

**STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, September 10, 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 James Allard  
Josh Day Jordan Walrath Tim Marshall  
Brenda Aston John McNelis Cheryl Crocker  
Matt Whitmore Alan Reed Jennifer DeMonstoy  
Tina Goodwin

**LEGISLATORS:** Carol A. Ferratella K. Michael Hanna Hilda T. Lando  
John V. Malter Robert V. Nichols Gary D. Swackhamer  
Scott J. Van Etten

**ABSENT:** Thomas J. Ryan

**OTHERS:** Captain George DelNegro, New York State Police  
Chief Chad Mullen, Bath Village Police Department  
Kristin Klemenz, B & W Towing  
James Post, *The Leader*  
Mary Perham

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE AUGUST 6, 2018, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**III. DEPARTMENTAL REPORTS**

A. 911

1. **Pictometry Contract** – Mrs. Goodwin stated that she would like to make a correction to last month’s minutes regarding the Pictometry contract. The motion in the minutes stated that it was a three-year contract, but it is actually a six-year term. There are two flights which are broken into two, three-year blocks at the same price. Mr. Wheeler explained we used to budget for this when the flights were scheduled, which was once every three years. Now we can budget for this annually.

**MOTION: AMENDING THE MOTION FROM THE AUGUST 6, 2018, MEETING TO REFLECT THE PICTOMETRY CONTRACT AS A SIX-YEAR CONTRACT FOR A TOTAL COST OF \$736,986.76 MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

B. Sheriff's Office

1. **Commendation** – Sheriff Allard stated on July 2, 2018, we lost a member of law enforcement. The New York State Police and the Sheriff's Office worked together flawlessly. Trooper Nicholas Clark, and a member of our agency, Deputy Joshua Day, acted with incredible bravery, heroism and exemplified the core values of the Sheriff's Office which are professionalism, integrity, leadership and service. Sheriff Allard retold the events of that day stating that Deputy Day put himself in the line of fire in an attempt to save Trooper Clark's life and to prevent further escalation of the fatal incident. Today he is recognizing Deputy Day's bravery and valorous conduct.

Sheriff Allard stated additionally he would like to also recognize Deputy Jordan Walrath who was also on the scene that day and never abandoned his partner. His actions that day reflected his professionalism, leadership, integrity and service.

C. Emergency Management Office

1. **Acceptance of FY 18 SHSP Grant** – Mr. Marshall requested authorization to accept the 2018 State Homeland Security Grant in the amount of \$97,500. This is an ongoing grant and in the past the funds have been used to purchase equipment, software and maintenance of software. This year the funding will cover the cost of maintenance of existing software programs.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT A 2018 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF \$97,500 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **Coroners' Salary Increase** – Mr. Marshall stated with the changes that have been made to the medical examiner's contract, it requires a substantial amount of time on the part of the coroner's. They currently are paid \$200 per call and he is recommending increasing that to \$225 per call. Mr. Wheeler commented it has been eight years since the coroner's have received a pay increase. If approved, we would include this in the budget process and the salary increase would be effective January, 2019.

Mr. Reed asked is the rate set by Local Law? Mr. Wheeler replied he will need to check that. Mr. Van Etten asked how many cases do they average per year? Mr. Marshall replied they have between 250 – 300 cases and it averages out to 260. Mr. Wheeler commented if you approve, the total increase would be \$6,000.

**MOTION: AUTHORIZING AN INCREASE IN THE CORONER'S PAY FROM \$200 PER CASE TO \$225 PER CASE MADE BY MR. MAIO. SECONDED BY MR. POTTER FOR DISCUSSION.**

Ms. Fitzpatrick asked if it requires a Local Law would that be approved after it is approved in the budget? Mr. Wheeler replied we would include it as part of the budget process.

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

3. **Coroners' Aide Salary Increase** – Mr. Marshall stated the Coroners' Aides are currently getting \$100 per trip. With changes to the medical examiner's contract, they now are required to travel to Binghamton which is an increase in mileage and increasing the number of hours they are on the road. They are averaging four hours of travel which includes getting the van, the body, driving to Binghamton and return. He is recommending increasing their pay to \$150 per trip.

Mr. Wheeler stated from a budget standpoint, we have enough flex in that line and will be increasing what we spend, but not exceed the amount already budgeted. This is a recruitment and retention issue as we have been having difficulty getting people to do this. Mr. Mullen stated he thought this would not change the mileage when going to Binghamton, that the trips from the South and East would essentially be a wash. Mr. Wheeler replied it is a wash, but the thing that is more of an issue than mileage is the recruitment and retention. If we are talking

about the coroner's salaries, we should also talk about this. The other option is to pay per trip to the funeral homes and that is significantly more expensive.

Mr. Maio commented he has no problem doing this, but the rationale behind it is? Mr. Wheeler replied the reason is recruitment and retention.

Mr. Swackhamer asked did they get a new van? Mr. Marshall replied the new van just came in Friday of last week and now needs to get outfitted.

Mr. Maio asked how many coroner aides are there? Mr. Marshall replied there are about eight, but only three or four are running for us consistently. They are per diem.

Ms. Fitzpatrick commented she thinks a fifty percent increase is a little high. What are the qualifications to be a coroner's aide? Mr. Marshall replied they have to have their Hepatitis vaccine, there is a lifting requirement, they have to have the ability to drive the van, they need to be responsible and they have to be able to work in a stressful environment. Mr. Wheeler commented this is not a pleasant job. Mr. Marshall stated it is a recruitment and retention issue as there are not a lot of people that want to do this for \$100.

Mr. Wheeler stated this benefits you to do as the more expensive option is contracting with the funeral homes and if you do that, you will be at least double the trip. Mr. Marshall commented it would be about triple. Mr. Wheeler stated the coroner's are advocating that the coroner's aides get an increase.

Mr. Marshall stated the coroner's aides handle about 45 – 50 cases per year. Ms. Fitzpatrick commented she would be more on board for an increase to \$125 per trip.

**MOTION: AUTHORIZING AN INCREASE IN THE CORONER'S AIDE PAY FROM \$100 PER TRIP TO \$125 PER TRIP MADE BY MS. FITZPATRICK. Motion fails due to lack of a second.**

Mr. Marshall commented we have enough money in that line item to do the \$150 per trip. Mr. Wheeler stated there is a total of \$8,000 in that line and the draft budget will show the \$8,000.

**MOTION: AUTHORIZING AN INCREASE IN THE CORONER'S AIDE PAY FROM \$100 PER TRIP TO \$150 PER TRIP MADE BY MR. MAIO. SECONDED BY MR. POTTER. MOTION CARRIES 3-1. (MS. FITZPATRICK OPPOSED)**

4. **Village of Cohocton Inter-Municipal Agreement** – Mr. Marshall commented last month the committee authorized signing an agreement with the Village of Cohocton for the use of the water tower for a radio antenna. He missed the request from the Village to exempt the County taxes for that property. Right now they pay \$3,000 in County taxes. If we were to go out and lease tower space, we would be paying more than that.

Mr. Wheeler stated he agrees with Mr. Marshall that in this case, the County cost benefit more than pays for itself. This would be a good option to do, however, in speaking with the Law Department and Finance, this is not the only municipal asset that is taxed. We would need to be very careful how we word this to avoid setting a precedent.

Mr. Malter asked is the County site on the entire property? Mr. Marshall replied the site is Village property, which is property located in the Town. The Town and School have exempted the taxes, but the County has not. Mr. Wheeler commented if we do not do this and the Village does not allow us on the tower, we would have a substantial problem.

Mr. Mullen stated he will be abstaining as his law firm represents the Village of Cohocton.

Mr. Van Etten stated that since this is another municipality, he would say to do this. Basically they are using taxpayer dollars to pay the taxes to us.

Mr. Reed explained this would be a threshold incident for the Legislature for municipal taxes that are exempt. The only other examples that are similar are Champlain Beach and Mossy Bank. However, those are publicly accessed parcels and they were exempted out. In this situation, you are opening the door for other municipalities to make the request. You could do this without setting precedent if there is added value of doing this transaction with the Village; meaning the County is receiving a good value from having this arrangement. We do not have any other examples like this one.

Mr. Maio asked what examples are there where we as a County, are utilizing another municipal property? Mr. Wheeler stated you need to be very careful about setting a precedent and threshold. We need to establish clear justification.

Mr. Malter asked why not set up a rental agreement? Mr. Reed replied that could be part of the Inter-Municipal Agreement if you wanted to do that.

Mr. Maio asked when was this brought up; after negotiations? Mr. Marshall replied they had mentioned it during the negotiations and he had missed it. Mr. Wheeler stated we want to be able to fill that gap with our radio coverage. Ms. Fitzpatrick stated she likes the idea of a rental agreement.

**MOTION: AUTHORIZING AN AMENDMENT TO THE INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF COHOCTON TO INCLUDE A PAYMENT FOR THE USE OF THE TOWER SITE IN AN AMOUNT EQUAL TO THE TAXES PAYABLE TO THE COUNTY OF STEUBEN MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER FOR DISCUSSION.**

Mr. Malter asked is there the possibility that this might be covered by grant funds? Mr. Wheeler replied possibly. Mr. Van Etten commented the rental agreement is a good idea as long as you use it to offset the tax amount.

**VOTE ON PREVIOUS MOTION: MOTION CARRIES 3-0-1. (MR. MULLEN ABSTAINED)**

D. Sheriff's Office (Continued)

1. **2019 STOP DWI Plan** – Sheriff Allard presented the 2019 STOP DWI Plan for approval. All of the money in the plan comes from funds that are collected for convictions of DWI. This plan has to be submitted each year by October 1<sup>st</sup> to the Governor's Traffic Safety Committee. The total STOP DWI budget is \$327,736 and total estimated revenues are \$244,065.52. He stated that he will be dedicating a STOP DWI enforcement Deputy and the plan will pay for 100 percent of the costs of a STOP DWI vehicle and 50 percent of the salary for the deputy. Mr. Mullen asked is that a current position? Sheriff Allard replied yes. He commented DWI arrests are up over 30 percent from last year. We are also seeing increases in DWI drug and DWAI drug, as well as alcohol. Mr. Mullen asked can these funds be tied into the treatment program you will be offering at the Jail? Sheriff Allard replied no. One hundred percent of STOP DWI funds have to go toward enforcement and education and the State is very strict about what you can use these funds for.

Mrs. Lando asked are you seeing any trends; the arrests more for younger people or older people? Sheriff Allard replied we are seeing more middle-aged and older. We are seeing a lot of repeat offenders and are doing more DWAI drug arrests.

**MOTION: ACCEPTING THE 2019 STOP DWI PLAN AS PRESENTED BY THE SHERIFF MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **Police Traffic Services Grant** – Sheriff Allard requested authorization to accept the 2018 – 2019 Police Traffic Services Grant in the amount of \$9,630. This money will be used for overtime and traffic enforcement.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE 2018 – 2019 POLICE TRAFFIC SERVICES GRANT IN THE AMOUNT OF \$9,630 MADE BY MS. FITZPATRIC. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **Child Passenger Safety Program Grant** – Sheriff Allard requested authorization to accept a Child Passenger Safety Program Grant in the amount of \$10,000. This money will be used for the car seat installation program.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE CHILD PASSENGER SAFETY PROGRAM GRANT IN THE AMOUNT OF \$10,000 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

4. **Community Traffic Safety Program Grant** – Sheriff Allard requested authorization to accept a Governor’s Traffic Safety Committee Community Traffic Safety Program Grant in the amount of \$12,500. This money is used for overtime (\$10,000) and to purchase bicycle helmets (\$2,500).

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE GOVERNOR’S TRAFFIC SAFETY COMMITTEE COMMUNITY TRAFFIC SAFETY PROGRAM GRANT IN THE AMOUNT OF \$12,500 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

5. **Homeland Security Grant** – Sheriff Allard requested authorization to accept the 2018 Homeland Security Grant in the amount of \$32,491. This funding may only be used for road patrol and anti-terrorism. We typically use these funds for items for the CIRT team. This year he stated he is looking to purchase equipment, interoperable portable radios and an unmanned drone.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE 2018 HOMELAND SECURITY GRANT IN THE AMOUNT OF \$32,491 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

6. **Contract Renewals** – Sheriff Allard requested authorization to renew the School Resource Officer contracts with Wildwood and Coopers BOCES.

**MOTION: AUTHORIZING THE SHERIFF TO RENEW THE SCHOOL RESOURCE OFFICER CONTRACTS WITH WILDWOOD AND COOPERS BOCES MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

7. **Washing Machine Bid** – Sheriff Allard informed the committee that they had put out a bid for washing machines in the jail, but he would like to table the award until next month so they can review the bids.

8. **Reclassify Court Security Officer to Correction Officer** – Sheriff Allard stated currently they have six court security officers that they need to reclassify to Correction Officers. He stated he and Mr. Alderman met with the Union and clarified what this reclassification would mean. There is no change in grade or pay, but a slight change in hours from 37.5 to 40. This will provide us with more staff in the Jail and we can more easily move these individuals to court security if needed.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF FULL-TIME COURT SECURITY OFFICERS TO FULL-TIME CORRECTION OFFICERS IN THE SHERIFF’S OFFICE CONTINGENT UPON UNION APPROVAL MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

9. **Informational** – Mrs. Lando stated she would like to thank the Sheriff for the donation of over 500 pounds of produce to the Food Pantry in Corning.

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

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

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

**Monday, October 1, 2018**

**9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS**

**NO LATER THAN NOON**

**Monday, September 24, 2018.**