIDEO CAMERAS MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

B. Sheriff's Office

1. **Wineglass Marathon Donation** – Sheriff Allard requested authorization to accept a donation of two law enforcement bicycles, related equipment and uniforms from the Wineglass Marathon. The estimated value is \$3,000.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF TWO LAW ENFORCEMENT BICYCLES, RELATED EQUIPMENT AND UNIFORMS, VALUED AT \$3,000.00, FROM THE WINEGLASS MARATHON MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **STOP-DWI Grant** – Sheriff Allard informed the committee that the STOP-DWI Grant has been extended and an additional \$2,300.00 has been made available to the County. He requested authorization to accept the additional \$2,300.00. This money will be used toward personnel and overtime costs related to DWI enforcement activities.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT AN ADDITIONAL \$2,300.00 IN STOP-DWI CRACKDOWN FUNDS TO BE USED FOR DWI ENFORCEMENT ACTIVITIES MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **Kiwanis Donation** – Sheriff Allard requested authorization to accept a donation of \$500 from the Bath Kiwanis to be used for the bicycle helmet giveaway at the Steuben County Fair.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A \$500.00 DONATION FROM THE BATH KIWANIS TO BE USED FOR THE BICYCLE HELMET GIVEAWAY AT THE STEUBEN COUNTY FAIR MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

4. **Leather Goods Bid** – Sheriff Allard recommended awarding the bid to United Uniform Company.

**MOTION: AWARDING THE BID FOR LEATHER GOODS TO UNITED UNIFORM COMPANY, INC. MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

5. **Personnel – RN Position** – Sheriff Allard stated in the Jail we are required by the NYS Commission of Corrections standards to have three full-time Registered Nurses. We are currently operating with two and have not been able to hire a third. Salary has been an issue. Our starting salary of \$51,000, is \$15,000 below the industry standard. Our physician in the Jail has indicated that this is critical. If we do not have nurses, we cannot house or board in inmates. Sheriff Allard stated that he has discussed this with Mr. Alderman and we would be able to increase the salary some, but need committee approval.

Mr. Booth asked can you use LPN's? Sheriff Allard replied yes we can, but they need to be supervised by an RN or the Jail Physician. Additionally, we have to cover 16 hours per day, 7 days per week. The staffing standards require that we have 3 full-time and 2 part-time RN's. The two 2 RN's we have are working a lot of overtime. He asked for support in raising the starting salary up into the \$60,000 range.

Mr. Mullen asked what is the current salary? Sheriff Allard replied the 2 RN's on staff are currently making in the \$60,000 range, however, they have 20 years of service with the County. Mr. Alderman commented this is something that we need to look at as a whole when these 2 RN's retire. Mr. Hauryski asked what is the anticipated time for the current RN's? Sheriff Allard replied one individual is four years out from retiring.

Mr. Maio asked can we sell the position better? Are there any advantages to working in the Jail? Mr. Allard replied a nurse can go to the VA and get a federal retirement for \$15,000 more right out of the box. Mr. Mullen asked why was it working for the Health Care Facility and not the Jail? Mr. Wheeler replied it was not as difficult to recruit for nurses at the Health Care Facility, although we still had difficulty finding them. Once people are vested in the retirement system, they will generally stay. We have been having issues filling the vacant position. With current staff becoming eligible to retire, we are reaching critical mass.

Mr. Mullen asked what salary are you looking at? Sheriff Allard replied at least up to \$60,000. Mr. Alderman commented these positions are bound by the Union Contract. We will need to look at the grade and talk with the Union to bump that up. Mr. Malter asked what about the LPN's? Sheriff Allard stated we do not have any LPN's at this time. Mr. Wheeler stated they do not have the RN coverage to support the LPN's. Mr. Mullen commented it would be good to have LPN's to fill in. Sheriff Allard explained that does not extend the coverage. We have budgeted for 3 RN's, but not for LPN's. Mr. Roche commented this is a statewide and national problem. He cautioned the committee to remember that the County has liability when it comes to the medical care of inmates. The LPN's are differently trained than RN's.

Mr. Wheeler stated the high end of the salary range for a Grade XII RN is \$50,000. If you upgraded to a Grade XVII, start would be \$46,000 and a Step 3 would be right around \$60,000. For the existing positions, they would go to the next highest step on the new grade.

Mr. Hauryski recommended the committee look at a more permanent solution to this. Mr. Booth stated this would be permanent. Mr. Hauryski stated we need to get the 3 RN positions at a salary that is commensurate with the current marketplace. Mr. Wheeler stated a Grade XVIII start would be \$55,000 and Step 3 would be \$72,000. He would recommend upgrading to a Grade XVII.

Mr. Maio stated if we upgrade to a Grade XVII, then you hopefully can fill the existing RN vacancy and continue to fill. Would you also be filling the part-time positions? Sheriff Allard replied we are doing continuous recruitment for the part-time positions. We have been unable to do that due to the salary issue and those positions have been vacant for about one and a half years.

**MOTION: AUTHORIZING THE UPGRADE OF THREE RN POSITIONS IN THE JAIL FROM GRADE XII TO GRADE XVII SUBJECT TO THE APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE UNION MADE BY MR. MAIO. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

6. **Personnel – Reclassifying 3 Positions to Lieutenant** – Sheriff Allard asked if everyone received his memo outlining the request. Ms. Fitzpatrick asked how does this change? Sheriff Allard replied currently the chain of command is the Undersheriff, 3 Lieutenants, 4 Sergeants, 2 Captains and 5 Investigators. The proposed span of control would make it more manageable for each supervisor. Mr. Hauryski stated this is long overdue. With the current structure, communication gets delayed, it creates overtime to cover all responsibilities and is not cost effective.

Sheriff Allard explained the new proposal will reclassify one non-commissioned officer in the Road Patrol Unit, one Senior Investigator in the Criminal Investigations Unit and one Court Security Deputy Sergeant to Lieutenants. All three Lieutenants will report directly to the Undersheriff. In the future, he would also like to look at the reinstatement of a Captain or Chief Deputy to complete the three-tier system and then it will mirror what they have in the Jail. Mr. Mullen asked the increase to the County for this change is \$1,500 - \$3,000? Sheriff Allard replied it will be \$2,200. Mr. Malter asked how many staff are below the rank of Sergeant? Sheriff Allard replied there are 17 in the department.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE NON-COMMISSIONED OFFICER IN THE ROAD PATROL UNIT TO A LIEUTENANT; ONE SENIOR INVESTIGATOR IN THE CRIMINAL INVESTIGATIONS UNIT TO A LIEUTENANT AND ONE COURT SECURITY DEPUTY SERGEANT TO A LIEUTENANT IN THE SHERIFF'S OFFICE MADE BY MS. FITZPATRICK. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

7. **RFP for Cell Phone Tracking Software** – Sheriff Allard explained this is a computer program which will coordinate information on cell phones and provide a tracking chart of movement. He requested authorization to award the RFP to the sole responder, ZetX. This will allow us to use technology to its fullest in

investigations. Mr. Booth asked what is the cost? Sheriff Allard replied there is an annual subscription rate of \$2,025.00 for unlimited users. He stated that he would like to get two Investigators trained to use this software.

**MOTION: AWARDING THE REQUEST FOR PROPOSAL FOR CELL PHONE TRACKING SOFTWARE TO THE SOLE BIDDER, ZETX FOR A TOTAL ANNUAL SUBSCRIPTION RATE OF \$2,025.00 FOR UNLIMITED USERS MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

C. District Attorney (Cont.)

1. **Contract Renewal** – Mr. Terwilliger requested authorization to renew their contract with Fingerlakes Paralegal Services to provide training for DWI forfeiture collections. They did not anticipate needing to renew. The rate will remain the same at a rate not to exceed \$7,500.00 at a billing rate of \$75.00 per hour. They have been doing some training with the two paralegals, but due to staffing and numerous homicide trials, they have not been trained fully. We anticipate setting up a training schedule for the paralegals. Mr. Mullen asked that Mr. Terwilliger follow-up and let the committee know about the schedule for training.

**MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO RENEW THE CONTRACT WITH FINGERLAKES PARALEGAL SERVICES FOR AN ANNUAL COST OF \$7,500.00 MADE BY MR. BOOTH. SECONDED BY MS. FITZPATRICK. MOTION CARRIES 3-1. (MR. MAIO OPPOSED)**

D. Emergency Management Office

1. **FY17 SHSP Grant** – Mr. Marshall requested authorization to accept the 2017 Homeland Security Program Grant in the amount of \$129,963. Of this, 25 percent, or \$32,491 will be appropriated to the Sheriff's Office for their local counter terrorism program. The remaining \$97,472 will go toward Emergency Management Office programs. We will be using funds to pay for CAD software for mobile devices, Incident Management Software, I Am Responding Notification System, etc.

Mr. Mullen asked how does the allocation for the Sheriff work? Mr. Marshall replied the Sheriff's Office will bring forward their own request for their allocation of funds. Sheriff Allard replied before he can do that, he needs to submit his request to Homeland Security to ensure they approve of them.

**MOTION: AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT A 2017 STATE HOMELAND SECURITY PROGRAM GRANT IN THE AMOUNT OF \$129,963, WITH \$32,500 TO BE ALLOCATED TO THE SHERIFF'S OFFICE FOR THE LOCAL COUNTER TERRORISM PROGRAM AND THE REMAINING \$97,472 TO BE APPROPRIATED TO VARIOUS LINE ITEMS WITHIN THE EMERGENCY MANAGEMENT OFFICE BUDGET MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

2. **Radio Bid** – Mr. Marshall informed the committee that they put out a bid for subscriber units for portable and mobile radios. This will be used as part of the fire service upgrade. We asked the vendors to provide a discount off the list price. There is the option to purchase from different vendors and that gives the agencies the opportunity to order from different manufacturers. He recommended awarding on a line item basis.

Mr. Maio asked why would we want to purchase from different manufacturers? Mr. Marshall replied the fire service indicated they wanted to purchase from different vendors that they have used in the past. We would like to open this up to municipalities to purchase radios off this bid as well. Mr. Booth asked are all these radios compatible with our system? Mr. Marshall replied yes.

**MOTION: AWARDING THE RADIO BID TO MIDSTATE, PMC, MOTOROLA SOLUTIONS, BRICO AND RELM WIRELESS ON A LINE ITEM BASIS MADE BY MR. BOOTH. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **Fire Training Burn Building** – Mr. Marshall informed the committee they had put out a bid for a vendor that could install a product to help protect the building from live fires during training. We received one bid, however, the cost is significantly higher than what we have budgeted. He recommended rejecting the bid for now and letting it out again at a future date.

**MOTION: REJECTING THE BID FOR WORK ON THE FIRE TRAINING BURN BUILDING MADE BY MR. MAIO. SECONDED BY MR. BOOTH. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**IV. OTHER BUSINESS**

A. **Changing Date of September Meeting** – Due to the Labor Day Holiday, it was suggested to move the date of the September meeting to Monday, September 11, 2017, at 9:00 a.m.

**MOTION: CHANGING THE DATE OF THE SEPTEMBER PUBLIC SAFETY & CORRECTIONS COMMITTEE MEETING TO MONDAY, SEPTEMBER 11, 2017, AT 9:00 A.M. MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**MOTION: TO ADJOURN MADE BY MR. BOOTH. 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\*\***

**\*\*PLEASE NOTE CHANGE\*\*Monday, September 11, 2017\*\*PLEASE NOTE CHANGE\*\*  
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS  
NO LATER THAN NOON  
Monday, August 28, 2017.**