

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, January 8, 2018

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, NY*

****MINUTES****

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Tina Goodwin Nate Alderman Alan Reed	Mitchell Alger Tim Marshall Jennifer DeMonstoy Shawn Sauro	Cheryl Crocker Jim Allard Jennifer Prossick
LEGISLATORS:	Joseph J. Hauryski K. Michael Hanna Gary B. Roush	Carol A. Ferratella Hilda T. Lando Scott J. Van Etten	Kelly H. Fitzpatrick John V. Malter
OTHERS:	Ralph and Grace Stevens Jeff Smith, <i>The Leader</i> 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 Ms. Fitzpatrick to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

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

III. DEPARTMENTAL REQUESTS

A. Probation

1. **Contract Approval** – Mrs. Crocker requested authorization to approve a contract with Legal Assistance of Western New York in order to accept grant funding of \$3,400 from the STOP Violence Against Women Grant. This funding is used to provide specialized domestic violence training, as well as to fund the partial salary of a Probation Officer as a member of the DART team.

MOTION: AUTHORIZING THE DIRECTOR OF PROBATION TO ENTER INTO A CONTRACT WITH LEGAL ASSISTANCE OF WESTERN NEW YORK TO ACCEPT GRANT FUNDING OF \$3,400 FROM THE STOP VIOLENCE AGAINST WOMEN GRANT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. 911

1. **Contract Renewal** – Mrs. Goodwin requested authorization to renew a one-year contract with Onsolve for the Code Red Notification System. The annual cost is \$21,656.25 and remains the same as last year.

Mr. Mullen asked for an explanation of some language that required us to purchase additional system minutes. Mrs. Goodwin explained we purchased a plan that covers the entire County. There is a charge if you go over your allotted minutes, but we have not been close to going over.

Mr. Ryan asked how often do you use this? Mrs. Goodwin replied we use this several times of year. Examples include using it to notify the Sheriff's CIRT Team, lost child notifications, gas leaks, etc.

MOTION: AUTHORIZING THE 911 DIRECTOR TO RENEW THE ONE-YEAR CONTRACT WITH ONSOLVE FOR THE CODE RED NOTIFICATION SYSTEM AT AN ANNUAL COST OF \$21,656.25 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Emergency Management Office

1. **Budget Transfer** – Mr. Marshall stated they had planned to do HVAC replacements at five tower sites during 2017. We had obtained quotes and submitted those to Purchasing for their review, however, discovered that this project would have put the County over the aggregate amount of HVAC units that could be purchased without a bid. As a result of that, the project has been delayed until this year. He requested authorization to transfer \$17,500 from the 2017 EMO operations budget into the Communications System Capital Project.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO TRANSFER \$17,500 FROM THE 2017 OPERATING BUDGET INTO THE COMMUNICATIONS SYSTEM CAPITAL PROJECT FOR THE PURPOSES OF COMPLETING HVAC REPLACEMENTS AT FIVE TOWER SITES MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **Medical Examiners Contract** – Mr. Marshall informed the committee that the contract with the Monroe County Medical Examiner's Office expired December 31, 2017. They have been having difficulty getting autopsy reports back in a timely fashion. We did meet with them to discuss this. He requested authorization to issue an RFP for Medical Examiner Services. Mr. Marshall commented there has been interest for a physician to contract with us and process autopsies at Lords Hospital in Binghamton.

Mr. Wheeler commented there has been some staff turnover at the Monroe County Medical Examiner's Office as well as changes to the pricing structure. Additionally, we have had problems with them prioritizing cases.

Mr. Mullen asked what is the relationship between the coroners and the Medical Examiner's Office? Mr. Marshall replied the coroners arrive on scene and pronounce the death and make a determination as to whether the death can be signed off by a physician or the Coroner's Physician. We have been doing 45 – 50 cases per year through the Medical Examiner's Office. The Coroner's Physician has been a great help to us and has saved us money by making the determination for whether an autopsy is needed.

Mr. Van Etten asked are there performance metrics in the contract? Mr. Wheeler replied no. Mr. Maio asked how many counties utilize the Monroe County Medical Examiner's Office? Mr. Wheeler replied many of the Finger Lakes counties. Mr. Maio asked are there any issues with using a private contract? Mr. Wheeler replied no, as long as they are affiliated with a hospital. Mr. Reed commented that we should include the District Attorney to get his input on the bid specifications to make sure his needs are also covered.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS FOR MEDICAL EXAMINER SERVICES MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Maio was excused from the meeting.

3. **Motorola Service Agreement** – Mr. Marshall requested authorization to approve the 2018 service contract with Motorola. The agreement covers the full radio system which includes all the components we have on site, two-hour response time, service technicians, etc. It also covers the maintenance of the microwave system. Since we are now running on fiber, the microwave system is our backup, but we plan to keep the service agreement on the microwave system. We were paying \$156,556.32 for the both the radio system and the microwave system. We are not going to renew the microwave portion of the contract, but will be working on the replacement of the microwave system as it is at the end of its useful life. We will use Homeland Security grant funds to start to replace those components which will reduce our overall service maintenance costs. The new service agreement amount for 2018 will be \$89,728.32, which is a savings of \$66,828.

Mr. Malter asked do you have a backup? Mr. Marshall replied the microwave will still be in place, but we will be upgrading it. Mr. Mullen asked will there be a separate contract for the microwave system? Mr. Marshall replied we will be able to do that under State bid pricing. We will be using grant funding to upgrade the microwave system.

Mr. Mullen asked what will be the cost to upgrade the system? Mr. Marshall replied he does not have that cost yet. Ms. Fitzpatrick asked what is the timeline for the upgrade? Mr. Marshall replied it will be a process and we are hoping we can do it throughout 2018. Mr. Malter asked when you complete the upgrade, will there be a maintenance contract on the upgrade? Mr. Marshall replied yes, but it may not be as much as it is now.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO RENEW THE SERVICE AGREEMENT WITH MOTOROLA ON THE RADIO SYSTEM FOR \$89,728.32 AND DISCONTINUING THE SERVICE AGREEMENT ON THE MICROWAVE SYSTEM MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

D. Sheriff's Office

1. **Commendation** – Sheriff Allard introduced Ralph and Grace Stevens. They lost a family member to a drunk driver and were the original members of the Victim Impact Panel. Mr. and Mrs Stevens have been serving on the panel for over thirty years. He stated they are ready to move onto other ventures and he wanted to take this opportunity to commend them for their service to Steuben County. There are not many folks who would spend 30 years attending the Victim Impact Panel every other month to present their story. Thank you!

2. **Contract Renewals for Inmate Housing** – Sheriff Allard requested authorization to renew contracts with Chautauqua, Genesee, Livingston, Ontario, Wyoming and Yates Counties for inmate housing. The rate is \$87.00 per inmate, per day and is an in-kind contract.

MOTION: AUTHORIZING THE SHERIFF TO RENEW CONTRACTS WITH CHAUTAUQUA, GENESEE, LIVINGSTON, ONTARIO, WYOMING, AND YATES COUNTIES FOR INMATE HOUSING AT A RATE OF \$87.00 PER INMATE, PER DAY MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

3. **Contract for Ministry Services** – Sheriff Allard stated they have been paying Royce Pifer to provide ministry services for a number of years. However, the Auditor recently pointed out there was no contract on file. He requested authorization to contract with Royce Pifer to provide ministry services at the Jail at a cost of \$150.00 per quarter.

MOTION: AUTHORIZING THE SHERIFF TO CONTRACT WITH ROYCE PIFER TO PROVIDE MINISTRY SERVICES AT THE JAIL AT A COST OF \$150.00 PER QUARTER MADE BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

4. **Accepting Donation from Corning Foundation** – Sheriff Allard stated that he has received a donation of \$23,500 from the Corning Foundation through Corning, Inc. He had requested a TruNarc reader which will allow officers to safely field test narcotics within packaging. The cost for that is \$13,000. The second item he had requested was a license plate reader for their highway interdiction efforts. This is a \$10,500 item. He requested authorization to receive this donation and to add these items to his Major Equipment list.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION FROM THE CORNING FOUNDATION OF A TRUNARC READER (\$13,000) AND A LICENSE PLATE READER (\$10,500) AND AUTHORIZING AMENDMENT TO THE SHERIFF'S 2018 MAJOR EQUIPMENT LIST TO INCLUDE THESE TWO ITEMS MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

5. **In-Car Camera Bid** – Sheriff Allard requested authorization to bid the In-Car Cameras.

MOTION: AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A BID FOR IN-CAR CAMERAS MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

6. **Additional STOP DWI Funding** – Sheriff Allard requested authorization to accept additional STOP DWI Funding in the amount of \$22,500. He will use \$10,500 for overtime for enforcement. He requested authorization to purchase a driving simulator for \$12,000. Sheriff Allard commented that he plans to use the simulator at schools during prom season.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT ADDITIONAL STOP-DWI GRANT FUNDS IN THE AMOUNT OF \$22,500 AND AUTHORIZING THE PURCHASE OF A DRIVING SIMULATOR FOR \$12,000 AND THE REMAINING \$10,500 TO BE USED FOR OVERTIME ENFORCEMENT MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

7. **Roll-Over for 2018 Purchases**

a. *In-Car Cameras* – Sheriff Allard requested authorization to roll over \$10,000 in the 2017 Minor Equipment to 2018 Minor Equipment for the purchase of in-car cameras.

MOTION: AUTHORIZING THE SHERIFF TO ROLL OVER \$10,000 FROM THE 2017 MINOR EQUIPMENT TO THE 2018 MINOR EQUIPMENT FOR THE PURCHASE OF IN-CAR CAMERAS MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

b. *EMT Go-Bags* – Sheriff Allard stated that the committee had previously approved the receipt of \$4,000 from the Bethesda Foundation to purchase EMT Go Bags for deputies. He requested authorization to roll that funding over to 2018 as they have not yet purchased the bags.

MOTION: AUTHORIZING THE SHERIFF TO ROLL OVER \$4,000 IN FUNDS RECEIVED FROM THE BETHESDA FOUNDATION IN 2017 TO 2018 TO PURCHASE EMT GO BAGS FOR SHERIFF'S DEPUTIES MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MAIO ABSENT FOR VOTE)

8. **Reclassification** – Sheriff Allard explained he has one deputy sheriff position that is currently in limbo until a disciplinary review is completed and a second position that is off on a work related injury and is in the process of filing for a disability retirement. In order to meet staffing needs, he requested authorization to activate and reclassify a zero-based Building Deputy position to a Deputy Sheriff position. Mr. Wheeler

explained they do not have a funded Deputy Sheriff position. We will fund this position now and zero base one of the two Deputy Sheriff positions when they become vacant.

MOTION: AUTHORIZING THE ACTIVATION AND RECLASSIFICATION OF A ZERO-BASED BUILDING DEPUTY POSITION, GRADE XI TO A DEPUTY SHERIFF POSITION, GRADE XI WITHIN THE SHERIFF'S OFFICE MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MAIO ABSENT FOR VOTE)

9. **Pawn Shops** – Mr. Ryan asked for an update on the pawn shop program. Sheriff Allard replied the registry program is working, but it would be better if it were electronic. Mr. Ryan commented we have had a rash of burglaries in my district, but the officers are not finding out information about the pawn shops. What do we need to do to go electronic? Sheriff Allard replied there would have to be a change to the Local Law to require pawn shops to be part of the product reporting. Mr. Wheeler stated that we should look at that and look at what it may cost.

E. County Manager

1. **Assigned Counsel RFP** – Mr. Wheeler stated that our current Assigned Counsel Administrator, Joe Pelych, has informed us that he is moving onto other ventures and will no longer be available to administer this program. He requested authorization to issue an RFP for the administration of the Assigned Counsel program. Mr. Wheeler commented there may also be an internal option, but we will review both options.

MOTION: AUTHORIZING THE COUNTY MANAGER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS FOR THE ADMINISTRATION OF THE ASSIGNED COUNSEL PROGRAM MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MAIO ABSENT FOR VOTE)

2. **Contingent Fund Transfer for Assigned Counsel** – Mr. Wheeler requested authorization to transfer \$50,000 from the Contingent Fund to cover the Assigned Counsel expenses through the end of 2017. Through the years we have modified that budget and are getting closer to actual costs. In previous years we have had to transfer \$150,000 to \$200,000 to cover year end expenses.

MOTION: AUTHORIZING A TRANSFER FROM THE 2017 CONTINGENT FUND OF \$50,000 TO COVER 2017 YEAR-END EXPENSES FOR THE ASSIGNED COUNSEL PROGRAM MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MAIO ABSENT FOR VOTE) Resolution Required.

3. **Finger Lakes SPCA Contract** – Mr. Wheeler explained we have a Sheriff's Deputy who is providing animal cruelty services. He requested authorization to continue the \$10,000 retainer agreement that we have with the SPCA to provide veterinary services and assistance to the Deputy Sheriff if required. The SPCA does provide a report at the end of the year and this does provide us with extra resources.

MOTION: AUTHORIZING THE COUNTY MANAGER TO CONTINUE THE \$10,000 RETAINER AGREEMENT WITH THE FINGER LAKES SPCA MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

4. **Appointment of Public Defender** – Mr. Wheeler stated we did do a recruitment and one application was received from Shawn Sauro. Mr. Sauro is also the individual that Mr. Roche had been training. He requested the committee confirm the appointment of Shawn Sauro as Public Defender.

MOTION: CONFIRMING THE APPOINTMENT OF SHAWN SAURO AS PUBLIC DEFENDER MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE) Resolution Required.

**MOTION: TO ADJOURN MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR.
MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)**

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****

Monday, February 5, 2018

9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS

NO LATER THAN NOON

Tuesday, January 29, 2018

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, February 5, 2018

9:00 a.m.

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

****MINUTES****

COMMITTEE: Aaron I. Mullen, Chair Kelly H. Fitzpatrick, Vice Chair Steven P. Maio
Frederick G. Potter

STAFF: Jack K. Wheeler Mitchell Alger Brooks Baker
Cheryl Crocker Tim Marshall Nate Alderman
Shawn Sauro Andy Morse Dave Hopkins
Alan Reed Jim Allard

LEGISLATORS: Joseph J. Hauryski Carol A. Ferratella K. Michael Hanna
John V. Malter Robert V. Nichols Gary B. Roush
Scott J. Van Etten

ABSENT: Thomas J. Ryan

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. Wheeler to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 8, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. Emergency Management Office

1. **Authorization to Bid Tower Site HVAC Units** – Mr. Marshall requested authorization to bid out the tower site HVAC units.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT BIDS FOR THE TOWER SITE HVAC UNITS MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Fire Ambulance Billing** – Mr. Marshall informed the committee that the Fire Advisory Board is supporting State legislation to allow fire department ambulances to bill for services. Volunteer ambulance corps that are independent, or independent ambulance agencies, can bill for their services. By law, fire department ambulances cannot bill for services. They would like to see the ability for the fire department ambulances to bill for services so they have revenue coming in to support their corps. Mr. Wheeler commented that without the ability to generate revenue, they will continue to have problems with staffing.

Mr. Mullen asked how would this work? Mr. Marshall replied they would use a third party billing agency. Mr. Mullen asked how would this change their budgets? Mr. Marshall replied it should reduce costs because right now everything to run the ambulance is coming from the taxpayers. If they can bill, then the revenue could be used to offset their budgets.

Mr. Maio asked how are the volunteer numbers? Mr. Wheeler replied if the agencies could bill, they could pay for part-time staff to supplement the volunteers.

Mr. Potter commented if they are hiring part-time staff, they are not reducing their costs to the taxpayers. If they bill the people for the use, when they have had it free for the last 30 years, it will be a hard sell. Mr. Wheeler replied you are right. As volunteerism drops off, there will be a billing model that will have to be considered, unless more volunteers come forward. The residents like and depend on this free service, but billing for that service is almost an eventuality.

Ms. Fitzpatrick stated that she foresees in the future that the towns will need to pool their services. This would give them a way to recoup their costs for that. Mr. Wheeler commented without evaluation, the gaps will only get bigger.

Mr. Mullen commented he would like to have more information on what the plan would be like. He would like to see some sort of business plan in general on how it would work and the cost. This is not necessarily a bad idea, but he is just not ready to jump in without seeing something. Mr. Marshall replied the model we have seen has been with smaller departments that are consolidating. Cohocton took this on a couple of years ago and now bill for services. They also contract with another agency to provide part-time staff.

Mr. Mullen commented one concern is accountability if they are billing and the taxpayers are paying for the service. Ms. Fitzpatrick stated the response times will need to be faster. When they bill, there is a cap on how much they will get. Mr. Malter stated the income coming out of the districts are mostly third party and is not billed back to the residents.

Mr. Maio commented this is a short-term solution to a long-term problem. This is not a viable solution to the problem we are having. Mr. Wheeler stated the EMS plan will address all of the issues. Mr. Maio asked are you asking us to take action on this? Mr. Marshall replied he is letting the committee know that the Fire Advisory Board is supporting this. You do not have to take any action, but you can if you would like.

Mr. Van Etten stated he agrees with Mr. Maio that this is the first step. The reality is that volunteerism is dying in this area.

Ms. Fitzpatrick stated her understanding is that if this is passed, it is still optional if an ambulance corps bills for services. Mr. Marshall replied that is correct. We have had discussions with the ambulance corps about forming districts and being able to bill for their services.

Mr. Mullen stated under the legislation, if it is passed, what is the process for beginning to bill? Mr. Marshall replied if the legislation passes, the fire departments would have the ability to bill. The municipalities or fire/ambulance districts would oversee them.

3. **EMS Mutual Aid Plan** – Mr. Marshall stated we have been working on this plan for several months. The primary changes are under the terms. The dispatching agencies have three (3) minutes to have someone on the I Am Responding board. Previously they had nine (9) minutes. We are looking at trying to reduce the response timeframe. Mr. Wheeler stated more of the departments are letting us know their status and we are moving in the right direction.

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

4. **Televate Contract Extension** – Mr. Marshall informed the committee they are working on the last radio project and will be asking Motorola for a scope of work and proposal on the project. He stated he would like to have Televate review the scope of work and proposal as well as to work through the project management. There are also other projects that we need to complete. Keeping Televate engaged is beneficial to the County. We do have grant funding available and there will be no local cost to extend the contract. Mr. Wheeler commented we have been working with them for the past four years and they have been a great resource.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO EXTEND THE CONTRACT WITH TELEVATE MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

5. **Crisis Track Contract Renewal** – Mr. Marshall requested authorization to renew the contract with Crisis Track for one year at an annual cost of \$2,400. This is the disaster management software that allows us to complete damage assessments following a storm. This software keeps track of all of the FEMA forms and other relevant information and allows us to print directly from the software.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO RENEW THE CONTRACT WITH CRISIS TRACK FOR ONE YEAR AT AN ANNUAL COST OF \$2,400 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

6. **Ice Jam** – Chairman Hauryski stated that he would like to thank Mr. Marshall and his staff for the work they did on the ice jam that ran from Avoca to Campbell. They made sure the citizens were evacuated. There were some glitches during this process that he has made Mr. Marshall aware of. The town is also working with Soil & Water and Upstate Niagara to clean out the curve of the river where ice jams typically occur. The State also called last week and it is possible that they will send the National Guard to help with this project.

Mr. Marshall commented with the number of ice jams throughout the State, the Governor wanted to look over the areas where the trees are overgrown and need to be cut out. We looked at several spots in Steuben County including Twelve Mile Creek in Avoca and along 415 in Avoca, Kanona and Campbell. We will give the Governor's Office aerial photographs and a detailed printout of what needs to be done in these areas.

Chairman Hauryski stated Mr. Marshall and his staff did a great job, along with the Sheriff and local officials.

B. Sheriff's Office

1. **STOP DWI 2018 Agreements** – 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 MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **STOP DWI Budget Amendment** – Sheriff Allard requested authorization to transfer \$25,350 from the STOP DWI Enforcement line and appropriate \$18,100 to the STOP DWI Overtime line and \$7,250 to the STOP DWI Supplies line to reflect the actual budget.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER \$25,350 FROM THE STOP DWI ENFORCEMENT LINE AND APPROPRIATE \$18,100 TO THE STOP DWI OVERTIME LINE AND \$7,250 TO THE STOP DWI SUPPLIES LINE MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Pest Control Contract** – Sheriff Allard informed the committee that for years the Jail has paid Orkin Pest Control to do monthly inspections. We have never had a contract, however, the auditor has indicated that in order to process payments we need to. He requested authorization to contract with Orkin Pest Control to do monthly pest inspections at the Jail for an annual cost of \$1,400.

MOTION: AUTHORIZING THE SHERIFF TO ENTER INTO A CONTRACT WITH ORKIN PEST CONTROL TO CONDUCT MONTHLY PEST INSPECTIONS AT THE JAIL FOR AN ANNUAL COST OF \$1,400 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. County Manager

1. **Assigned Counsel** – Mr. Wheeler stated that Mr. Pelych has indicated that he does not wish to renew his contract to administer the Assigned Counsel Program. We did put out an RFP and received one proposal from Kathleen Foster, who is the staff person that does work for Mr. Pelych. Her proposal was for \$47,000 per year. She is not an attorney and after talking with individuals in the legal community, they have indicated that supervision by an attorney is vital. There is a solution internally that he would recommend that involves the Law Department. The proposal is to take a zero based Social Work Assistant position in the Office Community Services which has not been filled in eight years and reclassify that to a Paralegal Assistant in the Law Department. This position would then handle the assigned counsel duties as well as other duties. This position would cost \$40,000 plus fringe benefits, however, would provide for more efficient operations.

Mr. Mullen asked how much time does it take to administer the Assigned Counsel Program? Mr. Reed replied it is part-time, however, initially he would expect that it would be almost full-time for about the first six months. After that, there are a couple of projects that the Public Defender may need assistance with. Attorney review for the Assigned Counsel Program is estimated at 5 – 7 hours per week. This does put a little strain on our office, but with the raise the age legislation there will be additional strain. We are hoping that we could add additional staff for that specific purpose.

Mr. Maio asked if we approve this, will you be in a position of picking attorneys that will be your adversary? Mr. Reed replied no.

Mr. Van Etten asked how much was the contract with Mr. Pelych? Mr. Wheeler replied it was \$47,500 plus \$5,000 for office expenses. With renewals it would have been between \$55,000 - \$60,000.

Mr. Reed explained a paralegal assistant position allows us a position to take on additional duties as they would relate to juvenile delinquency work.

Mr. Mullen asked will this position also work with the Public Defender? Mr. Wheeler explained that will be more of an internal project that will be beneficial to the Public Defender. Mr. Reed explained with the raise the age legislation, the Office of Court Administration is saying that 9 out of 10 cases will be transferred back to Family Court. In discussing this with the District Attorney and law enforcement, it may be that instead of transferring back to Family Court, it would stay in Family Court with sufficient checks and balances which would save a stop if the County Attorney is petitioning originally.

Mr. Wheeler stated he would ask that the committee reject the RFP and approve the reclassification.

MOTION: REJECTING THE REQUEST FOR PROPOSALS FOR THE ADMINISTRATION OF THE ASSIGNED COUNSEL PROGRAM AND AUTHORIZING THE PERSONNEL OFFICER TO RECLASSIFY A ZERO BASED SOCIAL WORK ASSISTANT POSITION, GRADE XII IN THE OFFICE OF COMMUNITY SERVICES TO A PARALEGAL ASSISTANT, GRADE XI IN THE LAW DEPARTMENT MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Mr. Mullen asked what is the timeframe for this? Mr. Reed replied March 1st is our target date. Mr. Malter asked will the money to fund this position be taken out of the Public Defender's budget? Mr. Wheeler replied this is a budgeted vacant position that will be transferred to the Law Department. We will leave money in the Assigned Counsel budget and if it is not used, it will go back to the General Fund.

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

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICER'S LAW, ARTICLE 7 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

MOTION: AUTHORIZATING THE DISTRICT ATTORNEY TO ENTER INTO A CONTRACT WITH FINGER LAKES PARALEGAL SERVICES TO PROCESS AN ARTICLE 13A FORFEITURE ACTION FOR A FEE OF \$2,500 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN MADE BY MR. POTTER. 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 5, 2018

9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS

NO LATER THAN NOON

Monday, February 26, 2018

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, March 5, 2018

9:00 a.m.

Legislative Committee Room
Steuben County Office Building
Bath, New York

****MINUTES****

COMMITTEE: Aaron I. Mullen, Chair Kelly H. Fitzpatrick, Vice Chair Steven P. Maio
Frederick G. Potter Joseph J. Hauryski (voting member)

STAFF: Jack K. Wheeler Mitchell Alger Tim Marshall
Cheryl Crocker Jim Allard Brooks Baker
Andy Morse Alan Reed Shawn Sauro
Nate Alderman

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

ABSENT: Thomas J. Ryan

OTHERS: Kristin Klemenz, B & W Towing
Chief Jeff Spaulding, Corning City Police Department
Chief Chad Mullen, Bath Village Police Department
Chief Marc Chapman, Wayland Village Police Department
Chief Kyle Amidon, Canisteo Village Police Department
Mary Perham
James Post, *The Leader*

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 5, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Sheriff's Office

1. **Snowstorm** – Sheriff Allard stated that he would like to commend Mr. Marshall on the job the Emergency Operations Center (EOC) did during last week's snowstorm. They did a great job of getting information out and getting shelters set up.

2. **2018 STOP-DWI Crackdown Grant Funding** – Sheriff Allard requested authorization to accept an additional \$1,300 in STOP-DWI grant funds.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT AN ADDITIONAL \$1,300 IN 2018 STOP-DWI CRACKDOWN GRANT FUNDING MADE BY MR. HAURYSKI. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Bulletproof Vest Partnership Funds** – Sheriff Allard requested authorization to accept grant funds for bulletproof vests. The total amount is \$13,800. The Federal government will reimburse us 50 percent. The State will reimburse us 50 percent, but only for new police officers. It works out that only about \$3,000 - \$4,000 is not reimbursed. This will enable us to purchase 10 vests for Corrections Officers, 8 vests for Road Patrol and 2 vests for Probation.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT AND APPROPRIATE \$7,167.19 IN BULLETPROOF VEST PARTNERSHIP FUNDS AND AUTHORIZING AN EXPENDITURE OF \$13,800 FROM THE VEST LINE ITEM TO PURCHASE 10 VESTS FOR CORRECTIONS, 8 VESTS FOR ROAD PATROL AND 2 VESTS FOR PROBATION MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **In-Car Camera Bid Award** – Sheriff Allard informed the committee they put out bids for in-car cameras. They received four bids. He recommended awarding to the low bidder, Truckers Lighthouse for a total cost of \$8,440.

MOTION: AWARDED THE BID FOR IN-CAR CAMERAS FOR THE SHERIFF'S OFFICE FOR A TOTAL COST OF \$8,440 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **Authorization to Bid for TruNarc** – Sheriff Allard requested authorization to put out a bid to purchase a TruNarc. He explained this is a device that will allow for field testing narcotics through packaging. We have money available in a grant to purchase this. Mr. Mullen asked how much is the grant? Sheriff Allard replied it is \$23,000.

MOTION: AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT BIDS FOR TruNarc MADE BY MR. HAURYSKI. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

6. **Donations** – Sheriff Allard requested authorization to accept two donations. The first is \$100.00 for the purchase of AED's and the second is \$125.00 for the Project Lifesaver program.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT TWO DONATIONS; ONE FOR \$100.00 FOR THE PURCHASE OF AED'S AND THE SECOND FOR \$125.00 FOR THE PROJECT LIFESAVER PROGRAM MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

7. **Personnel**

a. *Reclassification of Four Positions to Deputy Sheriff Positions* – Sheriff Allard stated since last week's opioid crisis presentation at the Legislative Meeting, there have been four overdoses in Corning resulting in two deaths. Of the four overdoses, three were women. He introduced Chief Spaulding (Corning City PD), Chief Amidon (Canisteo Village PD), Chief Chapman (Wayland Village PD) and Chief Mullen (Bath Village PD) who are here to speak to the need for additional investigators and a drug interdiction team.

Chief Mullen, stated the Village of Bath has one investigator. We used to have two; one for narcotics and one for property crimes. My patrols are very busy. When he has an investigator out there, they always need more help. There are not enough people to help with the narcotics transactions we are doing. The State Police CNET unit is staying in Binghamton and not coming down to our area. We are looking for more help with the narcotic sales in this area. He stated he spends a lot of money on overtime to bring people in to help.

Chief Chapman, stated he echoes everything that Chief Mullen has said. Narcotic investigations are very labor intensive and take the full dedication of one officer to do that.

Chief Amidon stated the Village of Canisteo does not have the staff or the budget to do what we could do. All of our departments work very closely together. We need the manpower. Investigations can be lengthy and we do try to support each other.

Chief Spaulding stated the City of Corning has a much larger staff than Bath and Canisteo, but we only have one full-time investigator. We have not been able to add narcotics as that individual is currently on disability leave. Our patrol force is overworked and we have tried to switch to interdiction enforcement. With the Sheriff's proposal, the deputies would be all over the County. The people dealing to Corning are delivering to the entire county. Supporting the Sheriff is the best option for him.

Mr. Marshall stated from the EMS side of things, this drug situation is part of the EMS crisis we have because of the number of overdoses the squads are seeing. We are trying to reduce the number of overdoses and keeping ambulances available for other calls is important. This doesn't just affect Law Enforcement; it affects EMS and Fire services as well.

Mr. Wheeler stated from a practical budget standpoint, one way to soften the blow is to look at this as an investment. We have the resources to do it. One of the thoughts is to request the reclassification of the four positions and only fill two in the interim. The Sheriff will be applying for a COPS grant through the Federal Government. If they do new hires, the grant would pay the salary for three years. If you approve all four and only fill two, the new grant cycle is coming up and if approved, then you could fill the remaining two positions and have those paid for three years. The grant is not a guarantee, but it is a way to try to leverage outside funding.

Mr. Hauryski asked if the positions are approved, how soon would they be implemented? Sheriff Allard replied the best case scenario is that all four positions would be approved and funded today. We would have to hire, go through orientation and that would take us to the middle of next month. Then there would be four to six weeks of field training, and then interdiction training. For a drug investigator, it will take six to eight months to get them trained and experienced to be up and running. The longer we wait, the longer that date gets pushed out. In the best case scenario, we could have two deputies doing interdiction in two months

Mr. Baker stated to have four overdoses since last Monday shows the magnitude of this problem. He would ask that the committee go all in. We are losing college students and other members of our community.

Mr. Hauryski asked why isn't the State Police doing interdiction on I-86 and US-99? Mr. Baker replied the State Police are charged with controlling traffic safety and speeds. The TIM (Traffic Incident Management) units are there to write tickets, not do interdictions and they do not have the facility to change that. Mr. Wheeler commented we are a good training ground for their troopers. Sheriff Allard explained interdiction goes beyond a vehicle stop. Often it can take 1 ½ to 3 hours or the remainder of the day. The State Police do not want to be tied up with that.

Mr. Van Etten asked are any of these positions funded in the budget? Mr. Wheeler replied no, these are vacant positions. Because we budget a number of vacant positions, if you reclassify them, then by function they would be funded, as long as you stay within the overall vacancy budget. We have the flexibility to fill them.

Mr. Van Etten asked if we do a soft entry by filling two of the positions, do we have vehicles for them? Sheriff Allard replied yes. Mr. Van Etten asked if we approved all four positions, would we have vehicles? Sheriff Allard replied no.

Mr. Swackhamer asked have we looked forward? For instance look at the cost of the in-car cameras to the County. Have we projected the future costs? What is this really going to cost? Sheriff Allard replied he can tell you what it will cost if you don't. Mr. Swackhamer stated that wasn't my question. What will this cost us? Sheriff Allard replied the salaries will be \$60,000 - \$70,000 each. If we have to find vehicles that will be \$40,000

each, this includes the equipment. Mr. Swackhamer stated there will be overtime and extra staff. He is not against this, but we need to be a little more realistic.

Mr. Wheeler stated if you approved all four positions and two vehicles, the initial cost would be \$320,000. If you fund two of the positions the initial cost is \$150,000. It is an investment.

Mr. Maio stated at last week's presentation you talked about in years past there were more people involved. What happened to them? Sheriff Allard replied budget cuts happened. The Village of Bath PD went from two investigators down to one. The Corning City PD went from two investigators down to one. The State Police CNET was located in Corning and was staffed with 5 – 9 people and that is now gone. The State Police are more focused in Chemung, Tioga, Schuyler, Tompkins and Broome counties. We used to do joint investigations where they would help. Now they have to have one Senior Investigator on scene, which is difficult and doesn't always happen. We have met with the State Police and they will not come back to our area.

Mr. Maio asked where are the vacant positions? Mr. Alderman replied the vacant positions are a Staff Social Worker, a Senior Alcohol and Substance Abuse Counselor, an Assistant Public Health Nurse Director and an Assistant Youth Program Director.

Mr. Maio asked is the jail treatment component included in this? Mr. Wheeler replied no. Dr. Chapman is working on get more resources. That request will be coming in the near future. These reclassifications were the most pressing thing to get done right away. Dr. Chapman is putting an additional part-time person at the Jail.

Mr. Maio asked is the Public Defender and the judges involved in this? Mr. Baker replied the primary conversations have been with regard to drug court. Mr. Maio commented that he was impressed that the presentation was a two-pronged approach.

Mr. Wheeler commented we are already stepping efforts up and tomorrow there is a Recovery Awareness Program that will be held in the foyer of the third floor. Mr. Hauryski asked, by a show of hands, how many Legislators in attendance have attended any of the drug forums that were held in Bath, Corning and Hornell? Mr. Hauryski, Mrs. Lando and Mr. Van Etten raised their hands.

Mr. Maio stated this is all a very good idea, however, we got this plan one week ago. We are also missing a committee member. This is a big chunk of money and a lot of information to digest in that short period of time. Sheriff Allard stated that he forgets that the Legislature has only had the information for one week, but this is something we have been working on for the past two years. He stated that he and Dr. Chapman met with our State representatives over one and a half years ago to request additional funding. The enforcement piece becomes even more apparent when he watches the news. Drugs are coming into our County unchecked.

Mr. Baker commented the longer we debate, the more people that die. Two people have died since Monday. Mr. Mullen stated he does not think that anyone is advocating that anyone die. We are trying to talk about what the right balance is on what we should be doing.

Mr. Van Etten asked does the salary estimate include fringe? Sheriff Allard replied yes. Mr. Van Etten asked what was the reason that your application for the COPS grant was previously declined? Sheriff Allard replied we were lacking ten points. One of the issues was that we did not have a civilian involved in the hiring process. That has now been resolved. Mr. Van Etten asked if we funded two positions and we apply for the COPS grant, do we have a possibility that we would actually get the funding? Mr. Wheeler replied recent events show the need. You are waiting six months at best on a 50/50 shot.

Mr. Swackhamer asked can we hire four and only train two at this time? Sheriff Allard replied no, you have to hire them before you train them. Mr. Malter asked could you train existing staff? Sheriff Allard replied we don't have the bodies to take and train as we are already very thin.

Mr. Mullen asked for an explanation of the organizational breakdown of staff. Sheriff Allard replied we have 20 Deputy Sheriff's. Of those, two are reimbursed through BOCES and one is reimbursed through the Office of Court Administration. We have 17 on the street. With those 17 we run three shifts of 24/7 coverage. Each shift has one Sergeant. Those officers are each covering 500 miles per day, every day. Additionally, they are also serving 10 – 20 civil papers, conducting pistol permit investigations, serve as members of the tactical team and provide classes for civilians. Over the last two years the average deputy went on 445 calls per year, compared to neighboring counties who went on 285 – 326 calls per year, and the State Police who went on 322 calls per year. It is not feasible for him to take two people out of that mix. Mr. Wheeler commented that also does not include vacation, sickness, etc.

Mr. Mullen asked when you talk about lateral movement, you are pulling existing officers from other agencies? Sheriff Allard replied yes. Mr. Swackhamer asked what equipment will they need to be trained? Sheriff Allard replied for an investigator, that person would already have the equipment they would need other than clothes and we believe that we have vehicles available in forfeiture. For new Road Deputies, we would need two LPR's (License Plate Readers). We also have two spare cars that we can use until the end of the year.

Mrs. Lando commented we all know this problem has been going on for a long time. This is not new and these guys have been working on this. How do you put a price on people dying? This is people's lives that we are talking about. This is not a new issue and you have known about it.

Mr. Maio replied yes, we have known about the issue for a long time and he apologizes for the misconception in his statement; however, we only heard about this plan one week ago. We have only had one week to look at this plan. He stated he understands this is a big problem. Mr. Mullen asked why didn't we get this plan sooner? Let's stop blaming when we are all sitting around trying to figure out how to handle this.

MOTION: AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF ONE STAFF SOCIAL WORKER, ONE SENIOR ALCOHOL AND SUBSTANCE COUNSELOR, ONE ASSISTANT PUBLIC HEALTH DIRECTOR AND ONE ASSISTANT YOUTH BUREAU DIRECTOR TO FOUR DEPUTY SHERIFF POSITIONS MADE BY MR. HAURYSKI. SECONDED BY MR. POTTER FOR DISCUSSION.

Ms. Fitzpatrick commented that she has clients who have indicated to her that the State Police do have an interdiction officer in Painted Post. Is there any coordination between them and us? Sheriff Allard replied it should be a benefit; if we are successful with our interdiction enforcement then the State Police will start mirroring that.

Ms. Fitzpatrick stated Livingston County is already doing this and has an officer dedicated to interdiction. She asked if the Sheriff had any numbers on the increase of arrests and other benefits since they started doing this? Sheriff Allard replied he does not have solid numbers, but he does have anecdotal information.

Ms. Fitzpatrick stated it is her understanding that even with an interdiction officer on the highway, if the car you are looking for comes down the road and they are not doing anything wrong, you cannot pull them over, right? Sheriff Allard replied that is correct. Ms. Fitzpatrick stated that additional police presence is excellent, but that will not completely solve the problem. To get more deputies on the highway is an excellent approach, but if the selling point is to curb opioids, that is not the solution. Sheriff Allard replied it is one prong of a three-pronged approach.

Ms. Fitzpatrick stated in her own personal opinion, she is in favor of extra police presence and is in favor of combating the problem. She stated she has an office in the Village of Bath and last summer we had an issue and we saw new drug activity, new car activity, etc. We called it in and nothing happened. Why can't we combat that? Mr. Baker replied if we had more investigators we would be able to do that. Ms. Fitzpatrick asked how will having four more deputies give you the right to go into a house to conduct a search?

Chief Mullen replied when you are down manpower, you cannot sit on a house and watch it for probable cause. He stated he has eight officers that handle 10,000 calls per year. Once the investigator came on, we were able to do more of that. Mr. Baker stated there is a difference between increased police presence and increased interdiction. Ms. Fitzpatrick commented adding four deputies is really the tip of the iceberg and is just a band-aid. You presented a plan and are asking us to jump into it after only hearing about it one week ago.

Mr. Mullen asked you have indicated that these four positions will be devoted to investigating. Are these titles different from the current deputies? Sheriff Allard replied no. Mr. Mullen asked how will they be different? Sheriff Allard replied they will be focused assignments; they will be Sheriff's Deputies for drug investigation purposes.

Mr. Maio asked when can I expect something on the agenda to approve the treatment component? Mr. Wheeler replied Dr. Chapman addressed that last month. He would expect to see something probably within the next month or two. Mr. Mullen stated he would like to have Dr. Chapman come in next month to talk about that component.

Mr. Wheeler stated if you approve the reclassification of the four positions, he has the authority to fund them, but the committee needs to provide him with an indication of how they would like to proceed.

Mr. Mullen asked if two positions are funded now, how would you proceed? Sheriff Allard replied if only two positions are funded, we will get them in and trained in investigation and interdiction. It will be half as effective as we will only have half the manpower. Mr. Mullen asked will you begin training anyone else? Sheriff Allard replied we already have sent two Deputies to CNET and they fill in where they can.

Mr. Mullen asked how does your request to reclassify a Deputy Sheriff position to a Corporal tie into this? Sheriff Allard replied we have three Sergeants, each supervising a shift. This Corporal position would be that shift supervisor and would result in a savings of \$3,000 per year. Mr. Wheeler stated the net increase is approximately \$3,500 for that position.

Ms. Fitzpatrick asked do we have another dog for the new positions? Sheriff Allard replied no. Ms. Fitzpatrick asked so that would be a potential additional expense? Sheriff Allard replied no, that would come through outside funding. Ms. Fitzpatrick asked if we are reclassifying two positions already, how many can we keep doing without having a significant impact on the budget? Mr. Mullen replied it will be okay as long as we have enough vacant positions. Mr. Wheeler replied for next year, we can make it work. Mr. Malter stated if we do that, it will cut down on the reserve that is sitting out there.

Ms. Fitzpatrick stated if we fund two positions now, we will leverage COPS funding for the other two? Sheriff Allard replied the COPS grant is based on a formula that they use to score the applications. Mr. Wheeler replied you have a 50/50 shot of being approved, but is it something that is an option. Mr. Van Etten asked if we funded all four and received approval for the grant, would that pay for two of the positions? Mr. Wheeler replied no, as the grant specifies it would have to be for two new positions. Mr. Van Etten stated it makes sense to fund two and put in an application for grant funds for the other two.

Ms. Fitzpatrick asked is there a reason you will not tell us how many vacancies there are? Mr. Wheeler replied the vacancies are all in the budget documentation. We have 45 positions, of which about half are Social Services. A number of the positions are eligible for reimbursement.

Mr. Sauro commented if you are increasing arrests, you are increasing defense; so don't forget about the future costs for that.

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

Secretary's Note: While the Committee approved the transfer and reclassification of four positions to the Sheriff's Office, the consensus of the Committee was to direct the County Manager to only fund two of those positions at this time.

b. *Reclassification of Deputy Sheriff Position to Corporal* – Sheriff Allard requested authorization to reclassify a Deputy Sheriff position to a Corporal position. He explained we have a Supervisor on every shift. This is an upgrade of an existing position and the net cost is \$3,500.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A DEPUTY SHERIFF POSITION TO A CORPORAL POSITION WITH THE SHERIFF'S OFFICE MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Malter asked going back to the earlier conversation about your request for additional funding to provide treatment at the Jail, was that successful? Sheriff Allard replied no. He will be going to Albany tomorrow with the New York State Sheriff's Association to request additional funding for jails and SRO's (School Resource Officers)

Mr. Mullen thanked the Sheriff, the District Attorney and others for putting in the time to put the opioid plan together. Mr. Baker stated if anyone has any questions about the proposed plan, please talk to us.

B. Personnel

1. **Reclassification – Probation** – Mr. Alderman requested authorization to transfer and reclassify a zero based Registered Professional Nurse position, Grade XII from Public Health to Probation Assistant position, Grade IX. Mrs. Crocker explained there are two reasons for this. First, the department is taking over the monitoring of conditional discharges that have ignition interlock devices. Second, with the Raise the Age legislation, we can use this position to help with additional intakes coming in along with other requirements that the State will have for Probation.

Mr. Wheeler commented the State has indicated that we can start documenting the cost for Raise the Age if we stay within the tax cap rate; we will be reimbursed 75 percent of the cost of this position. Mrs. Crocker stated we will also receive a certain amount of money that the State is allocating to Probation for the ignition interlock. Mr. Wheeler stated that he expects the position in the end to be a net zero county cost.

MOTION: AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF ONE ZERO BASED REGISTERED PROFESSIONAL NURSE POSITION, GRADE XII FROM PUBLIC HEALTH TO A PROBATION ASSISTANT POSITION, GRADE IX MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. HAURYSKI. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****

**Monday, April 2, 2018
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, March 26, 2018**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, April 2, 2018

9:00 a.m.

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

****MINUTES****

COMMITTEE: Aaron I. Mullen, Chair Kelly H. Fitzpatrick, Vice Chair Frederick G. Potter
Thomas J. Ryan

STAFF: Jack K. Wheeler Mitchell Alger Tina Goodwin
Tim Marshall Hank Chapman Jim Allard
Jennifer Prossick Cheryl Crocker Shawn Sauro
Brooks Baker Noel Terwilliger

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

ABSENT: Steven P. Maio

OTHERS: Mary Perham
James Post, *The Leader*

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MARCH 5, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. Emergency Management Office

1. **Budget Adjustment – FY 15 SHSP Grant** – Mr. Marshall requested authorization to transfer a total of \$14,918.95 from various line items within the FY15 SHSP Grant into Major Equipment to purchase an access door control panel (card reader) at the Civil Defense Center, door breach simulator and mobile radios.

Mr. Potter asked why is the amount you are requesting different than the amount of \$14,935.04 which is shown on the budget transfer sheet? Mr. Marshall replied that is a typographical error and the total amount should be **\$14,918.95**.

Mr. Mullen asked will this have any effect on this year's budget? Mr. Marshall replied the State Homeland Security Grants are multi-year grants, typically two years. They are always a year behind. This grant actually ends August 2018.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO TRANSFER A TOTAL OF \$14,918.95 FROM VARIOUS LINE ITEMS WITHIN THE FY15 SHSP GRANT INTO MAJOR EQUIPMENT AND AMENDING THE MAJOR EQUIPMENT LIST TO REFLECT THE PURCHASE OF AN ACCESS DOOR CONTROL (CARD READER) AT THE CIVIL DEFENSE CENTER, A DOOR BREACH SIMULATOR AND MOBILE RADIOS MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Contract Renewals** – Mr. Marshall requested authorization to renew service agreements with Acclaim Systems for the Functional Needs Registry for an annual amount of \$2,500 and with Crisis Track for the damage assessment software for an annual amount of \$2,400. These two contracts were originally instituted using grant funds and the renewals are also being paid for with grant funds.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO RENEW SERVICE AGREEMENTS WITH ACCLAIM SYSTEMS FOR THE FUNCTION NEEDS REGISTRY FOR AN ANNUAL AMOUNT OF \$2,500 AND WITH CRISIS TRACK FOR THE DAMAGE ASSESSMENT SOFTWARE FOR AN ANNUAL AMOUNT OF \$2,400 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Sheriff's Office

1. **Contract Renewal – GTL** – Sheriff Allard requested authorization to renew the contract with GTL, which provides the inmate telephone system. There is no cost to the County as the users of the system pay for it.

MOTION: AUTHORIZING THE SHERIFF TO RENEW THE CONTRACT WITH GTL FOR THE INMATE TELEPHONE SYSTEM MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Contract Renewal – Schuyler County** – Sheriff Allard requested authorization to renew the contract with Schuyler County to provide our tactical team on stand-by during the annual NASCAR race event. They pay the salary and fringe costs.

MOTION: AUTHORIZING THE SHERIFF TO RENEW THE CONTRACT WITH SCHUYLER COUNTY TO PROVIDE THE STEUBEN COUNTY TACTICAL TEAM ON STANDBY DURING THE ANNUAL NASCAR RACE EVENT MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Authorization to Provide Services to Outside Groups** – Sheriff Allard informed the committee that previously, because it was always done in the past, the Sheriff's Office provided services to outside groups. For years, the County received money in for the services of deputies at specific events. He stated that he asked the Law Department for a legal opinion on this and they determined that we do not have the authority to do this and as such, we will no longer be doing it.

Mr. Mullen asked could you provide some examples? Sheriff Allard replied we provided services for Pirrung Auctioneers during auctions and the Southern Tier Outdoor Show at Wilkins RV. Now, we will determine if an event requires public safety support, and if it does, we will support that, but there will be no payment received for that service. Examples of events that fit the public safety support requirement would be the Wineglass Marathon, the Steuben County Fair and the Cohocton Fall Foliage Festival.

Mrs. Ferratella asked could an off-duty Deputy provide services on their own time? Mr. Wheeler replied they would not be able to use any County equipment to do so. They would also have to fill out the outside employment form and have approval of the Sheriff and Personnel Office.

Mr. Van Etten asked if a private not-for-profit organization hosts an event that you decide needs a police presence, would they be able to make a donation to the County? Mr. Wheeler replied it cannot be a quid pro quo. The County cannot initiate the request for a donation and we cannot fundraise.

IV. OTHER BUSINESS

A. *Discussion Re: Jail Treatment Component of COPE Plan* – Dr. Chapman stated Mr. Mullen asked him to come today to talk about what we have been doing and what it would take to implement a substance abuse treatment program at the Jail. So far, other than discussion with the Sheriff and staff, he has been involved in the NYS Conference of Mental Hygiene Directors who have been working with the Sheriff's Association and NYSAC. Collectively, we submitted a proposal to the Governor requesting \$12.8 million to help fund substance abuse services in all county jails. As of late Friday, we received notification that the Governor signed off on that proposal. We anticipate in Steuben County that we will get upwards of \$156,000 to help fund substance abuse treatment services at the Jail. This has just been approved for this budget year (2018 – 2019). We will continue our efforts to advocate that it be continuing funding.

Dr. Chapman stated in answer to the question of what do we need; he agrees with what was in the presentation that the Sheriff and Mr. Baker presented. We need a substance abuse counselor and a part-time nurse. One thing that was not highlighted in their presentation was transitional services. A case manager would help as inmates are released from Jail, to make sure they are linked up to outpatient treatment services. To add to that, he would suggest that we also research the use of Vivitrol. Vivitrol is a once per month injection. This would be injected just prior to release and is something they would need to receive every month. The injection blocks the individual's craving for opiates. This is something we would want to research further. There was a pilot program in Albany for the use of Vivitrol. One of the drug companies, Alkermes, has agreed to provide this injection at no cost to counties through the Office of Alcohol and Substance Abuse Services (OASAS). We would want to make sure that continues. The injections cost \$1,000 per month. If the individual has Medicaid, the cost is covered. If the individual has private insurance, it depends on the carrier, but it would, in most cases, only be partially covered.

Mr. Wheeler asked do you know if any treatment providers in the area would support this? Dr. Chapman replied he would have to check locally to see if any of the physicians would be willing to provide the injections. One of the other medications that has been used is Suboxone, but that requires a physician to have a special certificate in order to administer. A physician would not need a special certificate to administer the Vivitrol. He anticipates that not many local physicians would want to do this.

Dr. Chapman stated Sheriff Allard and Mr. Baker had suggested a part-time nurse. If we go through with the Vivitrol component, he would want to have a full-time nurse. When an individual is released back out to the community, we need to share that position as we would have a number of people coming in that would need their Vivitrol injection and would require continued monitoring.

Mr. Ryan asked will individuals then have to wean themselves off the Vivitrol? Dr. Chapman replied this is not addictive and blocks the receptors in the body. There is no high from taking it. The injections will need to be continued and in addition, the individual has to be involved in counseling and learn to make lifestyle changes.

Ms. Fitzpatrick asked do the individuals have to stay on this for life? Dr. Chapman replied the length of time will vary by individual. Research has indicated that they may be on it for at least a year with supportive therapy. It will depend on the individual's circumstance. Mr. Baker commented Suboxone is potentially addictive and can be abused and has become another street drug. He commented that he thinks we have the support of physicians in both Hornell and Corning with regard to a willingness to administer the Vivitrol.

Dr. Chapman stated in terms of the cost for the jail treatment component, we anticipate receiving the \$156,000 from the State. That funding would pretty much cover the cost one the substance abuse counselor and a part-time nurse. If we opted for the full-time nurse, the County would need to contribute another \$25,000 - \$30,000 to make the position whole.

Mrs. Lando asked how would you measure the success of this program? Dr. Chapman replied the State has not established the measures, but he would assume we will need to provide some type of reporting mechanism. One part of the measurement would be whether the individual followed up with treatment upon their release and if they stayed in recovery. We would also look at whether there were any overdoses, any attempts to use or if they are no longer using. Sheriff Allard commented recidivism would also be a measurement indicator.

Mrs. Lando stated you mentioned having a case manager. Would they be going into the homes? Dr. Chapman replied yes, they could. He has a couple of case managers that he could provide part of their time toward this and we would be able to bill for those services. The case managers would meet the individuals in their homes or in the community and would follow up to make sure that they were keeping appointments. Additionally, if they opted to go elsewhere for their outpatient treatment, they would link them up to the appropriate provider.

Mr. Mullen asked have you considered looking at an RFP for a private entity to provide the counseling within the Jail? Dr. Chapman replied no, they have not looked at that. Sheriff Allard commented the issue you have to consider with privatizing is the safety and security of the Jail. If you are contracting those services, you may or may not get the same people. Mr. Wheeler commented you would want to have control over it. If you were going to be adding 20 staff, then we would look at a different way to do that, but we are only talking two to three additional staff.

Dr. Chapman explained any of these services provided at the Jail are not billable at that point in time as we are the payee. When the individuals are released, and if they continue to receive services through my department, then we can bill for services. We would be decreasing costs while providing this service while they are incarcerated, but we would increase our revenue through the clinic when they continue their outpatient treatment with our agency.

Mr. Potter commented other than using Vivitrol, the individuals would need counseling. You have to get to the root of the cause of their addiction. Dr. Chapman replied that is what the substance abuse counselor would be doing at the jail; they would do the initial assessment and provide individual and group counseling. Mr. Baker stated the outpatient treatment component will be made a part of their probation or conditional discharge. If they do not follow through with that, they will go back to jail. Dr. Chapman commented with the Albany County pilot, it showed that if the individuals can be engaged in treatment while in jail, approximately 75 percent of them continued with treatment after their release.

Ms. Fitzpatrick asked what will be the protocol for treatment? Listing to the individuals at last month's board meeting, it seemed as though the treatment was too short. What will be the length of time for this program? Dr. Chapman replied the length of treatment goes back to the individual and their circumstances. He stated his sense of the people at the forums is that they may have elected to stop when they did. With our program, there is not a maximum amount of time. Mr. Wheeler commented they have to want to, or be compelled to, maintain their treatment outside of jail. Sheriff Allard stated most insurances base rehabs starting at 10 days. If the individual is successful that is great. If not, then they will allow for a 28-day stay. With our program at the jail, we are looking at 60 days of treatment right off the bat.

Mr. Van Etten asked how many inmates at the jail right now have this issue? Sheriff Allard replied 80 percent of our inmates are addicted to some substance. As of this this morning we had 204 inmates and 80 percent would be addicted to drugs or alcohol. Mr. Van Etten asked are we only dealing with opioids? Sheriff Allard replied we would be providing addiction counseling. Mr. Van Etten commented with that many inmates addicted, is one person going to be enough? Dr. Chapman replied we also have a part-time counselor who is already working at the jail. The majority of that individual's time is spent doing pre-sentence evaluations, but in addition, they are able to do some group counseling.

Mr. Baker commented the individual has to be ready for treatment. Some of the inmates will not be eligible. They will have to be non-violent and non-sexual offenders in order to participate in the program. Dr. Chapman commented not all of the inmates will be addicted to opioids. Mr. Van Etten commented so the metric of success would depend on how long they are in jail? Mr. Baker replied a 28-day program is not enough time to deal with opioid addiction.

Mr. Mullen asked how large a subset of the 80 percent do you think we are looking at that would be eligible for this program? Mr. Baker replied we would be looking at non-violent, non-sex offenders that can safely be released into the

community. There would be at least half of those who would be eligible. Mr. Mullen asked if he could provide a snapshot of what the actual numbers might look like for next month. Mr. Baker stated it will be very similar to the drug court model and that has been very successful.

Mr. Mullen asked what aspects will you be working on over the next month? Mr. Wheeler replied we will want to see how the State budget shakes out and see how they allocate the funding. There is also a \$100 million from the opioid manufacturers; basically a tax, that was passed with the budget. We could add the staff at the jail at any point in time. We need to look at what the funding mechanism is going to look like. Dr. Chapman stated we also need to look at the Vivitrol protocol and what that will look like. Mr. Wheeler commented there will be changes in the community with regard to inpatient and outpatient treatment. We are hoping we will receive this funding.

Mr. Mullen asked will this require additional space at the jail? Sheriff Allard replied no. We have program rooms that we can use for group counseling. We also have small areas that can be used for individual counseling.

Mr. Mullen stated for next month's meeting he would like to see a budget analysis from the State, a local protocol for who can take care of the Vivitrol component and the number of eligible inmates at the jail and how those numbers break down.

B. *Counsel at Arraignment* – Mr. Mullen asked for an update on where we are with counsel at arraignment. Mr. Baker stated Judge Moran came down a couple of weeks ago and we put together a plan that was submitted to Albany, but we have not heard anything yet. Mr. Wheeler stated the Senate passed a proposal for the jail to be the holding facility. This is a key component to the plan that was submitted. Right now, there is no place to hold folks for pre-arraignment. It dovetails with the plan on how to get timely arraignments. Mr. Baker explained in the plan we submitted, if the jail is deemed a holding facility, we could arraign twice per day. We would already have staff at the courthouse. If the jail cannot be designated as a holding facility, then we cannot do arraignments twice per day.

Mr. Mullen asked what physical space are you looking at for the courtrooms? Mr. Wheeler replied there are the courtrooms in this building, however, there is an issue with the court clerks. The plan was to do arraignments during the day and have sitting judges that could hear cases. We had talked about holding arraignments first thing in the morning. Sheriff Allard commented we could have evening court and weekends. Mr. Baker stated you would have to get the judges to go along with that.

Mr. Mullen asked would there be a call out fee? Mr. Baker replied yes, there would be a \$250 per day call out fee for the local judges. One judge would be on call to do arraignments for the entire county. Mr. Wheeler stated there was the idea to utilize the court clerks, however, the county does not employ court clerks. We will submit that in our plan for funding.

Mr. Mullen asked if we had arraignment clerks throughout the county in the local courts, how would that impact the workload? Mr. Baker replied most of the time the clerks do not come out for the arraignments. We would have to create someone who would be doing that. Mr. Mullen asked would they do the processing? Mr. Baker replied yes. We are creating more clerk work. They have to organize and be able to get the paperwork out to the public defender and then back to the town court.

Mr. Sauro commented it is all about logistics. An arraignment clerk would be fielding all courts in the county and making sure they are getting the appropriate papers where they need to be. Mr. Mullen asked that they provide more information about this at next month's meeting.

Mr. Wheeler stated we can reach out and get the draft plan. Mr. Baker stated if the jail holding location piece does not work, we will have to redo the plan. Sheriff Allard commented they have to amend the NYS Corrections Law to designate the jail as a holding center. This did pass the Senate.

Mr. Swackhamer asked has there been any look into the future of doing arraignments electronically or on Skype? Mr. Baker replied the Defender's Association is against that as they view it as a violation of constitutional rights.

Mr. Mullen commented he thinks it would be appropriate for this committee to provide input before these plans are sent out. He would like to look at the information on what we are doing and the potential savings to the District Attorney's and Public Defender's Offices to send staff out all over the County. It would be good to have a record of that information.

Mrs. Lando asked what is the status of the two new deputy positions? Sheriff Allard replied they have hired two individuals who will be starting April 9th. They both have already attended interdiction training last week. They are well trained and very familiar with the County.

MOTION: TO ADJOURN MADE BY MR. POTTER. 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, May 7, 2018
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, April 30, 2018**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, May 7, 2018

9:00 a.m.

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

****MINUTES****

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Tim Marshall Andy Morse	Mitchell Alger Alan Reed Craig Pomplas	Tina Goodwin Shawn Sauro John McNelis
LEGISLATORS:	Joseph J. Hauryski John V. Malter	Carol A. Ferratella Gary B. Roush	Hilda T. Lando Gary D. Swackhamer
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. Ryan to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 2, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. 911

1. **PSAP Grant Award** – Ms. Goodwin requested authorization to accept the 2017/2018 Public Safety Answering Points Operations Grant Program award of \$195,430.00. This funding will be appropriated to the 911 Upgrade Capital Project.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO ACCEPT THE 2017/2018 PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT PROGRAM AWARD OF \$195,430.00 AND APPROPRIATE TO THE 911 UPGRADE CAPITAL PROJECT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Public Defender

1. **ILS Distribution #8 Grant** – Mr. Sauro requested authorization to apply and contract with the NYS Office of Indigent Legal Services for Distribution #8 Grant funding. This is a three-year grant with an annual funding amount of \$140,598. This funding will be used to continue to support the Conflict Office.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO APPLY AND CONTRACT WITH THE NYS OFFICE OF INDIGENT LEGAL SERVICES FOR DISTRIBUTION #8 GRANT FUNDING IN THE AMOUNT OF \$140,598.00 ANNUALLY FOR THREE YEARS MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Sheriff's Office

1. **Legislative Initiative Grant Funding** – Undersheriff McNelis requested authorization to accept a \$7,500 Legislative Initiative Grant through Senator O'Mara's Office to purchase elevated risk rifle plates for Sheriff's Deputies.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A \$7,500.00 LEGISLATIVE INITIATIVE GRANT THROUGH SENATOR O'MARA'S OFFICE TO PURCHASE ELEVATED RISK RIFLE PLATES FOR SHERIFF'S DEPUTIES AND AMENDING THE SMALL EQUIPMENT LIST TO REFLECT THIS PURCHASE MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **TruNarc Bid Award** – Undersheriff McNelis requested authorization to reject the bids for TruNarc. We will be looking to rebid this potentially with other counties. This equipment will provide us with the ability to field test drugs without having to open bags. We will share the cost of the equipment with the Jail as they will also be able to utilize this equipment.

MOTION: REJECTING THE BIDS FOR TRUNARC MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **COPE** – Mr. Mullen asked do you have an update on the health care issues at the Jail with regard to the drug initiative? Undersheriff McNelis replied we are waiting to see how the State will allocate the funding. Mr. Wheeler explained we may need to look at a local option, which means local cost. He anticipates they will have more information to discuss with the Legislature within the next month or two.

Mr. Maio asked is this a situation that the plan may not come to fruition due to the funding? Mr. Wheeler replied we are looking at the State allocating less than one quarter of what was requested. The question will be do you want to expend local funds for this program. Mr. Maio commented this was sold as a comprehensive plan and with reduced State funding, we will need to look at whether we do any part of the plan.

D. Emergency Management Office

1. **Monroe County Medical Examiner's Contract** – Mr. Marshall requested authorization to contract with the Monroe County Medical Examiner's Office to conduct autopsies on up to 45 cases for the year at a cost of \$94,500. We have included a thirty-day opt out clause in the agreement so that we can get out if we choose to look at a different direction. They will bill us for the cases that we have done so far this year.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO CONTRACT WITH THE MONROE COUNTY MEDICAL EXAMINER'S OFFICE TO CONDUCT UP TO 45 AUTOPSIES FOR THE YEAR AT A COST OF \$94,500.00 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Empire Telephone Tower Lease** – Mr. Marshall requested authorization to enter into a five-year agreement with Empire Telephone to lease space on the tower located on County Route 7 in Prattsburgh. The rate is \$2,400 per year.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO A FIVE-YEAR AGREEMENT WITH EMPIRE TELEPHONE TO LEASE SPACE ON THE TOWER LOCATED ON COUNTY ROUTE 7 IN PRATTSBURGH FOR AN ANNUAL RATE OF \$2,400.00, PENDING LAW DEPARTMENT REVIEW AND APPROVAL MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

3. **RFP Award – Medical Examiner Services** – Mr. Marshall informed the committee they put out an RFP for Medical Examiner Services. They received one bid from Twin Tier's Pathology Associates out of Vestal, NY. This physician works out of Lourdes Hospital in Binghamton and the cost per case would be

\$1,275.00. We currently pay the Monroe County Medical Examiner's Office \$94,500 for 45 cases, which equates to \$2,100.00 per case. Monroe County recently changed their scope of services and is now charging an additional \$375.00 for toxicology.

Mr. Mullen asked how much is the extra charge? Mr. Marshall replied it will be \$375.00 for toxicology screening. This bid was all-inclusive. We had talked about doing toxicology separate. We are looking at sending out toxicology so that we could do our own blood draws as it would cost a lot less. Mr. Wheeler commented this is still in the preliminary stages of discussion. We have to make sure everything is good from an evidentiary standpoint. He commented his preference would be to contract with a local hospital to do the blood draws. Another option is that Dr. Cole could do it. There will be a contract with formal terms, and this is still an evolving discussion and we are not ready to present it to you today.

Mr. Mullen asked what about transportation costs? Mr. Marshall replied we are paying the Coroners' Aides per run; whether they are going to Rochester or Binghamton. We may need to increase that amount, but we would still see a savings in the per case cost. Mr. Wheeler commented from Corning, the trip to Lourdes Hospital would be quicker than if they were going from Hornell.

Mr. Malter asked what are the surrounding counties doing? Mr. Marshall replied Chemung County recently has gone to Lourdes Hospital. Other counties have indicated they are concerned about the services. Mr. Wheeler stated Erie, Onondaga and Monroe counties have their own medical examiners. The service has been poor. By awarding this RFP you will be saving money and getting better service. Mr. Maio asked the bid did not include toxicology? Mr. Wheeler replied we hope to find a local solution so that we can contract directly for that service.

MOTION: AWARDING THE RFP FOR MEDICAL EXAMINER SERVICES TO TWIN TIERS PATHOLOGY ASSOCIATES OUT OF VESTAL, NY FOR A COST OF \$1,275.00 PER CASE MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mrs. Ferratella asked when will this take effect? Mr. Wheeler replied probably June 1, 2018.

4. **RFP – Toxicology Services** – Mr. Marshall requested authorization to issue an RFP for toxicology services. Mr. Wheeler commented the committee can authorize putting out an RFP and we can come back and tell you if the RFP will be needed.

Mr. Mullen asked will there be an issue with criminal cases? Mr. Reed replied we need the professional service to happen. We will just need to show our chain of custody.

Mr. Maio asked does the contract with Monroe require us to send our toxicology screens out? Mr. Marshall replied they are now sending all of the toxicology screens to a specific lab. Mr. Maio asked are we required to send all of our autopsies to Monroe? Mr. Wheeler replied yes, while we are under contract. Once the contract is severed, you are done.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS FOR TOXICOLOGY SERVICES MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **VHF Fire Simulcast Update** – Mr. Marshall informed the committee this project was started to upgrade the fire service from low-band to VHF. Televate became involved last year due to the technical scope of the work. We are close to being able to have Motorola provide a proposal, hopefully next month, for equipment. We will be purchasing radios for the fire departments out of the grant funding we have. In the grant, there was \$1,049,869.00 to purchase mobile and portable radios. At the time, we were going to provide each department

with four mobiles and four portables. Since that time, it looks like we could potentially receive a little more than that.

Mr. Marshall explained each department will receive about \$22,000 to purchase radios, and we would look to give them options. We are looking at specific models from a specific vendor to get the best discounts that we can. We are looking to purchase Motorola radios off of County bid.

Mr. Potter commented some of the departments, like Troupsburg, have already gotten notices. Have they already replaced their radios? Mr. Marshall replied we are waiting for FCC's final approval for licensing. We have everything in place to submit the final paperwork. He is hesitant to give the fire departments the frequencies, only to find out that FCC has not approved them. Several departments have gone out and gotten individual grants. We sent letters out to all of the fire departments and municipalities to let them know the process is happening. We will phase the low-band out over a period of time. The VHF system will put Law Enforcement, EMS and Fire services on the same platform.

Ms. Fitzpatrick asked will they be able to use the same pagers? Mr. Marshall replied the current pagers are non-P25, so under our grant, non-P25 equipment is not eligible for grant funding. Each department will have to use their own funding to purchase pagers which cost approximately \$382.00. Ms. Fitzpatrick asked are there other ways to reach the volunteer firefighters? Mr. Marshall replied we do have the IAmResponding program, however, they are a third party vendor. The pager is the only way that we can ensure that they get the notifications.

Ms. Fitzpatrick asked what is the timeframe for phasing out the low-band? Mr. Marshall replied he would like to try to get the project done by the end of this year. In the original letter that we sent out, we had indicated that it would be turned over by 2020. He would like to give them a drop-dead date. Mr. Wheeler agreed that we do need to have a cut off date.

Mr. Mullen stated that he would like to look at cost sharing with the departments; when they purchase the equipment, part of the cost they will need to pay is installation. Are the departments going to have a plan in place for this when they are purchasing the equipment? Mr. Marshall replied our goal would be to have each department tell us the equipment they want to purchase, up to the \$22,000. We would purchase the equipment, have it shipped to us, have the programming done by the contractor. Then the departments would have to come and pick up their equipment, once they sign an agreement. The agreement would state that the equipment was purchased with grant funds and would include maintenance, service and warranty requirements. Once the department signs the agreement, they would be given the equipment and then it would be up to them to install it.

Mr. Mullen commented it would help the municipalities if we could get a bid for the installation. Mr. Marshall explained each agency likes their own shop and there are four shops that service our area. Between those four shops, they would get the majority of the work. He does not know if we could do a bid for that type of service. Most shops charge the same amount. Mr. Potter commented if you did bid, it would be more expeditious. Mr. Mullen commented it seems like it would save money. Mr. Marshall stated we have 45 departments in the County and that would overwhelm one shop. Mr. Wheeler stated we can look at doing a bid and see what the prices are.

Mr. Malter stated earlier you alluded that some departments had applied for grants. Are those grants still available? Mr. Marshall replied the departments applied for Fire Act Grant funds. Cohocton and Perkinsville applied and Corning is still waiting to hear. The grant awards are just starting to be released. He commented that he tried to get five or six departments to go in on a grant together. Mr. Malter asked would those grants cover the pagers? Mr. Marshall replied yes.

Ms. Fitzpatrick asked when you determined the grant amounts for the departments, did you consider the size of the department, number of calls, etc.? Mr. Marshall replied we discussed it, but decided upon this method, just

dividing the funds equally among all the departments. Mr. Maio asked why did you not take the size of the department, call volume, etc. into consideration? Mr. Marshall replied it was the easiest way for us to try to do it. Mr. Wheeler explained you also have the differences between fire departments and fire districts and there are small departments versus large departments, with different levels of resources. Mr. Mullen commented all of the departments will need something.

Mr. Potter asked does this change to VHF include fire and ambulance? Mr. Marshall replied yes. The fire based ambulances would have to be included in this. The Hammondsport, Bath, Tuscarora, Wayland and Cohocton ambulance services have already switched over to high-band.

E. District Attorney

1. **Crimes Against Revenue Program Grant** – Mr. Wheeler requested reauthorization of the Crimes Against Revenue Program Grant in the amount of \$40,400. Mr. Maio asked how much money do we get back in restitution? Mr. Wheeler replied he would have to get the figure from the Department of Social Services. There is a line item for restitution and it goes back into the program categories.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO APPLY FOR \$40,400.00 FOR THE CRIMES AGAINST REVENUE PROGRAM GRANT MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Arrestment Courts** – Mr. Mullen asked for an update. Mr. Wheeler replied this is still in flux. He will put this on the agenda for a future month for discussion. Mr. Sauro commented he can provide a draft arrestment plan. We are waiting for a final answer on whether the Jail can be designated as a holding facility.

MOTION: TO ADJOURN MADE BY MR. RYAN. 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****

Monday, June 4, 2018

9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS

NO LATER THAN NOON

Monday, May 28, 2018.

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, June 4, 2018

9:00 a.m.

Legislative Committee Room
Steuben County Office Building
Bath, New York

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Cheryl Crocker Alan Reed Shawn Sauro	Ken Forenz Jim Allard Nate Alderman Jennifer Prossick	Tim Marshall Tina Goodwin Jennifer DeMonstoy Matt Whitmore
LEGISLATORS:	Joseph J. Hauryski Hilda T. Lando Scott J. Van Etten	Carol A. Ferratella John V. Malter Gary D. Swackhamer	K. Michael Hanna Robert V. Nichols
OTHERS:	Mary Perham James Post, <i>The Leader</i>		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MAY 7, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. 911

1. **Recorder System Annual Maintenance Renewal** – Ms. Goodwin requested authorization to renew the maintenance agreement on the Recorder System. This is year four of a five-year contract. Last year we had added the backup server to the system. This year we are combining the maintenance for both the recorder system and the backup into one maintenance contract. The total contract is \$31,739 which is about \$2,000 more than last year to incorporate the addition of the backup server. She commented they do have money in their budget for this.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO RENEW THE ANNUAL MAINTENANCE AGREEMENT FOR THE RECORDER SYSTEM WHICH WILL ALSO INCLUDE THE BACKUP SERVICER FOR AN ANNUAL COST OF \$31,739 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Emergency Management Office

1. **OCV Contract Renewal – Ready Steuben App** – Mr. Marshall requested authorization to renew the annual maintenance agreement for the Ready Steuben App. The annual cost is \$4,995. He stated he is hoping to lock this price in for the next three years. Mr. Mullen asked is this paid for with grant funds? Mr. Marshall replied yes.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO RENEW THE MAINTENANCE AGREEMENT FOR THE READY STEUBEN APP FOR AN ANNUAL COST OF \$4,995 MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Geopliant, LLC Contract Renewal – Crisis Track** – Mr. Marshall requested authorization to renew the contract for Crisis Track for an annual amount of \$2,400. This price is locked in for three years.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO RENEW THE CONTRACT FOR CRISIS TRACK FOR AN ANNUAL COST OF \$2,400 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **DLan Procurement** – Mr. Marshall explained he is looking at crisis management software to help manage incidents during disasters or emergencies. The State has committed to the Buffalo Computer Graphics program. Mr. Marshall stated he would like to purchase the DLAN component which is the disaster management software. This will provide us with the flexibility to monitor and track resources, as well as to print tickets to track requests. It is available with 50 concurrent licenses, so that would allow municipalities to have the rights to utilize this system. If approved, he will utilize fiscal year 2016 State Homeland Security grant funds.

Mr. Mullen asked what is the primary difference between this and Crisis Track? Mr. Marshall replied Crisis Track is for tracking damage assessments. DLAN allows us to manage the actual disaster, track activity and push resource requests to the State.

Mr. Hauryski asked who would have access to view and update information? Mr. Marshall explained it is a permission-based system, so we could determine who would have rights to view and/or update information. Mr. Potter asked will you be able to share information regionally and with the State? Mr. Marshall replied yes.

Mr. Van Etten asked what is the cost? Mr. Marshall replied the initial cost is \$40,806.05 and the annual maintenance cost is \$10,768.26. Again, these costs will be paid for using grant funds. Mr. Van Etten asked how many disasters do we typically have in a year? Mr. Forenz replied this system will be incorporated into our daily activities, as well as utilized during emergencies/disasters. With the ticket system, we will utilize that to track the radio work that is done. We also plan to incorporate a registry for the fire departments and their training. All of our emergency plans will be loaded into the reference library.

Mr. Wheeler replied in answer to Mr. Van Etten's question this year we could have already used this system at least five times. Sometimes we would only use it once a year. Mr. Van Etten commented this is nice and new technology, but what did we do before? Mr. Marshall replied in the past we have used notebooks and sticky notes.

Ms. Fitzpatrick asked what will the staffing and IT requirements be and do we have sufficient coverage in those areas? Mr. Marshall replied this is a cloud-based system. There will be not additional computer requirements. With regard to staffing, with what we have, it will help us manage events better. There are web apps to access and import information from the field. The municipalities could also enter data into the system. The manpower will be more efficient with this system. Mr. Wheeler commented there will be a training requirement.

Mr. Mullen commented there are a lot of ways to use our network to send information out to people within the County, but this software will make it easier to share information with people outside of the County.

Mr. Potter stated he agrees with Mr. Van Etten, but on the flip side, turning grant money down will not save the taxpayers money. Mr. Marshall explained we already budgeted it into the grant. If we do not do this, then we will need to do something else to utilize that funding.

Mr. Malter asked with regard to data input, who will have the rights to change data? Mr. Marshall explained the system administrator will have the rights to change data. Mr. Wheeler commented Mr. Marshall and Mr. Forenz would be assigned as the system administrators.

Mr. Hauryski commented the Governor has regional representatives around the State and during a disaster, they will call him on a regular basis asking what resources we need and what is happening. This is an important function that I need to have available.

Mr. Mullen commented he feels this is a better use of grant funds than some of the other things we have purchased. He asked to receive a list of recurring maintenance costs for grant funding. Mr. Wheeler replied he had included that in the IT study, but he will resend it. Mr. Mullen also asked for projected grant amounts for the upcoming year.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO PROCURE THE DLAN ADVANCED SYSTEM WITH INCIDENT ACTION PLAN MODULE FROM BUFFALO COMPUTER GRAPHICS FOR A TOTAL COST OF \$40,806.05 WITH A YEARLY SUPPORT FEE OF \$10,768.26 MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **RFP for Burn Building** – Mr. Marshall stated last year we put out an RFP for the burn building and they came back higher than what we had funding for. This year we have increased the capital funding for this and we are changing our approach. We are looking at going with a Conex box design and this would be an add on to the back of the existing building. A Conex box is a cargo shipping container. Mr. Wheeler commented the burn building is something that we need to maintain.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO SOLICIT RFP'S FOR THE BURN BUILDING MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Sheriff's Office

1. **STOP DWI Crackdown Funds** – Sheriff Allard requested authorization to accept an additional \$5,500 in STOP DWI Crackdown Funds. He explained \$3,500 will be used for enforcement and \$2,000 will be used for contractual expenses.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT AN ADDITIONAL \$5,500 IN STOP DWI CRACKDOWN FUNDS; \$3,500 TO BE USED FOR ENFORCEMENT AND \$2,000 TO BE USED FOR CONTRACTUAL EXPENSES MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **GTL Contract Extension** – Sheriff Allard explained this is our contract to provide inmate telephone services. He is requesting authorization for a two-year extension. In addition, he is also requesting two amendments. The first is the inclusion, at no cost to the County, of a scanner system for Booking. This will scan for any metals on individuals coming into booking. The second amendment relates to tablets for the inmates.

Sheriff Allard explained the tablets are a new component that we are interested in doing. There is no equipment or additional money on our end. GTL will support the tablets through their secure server. There are hotspots in each of the housing units that go through GTL. All information coming into and out of the system is scrubbed by GTL. There is no cost to the County and will put additional money into the Commissary. In jails that have utilized the tablets, they have noted that disputes have gone down and inmate to inmate assaults and inmate to staff assaults have also decreased. The inmates will only be able to access the tablets if they have the required funds in their Commissary account. If they are watching a movie they can use the tablet in their cell. If they are

messaging or using face time, they have to be in the docking stations in the secure areas of the housing units. GTL will supply everything that is needed. Sheriff Allard noted that he thinks this is a win-win. It will help us as we can use this as a behavior modification tool. Every message, request and purchase made on the tablets will be recorded.

Mr. Mullen asked is this something that we should have a competitive bid on? Sheriff Allard replied there is only one other company and you would have to purchase the tablets. GTL is on State contract.

MOTION: AUTHORIZING THE SHERIFF TO EXTEND THE CONTRACT WITH GTL FOR TWO YEARS WITH AN AMENDMENT TO INCLUDE A SCANNER FOR THE BOOKING AREA AND PROVIDING TABLETS TO INMATES MADE BY MR. MAIO. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Mullen asked since this is all going through the company's network, is there a problem with privacy issues? How we do we access the information that is being recorded? Sheriff Allard explained we have two part-time Corrections Officers and their function is intelligence mining. They log onto the system and monitor all phone and if approved, tablet activity.

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

Mrs. Lando asked the Sheriff to come back and report on the use of the tablets once the program has been up and running.

3. **Reclassification of Court Security Corporal to Corrections Sergeant** – Sheriff Allard explained originally, court security personnel were all classified as Deputy Sheriff or Building Deputy and were registered as police officers with the DCJS. Over time, this transitioned to the classification of Court Security Officer with a stated peace officer designation. However, the accompanying legislation to add Steuben County court security officer to the definition of peace officer in the NYS Criminal Procedure Law did not occur. Therefore, in the eyes of NYS and the DCJS our court officers were civilians, not peace officers. Sheriff Allard stated they had submitted another request which went through the Assembly and Senate, but was vetoed by the Governor. We tried again this past year, however, it never left committee. In the meantime, he has surveyed other counties and most predominantly use Corrections Officers and have changed their scope of duties to include court security. That is what he would like to move toward.

Sheriff Allard requested authorization to reclassify Grade XI Court Security Corporal to a Grade XII Corrections Sergeant. The Corrections Sergeant position is still within the same bargaining unit in the Sheriff's Office. The increase in salary will be covered by reimbursement through the Office of Court Administration.

Mr. Swackhamer asked how will this affect positions down the line? Sheriff Allard explained the individuals who previously were Corrections Officers within the past four years will be reclassified and the others will have to take the test. Doing this will put us in line with what other counties are doing and will give the positions Peace Officer status. Mr. Maio asked how many counties are using this local option? Sheriff Allard replied Wayne, Ontario, Livingston, Yates and Allegany. The majority of counties have gone to OCA (Office of Court Administration), but they will not pick up any more counties due to the cost.

Mr. Maio asked what was the rationale for how we did it originally? Mr. Swackhamer replied at the time it was to provide more control and flexibility.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A GRADE XI COURT SECURITY CORPORAL POSITION TO A GRADE XII CORRECTIONS SERGEANT WITHIN THE SHERIFF'S OFFICE MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Resolution Required.

4. **Wineglass Marathon Donation** – Sheriff Allard requested authorization to accept a donation of two bicycles worth \$2,500 from the Wineglass Marathon.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF TWO BICYCLES WORTH \$2,500 FROM THE WINEGLASS MARATHON MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **SRO Contract Renewals** – Sheriff Allard requested authorization to renew all existing School Resource Officer (SRO) contracts with participating school districts. The only change is with the contract with Corning-Painted Post School District as they have requested seven additional officers as they would like an office in each of the buildings. Additionally, they are also requesting two SRO's for summer school. He stated that Arkport and Jasper-Troupsburg are still determining if they will participate. If they do, then all school districts in the County will have SRO's.

Mrs. Ferratella asked do you have enough people in the pool to accommodate Corning-Painted Post's request? Sheriff Allard replied he believes so. They are very selective on who they choose.

Mr. Van Etten asked is this program subject to another Sheriff being elected and coming in and saying they no longer want this program? Mr. Wheeler replied that could happen, but the Legislative body could say that you want to continue the program and continue the funding.

MOTION: AUTHORIZING THE SHERIFF TO RENEW ALL EXISTING SCHOOL RESOURCE OFFICER (SRO) CONTRACTS WITH PARTICIPATING SCHOOL DISTRICTS AND AMENDING THE CONTRACT WITH THE CORNING-PAINTED POST SCHOOL DISTRICT TO INCLUDE SEVEN ADDITIONAL SRO'S AND TWO SRO'S FOR SUMMER SCHOOL, SUBJECT TO REVIEW BY THE PERSONNEL OFFICER, MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

6. **Legislative Initiative Grant Update** – Sheriff Allard stated last month the committee approved a Legislative Initiative Grant in the amount of \$7,500 to be used to purchase License Plate Readers. We recently received notification that the amount is actually \$8,000.

7. **Drug Interdiction** – Sheriff Allard announced last Friday the drug interdiction officers confiscated 93 bags of cocaine and a substantial amount of cash. The deputies assigned to this just started last week in their full-time rolls.

8. **Drug Initiative at the Jail** – Mr. Mullen asked for an update. Sheriff Allard replied we received notification that the state funding is being reduced by two-thirds. He has participated in a number of webinars and they are still discussing how those funds will be disbursed. In the meantime, he is continuing their part-time pilot program. Mr. Wheeler commented we may present a local option and see where it goes. Mr. Maio stated that he has always said that this should be a package deal.

9. **Arraignment Court Issues** – Mr. Mullen asked for an update. Sheriff Allard replied they have not yet seen a bill and no decision has been made as of yet. Mr. Mullen stated he had previously asked to see the proposed plans. Mr. Sauro replied Mary Hope Benedict is still working on that. He has met with Indigent Legal Services (ILS) and they will be coming to meet with us and put forth where they want to see. It is still coming together. Mr. Wheeler suggested seeing if we can get the plan in draft form so that we can email it out to the Legislators. He stated we are trying to determine if the Jail can be designated as a temporary holding/detention area. We have not seen a signed bill. Mr. Maio asked is that something that is being done county by county? Mr. Wheeler replied yes as it requires an amendment to Corrections Law.

D. County Manager

1. **Towing Discussion** – Mr. Wheeler stated he wanted to provide the committee with an update on the towing issue. At the end of 2017 we had discussed renewing the RFP and that decision was tabled. In conjunction with Mr. Reed, they have been reviewing the options we have and it is their opinion that this is an operational issue. We have done an RFP in the past, however, we do not have a contract with any agency. Really, this is a tow of last resort. He is proposing letting the 911 staff handle as there is a process for tow companies to get on the rotating list and for the designation of primary and secondary for limited access highways. Mr. Wheeler stated he is proposing that we develop a more formal plan in conjunction with the Sheriff, Emergency Management, 911 and the Risk Manager. Since we are receiving applications from the tow companies, it makes it an operational issue internally. We just need to codify that process and make it a de facto and formal process. This would not change anything right at this moment.

Mr. Maio commented we have been working without a plan. Mr. Wheeler stated because you have not renewed the RFP, it has not changed. At the end of last year you had voted to table the issue. Mr. Maio stated the committee had a loss of appetite to have a formal plan. It sounds like you are taking the issue out of the committee's hands. There was not much appetite for thinking we needed a plan and to let the market decide.

Mr. Wheeler stated the RFP really is not necessary as it is an operational issue. Mr. Maio commented that he is not saying you cannot do this. He is not convinced of the necessity of a plan of towing of last resort. Mr. Wheeler explained the New York State Police will not make the call on the road for a specific tow company. If we do not have a plan, then Canandaigua will make a plan. Mr. Maio asked why is this an issue for the County? Mr. Wheeler replied the issue of last resort is only an issue because we provide the dispatch.

Mr. Reed explained 911 receives the request on scene from emergency responders or from the individual. The factual issue is that 911 faces that. The question is who do they send. My review was on who has authority. It appears to be an operational decision of default. This is not a matter of the County setting forth policy, as there are no contracts. We have been struggling for so many years; the strange situation that it is. You should be getting requests from agencies on the scene; fire, EMS, law, or the individual.

Mr. Swackhamer stated they reject individual's requests. This happened to me 10 days ago. The New York State Police rejected my request. They followed our code and rejected my request. Mr. Wheeler stated in most cases they probably shouldn't, but incident command on scene ultimately dictates. Mr. Swackhamer stated I did not have a choice. The car was movable. They rejected my request and said it was on a rotating basis. Mr. Wheeler stated we could review that. It is inconsistent with our policy. If you make an election, police and fire can overrule. He asked Mr. Swackhamer to provide the details of the incident and they will look into it.

Mr. Maio commented we have expended so much energy to deal with less than five percent of incidents. I just don't think it's the County's business who tows cars. Mr. Wheeler stated fundamentally, I agree with you but if we didn't have anything in place for a default, chaos would ensue. Mr. Maio stated police and fire already get to pick. When they have reasons to pick, they have the full authority to do that. Mr. Reed stated you still need to deal with that five percent. Mr. Maio stated he disagrees. Mr. Reed asked if no one makes the election, who will? You still need to deal with that.

Mr. Potter stated a letter was recently sent out by Mr. Wheeler or Emergency Management regarding some questions about whether a person can make a request for a specific tow company and the opinion of Mr. Wheeler was that they can. Mr. Wheeler stated we clarified that. We did send out another letter that states if you have AAA or you know a tow company, you should be able to request them. However, police and fire on the scene are incident commanders and have the ultimate say. We are not trying to supersede an individual's request, but the people in the field have the ultimate say.

Sheriff Allard explained if there is a day when there are a lot of accidents, the on scene officer will ask if a tow is on the way, and if not, they will ask for the next available. Typically 911 is getting about five guys saying to send the next available. They get inundated with requests. The people on the scene just want to get it cleared as fast as they can.

Mr. Marshall stated one of the problems we run into is when the owner requests an out of the area tow; then the first responder is still waiting on scene. Mr. Maio stated the first responders have the authority to dictate who you get. When it is not an emergency that is when he says that it is not a problem.

Mrs. Lando asked so where are we at? Mr. Wheeler replied it is our view that this is an operational issue and we will establish and publish a process that we will follow. Mr. Maio stated up until today, it needed to come to committee and now my feeling is that because the committee does not follow, now it has become an operational issue. I find that to be troubling.

Mr Reed stated I submitted my opinion and you can take it at face value. Mr. Maio stated you submitted an opinion because the committee did not get behind this.

MOTION: TO ADJOURN MADE BY MR. POTTER. 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**
Monday, July 2, 2018
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, June 25, 2018.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, June 25, 2018

9:45 a.m.

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

****MINUTES****

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair	Steven P. Maio
STAFF:	Jack K. Wheeler Jennifer DeMonstoy	Mitchell Alger Jim Allard	Nate Alderman
LEGISLATORS:	Carol A. Ferratella Hilda T. Lando Gary D. Swackhamer	Kelly H. Fitzpatrick Robin K. Lattimer Scott. J. Van Etten	K. Michael Hanna John V. Malter Randolph J. Weaver
ABSENT:	Thomas J. Ryan		

I. CALL TO ORDER

Mr. Mullen called the meeting to order at 9:45 a.m. and asked Mr. Maio to lead the Pledge of Allegiance.

II. GENERAL BUSINESS

A. Sheriff's Office

1. **Reclassification** – Sheriff Allard informed the committee that one of his full-time Court Security Officers has gone to work at the DMV. He requested authorization to reclassify the vacant, full-time Court Security Officer, Grade X, to a full-time Corrections Officer, Grade X. The salary and the bargaining unit will remain the same.

MOTION: AUTHORIZING THE SHERIFF'S OFFICE TO RECLASSIFY A VACANT, FULL-TIME COURT SECURITY OFFICER, GRADE X POSITION, TO A FULL-TIME CORRECTIONS OFFICER, GRADE X POSITION, MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, July 2, 2018

9:00 a.m.

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

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Cheryl Crocker Shawn Sauro	Mitchell Alger Andy Morse Brenda Aston	Tina Goodwin Dave Hopkins Alan Reed
LEGISLATORS:	K. Michael Hanna Gary B. Roush	Hilda T. Lando Scott J. Van Etten	John V. Malter
OTHERS:	Mary Perham James Post, <i>The Leader</i>		

I. CALL TO ORDER

Mr. **Mullen** called the meeting to order at 9:00 a.m. He asked Ms. Fitzpatrick to lead the Pledge of Allegiance and immediately following asked for a moment of silence in remembrance of Trooper Nicholas Clark who was shot in the line of duty early this morning.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JUNE 4, 2018 AND JUNE 25, 2018, MEETINGS MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Sheriff's Office

1. **Bid Jail Fencing Project** – Mr. Wheeler requested authorization for the Sheriff, in conjunction with the Purchasing Director, to go out to bid for the Jail fencing project. Mr. Morse explained this is fencing for the back perimeter.

MOTION: AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO PUT OUT A BID FOR THE JAIL FENCING PROJECT MADE BY MR. MAIO. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Contract Renewal – GovPay.net** – Mr. Wheeler stated the Sheriff utilizes a contract with GovPay.net for individuals to pay for their bail and associated fees using a credit card at the Sheriff's office. This contract is no cost to the County. He would recommend extending this contract for one year, with the option for four, one-year renewals. He stated the only caveat to this is that the County actually has a different system for credit cards. The current system the Sheriff is using is reliable; however, we may switch over to the system the rest of the County is using in the future, assuming it can integrate correctly.

Mr. Morse commented the contract ends May 16, 2019 with auto renewals. Mr. Wheeler stated there is a 7 percent fee to the user. Mr. Morse stated they do guarantee payment.

Ms. Fitzpatrick commented this is the process to renew and we can then we can explore the options to switch to the other system. If the vendor guarantees payment, that is more valuable than having a lower user fee for the users.

Mrs. Crocker stated Probation is using the VPS (Value Payment Service) vendor and we have not had any problems. She believes the fee for the user is 4 percent.

MOTION: AUTHORIZING THE SHERIFF TO RENEW THE CONTRACT WITH GOVPAY.NET FOR ONE YEAR WITH THE OPTION FOR FOUR AUTOMATIC ONE YEAR RENEWALS MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. District Attorney

1. **Video Recording of Statements Grant Acceptance and Appropriation** – Mr. Wheeler informed the committee the District Attorney applied for a Byrne Grant, which is a federal grant with no match. With these funds, he would like to purchase video and audio equipment for various police agencies to record interviews. The total grant is \$50,059.00 and the following agencies will be receiving funds: Sheriff's Office, Village of Bath Police Department, Addison Police Department, Wayland Police Department, Child Advocacy Mobile Center, District Attorney's Office, Hornell City Police Department and Corning City Police Department. Mr. Wheeler requested authorization for the District Attorney to accept and appropriate these funds.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT A BYRNE GRANT IN THE AMOUNT OF \$50,059.00 FOR THE PURCHASE OF VIDEO AND AUDIO EQUIPMENT FOR THE FOLLOWING AGENCIES TO USE TO RECORD INTERVIEWS: SHERIFF'S OFFICE, VILLAGE OF BATH POLICE DEPARTMENT, ADDISON POLICE DEPARTMENT, WAYLAND POLICE DEPARTMENT, CHILD ADVOCACY MOBILE CENTER, DISTRICT ATTORNEY'S OFFICE, HORNELL CITY POLICE DEPARTMENT AND CORNING CITY POLICE DEPARTMENT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.

Ms. Fitzpatrick asked in the contract it refers to set off rights. What does that mean? How are the funds allocated? Mr. Wheeler replied each agency will receive about \$7,000. The County as a whole will be receiving \$16,000. Ms. Fitzpatrick asked what is the reference to working with the Binghamton Police Department? Mr. Wheeler replied that he will ask about that and the set off rights.

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

C. Law Department

1. **Assigned Counsel** – Mr. Reed informed the committee that they have a critical need for more felony assigned counsel attorneys. We currently have six attorneys, but only use four or five for assigned counsel work. He requested authorization to issue an RFP for assigned counsel attorneys in contiguous counties so that we can build our pool of felony attorneys.

Ms. Fitzpatrick asked do we normally go outside of the County? Mr. Reed replied we have two attorneys working for us from Livingston County. Mr. Wheeler explained historically we have used individuals from other counties. Mr. Mullen asked why do we need an RFP? Mr. Reed replied we have very specific requirements that will be outlined in the RFP.

MOTION: AUTHORIZING THE COUNTY ATTORNEY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSAL FOR ASSIGNED COUNSEL ATTORNEYS IN CONTIGUOUS COUNTIES MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. OTHER BUSINESS

A. *Drug Treatment at the Jail* – Mr. Mullen asked has there been any progress on the drug treatment proposal at the Jail? Mr. Wheeler replied we were disappointed to see that State funding for these programs was cut by about 75 percent. About 13 counties split the pot of available funds and we did not get anything from that. We are looking at a local option. He met with the Sheriff, Dr. Chapman and Mr. Alderman to discuss this and we are looking at vacant positions.

Mr. Wheeler stated technically this will come before the HSH&E Committee and he hopes to have specific information on the positions. At a minimum we are looking at a Substance Abuse Counselor and maybe a Case Manager. It sounded like the Legislature would consider a unified approach and was supportive of that. Technically, he has the authority to do this, but he felt it was important to discuss this with the committee.

Mr. Reed commented with the new indigent legal services initiative, we may be able to flag drug treatment for implementation at arraignment and that goes to the incarceration of defendants. He stated he could put that in his plan. Mr. Sauro commented it could be classified under the defendant improvement category and there may be an opportunity to fund extra staff. Mr. Reed stated Indigent Legal Services has been very supportive of any ideas to reduce the Jail population.

Mr. Wheeler stated we are looking at adding a Substance Abuse Counselor, at a minimum. These sources through grants or local funds are the only way this position is paid for. We cannot bill Medicaid for individuals who are in Jail. If they develop a good relationship, our hope is that they will continue treatment with us, and then after their release, those services would be billable.

Mr. Van Etten commented with regard to assigned counsel, early in 2017 Mr. Roche came in and did an organizational overview of the Public Defender and Assigned Counsel and outlined where he saw the need. Has any of that changed and could we have a review of that? Mr. Wheeler replied we are discussing that and are meeting with ILS about grant information. We currently have a draft plan for counsel at arraignment. These things will come back to the Legislature for approval. That review of the structure is happening now.

MOTION: TO ADJOURN MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Monday, August 6, 2018
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, July 30, 2018.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, July 23, 2018

9:00 a.m.

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

****MINUTES****

COMMITTEE: Aaron I. Mullen, Chair
Thomas J. Ryan
Steven P. Maio
Frederick G. Potter

STAFF: Jack K. Wheeler
Scott Sprague
Mitchell Alger
Steve Orcutt
James Allard

LEGISLATORS: Joseph J. Hauryski
Robin K. Lattimer
Gary B. Roush
Carol A. Ferratella
John V. Malter
Scott J. Van Etten
Hilda T. Lando
Robert V. Nichols
Randolph J. Weaver

ABSENT: Kelly H. Fitzpatrick, Vice Chair

OTHERS: James Post, *The Leader*

I. CALL TO ORDER

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

II. DEPARTMENTAL REQUESTS

A. Sheriff's Office

1. **Major Equipment Amendment** – Sheriff Allard requested authorization to add a drug analyzer to his major equipment list. Mr. Wheeler explained they currently have a TruNarc drug analyzer on the list for \$10,500. We believe, based on feedback, that the drug analyzer may in fact be more expensive. They are requesting to change the name from TruNarc to drug analyzer and to increase the amount to \$20,500. He noted that we are not amending the budget, just the list. Sheriff Allard stated they will be testing a couple of different drug analyzers at the Phish concert being held in Watkins Glen in August.

Mr. Weaver asked is there a monthly or annual maintenance fee? Sheriff Allard replied no. You purchase a specific number of tests per year and at the end of the year they will come in and recalibrate the machine. Mr. Van Etten asked is there an ongoing cost each year? Sheriff Allard replied the \$20,500 will be the machine and a certain number of tests. Each year we would have to purchase more tests. Mrs. Lando asked what are other counties doing? Sheriff Allard replied Livingston and Schuyler are both looking into the drug analyzers.

Mr. Potter commented the cost is twice what was originally put into major equipment. Sheriff Allard replied yes. These machines are able to test for Fentanyl, Heroin, Cocaine and other drugs. What makes these different from field tests is that we will be able to test through the packaging. Field testing requires that the drugs be taken out of their package. Mr. Potter asked if this is being made available to other counties to use, will we get reimbursed for that? Sheriff Allard replied typically not. We view it as a public safety service.

MOTION: AUTHORIZING THE SHERIFF TO AMEND HIS MAJOR EQUIPMENT LIST TO REMOVE A TRUNARC DRUG ANALYZER FOR \$10,500 AND TO ADD A DRUG ANALYZER FOR \$20,500 MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, August 6, 2018

9:00 a.m.

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

****MINUTES****

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Tim Marshall Shawn Sauro	Mitchell Alger James Allard Alan Reed	Tina Goodwin Cheryl Crocker Brooks Baker
LEGISLATORS:	Joseph J. Hauryski Hilda T. Lando Gary B. Roush	Carol A. Ferratella John V. Malter Scott J. Van Etten	K. Michael Hanna Robert V. Nichols
OTHERS:	Mary Perham		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JULY 2, 2018, AND JULY 23, 2018, MEETINGS MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

III. DEPARTMENTAL REQUESTS

A. Public Defender

1. **ILS Distribution 5 Grant** – Mr. Sauro requested authorization to transfer the remaining Indigent Legal Services (ILS) Distribution 5 Grant funds into the Personnel and Operating Expenses line items for the Conflict Defender’s Office.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO TRANSFER THE REMAINING INDIGENT LEGAL SERVICES DISTRIBUTION 5 GRANT FUNDS INTO THE PERSONNEL AND OPERATING EXPENSE LINE ITEMS FOR THE CONFLICT DEFENDER’S OFFICE MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. 911

1. **Pictometry Contract** – Mrs. Goodwin requested authorization to renew the Pictometry contract. They will fly the County to give us aerial images which are used by 911, public safety and town assessors. Part of this package includes ChangeFinder which allows the assessors to see changes on properties and structures. We have money budgeted for this.

Mr. Mullen asked for an explanation of the advanced training which includes hotel and airfare? Mrs. Goodwin replied that is for a national conference that our GIS technician would attend, but has not yet. Mr. Mullen asked what is Pictometry Connect Early Access? Mrs. Goodwin replied once they do the flyover, there is a certain period of time that it takes them to scrub the files. The early access would give us access to those pictures before

they are released. We are not paying extra for that early access. Mr. Reed commented with regard to training, he always feels that is a positive record piece and it gives us a continuity of record that staff received training.

Mr. Mullen commented he thought Pictometry was based out of Rochester. Mrs. Goodwin replied when they first started they were based out of Rochester. They have recently been purchased by Eagle View.

Mr. Van Etten asked what did this cost last time? Mrs. Goodwin explained last year we signed a year early and received a lot of promotional discounts. With them being acquired by a new company, we will still receive some of those discounts, but it will cost a little more than last time.

Mr. Potter asked when will the project begin? Mrs. Goodwin replied they will start immediately. They will be scheduled to fly this fall after the leaves drop, but before snowfall. Then they will do another fly in the spring before the leaves bud out. The flyovers are scheduled every three years.

Mr. Potter asked how are they paid? Mr. Wheeler replied this is budgeted for every year. This is a significant amount of money, but it will be an incremental increase in your budget.

Mrs. Ferratella commented 99 percent of our assessors use the system and it is critical that we have this. Mr. Wheeler stated this is a program that is used by 911 and many other departments on a daily basis. Mr. Potter asked there is no cost to the assessors to use this? Mrs. Goodwin replied that is correct.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO RENEW THE CONTRACT WITH PICTOMETRY FOR THREE YEARS FOR A TOTAL COST OF \$736,986.76 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. District Attorney

1. **Contingent Fund Transfer** – Mr. Baker requested authorization for a contingent fund transfer in the amount of \$88,000 to cover costs through the end of the year. The main reason for this is to cover the costs for the Neurauter trial for witness and expert testimony expenses. Additionally, we need to cover transcription costs related to drug cases as we have increased grand jury from two times per month to three times per month.

MOTION: AUTHORIZING A CONTINGENT FUND TRANSFER OF \$88,000 TO THE DISTRICT ATTORNEY'S 2018 BUDGET TO COVER EXPENSES THROUGH THE END OF THE YEAR MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. Emergency Management Office

1. **MOA – Mutualink** – Mr. Marshall requested authorization to extend the Memorandum of Agreement with the NYS Office of Homeland Security and including additional subscriber units. He commented there is no cost to the County.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO EXTEND THE MEMORANDUM OF AGREEMENT WITH THE NYS OFFICE OF HOMELAND SECURITY AND INCLUDING ADDITIONAL SUBSCRIBER UNITS MADE BY MR. POTTER. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Renewal of NICE Recording Contract** – Mr. Marshall requested authorization to renew the contract with Motorola for the NICE Recording system. This system records all radio traffic and is housed at 911. This renewal will take us through December 31, 2018. After that, we will include this with the regular radio contract in January. The cost is \$11,180 through December 31, 2018.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO RENEW THE CONTRACT WITH MOTOROLA FOR THE NICE RECORDING SYSTEM FOR \$11,180 THROUGH DECEMBER 31, 2018 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Awarding RFP for Toxicology Services** – Mr. Marshall informed the committee that they had issued a request for proposals for toxicology services for autopsy services. The Monroe County Medical Examiner's Office was sending out the labs to a second party vendor for lab work and then billing us directly. We received a proposal from NMS Labs out of Pennsylvania. He recommended awarding to NMS Labs for \$180.00 for basic testing and \$250.00 for advanced testing. In addition they also provided rates for expert services analytical support.

Mr. Mullen asked how much was Monroe County billing us? Mr. Marshall replied they were sending the labs to NMS Labs and they were billing us direct. Mr. Wheeler commented this is a significant savings from what we paid originally.

MOTION: AWARDING THE REQUEST FOR PROPOSALS FOR FORENSIC TOXICOLOGY SERVICES TO NMS LABS OUT OF PENNSLYVANIA FOR \$180.00 FOR BASIC TESTING AND \$250.00 FOR ADVANCED TESTING, INCLUDING A PRICE LIST FOR EXPERT SERVICES SUPPORT MADE BY MR. RYAN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Motorola VHF Simulcast Project** – Mr. Marshall explained we have been in the process of taking the Fire Service from low-band to VHF to put them on the same platform as Law Enforcement and EMS. We have been working with Televate trying to find a project that will work for our County. He requested authorization to enter into a contract with Motorola Solutions for a total cost of \$1,220,886.99 to upgrade the Fire Service to a Simulcast VHF system.

Mr. Wheeler commented this will all be paid for with State grant funds. This is an upgrade in technology. This will increase your maintenance for the annual contract to maintain the radio equipment. Getting Fire and EMS on the same platform is critical. Mr. Marshall has done an excellent job. We have had frequency issues and Televate has been a tremendous resource and have helped to make the system much more efficient.

Mr. Marshall stated the Law Department has reviewed the pricing and we are negotiating a payment schedule with the State contract pricing. With the new State Interoperable Formula Grants, the maintenance costs will now be covered.

Mr. Maio asked what is the ballpark figure for annual maintenance? Mr. Marshall replied approximately \$200,000. Mr. Wheeler stated we have our full-time radio technician who does a lot of the work.

Mr. Swackhamer asked for an explanation of the antennae relocation. Mr. Marshall stated we have some antennae on the towers that are too close and are causing intermodule issues. These antennae will need to be separated and spaced out. Mr. Swackhamer asked what will the coverage be? Mr. Marshall stated it will be better than the 95 percent coverage in 95 percent of the County that we have right now.

Mr. Maio asked where are the coverage gaps? Mr. Wheeler replied we have a large coverage gap in Cohocton due to where the village is situated among the hills. We are looking to add another structure at the village water tank. This would entail a building and a telephone pole. Once that is installed, we would like to run the fiber optic to that new building and put in radio communications. The structure will be very simple and we will have a telephone pole with antennae to cover that area. That will be a very low cost.

Mr. Wheeler stated this project fills the gaps in pretty good. This will be an interactive process. There will be some gaps, but we anticipate that it will be better.

Mr. Mullen asked Mr. Marshall to briefly explain what a simulcast system is. Mr. Marshall stated right now each tower site is separate. With a simulcast system, it will cover the entire county simultaneously and each of the towers will hear each other. That will be a big change for the firefighters, but it will be a nice addition.

Mr. Potter asked does the proposal for shared services with the Pennsylvania border fit into this? Mr. Marshall replied we will be looking at the shared services with Pennsylvania, but it is not part of this project. In the future, we will be looking to partner with Tioga County, PA.

Mr. Potter asked what are the optional items that are listed? Mr. Marshall replied those are for services that we will probably not need. Our goal right now is to get this project up and running. Mr. Mullen asked what is the timeframe? Mr. Marshall replied Motorola is quoting 7 – 8 months, which is very aggressive. We still need to do the custom design review and at that time we will hash out the schedule. He would say probably 12 months to final completion.

Mr. Van Etten asked with this \$1.2 million project, how much is County cost? Mr. Marshall replied there will be minimal or no County cost. Mr. Van Etten asked what about the maintenance? Mr. Wheeler explained if we can reallocate those expenses to the formula grant, those will be covered. If not, then you would be looking at an annual maintenance cost of \$50,000.

Mr. Mullen asked if we were unable to get State funding for this system, how much additional cost is the simulcast system adding? Mr. Marshall replied you are adding additional components to the system and that is why the cost is going up. Mr. Malter asked what is the useful life of this system? Mr. Marshall replied that is hard to rate. With the new components, you do not know if you will have a long life. The technology is constantly changing. We are conducting upgrades utilizing grant funds on a fairly regular basis.

Mr. Malter asked do we know what the grant funding will be like going forward? Perhaps we should look at creating a capital project for the future. Mr. Wheeler replied we have a Communications Capital Project for 911 and EMO. The grant funds we receive are from the cell phone surcharges. The State funds are pretty stable. Mr. Mullen asked that Mr. Marshall provide the committee with an update at the September meeting.

Ms. Fitzpatrick asked how will this system improve communications? Mr. Marshall replied it should greatly improve communications. With simulcast, everyone will hear everything at the same time. Right now, they are on a 30 second delay. Having Fire, Law Enforcement and EMS on VHF means they do not have to carry two radios. We also have assigned work channels for big incidents.

Mr. Maio asked the Cohocton installation will be \$26,000 after you erect a new pole and building? Mr. Marshall replied yes, this will be the installation of equipment after the erection of a pole.

Mr. Potter asked will this new system have an impact on the Town Highway Superintendents? Mr. Marshall replied not at this time. We will need to look at a project for that in the future.

MOTION: APPROVING THE MOTOROLA VHF SIMULCAST PROJECT TO MOVE FIRE SERVICES TO VHF FOR A TOTAL PROJECT COST OF \$1,220,886.99, SAID PROJECT TO BE PAID FOR WITH GRANT FUNDS MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **Cohocton Water Tower Site** – Mr. Marshall stated the site they are looking at is near the Cohocton Water Tower, off of CR 121. We would like to install a small building with a telephone pole to mount antennae. Additionally, we would run the fiber optic to that location to free the communications for the radio system. The next step is to enter into an inter-municipal agreement with the Village of Cohocton for the use of that property. We also would need to approve an easement with the adjacent property owner on CR 121 to run the buried fiber optic from CR 121 to the site.

Mr. Ryan asked what would be the cost? Mr. Marshall replied it will cost \$30,000 to run the fiber optic. The Village currently maintains the access road, but we are still by the adjacent landowner and she is asking if the County would maintain the road. Mr. Mullen commented he does not want to maintain the road. Mr. Marshall stated we typically plow the roads to access our towers. These are items that still need to be worked out. Mr. Mullen stated the general consensus of the committee is to have the Village continue to maintain the road.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF COHOCTON FOR THE USE OF THEIR PROPERTY BY THE COHOCTON WATER TOWER TO INSTALL A BUILDING AND POLE FOR RADIO COMMUNICATIONS MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

6. **Autopsy Services** – Mr. Marshall stated the committee had authorized a professional services contract with Twin Tiers Pathology for autopsy services. It was brought to our attention during the process of writing the contract that we are paying \$1,275 for autopsy services, but \$400 of that is actually being paid to Lourde’s Hospital for the lab technician. The \$1,275 is not all inclusive to Twin Tiers Pathology. He requested authorization to contract with Lourde’s Hospital for \$400 for technician services for autopsy services.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO CONTRACT WITH LOURDE’S HOSPITAL FOR TECHNICIAN SERVICES FOR AUTOPSY SERVICES AT A RATE OF \$400 PER CASE MADE BY MR. RYAN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. Sheriff’s Office

1. **Deputy/Officer Uniform Bid** – Sheriff Allard requested authorization to put out the bid for Deputy and Officer uniforms. The bid is made up of three parts; leather goods, brass and badges and uniforms.

MOTION: AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT BIDS FOR DEPUTY AND OFFICER UNIFORMS MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **School Resource Officers Uniforms** – Sheriff Allard requested authorization to transfer \$54,000 from school reimbursement to uniforms (\$30,600) and minor equipment (\$23,400) to purchase uniforms and miscellaneous equipment for school resource officers.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER \$54,000 FROM SCHOOL REIMBURSEMENT AND APPROPRIATING \$30,600 TO THE UNIFORMS LINE ITEM AND \$23,400 TO THE MINOR EQUIPMENT LINE ITEM TO PURCHASE UNIFORMS AND MISCELLANEOUS EQUIPMENT FOR SCHOOL RESOURCE OFFICERS MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Contingent Fund Transfer** – Sheriff Allard requested authorization for a Contingent Fund Transfer of \$25,000 to the Jail budget to cover end of year expenses for housing out inmates. Due to the Neurauter trial, the daughter is being housed at the Jail and the father is being housed at the Livingston County Jail. We are required to house out the father due to judge’s orders.

MOTION: AUTHORIZING A TRANSFER OF \$25,000 FROM THE CONTINGENT FUND TO THE 2018 JAIL LINE ITEM FOR THE LODGING OF PRISONERS MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

4. **Inmate Tablets** – Mr. Malter asked what vendor are you using to purchase tablets for the inmates? Sheriff Allard replied GTEL. Mr. Malter stated he only asks as he saw a special on Capitol Tonight

which was covering a story about Idaho inmates who hacked into the tablets and were able to transfer money into their own accounts.

IV. OTHER BUSINESS

A. **Ice Damage** – Mr. Hauryski stated last year the Town of Campbell sustained ice damage. A project that was undertaken by the Town of Campbell and the Steuben County Soil & Water Conservation District was completed last week. There is sizeable acreage that Upstate Milk owns along the river and we had a company come in and clear the trees and brush away. Now when the river ices and there is an ice jam, that will be carried into that field. Upstate Milk is hoping to be able to lease that property. Mr. Marshall commented they have been working with the Army Corps of Engineers and they are going to contact us to see if there is anything else they could assist us with in that area. They have indicated they are willing to meet with the Town and Soil & Water about future projects to address the ice jams and flooding.

MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. POTTER. 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, September 10, 2018**PLEASE NOTE CHANGE**
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, August 27, 2018.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

*Monday, September 10, 2018
9:00 a.m.
Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE: Aaron I. Mullen, Chair Kelly H. Fitzpatrick, Vice Chair Steven P. Maio
Frederick G. Potter

STAFF: Jack K. Wheeler Mitchell Alger James Allard
Josh Day Jordan Walrath Tim Marshall
Brenda Aston John McNelis Cheryl Crocker
Matt Whitmore Alan Reed Jennifer DeMonstoy
Tina Goodwin

LEGISLATORS: Carol A. Ferratella K. Michael Hanna Hilda T. Lando
John V. Malter Robert V. Nichols Gary D. Swackhamer
Scott J. Van Etten

ABSENT: Thomas J. Ryan

OTHERS: Captain George DelNegro, New York State Police
Chief Chad Mullen, Bath Village Police Department
Kristin Klemenz, B & W Towing
James Post, *The Leader*
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 AUGUST 6, 2018, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REPORTS

A. 911

1. **Pictometry Contract** – Mrs. Goodwin stated that she would like to make a correction to last month’s minutes regarding the Pictometry contract. The motion in the minutes stated that it was a three-year contract, but it is actually a six-year term. There are two flights which are broken into two, three-year blocks at the same price. Mr. Wheeler explained we used to budget for this when the flights were scheduled, which was once every three years. Now we can budget for this annually.

MOTION: AMENDING THE MOTION FROM THE AUGUST 6, 2018, MEETING TO REFLECT THE PICTOMETRY CONTRACT AS A SIX-YEAR CONTRACT FOR A TOTAL COST OF \$736,986.76 MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Sheriff's Office

1. **Commendation** – Sheriff Allard stated on July 2, 2018, we lost a member of law enforcement. The New York State Police and the Sheriff's Office worked together flawlessly. Trooper Nicholas Clark, and a member of our agency, Deputy Joshua Day, acted with incredible bravery, heroism and exemplified the core values of the Sheriff's Office which are professionalism, integrity, leadership and service. Sheriff Allard retold the events of that day stating that Deputy Day put himself in the line of fire in an attempt to save Trooper Clark's life and to prevent further escalation of the fatal incident. Today he is recognizing Deputy Day's bravery and valorous conduct.

Sheriff Allard stated additionally he would like to also recognize Deputy Jordan Walrath who was also on the scene that day and never abandoned his partner. His actions that day reflected his professionalism, leadership, integrity and service.

C. Emergency Management Office

1. **Acceptance of FY 18 SHSP Grant** – Mr. Marshall requested authorization to accept the 2018 State Homeland Security Grant in the amount of \$97,500. This is an ongoing grant and in the past the funds have been used to purchase equipment, software and maintenance of software. This year the funding will cover the cost of maintenance of existing software programs.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT A 2018 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF \$97,500 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Coroners' Salary Increase** – Mr. Marshall stated with the changes that have been made to the medical examiner's contract, it requires a substantial amount of time on the part of the coroner's. They currently are paid \$200 per call and he is recommending increasing that to \$225 per call. Mr. Wheeler commented it has been eight years since the coroner's have received a pay increase. If approved, we would include this in the budget process and the salary increase would be effective January, 2019.

Mr. Reed asked is the rate set by Local Law? Mr. Wheeler replied he will need to check that. Mr. Van Etten asked how many cases do they average per year? Mr. Marshall replied they have between 250 – 300 cases and it averages out to 260. Mr. Wheeler commented if you approve, the total increase would be \$6,000.

MOTION: AUTHORIZING AN INCREASE IN THE CORONER'S PAY FROM \$200 PER CASE TO \$225 PER CASE MADE BY MR. MAIO. SECONDED BY MR. POTTER FOR DISCUSSION.

Ms. Fitzpatrick asked if it requires a Local Law would that be approved after it is approved in the budget? Mr. Wheeler replied we would include it as part of the budget process.

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

3. **Coroners' Aide Salary Increase** – Mr. Marshall stated the Coroners' Aides are currently getting \$100 per trip. With changes to the medical examiner's contract, they now are required to travel to Binghamton which is an increase in mileage and increasing the number of hours they are on the road. They are averaging four hours of travel which includes getting the van, the body, driving to Binghamton and return. He is recommending increasing their pay to \$150 per trip.

Mr. Wheeler stated from a budget standpoint, we have enough flex in that line and will be increasing what we spend, but not exceed the amount already budgeted. This is a recruitment and retention issue as we have been having difficulty getting people to do this. Mr. Mullen stated he thought this would not change the mileage when going to Binghamton, that the trips from the South and East would essentially be a wash. Mr. Wheeler replied it is a wash, but the thing that is more of an issue than mileage is the recruitment and retention. If we are talking

about the coroner's salaries, we should also talk about this. The other option is to pay per trip to the funeral homes and that is significantly more expensive.

Mr. Maio commented he has no problem doing this, but the rationale behind it is? Mr. Wheeler replied the reason is recruitment and retention.

Mr. Swackhamer asked did they get a new van? Mr. Marshall replied the new van just came in Friday of last week and now needs to get outfitted.

Mr. Maio asked how many coroner aides are there? Mr. Marshall replied there are about eight, but only three or four are running for us consistently. They are per diem.

Ms. Fitzpatrick commented she thinks a fifty percent increase is a little high. What are the qualifications to be a coroner's aide? Mr. Marshall replied they have to have their Hepatitis vaccine, there is a lifting requirement, they have to have the ability to drive the van, they need to be responsible and they have to be able to work in a stressful environment. Mr. Wheeler commented this is not a pleasant job. Mr. Marshall stated it is a recruitment and retention issue as there are not a lot of people that want to do this for \$100.

Mr. Wheeler stated this benefits you to do as the more expensive option is contracting with the funeral homes and if you do that, you will be at least double the trip. Mr. Marshall commented it would be about triple. Mr. Wheeler stated the coroner's are advocating that the coroner's aides get an increase.

Mr. Marshall stated the coroner's aides handle about 45 – 50 cases per year. Ms. Fitzpatrick commented she would be more on board for an increase to \$125 per trip.

MOTION: AUTHORIZING AN INCREASE IN THE CORONER'S AIDE PAY FROM \$100 PER TRIP TO \$125 PER TRIP MADE BY MS. FITZPATRICK. Motion fails due to lack of a second.

Mr. Marshall commented we have enough money in that line item to do the \$150 per trip. Mr. Wheeler stated there is a total of \$8,000 in that line and the draft budget will show the \$8,000.

MOTION: AUTHORIZING AN INCREASE IN THE CORONER'S AIDE PAY FROM \$100 PER TRIP TO \$150 PER TRIP MADE BY MR. MAIO. SECONDED BY MR. POTTER. MOTION CARRIES 3-1. (MS. FITZPATRICK OPPOSED)

4. **Village of Cohocton Inter-Municipal Agreement** – Mr. Marshall commented last month the committee authorized signing an agreement with the Village of Cohocton for the use of the water tower for a radio antenna. He missed the request from the Village to exempt the County taxes for that property. Right now they pay \$3,000 in County taxes. If we were to go out and lease tower space, we would be paying more than that.

Mr. Wheeler stated he agrees with Mr. Marshall that in this case, the County cost benefit more than pays for itself. This would be a good option to do, however, in speaking with the Law Department and Finance, this is not the only municipal asset that is taxed. We would need to be very careful how we word this to avoid setting a precedent.

Mr. Malter asked is the County site on the entire property? Mr. Marshall replied the site is Village property, which is property located in the Town. The Town and School have exempted the taxes, but the County has not. Mr. Wheeler commented if we do not do this and the Village does not allow us on the tower, we would have a substantial problem.

Mr. Mullen stated he will be abstaining as his law firm represents the Village of Cohocton.

Mr. Van Etten stated that since this is another municipality, he would say to do this. Basically they are using taxpayer dollars to pay the taxes to us.

Mr. Reed explained this would be a threshold incident for the Legislature for municipal taxes that are exempt. The only other examples that are similar are Champlain Beach and Mossy Bank. However, those are publicly accessed parcels and they were exempted out. In this situation, you are opening the door for other municipalities to make the request. You could do this without setting precedent if there is added value of doing this transaction with the Village; meaning the County is receiving a good value from having this arrangement. We do not have any other examples like this one.

Mr. Maio asked what examples are there where we as a County, are utilizing another municipal property? Mr. Wheeler stated you need to be very careful about setting a precedent and threshold. We need to establish clear justification.

Mr. Malter asked why not set up a rental agreement? Mr. Reed replied that could be part of the Inter-Municipal Agreement if you wanted to do that.

Mr. Maio asked when was this brought up; after negotiations? Mr. Marshall replied they had mentioned it during the negotiations and he had missed it. Mr. Wheeler stated we want to be able to fill that gap with our radio coverage. Ms. Fitzpatrick stated she likes the idea of a rental agreement.

MOTION: AUTHORIZING AN AMENDMENT TO THE INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF COHOCTON TO INCLUDE A PAYMENT FOR THE USE OF THE TOWER SITE IN AN AMOUNT EQUAL TO THE TAXES PAYABLE TO THE COUNTY OF STEUBEN MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Malter asked is there the possibility that this might be covered by grant funds? Mr. Wheeler replied possibly. Mr. Van Etten commented the rental agreement is a good idea as long as you use it to offset the tax amount.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 3-0-1. (MR. MULLEN ABSTAINED)

D. Sheriff's Office (Continued)

1. **2019 STOP DWI Plan** – Sheriff Allard presented the 2019 STOP DWI Plan for approval. All of the money in the plan comes from funds that are collected for convictions of DWI. This plan has to be submitted each year by October 1st to the Governor's Traffic Safety Committee. The total STOP DWI budget is \$327,736 and total estimated revenues are \$244,065.52. He stated that he will be dedicating a STOP DWI enforcement Deputy and the plan will pay for 100 percent of the costs of a STOP DWI vehicle and 50 percent of the salary for the deputy. Mr. Mullen asked is that a current position? Sheriff Allard replied yes. He commented DWI arrests are up over 30 percent from last year. We are also seeing increases in DWI drug and DWAI drug, as well as alcohol. Mr. Mullen asked can these funds be tied into the treatment program you will be offering at the Jail? Sheriff Allard replied no. One hundred percent of STOP DWI funds have to go toward enforcement and education and the State is very strict about what you can use these funds for.

Mrs. Lando asked are you seeing any trends; the arrests more for younger people or older people? Sheriff Allard replied we are seeing more middle-aged and older. We are seeing a lot of repeat offenders and are doing more DWAI drug arrests.

MOTION: ACCEPTING THE 2019 STOP DWI PLAN AS PRESENTED BY THE SHERIFF MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Police Traffic Services Grant** – Sheriff Allard requested authorization to accept the 2018 – 2019 Police Traffic Services Grant in the amount of \$9,630. This money will be used for overtime and traffic enforcement.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE 2018 – 2019 POLICE TRAFFIC SERVICES GRANT IN THE AMOUNT OF \$9,630 MADE BY MS. FITZPATRIC. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Child Passenger Safety Program Grant** – Sheriff Allard requested authorization to accept a Child Passenger Safety Program Grant in the amount of \$10,000. This money will be used for the car seat installation program.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE CHILD PASSENGER SAFETY PROGRAM GRANT IN THE AMOUNT OF \$10,000 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

4. **Community Traffic Safety Program Grant** – Sheriff Allard requested authorization to accept a Governor’s Traffic Safety Committee Community Traffic Safety Program Grant in the amount of \$12,500. This money is used for overtime (\$10,000) and to purchase bicycle helmets (\$2,500).

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE GOVERNOR’S TRAFFIC SAFETY COMMITTEE COMMUNITY TRAFFIC SAFETY PROGRAM GRANT IN THE AMOUNT OF \$12,500 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

5. **Homeland Security Grant** – Sheriff Allard requested authorization to accept the 2018 Homeland Security Grant in the amount of \$32,491. This funding may only be used for road patrol and anti-terrorism. We typically use these funds for items for the CIRT team. This year he stated he is looking to purchase equipment, interoperable portable radios and an unmanned drone.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE 2018 HOMELAND SECURITY GRANT IN THE AMOUNT OF \$32,491 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

6. **Contract Renewals** – Sheriff Allard requested authorization to renew the School Resource Officer contracts with Wildwood and Coopers BOCES.

MOTION: AUTHORIZING THE SHERIFF TO RENEW THE SCHOOL RESOURCE OFFICER CONTRACTS WITH WILDWOOD AND COOPERS BOCES MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

7. **Washing Machine Bid** – Sheriff Allard informed the committee that they had put out a bid for washing machines in the jail, but he would like to table the award until next month so they can review the bids.

8. **Reclassify Court Security Officer to Correction Officer** – Sheriff Allard stated currently they have six court security officers that they need to reclassify to Correction Officers. He stated he and Mr. Alderman met with the Union and clarified what this reclassification would mean. There is no change in grade or pay, but a slight change in hours from 37.5 to 40. This will provide us with more staff in the Jail and we can more easily move these individuals to court security if needed.

MOTION: AUTHORIZING THE RECLASSIFICATION OF FULL-TIME COURT SECURITY OFFICERS TO FULL-TIME CORRECTION OFFICERS IN THE SHERIFF’S OFFICE CONTINGENT UPON UNION APPROVAL MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

9. **Informational** – Mrs. Lando stated she would like to thank the Sheriff for the donation of over 500 pounds of produce to the Food Pantry in Corning.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****
Monday, October 1, 2018
9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, September 24, 2018.

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, October 1, 2018

9:00 a.m.

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

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Tina Goodwin Cheryl Crocker James Allard	Mitchell Alger Tim Marshall Andy Morse Shawn Sauro	Brenda Aston Alan Reed Brooks Baker
LEGISLATORS:	Joseph J. Hauryski John V. Malter Gary D. Swackhamer	Carol A. Ferratella Robert V. Nichols	K. Michael Hanna Gary B. Roush
OTHERS:	Kristin Klemenz, B & W Towing James Post, <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. Ryan to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE SEPTEMBER 10, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. District Attorney

1. **Raise the Age Funding** – Mr. Baker stated he sent out a memo regarding his budget request. With Raise the Age taking effect October 1st, there will be increased off-hours contact between the District Attorney’s Office and law enforcement to cover these cases. To fill this need, he is proposing having two senior prosecutors on call; one as primary and the second as backup at all times to work with law enforcement and deal with arraignments as they arise. Given the issues involved, he will be one of the attorneys and he intends to appoint Senior Assistant District Attorney James Miller as the second. There will be no transportation costs associated with these as we both have vehicles. He is not seeking compensation for himself as his salary is set by statute; however, he is requesting to compensate Mr. Miller at a rate of \$50.00 per day. There are 92 days remaining in 2018 and he and Mr. Miller will be splitting the on-call times. He is requesting that Mr. Miller be compensated at a rate of \$50.00 per day for the 46 days that he will be on-call through the end of 2018, which will represent a total cost of \$2,300.

Mr. Mullen asked how many cases do you anticipate having? Mr. Baker replied we are anticipating up to 100 cases per year. As far as having to go out, we anticipate 5 or 6 cases per year. The cost for Mr. Miller is for his lifestyle change. Mr. Wheeler commented the costs are, theoretically under State law, reimbursable. Mr. Reed stated we estimate about 50 felony cases per year with possibly 5 – 15 going to arraignment.

Mr. Mullen asked does this per day rate for on-call include the arraignments? Mr. Baker replied yes. There is no hourly rate; just a flat \$50.00 per day rate.

Mr. Maio asked will the off-hours arraignment part result in extra costs? Mr. Baker replied there is no question it will. It depends how the plan looks at the end. We do not have to be in compliance with the after-hours arraignment portion until 2020. Mr. Maio asked is it likely that you would need someone on-call for the 530 part? Mr. Baker replied you will need additional staffing for that. Mr. Wheeler commented there will be more positions requested when you get to that point.

Mr. Reed stated one of the points that Judge Doran impressed was that defense counsel must be present currently at arraignments. Currently there has been quite a bit of pushback from the Office of Court Administration (OCA) to have defense counsel at arraignments. Mr. Baker stated we tried to create a piece meal plan and the State shot that down. They want it done their way.

Mr. Malter stated you are requesting \$9,100 for 2019. What is the projected cost for the remainder of this year? Mr. Baker replied it is roughly \$750 per month; so \$2,300 for 2018.

Mr. Potter asked where will the money for this come from? Mr. Wheeler replied under the *Administrative Code*, once the committee approves, the Commissioner of Finance and I have the authorization, if there is enough money in the Personal Services line overall for the county, to do this. If this committee and the Administration Committee approve, we can do that transfer. The other option is the Contingent Fund which would require a resolution. If you approve, we will budget the \$9,100 for 2019.

MOTION: APPROVING THE DISTRICT ATTORNEY'S REQUEST TO COMPENSATE SENIOR ASSISTANT DISTRICT ATTORNEY JAMES MILLER \$50.00 PER DAY FOR ON-CALL DUTY RELATIVE TO RAISE THE AGE FOR THE REMAINDER OF 2018, NOT TO EXCEED \$2,300 AND FOR 2019 NOT TO EXCEED \$9,100 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Public Defender

1. **Counsel at First Appearance/Centralized Off-Hour Arraignment Plan** – Mr. Sauro informed the committee that we put the Counsel at First Appearance/Centralized Off-Hour Arraignment Plan in front of the Magistrate's Association and they have approved it. There may be a wrinkle in this plan with regard to Judge Coddington, but flexibility was built into this as staffing changes. Judge Doran and OCA are insistent on at least getting the plan in place so when the funding comes and the Jail is ready, we can move ahead.

Mr. Mullen asked why didn't we get a chance to see this before it was sent out to everyone for approval? He feels we are behind the eight ball. What chance are we going to have for input and how far behind will we be if we do not approve? The last plan we saw was half the size of this and that was several months ago. Mr. Sauro replied what we are looking at here is Judge Pirro, who is in charge of the magistrates, and that is why it went to them first. We have not had approval of the plan from anyone else. This is being driven by Judges Doran and Pirro. Mr. Wheeler commented from our end, this is an OCA driven thing.

Mr. Mullen asked was this plan developed by OCA? Mr. Sauro replied they took the base format we had originally. A lot of this did come out after Judge Pirro spoke with all of the parties one on one. The practical piece is the funding component. He stated he has had a number of meetings and we need to enter into a contract with the State to get that funded. He has submitted the budget plan. Mr. Wheeler clarified this is for both Hurrell-Harring and counsel at arraignment. Mr. Sauro stated there are three pieces and this was part of the global funding that they need to take some sort of action. He does not see the funding coming in until next year.

Mr. Mullen stated he would like to see an analysis of the positions that will be added and costs. He understands this is covered by OCA, but this plan almost seems worse than if we added more Public Defender positions. When he read through it, it sounds like we will need extra space, extra Sheriff's deputies; basically extra positions that have anything to do with this. The problem I thought we were looking to fix adds costs from having counsel at arraignment. We are adding multiple layers. These are the questions I have with it. Mr. Sauro replied he cannot disagree. From the Public Defender's end, how do we solve it? We are adding staff. The issue here is we

tried to work this plan out in a number of different ways and the State requirement is that we be at every first arraignment. With a county of this size and the number of public defenders, he does not think that is tenable. If we need to have counsel at arraignment twenty-four hours a day; to have that many people on call and traveling, is certainly not ideal. At the very least this plan localizes things. It keeps the numbers down in terms of how many staff we need. The question is how to forecast that for other departments.

Mr. Baker stated we have had these meetings and the State wants to manage it and told us to create a plan. With input from the various departments, we had the State come back in and say they are not paying. Under this plan, we would have saved money and they said they were not paying. We ended up winnowing the plan back and the State then took the ball and said this is what they would pay for. We did not have a tremendous amount of input. This is being driven by OCA and has been a very frustrating process for us. This has put everyone in a very difficult position and has been inflicted upon us.

Mr. Sauro stated he had proposed to OCA to let us do a test run of counsel at first appearance at Hornell since we had a holding cell and they flat out said no. Either do it all or none. They said to do it their way if they are going to pay for it. Then Judge Pirro took the next step. Mr. Reed commented our input on this plan was extremely limited and this is the net result of those discussions. Mr. Mullen asked what is the issue with Judge Coddington? Mr. Baker explained he is part-time and we were asking him to do full-time work. It has thrown a wrench into this in terms of how this will work.

Mr. Potter commented when he went to a recent town board meeting, the town justice was upset as the town needed to put more money in the contract account for them for the expenses for travel to go to Bath for arraignments. He stated his understanding is that the magistrates will rotate and be on call one week per year and be paid a per diem rate of \$200 per hour by the State. Mr. Sauro replied the original plan was the city court judges would do the 5:30 p.m. slot and the magistrates would cover the remainder. Judge Pirro is advising that the magistrates can structure this how they want. It is anticipated that each judge, over the course of a year, would only be on call and in court for one session. Mr. Potter stated most of the magistrates are only part-time. Mr. Reed replied they all are part-time. Mr. Potter stated they have other jobs and have to sign up for a time that will be convenient for them. Mr. Reed stated the schedule will be determined by participation. It could be very fluid. Mr. Wheeler commented or it will be determined by the pressure they get from OCA. The rate per appearance will be \$125.00. If a judge sits for two session they will receive up to \$250.00.

Mr. Maio commented when it came to all the meetings taking place, he thinks it would have been a good idea to have one of the members of this committee appointed as part of that group. Why did we need to build another courtroom at the Jail when we have courts in the Village of Bath and the Bath Courthouse? Mr. Wheeler replied the State is not willing to consider any other option other than the Jail as a holding facility. Mr. Maio asked why do we need to do this? Mr. Wheeler replied a holding cell in this building presents issues as there is no segregation from the rest of the building. We do have building security provided by Securitas, but OCA will not pay to have a Deputy here. They also said no to the option of the Village of Bath.

Mr. Maio commented being arraigned at the Jail looks like the deck is already stacked against the defendant. He is not comfortable with that. What is the plan for Hornell City Court? Mr. Sauro stated Hornell is equipped to do counsel at first appearance as they have a holding cell. Mr. Baker replied the State will not allow them to do arraignments there even though they have the capacity to do them. They will have to be transported to Bath.

Mr. Maio stated his hope is that this is just the first step in the process to consolidate where to do arraignments and in being able to consolidate the number of tribunals we have in this county. Mr. Mullen stated he would like to see information on what this will do to the departments.

Mr. Maio asked is there a timetable on this? Mr. Wheeler replied if the State certifies the Jail as a holding facility, they will want the plan sooner and will have to attach the funding. Overall, for the Hurrell-Harring settlement, they have planned a five year evolution and you are seeing the first year plan. This is a component of that. Mr. Maio stated even if we approve this, it is still not funded and we can deal with it during the budget. Mr. Wheeler

stated we will not implement the plan until the State agrees to pay and the Jail becomes a holding facility. When OCA sees the costs and the logistical problems, this will become fluid. You have overall input approving the budget and staffing. You will be dealing with this constantly over the next five years. Mr. Maio asked are we approving the theory of the plan? Mr. Wheeler replied OCA wants to show that they have a plan in Steuben County.

Mr. Baker stated we do not have a plan and we are three or four steps behind other counties. Mr. Maio asked do you need a motion from us to approve this plan? Mr. Sauro replied yes. Mr. Wheeler stated if you want, you can wait until next month.

Mr. Mullen stated they should be on notice of exactly what our expectations are going to be with regard to staffing. We should have that staffing information and related costs before we approve the plan. Mr. Hauryski commented for every Legislator in here, he has come to the realization that Raise the Age and Indigent Defense will cost us money and OCA will tell you what it will be. You will have not a choice as they will tell you. You need to get off the dime and make a decision and get moving.

Sheriff Allard stated this plan is very similar to the plans in Livingston, Monroe and other counties within the 7th Judicial District. The opportunity to change it is very slim. They have cookie cutter plans that they are using in every county. Mr. Mullen asked what will these requirements mean for your department? Sheriff Allard replied if we get approved as a holding facility, they will come in and tell us what cells we can use and the costs to staff. The unseen cost is transportation. One of the questions is whether we will have to enter into agreements with police departments to bring individuals in. He is sure that the police departments will be looking for assistance from the County. The other side pertains to lockup as what will be different is that the individual cannot be visibly intoxicated, have mental health issues, etc. When they are remanded, we have to take them. Some police departments will have to take people to treatment before they can come to the Jail.

Mr. Baker stated what we are being told is we can have input in creating the plan, or they can just give us a plan. If we do not pick a plan by a predetermined date, they will tell us what to do. They are designing the plan for a county like Monroe, not us. Ms. Fitzpatrick asked if we identify those costs, is the State responsible for those, or us? Mr. Wheeler replied theoretically, they are. For the Public Defender, Assigned Counsel and Conflict Defender, the State is supposed to pick up those costs. We can show you the five-year plan and the State has not approved it yet. Mr. Reed commented the County needs to be able to establish a baseline before we go into this.

MOTION: APPROVING THE COUNSEL AT FIRST ARRAIGNMENT/CENTRALIZED OFF-HOUR ARRAIGNMENT PLAN AS PRESENTLY CONSTITUTED AND PRESENTED BY THE PUBLIC DEFENDER AND AUTHORIZING THE PUBLIC DEFENDER TO ACKNOWLEDGE SAID APPROVAL TO THE OFFICE OF COURT ADMINISTRATION MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. MOTION CARRIES 4-1. (MR. MULLEN OPPOSED)

Mr. Wheeler stated we will send the committee the draft five-year plan that encompasses this. Mr. Mullen commented we also need to be working on all of the added positions and costs. When he was looking over the plan, he thought a lot more costs should be added to the Sheriff. Mr. Wheeler stated those costs are unknown, and the costs for Raise the Age are yet to be determined.

Mrs. Ferratella commented at the NYSAC Conference they held a workshop about Raise the Age and talked about how 24 plans have been submitted to the State and none have been approved. Someone asked the question about how long it would take to get the reimbursement from the State and they committed to 30 days. Mrs. Crocker commented we were told to book quarterly and wait for the money.

C. Sheriff's Office

1. **Raise the Age** – Sheriff Allard stated he can put together what he anticipates to be additional costs and reimbursement, but it will just be an estimate until the Commission of Corrections comes in.

2. **Create Capital Project for Fencing** – Sheriff Allard stated he has funding in his Major Equipment line for fencing around the Jail. The initial estimate one year ago was \$26,300. We just rebid and it came in at \$39,975 due in large part to increases in the cost of materials. We still have money available in that line item. He requested authorization to create a capital project and budget for this project next year and have it done in early spring.

MOTION: AUTHORIZING THE COMMISSIONER OF FINANCE TO CREATE A CAPITAL PROJECT FOR THE FENCING OF THE JAIL AND TRANSFERRING \$26,300 FROM THE 2018 JAIL MAJOR EQUIPMENT INTO SAID CAPITAL PROJECT MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN FOR DISCUSSION. Resolution Required.

Mr. Mullen asked do you need to rebid this? Sheriff Allard replied no, we already bid and this price is good until March.

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

3. **Approve Second Phase of Water Line Project** – Sheriff Allard informed the committee that they have been working on replacing the water lines in the Jail as there has been significant erosion and failures. We are doing the project over the course of three years. He requested authorization to start the second phase of the project next year. The second phase will cost \$91,972.88 and they have money available in the capital project.

MOTION: AUTHORIZING THE SHERIFF TO PROCEED WITH THE SECOND PHASE OF THE WATER LINE PROJECT IN 2019 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Accept Legislative Initiative Grant - \$8,000** – Sheriff Allard requested authorization to accept a Legislative Initiative Grant in the amount of \$8,000 from Senator O'Mara. This funding will be used to purchase steel plate carriers for the Deputies.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT LEGISLATIVE INITIATIVE GRANT FUNDS IN THE AMOUNT OF \$8,000 FROM SENATOR O'MARA TO BE USED FOR THE PURCHASE OF STEEL PLATE CARRIERS MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **Accept Legislative Initiative Grant - \$15,000** – Sheriff Allard requested authorization to accept a Legislative Initiative Grant in the amount of \$15,000 from Senator O'Mara. This funding will be used to purchase a second License Plate Reader System.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT LEGISLATIVE INITIATIVE GRANT FUNDS IN THE AMOUNT OF \$15,000 FROM SENATOR O'MARA TO BE USED FOR THE PURCHASE OF A LICENSE PLATE READER SYSTEM MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****

Monday, November 5, 2018

9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS

NO LATER THAN NOON

Monday, October 29, 2018.

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, November 5, 2018

9:00 a.m.

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

****MINUTES****

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Cheryl Crocker Noel Terwilliger	Mitchell Alger Tim Marshall Andy Morse	Tina Goodwin Jennifer Prossick James Allard
LEGISLATORS:	Joseph J. Hauryski John V. Malter Gary D. Swackhamer	Carol A. Ferratella Robert V. Nichols Scott J. Van Etten	K. Michael Hanna Gary B. Roush
OTHERS:	Mary Perham		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE OCTOBER 1, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. Probation

1. **Contract Approval – STOP Violence Against Women Act Grant** – Mrs. Crocker requested approval to accept funding in the amount of \$3,400 from Law NY (DART). Ms. Fitzpatrick asked is this a contract for services? Mrs. Crocker replied we use these funds toward the salary for the Probation Supervisor of the domestic violence cases that are put on probation. Additionally we also have an officer that sits on the DART committee. Mr. Wheeler explained this is an approval of the grant with the ability to also sign the contract.

MOTION: AUTHORIZING THE PROBATION DIRECTOR TO ACCEPT \$3,400 IN FUNDING FROM THE STOP VIOLENCE AGAINST WOMEN ACT GRANT, AND AUTHORIZING A CONTRACT WITH LAW NY FOR THE USE OF THOSE FUNDS MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Emergency Management Office

1. **2014 SICG Grant Budget Adjustment** – Mr. Marshall stated they are working on the VHF radio for Fire service. He requested authorization to adjust the following line items within the Round 4 Interoperable Grant: decrease Capital Projects line by \$199,259; decrease the Software line by \$23,640; increase the Communications Consultant line by \$111,372 and increase the Major Equipment line by \$111,537, to cover the purchase of a new base station and consultant fees to help with this transition to VHF. Currently we are very limited on what we have for fire tactical channels and this project will help rectify that.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ADJUST THE FOLLOWING LINE ITEMS WITHIN THE ROUND 4 INTEROPERABLE GRANT: DECREASE THE CAPITAL PROJECTS LINE BY \$199,259; DECREASE THE SOFTWARE LINE BY \$23,640; INCREASE THE COMMUNICATIONS CONSULTANT LINE BY \$111,372 AND INCREASE THE MAJOR EQUIPMENT LINE BY \$111,537 MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Sheriff's Office

1. **Washing Machine Bid** – Sheriff Allard informed the committee they put out a bid for commercial washing machines and received two responses back from Statewide Machines (\$23,849) and Franklin Young International (\$19,159.61). He commented the low bidder, Franklin Young International, was non-responsive as there were several items on the bid that they did not answer. He recommended declaring Johnston Young non-responsive and awarding the bid to Statewide Machines. Ms. Prossick stated on the bid specs there were comparables, and Statewide Machines is comparable to the machines we currently have.

MOTION: DECLARING JOHNSTON YOUNG A NON-RESPONSIVE BIDDER AND AWARDING THE BID FOR WASHING MACHINES TO STATEWIDE MACHINES FOR \$23,849 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Milk Bid** – Sheriff Allard requested authorization to put out the bid for milk products. Our current bid expires at the end of the year. We typically spend about \$40,000 annually.

MOTION: AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A BID FOR MILK PRODUCTS MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Corning, Inc. Donation** - Sheriff Allard stated last year Corning, Inc. provided us with a donation to purchase a drug testing unit. Neither of the models we tested worked to our specifications. At the time of our request, we had put in for a narcotics tester and evidence collection equipment. Since we have been unable to find a tester that reliably tests, he would like to amend the minor equipment to include evidence collection equipment including drones and cameras. This equipment will work for the entire county. Sheriff Allard explained the plan is to have an evidence collection team within the county as a shared service. He requested authorization to amend the Major Equipment list by removing the Narcotics Tester and transferring the \$19,000 to Minor Equipment and \$1,500 to Trainings and Conferences.

Mr. Van Etten asked is there anything out there that is capable of doing the drug testing you require? Sheriff Allard replied the City of Corning spent \$40,000 on a tester that is allegedly capable.

Mr. Mullen asked with regard to evidence collection, what is done now and how is it going to change? Sheriff Allard replied we are doing the best we can with what we have. We have one drone and fingerprinting capabilities. Part of increasing our ability to do forensic collection of evidence is we get more professional results at trial and during investigation. This is also part of bringing our agency forward into this century. We will be able to process a scene in a more efficient way. Now, we would be able to bring in the evidence team and the investigator would interview and everyone would work together in a more efficient and professional manner.

Mr. Mullen commented he has no problem with purchasing the equipment, but he is not comfortable with expanding the number of staff. He would like some feedback on that. Sheriff Allard explained one of our responsibilities is to assist local police agencies. Part of that is to bring to bear things they cannot do on their own; one of those being evidence collection. There will be more hands on deck to collect fully and do a better job of processing. We want to make sure we are doing best practices. Mr. Mullen asked are you increasing equipment or people? Sheriff Allard replied both, but we are not adding additional staff. We are certifying more officers to be able to process evidence. Mr. Mullen asked are there any evidence technicians throughout the

County? Sheriff Allard replied he does not know that Corning PD has any, but Bath PD has one and we have three.

Ms. Fitzpatrick asked are you training more people that we already have? Sheriff Allard replied yes. Mr. Van Etten asked so you are only training current staff? Sheriff Allard replied that is correct.

Mr. Wheeler asked how many additional drones are you asking for under this? Sheriff Allard replied he is requesting 5 small drones. We have four certified as pilots and the rest of the evidence technicians would be certified.

Mr. Malter asked what is the County dollar threshold between minor and major equipment? Mr. Wheeler replied minor equipment is up to \$3,500. Mr. Malter asked is there any equipment in this that is more than \$3,500? Sheriff Allard replied all of the equipment he is requesting is less than \$3,500. Mr. Wheeler stated even though this is going to minor equipment, the Sheriff still needs to come to committee. The equipment is done on a per item cost.

MOTION: AUTHORIZING THE SHERIFF TO AMEND THE MAJOR EQUIPMENT LIST TO REMOVE THE NARCOTICS TESTER AND TRANSFERRING \$20,500 FROM MAJOR EQUIPMENT AND APPROPRIATING \$19,000 TO MINOR EQUIPMENT AND \$1,500 TO TRAININGS AND CONFERENCES MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **2019 Crackdown Grant** - Sheriff Allard requested authorization to accept the 2019 Crackdown Grant in the amount of \$12,300. This provides enhanced STOP DWI enforcement specific to holidays and one of the requirements is that we have to partner with another agency.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE 2019 CRACKDOWN GRANT IN THE AMOUNT OF \$12,300 MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **DART Agreement** – Sheriff Allard requested authorization to accept \$2,500 in DART funding and enter into a contract with Law NY. This is used to pay for any overtime should we have any.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT \$2,500 IN FUNDING FROM THE STOP VIOLENCE AGAINST WOMEN ACT GRANT, AND AUTHORIZING A CONTRACT WITH LAW NY FOR THE USE OF THOSE FUNDS MADE BY MR. POTTER. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

6. **Contingent Fund Transfer** – Sheriff Allard requested a Contingent Fund transfer in the amount of \$90,000 to cover expenses related to vehicle operation and maintenance and medical services through the end of the year. He explained we are anticipating an additional \$58,000 in medical services. This is something we are unable to accurately predict from year to year. He also requested \$32,000 for the vehicle operation and maintenance. We have an aging fleet and have had several large dollar issues. We are currently talking with Enterprise to get information on a fleet lease program to analyze whether that would save us money.

Mr. Maio asked what is the average age of your fleet? Sheriff Allard replied three to four years for the road patrol and CIU vehicles. We try to maintain them and that is a priority. Mr. Maio asked how many miles on average are on the vehicles? Sheriff Allard replied 180,000 – 200,000 miles before we put them in the spare category. Mr. Maio commented it sounds like we need to do some kind of analysis.

Sheriff Allard stated we rely upon Public Works to do the maintenance. We were spending significantly more with outside repair work. Mr. Mullen asked how are the Public Works prices established? Sheriff Allard replied

every part we get is on State bid and Public Works charges us back an hourly rate. Mr. Wheeler commented the real cost is for the parts.

Ms. Fitzpatrick asked what is the size of your fleet and would the lease consider a shorter timeframe? Sheriff Allard replied with a lease, they want the vehicles back before they get 100,000 miles so that they can resell them. A couple of counties do use fleet management. The idea is to primarily manage the mileage. Within three years the vehicles should be under 100,000 miles.

Mr. Mullen stated he would like to know how this will look long-term. A lot of municipalities did a lease with loaders and it did not work well. Mr. Wheeler stated Enterprise is working out pretty well with our motor pool. Now they are expanding into public safety vehicles. We need to have a little experience from other counties with this.

Sheriff Allard stated the total number of vehicles we have is 60 and 24 of them are just road patrol. Mr. Ryan asked other than the light bars, what is the cost for a new vehicle? Sheriff Allard replied we typically try to stay with the same type of vehicles. If everything is new, including the cage, radio, lights, console, in-car camera, MDT and decals, the cost is maybe about \$15,000.

Mr. Mullen asked is there any other area of your budget that you could take this from? Sheriff Allard replied no. We have scrimped and saved to get this far without any additional money.

Mr. Potter asked with your new vehicle requests for next year, does that include vehicles for the two additional deputies that are being added? Sheriff Allard replied no. The idea with the new Deputies is that sometimes they may be in a marked vehicle and other times they will be in an unmarked. Mr. Wheeler commented the draft 2019 budget shows one extra vehicle.

Mr. Potter commented it seems like the County should have a replacement plan built into the budget. Mr. Wheeler replied we do. It changes every year based on the requests. Usually we do four replacement out of the 24 road patrol vehicles. Mr. Swackhamer asked are there any forfeiture monies that could be used to help replace vehicles? Sheriff Allard replied no. The only forfeiture monies we have received are being used as cash for more buys for confidential informants. Mr. Swackhamer asked where is that money going? Sheriff Allard replied he doesn't know; that is a question for the District Attorney.

Mr. Malter asked when you house prisoners, how is that rate determined? Sheriff Allard replied we have a contract with the feds and one with the counties. We negotiate with the counties on the amount. The federal reimbursement rate is a little higher based on what other counties are getting.

Mr. Mullen asked if the washing machines come in lower, would you have any problem including that toward this? Sheriff Allard replied no, as long as we have enough money for installation.

MOTION: AUTHORIZING A CONTINGENT FUND TRANSFER OF \$90,000 TO THE SHERIFF'S OFFICE 2018 BUDGET TO COVER YEAR-END EXPENSES RELATED TO THE OPERATION AND MAINTENANCE OF VEHICLES AND MEDICAL SERVICES MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

IV. OTHER BUSINESS

A. *Raise the Age* – Mr. Van Etten asked has there been any update on the possible use of Camp Monterey as a detention facility? Mr. Wheeler replied we toured the facility with the representatives from Office of Children & Family Services, Department of Criminal Justice Services, and the Commission of Corrections. They all committed that they believe there is a need for a secure detention facility in our region. Most likely a facility with 25 beds and they are saying they are committed to seeing that through.

Mr. Wheeler stated the tour of Camp Monterey was interesting. The newer buildings have mold issues. The older buildings were in pretty good shape, however, they do have their own wastewater treatment system and there were concerns about the long-term maintenance of that. The eleven counties were asked to provide a list of any county-owned lands that are greater than 10 acres to be considered as a potential site for a new build. Since the tour, we have had subsequent talks. Under contract you have John Treahy and SWBR is providing a high-level cost of renovation at Monterey versus the costs for a new build. The old school in Belmont is still on the table, but he does not believe that it will be feasible. The State did say there was a need for a facility here.

Mr. Hauryski asked is the County farm in the mix? Mr. Wheeler replied yes. Monroe County is expanding their facility and the State is expanding two facilities for 16-17 year olds. If we do this under an LDC, a new build may be subject to WICKS Law and prevailing wages, and we are waiting for work from the state on that.

B. Proposal Re: Firearms being Taken Away for Certain Crimes Against Relatives – Mr. Mullen stated the District Attorney recently made a presentation to the Legislature regarding the proposed legislation allowing firearms to be taken away for certain crimes that have been committed against relatives. He stated that he looked at the language in the law and there is a lot of discretion on whether the DA has to refer and he would like Mr. Baker to provide more information at the December PS&C Committee meeting. Mr. Terwilliger commented the District Attorney is leaning more toward the cautionary side.

C. Counsel at Arraignment – Mr. Wheeler stated last month we had put a resolution on the agenda, and then subsequently pulled it, regarding the plan the PS&C Committee had approved. We have had conversations with the State and the two cities. Judge Pero came and met with the cities and the courts and had a good discussion. In her view, this is driven by Albany. She will go back to Albany to see what is possible. We will keep you posted. It might be back to the two cities doing arraignments and Bath for the central part. He commented that the bill that had been presented to turn the Jail into a certified holding facility has been sent to the Governor, however, no signature as of yet.

MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****

Monday, December 3, 2018

9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS

NO LATER THAN NOON

Monday, November 26, 2018.

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, December 3, 2018

9:00 a.m.

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

****MINUTES****

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Dave Hopkins Tina Goodwin John McNelis Matthew Whitmore Brooks Baker	Mitchell Alger Brenda Aston Andy Morse Sgt. Shawn Shutt and Daimon Sgt. Brandon Scott Shawn Sauro	Tim Marshall Cheryl Crocker James Allard Cpt. Christopher Hand Jennifer Prossick Brenda Mori
LEGISLATORS:	Joseph J. Hauryski K. Michael Hanna Gary D. Swackhamer	Carol A. Ferratella John V. Malter Scott J. Van Etten	Hilda T. Lando Robert V. Nichols
OTHERS:	Mark Ryckman, Corning City Manager Chief Jeff Spaulding, Corning City Police Department John Buckley, Hornell City Mayor Chief Ted Murray, Hornell City Police Department Judge Craig Doran, Administrative Judge, 7 th Judicial District, NYS Court System Judge Shannon Pero, 7 th Judicial District, NYS Court System Judge Amy Monachino, 7 th Judicial District, NYS Court System Chief Paul Griffith, Alfred Village Police Department		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE NOVEMBER 5, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Sheriff's Office

1. **Commendations** – Sheriff Allard asked Captain Christopher Hand to come forward. Captain Hand is retiring with 30 years of service. He presented him with a certificate and the Career Achievement Medal in recognition of his retirement. Captain Hand commented he has enjoyed 99 percent of his time with the County. In his opinion we have the best Jail and Sheriff's Office in New York State.

Sheriff Allard asked Sgt. Shawn Shutt and Daimon to come forward. He also introduced Chief Griffith from the Alfred Village Police Department. On November 14, 2018, an armed robbery took place in the Town of Alfred and the suspect then drove into Steuben County and ended up in Westfield, PA. Sgt. Shutt and Daimon were brought in to assist with locating the suspect. He presented Sgt. Shutt and Daimon with a certificate of commendation for their leadership, professionalism, integrity and service.

Sheriff Allard asked Sgt. Brandon Scott to come forward. Sgt. Scott also assisted with the November 14, 2018 armed robbery that took place in the Town of Alfred and the suspect consequently drove into Steuben County and ended up in Westfield, PA. He was coming off his shift, heard the call and promptly responded and assisted with locating the suspect's vehicle. Sheriff Allard presented Sgt. Scott with a certificate of commendation for his leadership, professionalism, integrity and service.

2. **Acceptance of Uniform Bid** – Sheriff Allard stated they received bids from Bob Barker, Gall's, Ranger Outfitters and United Uniform. He recommended awarding to all bidders on a line item basis.

MOTION: AWARDING THE UNIFORM BID TO THE FOLLOWING BIDDERS ON A LINE ITEM BASIS: BOB BARKER, GALL'S, RANGER OUTFITTERS AND UNITED UNIFORM MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Emergency Management Office

1. **Burn Building Bid** – Mr. Marshall reported the bids they received for the burn building came in high. He is recommending that they reject all bids and put out a bid next spring. Mr. Maio asked what was the budget for the burn building? Mr. Wheeler stated we had budgeted approximately \$100,000. Ms. Fitzpatrick asked what will you be doing to the building? Mr. Marshall explained we would bring in cargo containers and do controlled burns within them. We can attach those containers directly to the building.

MOTION: REJECTING THE BURN BUILDING BIDS AND AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, IN CONJUNCTION WITH THE PURCHASING DIRECTOR TO BID THIS AGAIN IN THE SPRING MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Approval to Bid for HVAC Units for the Tower Sites** – Mr. Marshall requested authorization to put out a bid for HVAC units for the tower sites.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT BIDS FOR HVAC UNITS FOR THE TOWER SITES MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. 911

1. **Code Red Renewal** – Mrs. Goodwin requested authorization to renew their contract for Code Red. We have been with them since 2008 and they have done well. The price of \$21,656.25 for the year is the same as last year and we do have money available in our budget.

MOTION: AUTHORIZING THE 911 DIRECTOR TO RENEW THE CONTRACT FOR CODE RED FOR AN ANNUAL RATE OF \$21,656.25 MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **UPS Maintenance Renewal** – Mrs. Goodwin stated they need to renew the maintenance of the UPS System for the 911 building. The contract we did last year was non-renewable. We worked with Mr. Morse and had to solicit informal quotes. She recommended contracting with D.C. Group for \$3,000 annually.

Mr. Mullen commented on the Gruber Power Services attachment, it states they will service past end of life. Would that save us money in the future to keep them? Mrs. Goodwin explained there is end of life and end of serviceable life. Companies will stop making parts after a certain point. Then they charge time and materials. The UPS is our power support and bridge between municipal power and our general 911 equipment including telephones and CAD.

Mr. Wheeler commented it is a calculation of the equipment and how it can be serviced. Mrs. Goodwin stated Mr. Marshall is looking at possible replacement of the UPS using grant funding in the future.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO CONTRACT WITH THE D.C. GROUP FOR THE MAINTENANCE OF THE UPS FOR AN ANNUAL COST OF \$3,000 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Regional Phones Solution Discussion** – Mrs. Goodwin informed the committee that Steuben, Schuyler and Chemung are part of a phone solution contract that is expiring in 2019. We also all participate in the five-county fiber ring. We are getting together to start to look at a regional phone solution, including getting numbers from vendors and also looking at whether we want to do this ourselves or regionally. This will be a cooperative effort.

Mr. Wheeler explained Mrs. Goodwin has done a good write-up and will send that out this week for discussion at next month's meeting. We would be leveraging the over \$2 million investment in the fiber. This could decrease the costs for infrastructure. He noted this is not without risk, however, there is good potential with this. These are the types of things we had envisioned when we did the fiber project; being able to cut our costs for infrastructure.

D. County Manager

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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

Mr. Mullen stated that he would like Mr. Baker and Mr. Sauro to review the Counsel at Arraignment Plan (CAP) and our options.

Mr. Baker stated the current plan is with the cities opting out. The cities have said that the CAP with the cities is untenable as that would leave their jurisdictions unprotected. With the cities opting out, there would be arraignments each morning and late afternoon in Hornell, Corning and the central arraignment part at the Jail. For any individuals outside of the two cities, they would be transported to Bath and the arraignment would happen here. The costs for the magistrates are covered by the Office of Court Administration (OCA). The cities would create two, 2 – 2 ½ hour blocks that would mirror Bath and we would have to have staff at all three locations. Staff would be on-call twice per day, 24 hours per day, 365 days per year. Mr. Baker stated he has looked specifically at his office, and he would need four additional full-time attorneys as well as additional per diem funds. They essentially would be staffing six locations per day.

Mr. Sauro stated his numbers are slightly different and he would need more attorneys. For the public defenders, we have to have time to consult with the clients and to make joint decisions. His figures are five additional full-time attorneys and additional per diem funds. That would bring the total number of attorneys between our two offices, to nine.

Mr. Mullen stated he thinks it would be worthwhile to address why we are looking at the CAP. The other option is running the Public Defender and District Attorney all over the County. How many attorneys would be required for that option? Mr. Baker replied there are 42 courts with 48 judges. Most of the courts are in session a couple of hours per week, or a couple of hours per month. You would be staffing continuously to cover 24/7 and we would be looking at adding 10 - 15 attorneys.

Mr. Sauro stated we have anticipated that CAP part and the cities of Hornell and Corning all running their arraignments at the same time of day. Mr. Baker stated the times will be pretty close as arraignments have to be held within 12 hours of arrest.

Mr. Maio stated so you would have someone in three locations at the same time, plus if court is in the morning, then you have to deal with courts running in Bath as well as the local courts having court. Mr. Baker stated that is correct. Mr. Sauro stated the issue with the timing structure for CAP for Bath is because if you spread the times apart any further, then you are looking at shift work.

Mr. Maio asked if the cities participate in the CAP, how would that lower your needs? Mr. Baker replied now there is a factor of three. If the cities participate, then he is looking at one attorney and Mr. Sauro would be looking at 1 ½.

Mr. Maio stated earlier we heard the concerns of the Mayor Buckley regarding staffing. Have you heard anything from the other police departments? Mr. Baker replied the other police departments do not have that option as they do not have holding facilities. The other local police departments would have to transport to Bath anyway.

Mr. Maio stated Corning has a certified holding facility. Mr. Baker replied yes and they are ready to go. We could go with the three location model if they wanted to.

Mr. Mullen stated so the District Attorney would need 1 ½ attorneys and the Public Defender would need 2 ½ attorneys if we went to a one CAP court. Mr. Sauro explained ideally that is where he would like to be. In terms of getting this done by January, we could get by with 1 ½ attorneys. That is the bare minimum. Mr. Baker stated if we are going to add nine attorneys, they will be arraignment attorneys only. They will not be handling much of anything else and will not be helping to reduce our workload. This will be a huge expense and it will be difficult to find nine attorneys.

Mr. Maio asked what about using part-time attorneys? Mr. Baker replied if they are part-time, we would need double the number of people. We will not be able to ask a part-time attorney to work holidays, nights and weekends. We also don't have the staff to hire part-time attorneys.

Mrs. Lando commented other counties are currently doing this. Have we talked to them to find out how it is working for them? Mr. Wheeler replied we can contact them, but we are different as we are a larger county. Mr. Baker commented Schuyler County has a part-time attorney handling their arraignments, however, they also have the capacity to add a stipend.

Mrs. Lando stated earlier we heard from Mayor Buckley and she would like to hear from Mr. Ryckman why the City of Corning wants to opt out. Mr. Mullen replied that he would first like Mr. Baker to continue to explain the other options.

Mr. Baker stated at one of our stakeholder meetings, concern was expressed about public safety and that there would be two uncovered communities if they cities had to transport to and from Bath. Our Plan B would be to hire more police officers. We talked with the Sheriff and deputies are cheaper than attorneys and they also add value. If we hire five deputies, we would hire two of those under Raise the Age. You would be left with three deputies and we could assign one deputy full-time to each of the Hornell and Corning zones to be able to be on call and if a transport were needed, they could do that. So, we would be looking at hiring 1 ½ attorneys for my department, 2 ½ attorneys for the Public Defender and three deputies. When the deputies are not doing transport, they are still patrolling and helping the community by increasing public safety.

Mr. Van Etten commented he likes this option better because of the problem with the County taking on \$700,000 - \$800,000 additional cost, but also because it provides the cities with police coverage. Is there any guess on whether this would be approved as it goes through the system? Judge Pero replied we cannot guarantee, but she believes this plan would be acceptable.

Mr. Mullen asked what about the logistics of this. If we have this are each of the arraignment parts 3 hours? Mr. Sauro replied the arraignment parts would be 2 ½ hours. Mr. Mullen asked if we had a deputy stationed in Hornell or Corning and they worked their way to Corning and back to Bath, could we cut down on the number of deputies needed? Mr. Wheeler replied that would be true if they were only covering 2 ½ hours in the am and pm. The Jail has been approved as a holding facility. If someone is arrested, then they are bringing them to the Jail until the am arraignment. We are transporting 24/7.

Mr. Maio asked what happens if someone is arrested at 6am in the City of Corning and court will be held at 8:30 a.m.? Sheriff Allard replied if that is a day when the Public Defender and the District Attorney are scheduled to be at court at 9:00 a.m., the city may elect to hold them. Mr. Maio asked how long can someone sit in holding before they are transported to Bath for arraignment? If they are arrested in Painted Post, how much time needs to pass before they are transported? Sheriff Allard replied no individual can be held longer than twelve hours without being arraigned. The law is that you can hold individuals for up to 48 hours if you have a certified holding agency, however, the agency would need to make that decision. Mr. Maio asked is it possible that not everyone would go to the CAP part as their court may happen to have a session? Mr. Baker replied that is correct. We are talking about after-hours arraignment.

Mr. Mullen stated he does not understand why you need to have an immediate pickup. Sheriff Allard explained if you are holding an individual during mealtime, you have to offer food. Another example is if you arrest a female, you have to have a female officer on the unit. This presents significantly increased challenges as well as overtime. If someone is not certified to observe a holding cell, then you would have to call someone in to do that. He stated he understands the challenges of lockup and the challenges of running a jail. The challenge is how do we comply with the constitutional requirements. With regard to staffing, the deputies are already maxed out on what they are doing. If we add this responsibility, we will need to add staff.

Mr. Baker stated there are three arraignment pieces. We are talking about a “Plan B” which is not having the cities opt out and goes back to having centralized arraignments. Arraignments would be held for 2 ½ hours twice a day and would be staffed with someone from the District Attorney’s Office and Public Defender’s Office. If Hornell or Corning picks someone up, the Sheriff will go and do the transport and bring them to Bath. That is what would happen under this “Plan B”. This would require the addition of 3 attorneys total and 3 deputies.

Mr. Van Etten asked who are the judges doing the arraignments? Mr. Baker replied it will cycle and the judges will do a calendar and schedule. Bringing the city court judges into the mix will reduce that.

Mr. Maio stated currently, if he is arrested in the City of Corning, his judge has to be an attorney. If the cities opt into this plan, now a resident of the city would be arraigned by someone who is not an attorney judge. Judge Doran stated he is unaware of any precedent that says you have a constitutional right to an attorney judge. Mr. Maio stated the State of New York says that. Judge Doran stated he is unaware of a precedent that says you have a right to an attorney judge based on where you live. We are doing this in Ontario County and it depends on how it is rotating through the CAP. There is a Court of Appeals case that says you are not entitled to have an attorney judge and that would be a binding case. Mr. Baker commented as it currently stands, if the city judge cannot appear, then the individual is taken to a town judge for arraignment. The case will go back to the City of Corning. We already do this on felony cases.

Mr. Doran commented the question has been vetted and answered. There are some very specific areas of law that talk about who can sit within the boundaries of the city. We do not have a CAP part in this district that runs within the geographic boundary of a city. There were chapter amendments.

Mrs. Lando asked the “Plan B” would require 3 full time attorneys? Mr. Baker replied approximately. Mr. Wheeler stated we budgeted for an attorney and clerical position for the Public Defender and an attorney for the District Attorney. Your actual incremental add is closer to 1 – 1 ½ positions.

Mr. Sauro commented he will be continually requesting to add on attorneys as we have the quality improvement and caseload cap requirements to meet and ILS will assist with funding. This will not be the end of the attorney ask. As we add folks, we will be able to use for the CAP as the need arises.

Mr. Mullen asked talking specifically about counsel at arraignment, will you need additional attorneys? Mr. Baker replied we have looked hard at our numbers and it will take what we have presented, assuming that we are covering five hours per day. That should not change. Mr. Swackhamer asked will there be additional staff other than attorneys? Mr. Baker replied similar to the Public Defender, he will also need a clerical position.

Mrs. Lando stated it will cost money to realign the Jail and where will we put the new staff? Sheriff Allard replied in the Jail we will use the booking facility. We are using the Livingston County model where they use their booking facility as a temporary holding facility. Being a temporary holding facility may increase our staffing needs at the Jail, but we will need to assess if we can handle that with the current staff. Sheriff Allard stated the five new deputies will be on the road and doing transports. We will need new vehicles for each of them.

Mr. Mullen asked the Sheriff to explain the process. Will two deputies be doing each pickup? Sheriff Allard replied only one deputy will be required on a transport unless it is a high risk individual or a member of the opposite sex. Mr. Van Etten asked if the New York State Police make an arrest, will they transport to the Jail? Sheriff Allard replied yes. The second part of the "Plan B" that we talked about was reimbursement with the cities. We would do a chargeback for the time deputies spend doing transports and mileage. He stated that Chief Spaulding estimated that they do 200 transports a year that would equate to about \$16,000 - \$20,000 in reimbursement.

Judge Doran stated he wanted to thank the committee for giving your attention to this. The Governor signed the legislation allowing the Sheriff to hold these individuals and we could not do any of this until that happened. That also contributed to the momentum for getting this in place. With the Sheriff, District Attorney, Public Defender and Assigned Counsel, this is how these things are supposed to happen. The way this plan is coming together and being discussed is how it is supposed to happen and you should be very proud. Judge Doran provided his cell number to the committee and asked if anyone had any further questions to please contact him. He appreciates the respect you have shown to us and we hold the same for you.

Mr. Nichols asked where will the additional attorneys be located? Mr. Wheeler replied we built in the increase for staff when we did the space study, however, we cannot accommodate nine additional attorneys.

Mr. Potter commented his understanding is that the local judges who are covering the arraignments will be reimbursed \$100 per day. Mr. Baker stated they will be reimbursed \$150.00 per session or two-hour block. Mr. Sauro stated if they are not called in, they do not get paid and that reimbursement is a State cost. Mr. Baker stated there will be zero additional cost for the local municipalities for the judge cost as the Office of Court Administration will be covering that. Mr. Potter asked does that include mileage? Mr. Baker stated he thinks they just get a flat rate.

Mr. Mullen stated as a point of order, we are running late and he would like to give the cities the option to speak.

Mr. Ryckman stated as Corning City Manager, we have put our issues on the table and they have been fairly well vetted this morning. In summary, counsel at arraignment needs to happen and the County cannot possibly afford to hire all those attorneys. Likewise, we are in the same boat. We only have two officers and a civilian dispatcher on duty per shift in the city. To take an officer off the road to transport to Bath and return just is not practical for us. Prior to me, we had 33 officers on the force, and now we have 21 officers. We just do not have the staffing to handle transports. The Sheriff came up with a practical solution that benefits both parties. There is a cost to do this, but we have talked about reimbursing the County on a per transport basis. This is the most practical way to accommodate that issue. The numbers would be received on a quarterly or semi-annual basis and we would likely have the expense deducted from our sales tax. The County would keep a running total and then true it up. Mr.

Ryckman stated he understands the costs involved and we all need to share in that. He has not talked to the City Council yet, but he is sure that they will understand this. He would like to say that Judge Doran is being very flexible. If we do not solve this locally, then it will be imposed upon us. He would like to say we have always had a good relationship with the County with the sales tax and the Land Bank, and he would like to continue that and he applauds all you have done for the cities over the years. This will be a huge lift on the County's part and he appreciates the committee's consideration of the Sheriff's proposal. If you approve, we would look to negotiate an inter-municipal agreement and we could revisit it after a period of time to make sure everything is working the way we want it to.

Mr. Maio asked if the Sheriff does the transports, you would opt in? Mr. Ryckman replied yes, that would be the decision of the City Council. The Council is aware of the CAP requirement and knows that we would be talking with the committee. He will contact the council within the next few days to bring them up to speed. He would ask the County to come down and provide a similar presentation to the Council.

Mr. Wheeler stated the process would be a letter of authorization on the Legislature's behalf. The CAP is the County's. In terms of approving the CAP, we do not require any action from the cities. If the cities said no, our CAP still gets submitted, so the cities do not need to formally take any action, but we obviously want their feedback and buy-in.

Mr. Van Etten commented to him, this seems like the best option and it can actually be implemented. However, what is the downside of doing this? Mr. Wheeler replied the financial impact. This "Plan B" is better than the other options. The downside is that you could be overstaffed, but you are providing more public safety. Mr. Van Etten stated the \$500,000 for five deputies and equipment, to him is the first year cost. There will also be a reduction in that going forward. Mr. Wheeler stated that is correct. It is likely that we will have to pay for the first year costs out of the Contingent Fund. Mr. Sauro commented the other benefit is you are improving the quality of Public Defender services. By consolidating arraignments at one location, it is more efficient as my attorneys will be spending their time litigating rather than driving.

Mayor Buckley stated he thinks it is a practical solution that the Sheriff came up with. We cannot afford to take our police out of the city and be a taxi service. This is something that both cities can get on board with. He still needs to go through City Council, but thinks this is the path forward.

Chief Murray of the Hornell City Police Department explained how they currently handle this in the city. We have a holding facility and we hold until a judge is available, then the Sheriff does the transport post-arraignment. We have the capacity to hold individuals until a particular time. We could also hold for the Sheriff to come and pick up. The Sheriff does the post-arraignment transport and under this new plan, that will no longer be needed and the cost to the Sheriff will be marginal.

Mr. Mullen asked will we need a special meeting to continue discussion on this? Mr. Wheeler replied you have a few options. If you are prepared and like the option presented to you, you could approve it today. If not, then we could hold a special meeting prior to the December 17th Legislative meeting. Mr. Mullen commented his preference is to move forward with the planning for this option, but he would like more information on why we need this, as well as the Sheriff's numbers on the anticipated revenue. He also would like the mechanics of how that reimbursement would work and hash out the agreements with the cities. This will give the cities a chance to talk before we give our final approval.

Secretary's Note: A Special Public Safety & Corrections Committee meeting will be scheduled for Monday, December 17, 2018, at 9:00 a.m.

MOTION: TO ADJOURN MADE BY MR. POTTER. 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, January 7, 2019
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, December 31, 2018.**

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, December 17, 2018

9:20 a.m.

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

****MINUTES****

COMMITTEE:	Aaron I. Mullen, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler James Allard Brooks Baker Jennifer Prossick	Mitchell Alger Noel Terwilliger Tammy Hurd-Harvey Alan Reed	Brenda Aston Pat Donnelly Shawn Sauro
LEGISLATORS:	Joseph J. Hauryski Hilda T. Lando Robert V. Nichols Scott Van Etten	Carol A. Ferratella Robin K. Lattimer Gary B. Roush Randolph J. Weaver	K. Michael Hanna John V. Malter Gary D. Swackhamer
OTHERS:	James Post, <i>The Leader</i>		

I. CALL TO ORDER

Mr. Mullen called the meeting to order at 9:20 a.m. and asked Mr. Maio to lead the Pledge of Allegiance.

II. GENERAL BUSINESS

A. **Counsel at Arraignment Plan** – Mr. Mullen stated the committee has received the letter from the Sheriff. Did anyone prefer an option other than the “Plan B” version of transportation? He asked how do we want that to function? The first part of the letter talks about the Sheriff’s current process and he does not understand that very well. After an individual goes to the judge, they are remanded to Jail or released. If they are remanded, our Corrections Officers take them to Jail. Is that a place where we could save time or another similar process?

Sheriff Allard explained on two mornings, or three days per week, there will still be a Public Defender in city court, so they can still do immediate arraignments, and in those cases, our staff transports them up here. Many times that will correspond to our runs. Our process should be fairly stable. It will depend on the Jail population and the number of preliminary hearings. We do expect an uptick in preliminary hearings. There are a lot of moving parts that we cannot predict yet.

Mr. Reed stated the preliminary hearings would be on felony cases which go back out to the court of jurisdiction. Attorneys at CAP are required to have preliminary hearings scheduled at the court of jurisdiction. Mr. Potter asked so this is not new? Mr. Baker replied to a certain extent it is. Now we are waiving or reserving. Now, the CAP court judge will not be able to waive or reserve; all cases will be set for a hearing. Mr. Maio asked CAP does not have jurisdiction? Mr. Baker replied they are not supposed to. His understanding is that the Public Defender will not be able to waive or reserve. From what he heard Judge Doran say, the judges are not waiving or reserving; they are only scheduling. Mr. Sauro commented we do not want to establish at that time, an attorney-client relationship.

Mr. Potter stated the cities of Hornell and Corning have holding facilities. Why do we need three shifts of deputies, 24 hours per day to transport? Could the cities hold people and then have them transported in the morning or afternoon? Sheriff Allard replied that is a decision on their part. The issue is if you hold a person in lockup during mealtime, you

have to provide them with food. If they have a specific need; mental, physical, etc., you have to take them for treatment. The idea of the Jail as a holding facility is that we are holding for all. For example, he could foresee that we would hold someone all night and the cities could call and we only would have one deputy that is scheduled to do transports for two ends of the County. Sheriff Allard stated if there is a female in custody, you have to have a female officer in the building working. You have to have someone in the building at all times who is able to respond if there is a problem.

Mr. Reed stated another issue is what Judge Doran stated about the city courts, and that they are not to have arraignments without counsel present. It would then fall upon the County to provide counsel to go out at all hours to do that.

Mr. Potter stated you are talking about a \$500,000 proposal and he does not think the cities are willing to come up with \$250,000 each. Mr. Mullen stated the cost is for the entire County, however, he thinks that Mr. Potter's point is well taken on the scheduling times. What would be the cost share of this?

Sheriff Allard replied it would be a cost per hour reimbursement with mileage and a fiscal cap for the year. Mr. Wheeler commented the cities were comfortable with the cap being higher. The proposed reimbursement would cover one-half to three-quarters of the cost of one deputy.

Mr. Potter stated his understanding in other jurisdictions is that the arresting officer is responsible for transporting them. The cities don't want the cost to do that. This plan is to accommodate that. Sheriff Allard commented the Village of Bath is also interested. The County has three 24-hour police departments in the County; Corning, Hornell and Bath. All of the rest of the departments are not 24-hour and they have mandatory minimum staffing.

Ms. Fitzpatrick stated this is mandated and someone will incur the cost and Corning and Hornell are looking to us to incur it. Mr. Mullen stated he thinks this plan brings cost savings to everyone. The other option was providing numerous attorneys across the County. He thinks we should be focusing on what is the most efficient form of this plan.

Mr. Maio commented however we decide to implement the plan, there will be fine-tuning as we get into things. Mr. Mullen stated there was some mention of transporting youthful offenders to Albany. Does this plan cover the ability to do that as well? Sheriff Allard replied yes. We are assessing transport needs and Raise the Age and these deputies will be tasked with that as much as we can. Mr. Wheeler stated under Raise the Age, we plan to submit one deputy and overtime transport for \$40,000. We will see what they approve. There is a need for law enforcement transport.

Mr. Malter asked when you hire a Deputy, how long does it take to train them? Sheriff Allard replied it depends on the level of deputy. The last seven position he filled had been trained. They had six weeks of field training and then went to full duty. When that happens, it saves us about \$70,000.

Mr. Maio asked is there any sense as to how much time is involved in transporting as opposed to something else? Sheriff Allard stated the best estimate from the cities is around 300 – 350 transports per year. Mr. Maio commented so that is less than one transport per day. Would the worst case scenario for the rest of the County be about that many? Sheriff Allard replied it is difficult to get a number. Mr. Maio stated on average you would be looking at two transports per day. Sheriff Allard stated transports will be determined by the shift supervisor. There will not be one person doing transports. We will try to make it make sense. Mr. Maio asked can anyone on the road do a transport? Sheriff Allard replied yes. Mr. Maio commented from the farthest reaches of the County, it will take about three hours for a transport if everything goes smoothly. Mr. Potter commented often times, more than one person is arrested and you cannot plan on only have one transport per day. Mr. Wheeler stated CAP is only in session twice per day. Sheriff Allard stated we have the availability to transfer a number of people at a time.

Mr. Hauryski commented this is not going to be an exact science. The plan that the Sheriff has proposed is excellent and there will be fine-tuning. This will be evolving as you move along.

Mr. Mullen asked will there be one car per deputy for the five deputies? Sheriff Allard replied each deputy will be assigned a vehicle; that is standard policy. With the size of the County, deputies are assigned a zone, typically where they

live. With the tactical team and special duties, the deputies have an enormous amount of personal gear that they have to take with them.

Mr. Mullen asked if the cost the cities are paying is one-half to three-quarters of a deputy, does that include everything? Sheriff Allard replied that is just for the deputy. Mr. Wheeler commented we are thinking it might be \$50,000 combined. Mr. Mullen stated you are looking at 5.25 deputies to cover 21 shifts per week. He stated Chief Murray had stated they could hold people and we could schedule pickups. Could we do two shifts with four deputies? Sheriff Allard replied that is an option for you to discuss. We did our analysis based on coverage 24/7. Any reduction will reduce your coverage. Mr. Maio stated we have to do 24/7 because only the cities have holding cells.

Mr. Baker stated you are going to 365 days. Sheriff Allard stated if you are reducing the number of deputies, the cities could call and say that we guaranteed 24/7 coverage and we may not have someone available. It will look as if we are not holding up our end of the agreement. These numbers are based on 24/7 coverage and his understanding is to get transport for the cities.

Mr. Van Etten commented the cities are getting a very lucrative deal. We are doing this to handle what is coming out of the cities. They have already said to take it out of their sales tax. The County is only doing this to cover the volume from the cities. Mr. Mullen stated he would like to ask them what they propose.

Mr. Reed stated you need to keep in mind that historically, the city courts have not required the Public Defender to be there; they always had immediate arraignments. From the State's perspective, which they have passed on to the city court judges, is the County needs to have counsel present. Mr. Van Etten asked did they say they would opt out of us having to hire 9 additional attorneys? Mr. Baker replied they can direct us to show up. How we deal with that is up to you. Mr. Reed stated Judge Doran raised the issue that by not having counsel at arraignment, it was violating constitutional rights. Mr. Mullen commented if we do a holding facility that will not meet the immediacy requirement. Mr. Reed stated the Office of Court Administration (OCA) wants arraignments to be held every 12 hours.

Mr. Maio asked many days per week do you go to Hornell and Corning for transports to court? Sheriff Allard replied we go every Public Defender day. Mr. Sauro stated that is 2 – 3 times per week in each location. Sheriff Allard explained you cannot confuse remanded inmates with pre-arraignment. Those are separate transports and we will not be able to mix those.

Mr. Malter asked where we are with the CAP process approval and what is the timeframe? Mr. Wheeler explained process wise, from the State there was no final deadline. However OCA in Rochester told us we need to do this as soon as possible. Mr. Maio stated according to Judge Doran we are violation of the law. Mr. Mullen stated we are in violation if arraignment is done without counsel present. Mr. Wheeler stated almost all counties in New York are in violation. Now the Judge in our area is fast tracking this. He stated in his opinion, he would like to see this body review and approve the CAP as they want it operational by February 1st.

Mr. Malter asked who is covering arraignments now? Mr. Sauro replied he forecasted a little in his 2019 budget. We can get it done with one attorney and a stipend to work with part-time ADA's to fill in. That one attorney would be responsible just for counsel at appearances and CAP. If we have central arraignment, he is in good shape to get it covered. Ms. Fitzpatrick commented you would be doing arraignments in Hornell, Corning and Bath to do that. Mr. Sauro stated on a regular court day we would be going to all three locations, however, after-hours arraignments would come to Bath. They would have am and pm arraignments and everything would center around that.

Mr. Van Etten asked if we send this to the State, will they approve it and let us implement it in February? Mr. Wheeler stated they want this to happen.

Mr. Mullen asked for the committee's general opinion. He stated his preference is to have 4 deputies covering 2 shifts rather than 5 deputies covering 3 shifts. Mr. Ryan stated we could do on a trial basis and as things go along, tweak as necessary. Mrs. Lando asked if you start with what has been suggested, can we modify it at a later date? Mr. Wheeler

replied Judge Doran has indicated that the plan can be amended. Mr. Potter commented it makes sense to try it with two shifts, but the cities should be brought in.

Mr. Wheeler stated we will talk to the cities and could take action in January. We will come to the committee with reclassifications to get those positions active. In the meantime, they will be going to Corning on December 27th to discuss this with the City Council. We will get feedback from the cities prior to the January meeting. Mrs. Lando asked is it legal for us to use sale tax money as reimbursement? Mr. Van Etten commented it is a financial vehicle. Mr. Wheeler explained it would be in lieu of cash payments. You will withhold that amount from the sales tax.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature