

**STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, May 6, 2019*

*9:00 a.m.*

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

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

<b>COMMITTEE:</b>	John V. Malter, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
<b>STAFF:</b>	Jack K. Wheeler Tim Marshall Andy Morse Jennifer Prossick Brooks Baker	Amy Dlugos Jim Allard Shawn Sauro Cheryl Crocker	Tina Goodwin Brenda Aston Jennifer DeMonstoy Craig Patrick
<b>LEGISLATORS:</b>	Joseph J. Hauryski Hilda T. Lando Gary D. Swackhamer	Carol A. Ferratella Robert V. Nichols	K. Michael Hanna Gary B. Roush
<b>OTHERS:</b>	Alison Hunt Kristin Klemenz, B & W Towing Mary Perham		

**I. CALL TO ORDER**

Mr. Malter 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 APRIL 1, 2019, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**III. DEPARTMENT REQUESTS**

A. 911

1. **Memorializing Resolution Re: Classifying 911 Telecommunicators** – Mrs. Goodwin informed the committee that right now 911 dispatchers are classified by the U.S. Department of Labor as clerical workers. This proposed resolution is asking to put them into the emergency services classification along with law enforcement, fire fighters and EMTs. Mr. Wheeler stated this is for recognition purposes; any change in classification, grade or salary would need to be approved through a union contract. This is memorializing resolution to recognize dispatchers as public safety workers.

Mr. Maio commented it seems like we are getting into minutia with this. Mr. Wheeler stated this is very important to the 911 community and the dispatchers. Mr. Maio stated there are lots of things that are important to particular groups of people. What is the criterion for passing resolutions like this? He has no problem doing it, but just feels like we are getting into the minutia with this.

**MOTION: MEMORIALIZING THE UNITED STATES CONGRESS IN SUPPORT OF CLASSIFYING 911 TELECOMMUNICATORS AS A PROTECTIVE SERVICE OCCUPATION MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

B. Emergency Management Office

1. **Corning City Fiber Run** – Mr. Marshall requested authorization to enter into a contract with STN (Southern Tier Network) to run dark fiber from the Corning City Fire Department to the Corning City Police Department. The cost to run the fiber is \$51,551; however, it will be covered by the FY 14 Homeland Security Interoperable Communications Grant. This fiber run will allow connectivity between the Corning City Fire Department and Police Departments, as well as to all additional radio communication and connectivity to the 911 Center. Mr. Potter asked will there be something similar in the City of Hornell? Mr. Marshall replied they are still talking with the City of Hornell to develop something similar.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ENTER INTO AN AGREEMENT WITH STN (SOUTHERN TIER NETWORK) TO RUN DARK FIBER FROM THE CORNING CITY FIRE DEPARTMENT TO THE CORNING CITY POLICE DEPARTMENT FOR A TOTAL COST OF \$51,551, SAID COST TO BE COVERED IN FULL BY THE FY 14 HOMELAND SECURITY INTEROPERABLE COMMUNICATIONS GRANT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **Authorization to Apply for Technical Rescue Grant** – Mr. Marshall requested authorization to apply for the FY2018 Technical Rescue/Urban Search and Rescue Grant Program. The State has changed how they operate this grant and now counties have to apply versus the fire departments. This grant will be awarded up to \$75,000 and can be applied to training and overtime costs when individuals attend trainings.

Ms. Fitzpatrick asked what would be an example of what this grant is used for? Mr. Marshall replied technical rescue is defined as confined spaces, collapses, ropes and trenches. The Bath Fire Department has received quite a bit of funding through this. Many other agencies have partnered with the Bath Fire Department and created a regional technical rescue team. Instead of the fire department applying for the grant, now the County has to be the applicant.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO SUBMIT AN APPLICATION FOR THE FY2018 TECHNICAL RESCUE/URBAN SEARCH AND RESCUE GRANT PROGRAM MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.**

Mr. Potter asked how many times has the technical rescue team been deployed? Mr. Marshall replied we have used the team one time in Steuben County. He explained they are trying, with this application, to bring in the paid departments since the funding can be used for training as well as overtime/backfill pay for individuals attending training.

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

3. **Acceptance of Burn Building Bid** – Mr. Marshall stated previously the burn building bid came in high, so they modified the specifications and rebid. He recommended awarding to JFB Enterprises for a total price of \$87,000, pending approval of the contract by the Law Department. He explained they will be putting in three cargo container units at the back of the existing burn building and cutting a window into a door. The fire will be within the shipping containers, instead of the building.

**MOTION: AWARDING THE BURN BUILDING BID TO JFB ENTERPRISES FOR A TOTAL COST OF \$87,000, PENDING LAW DEPARTMENT'S APPROVAL OF THE CONTRACT MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

4. **Budget Transfer** – Mr. Marshall requested authorization to transfer \$61,442.00 of funding from Round 5 of the Interoperable Communications Grant from Major Equipment to Communications Consultant to pay for the contract with Televate.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO TRANSFER \$61,442.00 OF ROUND 5 INTEROPERABLE COMMUNICATIONS GRANT FUNDS FROM THE MAJOR EQUIPMENT LINE ITEM TO THE COMMUNICATIONS CONSULTANT LINE ITEM TO PAY FOR THE CONTRACT WITH TELEVATE MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

C. Sheriff's Office

1. **Community Impact Panel** – Sheriff Allard announced tonight they will be holding their first Community Impact Panel, which is the Opioid version of the Impact Panel. This will be held at the Public Safety Building.

2. **STOP DWI Recognition** – Sheriff Allard announced that Wednesday he will be taking Mrs. Ferratella to Schenectady where their department will be awarded the top STOP DWI enforcement agency in the State. We have had a 220 percent increase in enforcement over the past year. DWI is still the number one cause of criminal deaths in the County. Sheriff Allard stated he had asked Mr. Hauryski and Mrs. Ferratella to attend, as without the support of this Legislature, we would not be able to do what we are doing. Thank you for supporting us, and for continuing to support us. He also would like to give huge props to the deputies who are out there every night doing the enforcement.

3. **Acceptance of Firehouse Subs Public Safety Foundation, Inc. Grants** – Sheriff Allard stated one of the requirements of this grant is that you have to be within 50 miles of a Firehouse Subs; we are 48 miles away from the one located in Ithaca. He requested authorization to accept the Firehouse Subs Public Safety Foundation Inc. Grant in the amount of \$21,765. These funds will be used to purchase 15 AED for our patrol vehicles.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION, INC. GRANT IN THE AMOUNT OF \$21,765 INTO THE GIFTS AND DONATIONS LINE ITEM AND APPROPRIATE IT TO THE MINOR EQUIPMENT LINE ITEM TO BE USED TO PURCHASE 15 AED'S FOR PATROL VEHICLES MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

4. **Acceptance of Bethesda Foundation Grant** – Sheriff Allard requested authorization to accept a Bethesda Foundation Grant in the amount of \$15,000. These funds will be used to purchase EMT equipment for the department. There will be 15 new EMT's in the department. He noted that all of the EMT equipment they currently have has been procured through donations or grant and Mr. Marshall has helped with that.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A BETHESDA FOUNDATION GRANT IN THE AMOUNT OF \$15,000 INTO THE GIFTS AND DONATIONS LINE ITEM AND APPROPRIATE IT TO THE LAW ENFORCEMENT SUPPLIES LINE ITEM FOR THE PURCHASE OF EMT EQUIPMENT FOR THE DEPARTMENT MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

5. **Request Permission to Purchase Sheriff's App** – Sheriff Allard requested authorization to purchase the Sheriff's App. This is an app that would give inmate families the opportunity to put money in an inmate's commissary account. The app would also allow for online scheduling of visitation and allow families to track what the inmate is using their commissary funds for. We can purchase the app out of our commissary funds which means there will be no cost to the County. The cost for the app is \$12,000 with an annual fee of \$6,095.

**MOTION: AUTHORIZING THE SHERIFF TO PURCHASE THE SHERIFF'S APP USING COMMISSARY FUNDS FOR AN INITIAL COST OF \$12,000 AND AN ANNUAL FEE OF \$6,095 MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

6. **Award Inmate Uniform Bid** – Sheriff Allard requested authorization to award the bid for inmate uniforms to Bob Barker for a total cost of \$7,838.

**MOTION: AWARDING THE BID FOR INMATE UNIFORMS TO BOB BARKER FOR A TOTAL PRICE OF \$7,838 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

7. **Award Drone Bid** – Sheriff Allard requested authorization to award the bid for the purchase of five drones to Drone-Works out of Binghamton for a total cost of \$30,959. This also will include on-scene assistance and the use of a loaner drone if necessary. The other bids received did not include this option.

**MOTION: AWARDING THE BID FOR THE PURCHASE OF FIVE DRONES TO DRONE-WORKS OUT OF BINGHAMTON FOR A TOTAL COST OF \$30,959 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

D. District Attorney's Office

1. **Budget Adjustment** – Mr. Wheeler stated the District Attorney had unspent 2018 Byrne/JAG funds in the amount of \$50,059.00. This is a reflection of the video camera grant that is being extended to June 30, 2019. He requested authorization to accept and appropriate the revenues and expense in the 2019 budget.

**MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT AND APPROPRIATE \$50,059 IN BYRNE/JAG VIDEO CAMERA GRANT FUNDS FROM 2018 INTO THE 2019 ASSOCIATED REVENUE AND EXPENSE LINE ITEMS MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **16-B CAP Request** – Mr. Baker stated given some changes in how we are doing preliminary hearings in CAP court, he does not believe he needs the positions right now. Mr. Maio asked with regard to CAP, how do you think the new changes with the Discovery Law will affect the numbers? Mr. Baker replied he believes the numbers will increase. Mr. Maio commented he would think arraignments, with the new law, would go down considerably. Mr. Baker stated he does not expect the numbers to go down at all. We will have more orders of protection due to the change in Discovery Law. He expects there will be some back and forth with the numbers and while misdemeanors may decrease, orders of protection will increase.

3. **Discussion Related to Discovery and Criminal Procedure Law Changes** - Mr. Malter asked when does the new Discovery Law take effect? Mr. Baker replied January 1, 2020. Mr. Wheeler commented we have projections, but we need to gather more information. Mr. Baker stated the State rewrote how we do criminal procedure in New York State. Because of this, he would like to start the discussion about the positions now. He stated Ontario, Chemung and Livingston are similar to us with regards to numbers. Livingston County will be going to 5 full-time attorneys with one additional clerical and two investigators. They do about 15 percent fewer cases than we do.

Mr. Baker stated he asked Mr. McCartney to do an analysis of the history of Discovery Law and staffing. Mr. McCartney surveyed our staff to find out how long it currently takes them to do tasks. The discovery demand currently happens with 30 – 40 percent of our cases, maybe less. With the new law, we will have to get all of the discovery material to the defendant within 15 days of arrest. That will also trickle down to traffic violations. We do not currently do discovery on traffic violations.

Ms. Fitzpatrick asked how do you do discovery now? Mr. Baker replied right now the mechanism is an individual is arrested, a case is opened. The law enforcement package is filed in our office, and there is no clerical support for that. There is a small part of discovery that happens and they do get some assistance from our staff. Now, discovery only happens when the defendant asks for discovery and they only get a limited amount of items. If a case goes on to trial, they will get more in-depth discovery material on the eve of trial. Mr. Baker

explained with this new law, the defendant does not need to ask, it is automatically provided within 15 days of arrest and it includes everything.

Mr. Maio asked how many misdemeanor trials do you do every year? Mr. Baker replied that is a hard number to fix. We do about 1 DWI trial per month. There are a number of trials, but we do not track them. Mr. Maio commented he can see as a defense attorney that he will have all of the information and it will make it easier for defense attorneys to discuss legal matters with their clients. As a result, you may end up with fewer trials; he would be optimistic that trials would decrease.

Mr. Maio asked with this new Discovery Law, will the Public Defender also need additional staff? Mr. Sauro replied to a certain extent. Along with this, his office will have case caps and he may need an additional attorney to compensate for that. He stated he tried to package that into his Hurrell-Harring plan.

Mr. Baker stated last year he had 22 trials. Now, we will have to do discovery on every single case and it will be a nightmare. Ms. Fitzpatrick asked does your personnel plan cover CAP too? Mr. Baker replied yes, however, it does not include traffic cases. We will need to find a different way to handle traffic cases.

Mr. Potter asked if this is part of the State Budget, did the State set aside any money for this? Mr. Baker replied no. Mr. Potter commented you are having difficulty finding people now; how will that change? Mr. Baker replied that is true and that is another reason to start recruiting now and try to get them hired and trained prior to January 1<sup>st</sup>.

Mr. Maio commented the assigned counsel bills will increase as well. Mr. Baker replied yes, and he expects litigations will also increase. Discussion followed.

4. **Contract – Finger Lakes Paralegal Services** – Mr. Baker informed the committee that he has two paralegal positions open and they have been difficult to fill. One position is filled and he is still recruiting for the second position. He requested authorization to contract with Finger Lakes Paralegal Services (Pam Aini) to provide paralegal support until that position can be filled. He would also like her to provide the training for the paralegals. He requested authorization to waive the RFP process as she has a unique skill set and he has an urgent need. The cost would be \$75.00 per hour.

**MOTION: WAIVING THE RFP PROCESS AND AUTHORIZING THE DISTRICT ATTORNEY TO CONTRACT WITH FINGER LAKES PARALEGAL SERVICES (PAM AINI) TO PROVIDE PARALEGAL SUPPORT AND TRAINING AT A RATE OF \$75.00 PER HOUR MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

5. **Lease** – Mr. Baker requested authorization to enter into a lease with Corning, Inc. for office space. This space is used by the New York State Police Investigation Unit as well as CNET. We also use this as a satellite office when necessary. There is no cost to the County.

**MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ENTER INTO A LEASE WITH CORNING, INC. FOR OFFICE FACILITIES FOR LAW ENFORCEMENT PURPOSES IN THE CITY OF CORNING AT NO COUNTY COST MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

E. Personnel

1. **Amending the Management Salary Plan – District Attorney’s Office** – Ms. DeMonstoy requested authorization to amend the Management Salary Plan to reallocate an Assistant District Attorney position, Management Grade E, to a Senior Assistant District Attorney, Management Grade G. Mr. Baker explained Amanda Chaffee is currently a full-time Assistant District Attorney, but she has taken on more supervisory duties and is also running Drug Court. Mr. Baker also requested authorization to pay her above the mid-point.

Mr. Wheeler explained today, this committee is only considering the change in grade. If you approve, then next week, the Administration Committee will discuss the request to pay above the mid-point.

**MOTION: AUTHORIZING AN AMENDMENT TO THE MANAGEMENT SALARY PLAN TO REALLOCATE AN ASSISTANT DISTRICT ATTORNEY POSITION, MANAGEMENT GRADE E, TO A SENIOR ASSISTANT DISTRICT ATTORNEY, MANAGEMENT GRADE G MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

2. **Amending the Management Salary Plan – Sheriff’s Office** – Ms. DeMonstoy requested authorization to amend the Management Salary Plan to reallocate the Nurse Practitioner position, Management Grade F to a Management Grade G. Sheriff Allard explained he had previously sent out an email to the Legislators as we are getting to a critical point as our Jail Medical Director has indicated his inability to stay if we are unable to recruit a Licensed Nurse Practitioner. If we do not have a Medical Director, we would no longer be able to operate the Jail and would have to house out all inmates.

Mr. Wheeler stated the Sheriff will likely also be going to Administration next week to discuss hiring above the mid-point. The mid-point of a Management Grade G is \$81,000 and the upper limit is \$98,000.

Mr. Maio asked is recruitment a statewide issue? Mr. Wheeler replied recruitment is a nationwide issue. Sheriff Allard explained we are looking for an individual who is a certified Family Nurse Practitioner which will be able to work with the entire Jail population.

**MOTION: AUTHORIZING AN AMENDMENT TO THE MANAGEMENT SALARY PLAN TO REALLOCATE THE NURSE PRACTITIONER POSITION, MANAGEMENT GRADE F, TO A MANAGEMENT GRADE G MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

**IV. OTHER BUSINESS**

A. **911 Fees** – Mrs. Ferratella stated Mrs. Goodwin had emailed a copy of a letter from the Federal Communications Commission regarding the continued diversion of 911 funds by New York State, New Jersey and Rhode Island. If these states continue to divert these funds, they may become ineligible for federal funds. She asked if there is any action we can take to support this letter. Sheriff Allard commented the New York State Sheriff’s Association has been very vocal about this. We will be in danger of losing federal funds altogether if the state continues to divert the 911 fees. Mr. Wheeler stated a couple of years ago you did a resolution. You could do another resolution or you could do a press release. It depends on how formal you would like to make it. Mrs. Ferratella stated she thought a press release would be great. Mr. Wheeler stated we will put that together and get it out this week.

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

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**\*\*NEXT MEETING SCHEDULED FOR\*\*  
Monday, June 3, 2019  
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS  
NO LATER THAN NOON  
Monday, May 27, 2019.**