

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, September 14, 2020

9:00 a.m.

*Legislative Chambers, 3rd Floor, Annex Building
Bath, New York*

****MINUTES****

COMMITTEE:	John V. Malter, Chair Frederick G. Potter	Scott J. Van Etten Thomas J. Ryan	Jeffrey P. Horton
STAFF:	Jack K. Wheeler Jennifer Prossick Yvonne Erway James Allard Craig Patrick Shawn Sauro	Christopher Brewer Tim Marshall David Hopkins John McNelis Brooks Baker Rob Wolverton	Tina Goodwin Noel Terwilliger Andy Morse Tammy Hurd-Harvey Cheryl Crocker
LEGISLATORS:	Robin K. Lattimer Hilda T. Lando Gary B. Roush	Carol A. Ferratella Aaron I. Mullen Gary D. Swackhamer	Kelly H. Fitzpatrick Robert V. Nichols
OTHERS:	Mary Perham		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE AUGUST 3, 2020, MEETING MADE BY MR. VAN ETTEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Secretary's Note: Chairman Van Etten sat in as a member of this committee as Legislator Maio has temporarily been removed from this committee assignment.

III. DEPARTMENTAL REQUESTS

A. Emergency Management

1. **FY20 State Homeland Security Grant** – Mr. Marshall requested authorization to accept the FY20 State Homeland Security Grant in the amount of \$80,076. These funds will be used to cover the ongoing cost of maintenance for various programs such as GIS software and hardware maintenance, credentialing system upgrades and maintenance and Function Needs Database maintenance. Funds will also be used for Notice and Alert subscription, Mobile Data subscription, Incident Management software subscription. Additionally we will use funds for cyber security software for Information Technology and for the MCI trailer.

MOTION: AUTHORIZING THE DIRECTOR OF EMERGENCY MANAGEMENT TO ACCEPT THE FY20 STATEMENT HOMELAND SECURITY GRANT IN THE AMOUNT OF \$80,076 MADE BY MR. HORTON. SECONDED BY MR. RYAN FOR DISCUSSION.

Mr. Van Etten asked how big is the trailer? Mr. Marshall replied it is a 16 foot trailer. These funds will be used for the trailer and equipment. We are looking for new backboards that are more lightweight.

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

2. **FY20 LEMPG Supplemental Grant** – Mr. Marshall requested authorization to accept FY20 LEMPG Supplemental Grant funds in the amount of \$21,641. These funds are supplemental funds from FEMA to be used to prevent, prepare for and response to the COVID-19 public health emergency. We will use these funds to offset salaries during COVID. We are also looking to purchase a commercial grade refrigerator/freezer for public health for vaccines along with N-95 respirator testing kits.

MOTION: AUTHORIZING THE DIRECTOR OF EMERGENCY MANAGEMENT TO ACCEPT THE FY20 LEMPG SUPPLEMENT GRANT FUNDS IN THE AMOUNT OF \$21,641 MADE BY MR. POTTER. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Multi-Jurisdictional Hazard Mitigation Plan** – Mr. Marshall stated we have been working with Barton & Loguidice for several years on the multi-jurisdictional hazard mitigation plan. We have been working with the municipalities to complete the plan. We are finally ready for the Legislature to approve and adopt the five-year plan. Ms. Prossick asked will this require a public hearing? Mr. Marshall replied yes. We will set the date of the public hearing at the next Legislative meeting and then present for adoption.

Mr. Potter commented a number of towns in my district did not participate. Mr. Marshall stated there is a 75 – 25 match and it is difficult for many municipalities to come up with the 25 percent match.

Mr. Van Etten asked what does adopting this commit us to do? Mr. Marshall replied adopting the plan allows for FEMA funding for hazard mitigation projects. If we did not adopt this plan, we would not be eligible for the FEMA mitigation funding. Mrs. Ferratella asked do these mitigation projects occur after a disaster? Mr. Marshall replied yes. There are two ways this happens. First, when a disaster happens we can get funding from FEMA for the disaster for any overtime, services or equipment. After the disaster, mitigation money is available from the Federal government for projects.

MOTION: ACCEPTING THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AS PRESENTED BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND FORWARDING TO THE LEGISLATURE FOR ADOPTION MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

4. **DPS Telecom Maintenance Agreement** – Mr. Marshall requested authorization to enter into a five year maintenance agreement with DPS Telecom. This will cover the maintenance on net monitor which monitors the complete network on the radio side. This is something that we have had in place for several years. The cost per year is \$4,120 for a five-year total of \$20,600.

MOTION: AUTHORIZING THE DIRECTOR OF EMERGENCY MANAGEMENT TO ENTER INTO A FIVE-YEAR MAINTENANCE AGREEMENT WITH DPS TELECOM FOR MAINTENANCE OF THE NET MONITOR FOR THE RADIO SYSTEM FOR AN ANNUAL COST OF \$4,120 PER YEAR FOR A TOTAL FIVE YEAR COST OF \$20,600 MADE BY MR. POTTER. SECONDED BY MR. RYAN FOR DISCUSSION.

Mr. Potter asked has the price increased? Mr. Marshall replied no, the price has remained pretty stable. This has been a great company to work with and they are out of Colorado. Mr. Horton asked is there funding already in the budget? Mr. Marshall replied this will be funded out of the Homeland Security Grant.

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

5. **Generator** – Mr. Van Etten asked where do we stand with fixing the issue with the generator? Mr. Marshall replied a new generator and UPS have been installed. We are just waiting on the transfer switch and the pricing on that. Once we receive that, then we will install the new switch. Another add on was that we put an external generator connection on the building. Mr. Van Etten asked what is the timing on getting the switch? Mr. Marshall replied he anticipates receiving the pricing this week or next. Once we get that, we will move forward with the replacement. Mr. Van Etten commented we have been dealing with this since February/March. Mr.

Marshall stated yes, but COVID set us back. We did do a temporary install of some backup equipment that covered us during that downtime.

6. **Radio System** – Mr. Potter asked what is the status of the VHF radios? Mr. Marshall replied we had been waiting on some equipment change overs at the Jasper Tower site and that work was done last week. Today we will be doing some fine tuning of the tower site and then we can start testing. Within a month or so we can do the cutover.

7. **EMS Study** – Mr. Van Etten asked what is the status of the EMS study and where are we with that? Mr. Marshall replied the consultant has been collecting data and did send us a draft version. There was a lot of information missing and I met with the consultant last week and they are looking at doing a virtual town hall meeting with the EMS corps. After that we should be in pretty good shape. They had submitted 40 pages of just data with no input from the corps or other information. I went through the scope of work and highlighted the items they did not include and the consultants will finish that up. I would think that we are looking at the end of this year or beginning of 2021.

B. District Attorney

1. **Reassignment of Verbatim Contract** – Mr. Baker informed the committee that Verbatim has been sold and a former employee, Caitlyn Shaylor has indicated that she would like to do the Grand Jury work for us and for a couple of other counties. He stated he has checked with four other providers in the general area of Steuben and Yates and cannot find anyone who would be able to do this grand jury work. He requested authorization to reassign the Verbatim contract with Caitlyn Shaylor for the remainder of the contract term under the same terms and conditions. We will then need to do a new RFP when this contract expires.

Mr. Horton asked what is the term of the contract? Mr. Baker replied it is a one year contract, however, I do not think it will go past the end of this year.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO REASSIGN THE VERBATIM CONTRACT TO CAITLYN SHAYLOR UNDER THE SAME TERMS AND CONDITIONS FOR THE REMAINDER OF THE CURRENT CONTRACT TERM MADE BY MR. VAN ETTEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Update on Diversion Program** – Mr. Baker stated Mr. Terwilliger is in attendance to provide an update on the program and they would also like to make some adjustments to the fee schedule. Mr. Terwilliger has put in a ton of work on this. Mr. Terwilliger stated we started with this company on July 28, 2020 and I am happy to report that within the last six weeks we have collected \$151,000 in fees. The projection conservatively was \$350,000 - \$400,000 by the end of the year. We should be able to meet our expenses this year. Mr. Malter stated we budgeted \$400,000 so we will be short as far as revenue. Mr. Baker commented in looking at the numbers, we may be very close.

Mr. Terwilliger stated with regard to the fee schedule, we are looking to lower some of the fees for some of the lower end traffic violations. Some people are being told that if they go through this program, the fine will be less and that is counter-productive and we want to include as many of the V&T (Vehicle and Traffic) violations within the fee schedule. Mr. Baker explained we are talking violations such as equipment violations or a bad left turn, lane violations. Those fall below the speeding charges. It is not productive for people to get into the program at the numbers we have now. One of the big things is the time saving for the courts and our office.

Mr. Malter asked what are the fees now and what do you want to lower them to? Mr. Terwilliger replied speeding tickets range from \$275 - \$350 and those are the vast majority of the tickets that we are receiving. He would ask that we lower the threshold from \$275 down to \$100 with the upper level being kept at \$350. This will give us a broader range for those lower offenses.

Mr. Horton commented there is a \$93 surcharge and a basic fine is \$100. I am hearing from the magistrates that for a lot of people, the cost is \$193 so people are saying why pay the \$275 for the Driver Diversion program. Is that what you are looking at? Mr. Terwilliger stated yes. Mr. Baker stated we are talking about the equipment violation, expired inspections, seatbelts and other two-point moving violations. This reduction will allow us to have more people go through the class and less going through the courts.

Mr. Van Etten asked what is the cost per participant that we are paying? Mr. Terwilliger replied the cost is 10 percent of the fees collected, or a minimum charge of \$20.00. We still will be collecting some sort of fee and that will be spread to the municipality.

Mr. Malter asked what are you lowering the fee to? Mr. Terwilliger replied it will be variable depending on the type of offense. Mr. Baker stated we are just dropping the floor to \$100 for non-speeding tickets.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO SET THE LOWER LIMIT OF THE FEE SCHEDULE FOR THE DRIVER DIVERSION PROGRAM TO \$100.00 UP TO \$350.00 FOR NON-SPEEDING TICKETS MADE BY MR. VAN ETTEN. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Van Etten asked do we know if other counties have lowered their fee schedule? Mr. Baker replied yes. The program in Orleans County is closest to ours. Even within the existing structure, there are different levels of cost based upon the violation. This is just lowering the floor for minor violations. Right now it is already discretionary and we are just creating more room for that discretion.

Ms. Fitzpatrick asked with the 1110A tickets most fines stay within the village or local municipality. If we lower the fine, are we looking at costing the local courts money? Mr. Baker replied yes and no. Very few 1110A tickets are written. We are replacing those with the Driver Diversion Program and the amount of money that we cycle back to the towns and villages is more than what they would get with the 1110A tickets. Overall revenue for local courts will go up for this.

Mr. Van Etten asked if we do this, what is the advantage to the individual? Because that person had a blinker light out, does running through the course really solve anything? Mr. Baker replied it could be a number of things that fall into this. The more folks we send through the program, the safer our highways will be. It is more valuable to the County for the individuals to go through the program. Ms. Prossick commented the key to those tickets is you don't go to the diversion program because of a fix-it ticket.

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

3. **Establish and Accept VOCA Grant Funding** – Mr. Baker explained this grant funding was previously approved, but it just needs to be placed in a new payroll line item for the VOCA Grant. The amount of the funding is \$51,387.24 and is for the payroll of the two child advocates at the Child Advocacy Center. We are contracting for these positions through Pathways and one position is currently vacant. The projected goal for the Child Advocacy Center was to do 10 – 12 interviews and we are close to 50 already. We are also getting requests to work with Yates and Livingston counties.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT A VOCA GRANT IN THE AMOUNT OF \$51,387.24 AND TO ESTABLISH A PAYROLL LINE ITEM WITHIN THE DISTRICT ATTORNEY'S BUDGET TO PAY FOR THE TWO CONTRACTED CHILD ADVOCATE POSITIONS AT THE CHILD ADVOCACY CENTER MADE BY MR. HORTON. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **CAP** – Mr. Potter asked where are we with CAP and the electronic appearance plan? Mr. Baker replied the magistrates have expressed a willingness to do this and Senator O'Mara introduced legislation, along with Assemblyman Palmesano to encourage the State Legislature to allow electronic appearances. He stated he has a training contract with Pam Aini and she will be putting together a training program for the local judges. It

will take her about two and a half weeks or so to put that together. Once the plan is approved by Rochester, we will be able to begin the next steps.

D. Sheriff's Office

1. **Accepting K-9 Donations** – Sheriff Allard requested authorization to accept two donations for the K-9 Program. The first is \$100 from the Town of Wheeler and the second is a donation of \$200 from a private citizen, James Putnam.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE FOLLOWING DONATIONS FOR THE K-9 PROGRAM: \$100 FROM THE TOWN OF WHEELER AND \$200 FROM JAMES PUTNAM MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **2020 Law Enforcement Terrorism Grant** – Sheriff Allard requested authorization to accept the Law Enforcement portion of the FY20 Homeland Security Grant in the amount of \$44,026.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE LAW ENFORCEMENT PORTION OF THE FY20 HOMELAND SECURITY GRANT IN THE AMOUNT OF \$44,026 MADE BY MR. POTTER. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Malter asked what will these funds be used for? Undersheriff McNelis replied we will use funds for the CIRT team, a workstation for accident reconstruction and training materials for the nitrate detection K-9. Mr. Marshall commented this is the other half of the grant that I presented earlier.

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

3. **STOP-DWI Education Trailer** – Sheriff Allard reported they received bids for the STOP-DWI Education Trailer. He recommended awarding to the sole bidder, Stephan L. Green Trailers for \$9,543.21.

MOTION: AWARDING THE BID FOR THE STOP-DWI EDUCATION TRAILER TO THE SOLE BIDDER, STEPHAN L. GREEN TRAILERS FOR \$9,543.21 MADE BY MR. VAN ETEN. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Van Etten asked this is just for the trailer, not the customization? Sheriff Allard replied correct. Mr. Van Etten asked is it a 24 foot trailer? Sheriff Allard replied yes and it is 8 feet 2 inches wide.

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

4. **COPE Update** – Sheriff Allard stated we were making great progress with the treatment in the Jail program and in 2019 we were able to drive the number of overdoses countywide down. Since bail reform, that number has almost doubled. We had 750 overdoses, 4 of which were fatal. Our inability to treat first-time offenders in Jail has hindered our ability to fight the overdose epidemic. We are seeing multiple arrests for serious felonies. Now we are seeing adjudication on four and five B felonies who, prior to bail reform, would have been adjudicated on one B felony. I believe we will see an increase in incarcerations on the local level. Our numbers are again staggering.

Mr. Ryan asked will these issues be part of the new reform program? Sheriff Allard replied I would like to say it would, but most programs that exist are post-conviction. The treatment program in the Jail was taken away by bail reform. I would like to say it will help, but most likely will not. Mr. Baker stated Drug Court is opening back up and we are starting to see that filling up in our city and county courts.

5. **Executive Order 203 – Police Reform** – Sheriff Allard stated we have met with the five stakeholder groups and have held nine listening groups. This week we will be holding three, three-hour listening sessions with the public. Our program is being copied in five other counties. Last week a survey was sent out to

the Town Supervisors and Highway Superintendents. It is progressing well. For me, the listening sessions have been good as it is good to hear what some of our minority communities have had to say. This has been a very respectful process and it has been very useful for me personally.

Mr. Van Etten stated Corning, Inc. put this on their intranet for all Corning employees to see when they log in. The Steuben County Industrial Development Agency had indicated they could also push the survey link out to Alstom and our other large manufacturing companies and we told them to go ahead and do that.

Sheriff Allard stated initial input from the stakeholders has been very encouraging as 90 percent believe the policing fundamentals are honest and 90 percent believe we are helping people. The Sheriff's Office had an 80 percent approval rating. We are also surveying incoming CAP arraignment individuals and collecting that. The surveying will continue until September 20, 2020.

Mr. Van Etten stated as a Legislature we should appreciate what the Sheriff and his team are doing on this project. There is another Sheriff in a bordering county that does not have any interest in doing this. I approve of what you are doing as well as what Corning Inc. is doing. Sheriff Allard commented we would not be able to do what we are doing without the help of Corning, Inc. Especially right now, this is necessary and moving forward we need transparency. We need to communicate more with the public. As we meet with the groups we are doing a good job with certain segments of population, but not all and we will move forward with that as well.

D. 911

1. **Contract Renewal** – Mrs. Goodwin requested authorization to renew the contract with Priority Dispatch. We use them for the Emergency Medical Dispatch card sets and for our quality assurance program. We asked if they could bundle the two and they were able to, which resulted in a savings of \$200 per year. The price is locked in at \$813.00 per year for the next five years and will be billed annually.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO RENEW THE CONTRACT WITH PRIORITY DISPATCH FOR THE EMERGENCY MEDICAL DISPATCH CARD SETS AND FOR THE QUALITY ASSURANCE PROGRAM FOR AN ANNUAL RATE OF \$813.00 PER YEAR FOR THE NEXT FIVE YEARS MADE BY MR. VAN ETTEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Subscription Renewal** – Mrs. Goodwin requested authorization to renew the subscription with Priority Dispatch for the online college. This provides continuing education credits and is also how our dispatchers take their renewal examination for certification. The cost is \$90.00 per employee for an annual total of \$2,670. The subscription is for two years with a total cost of \$5,340.00.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO RENEW THE SUBSCRIPTION WITH PRIORITY DISPATCH FOR ONLINE COLLEGE FOR TWO YEARS AT AN ANNUAL RATE OF \$2,670.00 FOR A TOTAL AMOUNT OF \$5,340.00 MADE BY MR. VAN ETTEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. County Manager

1. **911 Director** – Mr. Wheeler announced Mr. Hopkins has tendered his letter of resignation and I would like to thank him for his years of service.

IV. OTHER BUSINESS

A. *Large Animal Confiscation* – Mr. Potter asked has there been any progress on the process for large animal confiscations? Mr. Mullen replied they are discussing an RFP for farms. He is not sure what is going on with that individual case. Mr. Malter stated the bidding process will be done through the AIP Committee.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****
Monday, October 5, 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, September 28, 2020