

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, March 2, 2020

9:00 a.m.

Legislative Committee Room
Steuben County Office Building
Bath, New York

****MINUTES****

COMMITTEE:	John V. Malter, Chair Thomas J. Ryan	Jeffrey P. Horton	Frederick G. Potter
STAFF:	Jack K. Wheeler Tina Goodwin Tim Marshall Shawn Sauro Craig Patrick	Christopher Brewer Noel Terwilliger Andy Morse Nate Alderman James Allard	David Hopkins Cheryl Crocker Jennifer Prossick Jennifer DeMonstoy Brenda Aston
LEGISLATORS:	Scott J. Van Etten Aaron I. Mullen	Carol A. Ferratella Robert V. Nichols	Kelly H. Fitzpatrick Gary B. Roush
ABSENT:	Steven P. Maio, Vice Chair		
OTHERS:	Mary Perham, <i>The Leader</i>		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 3, 2020, MEETING MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. Emergency Management Office

1. **RFP for Electrical Engineering** – Mr. Marshall stated he is requesting authorization to put out an RFP for electrical engineering. The County does not have any general A & E for engineering. We have been having issues that are causing problems at 911 and need to give an electrical engineer to come in and take a look. We are looking at the cost right now.

Mr. Ryan asked are you having the same issue as you had in previous years? Mr. Marshall replied yes; we have had ongoing issues for a while. Mr. Wheeler stated we did think we had some of those issues resolved. Previously there was a municipal power issue that was worked out. The recent issues are more of an internal nature. They have stop gap plans, but this needs to be done in a phased way as they will have to take the entire building off power. Mr. Malter asked did we have an electrical firm do the work originally? Mr. Marshall replied yes. Mr. Wheeler commented it has been so long and we would need to do the procurement anyway.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS FOR ELECTRICAL ENGINEERING SERVICES MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **Request to Bid Radio Communications Tower Lighting** – Mr. Marshall informed the committee they have had some lighting issues at a couple of the tower sites and they need to upgrade to LED lighting. The cost will be covered by Homeland Security Grant funds.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A BID FOR RADIO COMMUNICATIONS TOWER LIGHTING MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

3. **Litigation** – Mr. Van Etten stated he received correspondence notifying him of a pending lawsuit. Ms. Prossick replied if the committee would like to discuss this in detail, that would be more appropriate in Executive Session.

B. 911

1. **Public Safety Answering Points Operations Grant** – Mrs. Goodwin requested authorization to accept a total of \$187,468 from the Public Safety Answering Points (PSAP) Operations Grant. This represents our portion of the cellular surcharges that the State collects annually. This funding is distributed across the State and is based on the number of calls received and CAD records. Mr. Wheeler stated they would like to encumber this funding into the capital project for future upgrades.

MOTION: AUTHORIZING THE 911 DIRECTOR TO ACCEPT A PUBLIC SAFETY ANSWERING POINTS (PSAP) OPERATIONS GRANT IN THE AMOUNT OF \$187,468 AND APPROPRIATE TO THE 911 COMMUNICATIONS SYSTEM CAPITAL PROJECT TO BE USED FOR FUTURE UPGRADES MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. Sheriff

1. **Milk Bid Award** – Mr. Morse stated one bid was received from Upstate Niagara for \$0.2585 per half pint. Last year the bid from Byrne Dairy was \$0.194 per half pint. We did check to see why Byrne Dairy did not bid and they were sold to Upstate Niagara.

MOTION: AWARDING THE MILK BID FOR THE JAIL TO THE SOLE BIDDER, UPSTATE NIAGARA FOR \$0.2585 PER HALF PINT MADE BY MR. RYAN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D. District Attorney

1. **Traffic Diversion Program** – Mr. Baker provided an overview of where they are with the Traffic Diversion Program. They wanted to use a computer program and received quotes from vendors but that became cost and time prohibitive. We have been working with Information Technology on our existing program and the payment piece needs to be tested. There is a new vendor who is just getting into this field. They can do everything we want done including payment, notifications, scheduling, court notifications. They can also have their program up and running within 7 – 10 days of approval. The cost is 10 percent of the proceeds. We would not need to hire anyone and all of the cost and risk is on them. If at some point the State does not like this program, then we do not have an investment in hardware or staff. Mr. Baker stated Orleans County is using this vendor and have been very pleased with them. They have a help desk that is available Monday – Friday, 9am – 5pm and they can customize the program to fit our needs.

Mr. Malter asked what do we need to do? Mr. Baker replied we would have to evaluate every ticket to determine who would be eligible for the program. That is just an analysis piece. Mr. Malter asked with the staff that was utilized previously for this, what has happened with them? Mr. Baker replied we were just doubling up on functions. A lot has fallen to Mr. Terwilliger, particularly with record keeping. Mr. Malter commented from a cost standpoint this is much less expensive than hiring someone.

Mr. Terwilliger stated Orleans County had a demo and their program is exactly what we want. The help desk component will also alleviate pressure on our staff. Mr. Wheeler stated he would recommend issuing an RFP as they are not the only vendor that offers this type of service.

Mr. Malter stated in the budget for this year you anticipated revenue and the program was supposed to be up and running in the middle of December. What is the status of that? Mr. Terwilliger replied the IT portion was supposed to be turned on this week, but we are still working on the financial piece and that will not be ironed out for another four to six weeks.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSAL FOR A TRAFFIC DIVERSION MANAGEMENT PROGRAM MADE BY MR. HORTON. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

E. Personnel

1. **16B Waiver – District Attorney** – Mr. Alderman stated the District Attorney is requesting a 16B Waiver to create one part-time Assistant District Attorney position, Management Grade H. Mr. Malter asked for an explanation of what has transpired with this. This position was here but then a year ago we entered into a contract with Schuyler County and now you are asking to move the position back to the District Attorney's Office. Mr. Baker explained he had a shared services contract with Schuyler County for a part-time ADA. Schuyler County can no longer fulfill this contract. He requested authorization to create one part-time ADA and the cost would be the same as what they were paying through the contract with Schuyler County. Mr. Malter stated this previously had been approved by Administration and Finance and you are not looking for any additional money or positions. Mr. Wheeler replied that is correct, this is coming back for your review.

Mr. Horton asked with regard to CAP Court, what everyone is saying is that the \$5,000 stipend was to cover the attorneys to attend CAP Court, but they are not going to CAP Court? Mr. Baker replied we put a stipend in for the people who wanted to be involved. We are covering CAP and went to an on-call program for sessions that we could attend. Our people are prepared and ready to go. In cases where there is nothing for us to do except to monitor, we have not been going. We are down one part-time position and are going as frequently as we can with the staff that we have. His preference is to be at CAP and once we are at 100 percent staffing, we will be there.

Mr. Mullen stated some of the concerns he has is that he has heard from multiple people that you are not actually going to CAP. One of the reasons you gave for needing more people was Raise the Age, and that work has been light. Basically Mike McCartney's position was offered at 80 – 90 percent. He thought that was a special scenario just for Mr. McCartney. Mr. Mullen stated he looked over the letter Mr. Baker sent out and he thought most of what was mentioned was what you normally do. One issue was the new discovery demands. I think I saw, and it is a good point, on the letter that you have a backlog of discovery from old cases. I don't mind a temporary position to help with that, but I would like to see data on what is actually being done at CAP court. Mr. Mullen stated he would also like to see data on Raise the Age and if we give you a temporary position, then in one year he would like data to show what is going on with the new discovery demands. A lot of what you mentioned in the letter is what your job is generally. You mentioned 2,100 hours for CAP per year. Is that what you are doing now?

Mr. Baker replied CAP court takes up to three hours. We are demanding those three hours no matter what. He has the January numbers as that is what we have since bail reform. We are doing a couple of arraignments at a minimum for each and every CAP session. We are also doing orders of protection and bench warrants which are taking a lot of time. The Raise the Age compensation totaled \$2,500 back in 2016.

Mr. Malter asked if there are arraignments where you need to be present, do you show up? Mr. Baker replied yes. If there is not an arraignment, we still cannot book anything else for those three hours. Once we get back to full time staff, then we will be covering CAP. He stated he has someone lined up to hire that has 7 – 8 years of experience. Mr. Horton asked after that individual is hired will you still be doing CAP on an on-call basis? Mr.

Baker replied no. We only went to the on-call when we lost Mr. McCartney and the part-time position at the same time. Mr. Potter asked have you filled Mr. McCartney's position? Mr. Baker replied yes.

Mr. Van Etten stated you have to understand why we are asking these questions. We were told if we paid the stipend, it would cover CAP and then we hear that you are not attending. On the flip side, I do not want someone sitting out there with nothing to do for three hours. He stated he thinks we can arrive at a happy medium. Mr. Baker stated there will be someone there. We are seeing more warrant returns and orders of protection. Mr. Van Etten commented we should be at the one-year anniversary of CAP. Sheriff Allard replied he believes that will be in April. Mr. Van Etten asked if the Legislature could get a full summary of the past year and whether there have been any dramatic changes. Sheriff Allard commented CAP court takes longer now than it did before. Mr. Van Etten commented it will be interesting to see how it has changed. Mr. Malter stated he would like to see the breakdown before January and then January/February.

Mr. Horton commented some of the new judges feel more comfortable having the District Attorney present at CAP. Most of the new judges are on-call on the weekends and the Sheriff Deputies are helping guide them through the process. Mr. Potter stated your letter listed all of the local courts and travel times but you are not having someone at the local courts. Mr. Baker stated our DA nights are covered. We have 62 local courts that we cover every single month.

MOTION: WAIVING THE 16B PROCESS AND AUTHORIZING THE CREATION OF ONE PART-TIME ASSISTANT DISTRICT ATTORNEY POSITION, MANAGEMENT GRADE H, IN THE DISTRICT ATTORNEY'S OFFICE MADE BY MR. POTTER. SECONDED BY MR. MALTER FOR DISCUSSION.

Mr. Mullen asked how does the Traffic Diversion Program account into this? Mr. Baker stated his hope is that the amount of work involved will reduce to some extent and will save some ADA time. The other piece is the discovery requirement on all traffic tickets.

Mr. Malter commented if we do not approve this request, the CAP situation will remain the same or get worse. We will be going from one situation to another.

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

F. County Manager

1. **Memorializing NYS to Pass S7280/A9107** – Mr. Wheeler stated last month Chairman Van Etten received a copy of a resolution that Fulton County did relative to putting emergency responders on the same footing as law enforcement in terms of what information is shared about them. Right now there is a provision that should the defense request, the prosecution may have to provide the home address for fire and EMS providers that show up on scene. This bill will fix that.

Mr. Baker stated our policy is doing exactly what the bill calls for; providing the name of the agency and the individuals that have responded on scene. This bill would alleviate the risk of us not doing enough.

MOTION: MEMORIALIZING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO PASS SENATE BILL S7280 AND ASSEMBLY BILL A9107 RELATIVE TO ENSURING PRIVACY PROTECTIONS FOR ALL EMERGENCY PERSONNEL PRESENT AT A CRIME SCENE MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

2. **Bail Reform** – Mr. Potter asked do we need to do a memorializing resolution regarding bail reform? Mr. Wheeler replied we did a resolution opposing the bail reform legislation last year. Mr. Malter commented at the last meeting we talked about District Courts and we will discuss that at the April meeting.

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. HORTON. 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. RYAN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

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

**April 6, 2020
Legislative Committee Room
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Monday, March 30, 2020**