

**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 1<sup>st</sup> 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**