

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, November 4, 2019

9:00 a.m.

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

****MINUTES****

COMMITTEE:	John V. Malter, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Noel Terwilliger Jennifer Prossick	Christopher Brewer Tina Goodwin James Allard	Brooks Baker Tim Marshall Andy Morse
LEGISLATORS:	Joseph J. Hauryski Gary B. Roush	Carol A. Ferratella Gary D. Swackhamer	Robert V. Nichols Scott J. Van Etten
OTHERS:	Jeff Horton Mary Perham James Post, <i>The Leader</i>		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE OCTOBER 7, 2019, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. District Attorney

1. **16-B Waiver for Creation of Paralegal Assistant and Assistant District Attorney Positions –**

Mr. Baker requested a waiver of the 16-B process to create three positions to comply with new Discovery mandates. Originally, he had been looking for three attorneys, three paralegals, one clerical staff, and one part-time investigator. We have pared that back as best we can. Since his original request, he has also been looking for an office manager position. To-date we have received approval for one attorney and one paralegal. Mr. Baker stated he believes he needs an additional attorney, paralegal assistant and a part-time investigator. Last week he attended the NYS District Attorney’s Association and many of the counties had suggested the importance of adding an investigator. He would be looking at a retired law enforcement officer.

Mr. Malter asked are these additional positions included in your 2020 budget? Mr. Baker replied no, we had originally took this out in our earlier discussions with Mr. Wheeler. Mr. Wheeler stated he did add the attorney and paralegal positions to the 2020 budget. Mr. Malter stated so the only position not added to the budget was the part-time investigator. What is the cost for that position? Mr. Baker replied the cost would be around \$30,000; the same as what the School Resource Officers are paid. He explained this individual would be a retired law enforcement officer and would be picking up information, conducting witness interview, etc.

Mr. Malter asked for the original positions that have been created, are those filled? Mr. Baker replied no, not yet. We are still looking for an attorney and paralegal.

Ms. Fitzpatrick asked is the real issue with compliance just getting warm bodies rather than getting additional positions? Mr. Baker replied it is both. He will need the positions no matter what. The hardest thing will be getting the people, but with the workload that the new Discovery mandate entails, this is the bare minimum staffing he will need.

Ms. Fitzpatrick asked how long will the 16-B waiver process take? Mr. Wheeler replied it could be done by the end of this month. This request will still need to go to the Administration Committee and the Full Legislature.

Mr. Maio asked what happens if we do not approve the waiver? Mr. Wheeler replied then the District Attorney would have to wait until May to request the positions for the 2021 budget.

Mr. Ryan asked what happens if we do not fill the positions? Mr. Baker replied he will not be able to get the job done. He stated they have two individuals they will be interviewing for the paralegal positions. He has also talked with three attorneys. He will do his best to find people. He would like to get the first two positions up and running this month and with your approval of the additional positions, get them up and running the first of the year.

Mr. Swackhamer asked what will happen if the State makes a major change? Mr. Baker replied if the State put the Discovery requirements back to what it is currently, we will not need the additional people. There has not been any movement in Albany to move in another direction. Mr. Wheeler commented the only hope we have as a County is that the State will provide some funding. He does not think there will be any chance of getting the new requirements overturned. Mr. Swackhamer asked if the State did overturn it, what would happen? Mr. Wheeler replied we would have to do layoffs.

Mr. Malter asked if these additional positions are approved, where will you put them? Mr. Baker replied we still have some capacity in our annex office. We will probably put the entire discovery unit there. The investigator will not have a desk. Mr. Wheeler stated we are continuing to work with LaBella to find workable space.

Ms. Fitzpatrick asked for an update on the office manager consultant. Mr. Brooks replied they did not receive any bids and he has not found anyone to come in and do that. He has removed the office manager position and the clerical position from his request.

Mr. Van Etten stated he thought we adopted an electronic system? Mr. Brooks replied we are in the process of adopting an electronic system. We will still need to develop witness lists and generate contact information for the witnesses. That will be the follow-up piece that the investigator will do. Our current system does not work well with video and audio, so any significant video evidence we will need to get by hard drive and that may be something that we will need to send someone out to get.

Mr. Van Etten asked if the State did change the requirements of Discovery back, then you would no longer need the additional part-time investigator? Mr. Baker replied correct, we would be able to terminate that position, along with the ADA's. Mr. Wheeler commented in the overall budget, there are enough vacant positions throughout the County that we would be able to pay for the part-time investigator.

Mr. Maio stated as far as he can see, the only reform would be to give you a little additional time. Mr. Baker stated or some funding. Mr. Maio stated he understands that you are getting work dumped on you and he understands the need for paralegals. However, when the State Police gives you a case, he would assume that you are provided with all of the information. Mr. Baker replied he may not have the contact information, or if he does have the information, he still may need to contact them.

Mr. Maio asked what duties do you see the new ADA's doing? Mr. Baker replied with each discovery piece, once the information comes in, then we have to file that information with the court. We need to review what we have or do not have, and then we need to complete a certificate of readiness and then have to go to court for a search and inquiry proceeding. We also would have to go through a process if we cannot get something within

the fifteen day window. This is new work and that is the issue. While there is a large part that the paralegals can do, there are still a number of things that will require an attorney to handle. We have to do everything within fifteen days.

Mr. Maio asked how many cases do your full-time ADA's handle right now? Mr. Brooks replied he doesn't have a number per ADA, but we have a little more than 1,000 felony cases that come in every year. Under the new requirements, those will all require that information be gathered within the fifteen day window.

Mr. Swackhamer asked do you have a price tag for all of this? Mr. Wheeler replied the approximate cost for the three positions is \$230,000. The other two positions would be an additional \$200,000; so the total would be a little short of \$500,000. On the Public Defender side, those costs are funded through grants for the next five years.

Mr. Van Etten asked if an attorney is working in the Discovery Unit, would there ever be an instance where there would be a conflict? Mr. Baker replied there should not. If there is, we have a couple of different ways to handle that.

Mr. Malter stated we really do not know how this will work itself out. He asked that in three months the District Attorney do a study to see how the program is progressing and look at the staffing to determine if we have too many. Mr. Baker asked if he could have a little extra time; maybe March? Mr. Malter stated that would be fine and asked Mr. Baker to come back in four months to provide a status report.

MOTION: WAIVING THE 16-B PROCESS AND AUTHORIZING THE CREATION OF ONE ASSISTANT DISTRICT ATTORNEY, ONE PARALEGAL ASSISTANT AND ONE PART-TIME INVESTIGATOR TO COMPLY WITH THE NEW DISCOVERY REQUIREMENTS MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

B. Emergency Management Office

1. **Award of EMS Study** – Mr. Marshall informed the committee that they had put out an RFP for a consultant to look at conducting an EMS study with the intent to review our current EMS system and provide recommendations. We received three RFP's and he recommended awarding to the low bidder, Center for Public Safety Management, LLC for \$58,000. They have \$50,000 in the budget and he requested authorization to transfer \$8,000 from the Communications System Capital Project to the EMS Study Capital Project.

Mr. Ryan asked what exactly is this study? Mr. Marshall replied the consultant will look at the entire EMS system, how the calls are taken, how the calls are dispatched; the entire process all the way to the hospital. They will look at call times, types of calls, how many calls were ALS (Advanced Life Support) versus BLS (Basic Life Support). At the conclusion of the study, the consultant will provide a complete report and recommendations for what we can do in the future. This would also include a presentation of the materials to the Legislature in a public setting and would all be distributed to all of the ambulance corps.

Mr. Malter asked have we done this study before? Mr. Marshall replied not like this. Mr. Hauryski asked what happened to the last study? We spent lots of money and at the end of the day, what have you done to implement the recommendations? Mr. Wheeler stated the previous study did not focus on an evaluation of EMS and where we are at. With the previous studies, those focused more on calls at 911 and we did implement the recommendations from those studies.

Mr. Van Etten asked do we think the system is broken? Mr. Wheeler replied yes, if the system is not broken, it is at the precipice. Some of our neighboring counties and other rural counties are doing studies about how they would respond. Some counties are adding fly cars. With volunteers dwindling, where would we all go? Do we partner more with the paid services or does the County get into providing a fly car?

Mrs. Ferratella asked is this a statewide issue? Mr. Marshall replied yes, and it is also a nationwide issue. Mrs. Ferratella asked is New York State contributing anything toward these studies? Mr. Wheeler replied no.

Mr. Marshall stated we have done some things in Steuben County to help with the response times. It is hard to gather all of that data and try to make an informed decision without having someone who can come in and compile that data. Mr. Wheeler stated the consultant really provides the capability of giving good recommendations.

Mr. Maio stated his recollection is that we talked about this and there was a sheet that showed the number of departments that were unable to muster a response to a call. Mr. Marshall stated what we did to correct that is we went to the corps and had them develop box alarms (mutual aid).

Mr. Van Etten stated he is concerned that would say the County would step up and supplement these services. Mr. Wheeler stated that is the purpose of the study; to give you options and show you what other agencies are doing.

Mr. Nichols commented the State created this. Now you have to have an EMT in order to roll the rig. I know of a couple of departments that only have one EMT. Mr. Swackhamer asked what is the training time for an EMT? Mr. Marshall replied it is 180 – 200 hours. Sheriff Allard stated when he took the training, it was one, eight-hour day, one day per week for six months. The trouble is that 30 people may sign up and only 6 will finish.

Mr. Van Etten asked have we been reading the other studies rather than spending \$60,000 on another one? Mr. Wheeler replied it is a similar issue. We have not seen any public posting of Essex County's plan. Mr. Marshall commented one of our unique issues is our vast size. We have 21 agencies in the County with 2 paid providers.

Mr. Malter asked once the study is done and you are asking to do certain things, where will you get the funding? Mr. Marshall replied other jurisdictions have done various methods. Livingston County is running a complete county-based system and are supplementing the volunteers which has required a separate department and they have paid for that with insurance. Columbia County has a mix of services, but they are only doing the billing and they pay the local volunteers to provide the services.

Mr. Wheeler stated in his personal opinion, an assumption would not be the County getting into the EMS business. We will look at other options. The consultants will meet with all of the agencies and we just want to look at where we are currently and our options going forward.

Mr. Hauryski commented he thinks you will see that the County will end up in this business. His concern is where will you get the money. You will end up with your own separate department to solve this problem.

Mr. Malter commented Livingston is one-third our size and it is working well. Mr. Wheeler commented that from a budgetary standpoint, Livingston County is doing well as they are more than breaking even. Mr. Maio commented if those services are paid for by insurance, that should still hold true here. Mr. Wheeler replied there are also staffing issues and they only have a population of 60,000.

Mr. Marshall commented the big question is the Medicaid and Medicare rates. Mr. Wheeler stated the case mix is an issue; then you are also looking at adding a billing department. Mr. Maio asked how has Livingston County's local departments reacted? Mr. Wheeler replied his understanding is that there were certain areas that likely could not staff an ambulance, so they were pretty happy. Other agencies that had good volunteerism were not as thrilled.

Mr. Malter commented Livingston's system has been phased in over the last ten years or so. Mr. Wheeler stated if you don't do anything, there will be a group in this county that will come to us looking for help. Mr. Baker commented he would rather see the Sheriff's deputies show up and help out. We have a situation where we already have a group of deputies trained as EMT's. Mr. Wheeler commented that is a good point and this is

something else that would be looked at in the study. The question will be at what point can the deputies jump in the rig and should they. We need to look at all of that.

Mr. Marshall stated the Sheriff's EMT program is very new and we don't have a lot of data yet, but so far things have been in the positive range. His concern is that he has recently seen articles in the news where ambulance corps have closed down and what do we do in that situation.

MOTION: AWARDING THE RFP FOR AN EMS STUDY TO THE CENTER OF PUBLIC SAFETY MANAGEMENT, LLC FOR A TOTAL COST OF \$58,000 AND AUTHORIZING THE TRANSFER OF \$8,000 FROM THE COMMUNICATIONS SYSTEM CAPITAL PROJECT TO THE EMS STUDY CAPITAL PROJECT FOR THIS PURPOSE MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO FOR DISCUSSION.

Mr. Van Etten asked were there other bids? Mr. Marshall replied yes. We received a bid from the Center for Governmental Services for \$73,300 and Fitch Associates out of Missouri for \$84,300.

Mr. Malter asked what is the timeframe for this study? Mr. Marshall replied he expects that it will take six to eight months to do the data collection, interviews and to compile a final report.

Ms. Fitzpatrick commented this study will tell us things that we know along with others that we do not and help us make a tough decision. Mr. Marshall stated he thinks the information the consultant will provide will be much more detailed than what the staff could compile.

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

C. Sheriff's Office

1. **2020 STOP-DWI Crackdown Grant** – Sheriff Allard requested authorization to accept the 2020 Crackdown Grant in the amount of \$19,700. He noted that \$6,568 will go to the Sheriff's Office and the remaining \$13,132 will be distributed to the participating law enforcement agencies.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE 2020 STOP-DWI CRACKDOWN GRANT IN THE AMOUNT OF \$19,700 MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **2019 Bullet-Proof Vests Grant** – Sheriff Allard requested authorization to accept the 2019 Bullet-Proof Vests Grant in the amount of \$6,731.23. This funding will be used to supply new and replacement vests to our CO's, Road Patrol and Probation Officers.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE 2019 BULLET-PROOF VESTS GRANT IN THE AMOUNT OF \$6,731.23 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **2018 SCAAP Grant** – Sheriff Allard requested authorization to accept the 2018 SCAAP Grant in the amount of \$656. This funding is a reimbursement to the Jail for housing and maintaining certain federal inmates who are unauthorized immigrants.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE 2018 SCAAP GRANT IN THE AMOUNT OF \$656 MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Donation** – Sheriff Allard requested authorization to accept a \$240 donation from Twin Tiers Eye Care for the K-9 Program.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A \$240 DONATION FROM TWIN TIERS EYE FOR THE K-9 PROGRAM MADE BY MR. RYAN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **Dishwashing Machine Lease** – Sheriff Allard requested authorization to enter into a lease for the dishwashing machine at the Jail. This would be a five-year lease at an annual cost per year of \$4,500.

MOTION: AUTHORIZING THE SHERIFF TO ENTER INTO A FIVE-YEAR LEASE FOR THE DISHWASHING MACHINE AT THE JAIL AT AN ANNUAL COST PER YEAR OF \$4,500 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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, December 2, 2019

9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS

NO LATER THAN NOON

Monday, November 25, 2019