I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JUNE 7, 2021, MEETING MADE BY MR. POTTER, SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Sheriff’s Office
   1. SRO Agreements – Sheriff Allard requested authorization to renew the School Resource Officer (SRO) agreements for the 2021-2022 school year under the same terms and conditions.

   MOTION: AUTHORIZING THE SHERIFF TO RENEW THE SCHOOL RESOURCE OFFICER (SRO) AGREEMENTS FOR THE 2021-2022 SCHOOL YEAR UNDER THE SAME TERMS AND CONDITIONS MADE BY MR. MULLEN, SECONDED BY MR. POTTER FOR DISCUSSION.

   Mr. Ryan asked are there any school districts that have opted out? Sheriff Allard replied Wayland-Cohocton Central School took a year off. Mr. Ryan asked did they say why? Sheriff Allard replied with everything going on with COVID they didn’t feel that they could afford it.

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

   2. Accepting Additional STOP-DWI Crackdown Grant Funds – Sheriff Allard requested authorization to accept additional STOP-DWI Crackdown funds in the amount of $1,750.

   MOTION: AUTHORIZING THE SHERIFF TO ACCEPT ADDITIONAL STOP-DWI CRACKDOWN GRANT FUNDS IN THE AMOUNT OF $1,750 MADE BY MR. MULLEN, SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
3. **PrimeCare Contract** – Sheriff Allard requested authorization to extend the contract with PrimeCare through October 31, 2021. All terms and conditions remain the same.

*Motion: Authorizing the Sheriff to extend the contract with PrimeCare through October 31, 2021 under the same terms and conditions made by Mr. Potter. Seconded by Mr. Horton for discussion.*

Mr. Mullen asked how is the contract going? Sheriff Allard replied fantastic. Their protocols through COVID were spot on. I cannot say enough good things about them.

*Vote on previous motion: All being in favor. Motion carries 5-0.*

4. **Donation – Hammondsport Community Services** – Sheriff Allard requested authorization to accept a donation of an AED, valued at $1,738.65, from Hammondsport Community Services.

*Motion: Authorizing the Sheriff to accept a donation of an AED, valued at $1,738.65, from Hammondsport Community Services made by Mr. Mullen. Seconded by Mr. Horton. All being in favor. Motion carries 5-0.*

5. **Donation – Steuben County Dairy Festival** – Sheriff Allard requested authorization to accept a $100 donation for the K-9 Fund in memory of Peter Knapp from the Steuben County Dairy Festival.

*Motion: Authorizing the Sheriff to accept a $100 donation for the K-9 Fund from the Steuben County Dairy Festival in memory of Peter Knapp made by Mr. Horton. Seconded by Mr. Mullen. All being in favor. Motion carries 5-0.*

B. **Personnel**

1. **Reclassification – Sheriff’s Office** – Ms. DeMonstoy requested authorization for two reclassifications in the Sheriff’s Office. The first is reclassifying one Building Maintenance Mechanic, Grade IX to Head Building Maintenance Mechanic, Grade X. The second is reclassifying one Maintenance Person, Grade VII to Building Maintenance Mechanic, Grade IX. Sheriff Allard explained this is the result of our maintenance staff being reduced from three people down to two people. The individuals in these positions have been invaluable.

*Motion: Authorizing the reclassification of one Building Maintenance Mechanic, Grade IX to Head Building Maintenance Mechanic, Grade X and one Maintenance Person, Grade VII to Building Maintenance Mechanic, Grade IX in the Sheriff’s Office made by Mr. Mullen. Seconded by Mr. Potter for discussion.*

Mr. Malter asked when did you eliminate the third maintenance position? Sheriff Allard replied that was four or five years ago. Mr. Malter asked do you have money in your budget to cover this? Sheriff Allard replied yes.

Mr. Van Etten asked are these individuals part of your organization or do they fall under Buildings & Grounds? Sheriff Allard replied they report to the Major at the Jail. Mr. Van Etten asked do you manage the maintenance of your building yourself? Sheriff Allard replied yes, however, we do shared services with Buildings and Grounds.

*Vote on previous motion: All being in favor. Motion carries 5-0. Resolution Required.*

C. **Emergency Services Office/E-911**

1. **CAD Mobile License** – Mrs. Goodwin requested authorization to renew the contract with LF Design for the 62 additional CAD communication licenses. The cost will be $7,030.80. Mr. Horton asked is that the amount of the contract or just the increase? Mrs. Goodwin replied the $7,030.80 is the contract total. The increase was less than $200.
MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE CONTRACT WITH LF DESIGN FOR THE 62 ADDITIONAL CAD COMMUNICATION LICENSES FOR A TOTAL ANNUAL AMOUNT OF $7,030.80 MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. Mobile Tech Tower Lease – Mr. Forenz requested authorization to enter into a tower lease contract with Mobile Tech for the Travis Hill tower site. This is a two-year agreement with the option to renew for up to five years. Mr. Wheeler explained during the course of the radio project the Radio Technician noticed there was interference with channel testing. Everyone did a lot of work to find out what was going on with the equipment and it turns out it was interference with Mobile Tech, but we did not have a current agreement. Mr. Forenz stated they have been paying $300.00 per month to us so we are just looking to formalize the agreement. Mr. Mullen asked so what are they doing about the interference issue? Mr. Wheeler replied they will get it worked out.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A TWO-YEAR AGREEMENT WITH MOBILE TECH FOR THE LEASE OF THE TRAVIS HILL TOWER SITE AT A RATE OF $300 PER MONTH MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

3. High-Band Radio Interference – Mr. Potter asked are you getting things changed to resolve the interference issues? Mr. Forenz replied we did resolve some issues at one site. With the other sites we have selected an alternative frequency and are heading down the path to use that alternate frequency for EMS. We are currently redesigning that and then we will update the combiner and program the radios.

Mr. Wheeler stated we expect to complete this within the next two months, including reprogramming all the subscriber units in the field. Motorola has extended the warranties of the equipment and the warranties will start when the system is turned on. There will be additional costs for TXRX and as soon as we have that we will hold a special meeting so we don’t delay the project another couple of weeks. The end is in sight. Based on testing of the new frequency, everything is looking good so far.

Mr. Potter asked do you expect everything to be up and running by November? Mr. Wheeler replied I am confident that everything will be up and running within two months. It will take one month to program all the subscriber units and Motorola is sending some assets down to assist with that.

D. Personnel (Cont.)

1. Public Defender Request Re: Senior Assistant Public Defender Vacancy – Ms. DeMonstoy stated that Mr. Sauro is requesting authorization to hire a Senior Assistant Public Defender above Step 5. Mr. Sauro explained speaking generally, I previously made a request to fill this position with a particular individual, however, that individual is taking an opportunity elsewhere. I am now making the same request, however, for a different individual. This individual is currently an employee in the Public Defender’s Office with very similar qualifications as the previous individual. I needed to come back to committee because we would be hiring above Step 5 and we are also talking about a different individual.

Mr. Wheeler stated no action is needed by this committee. This will go to the Administration Committee for formal action. We are bringing it here for information because previously there was such a lengthy discussion about the position, although we were not successful in keeping the original candidate.

E. Probation

1. Case Management System – Mr. Wheeler stated Probation had an IT issue that required emergency action and we wanted to bring that to the committee for ratification.

Mrs. Crocker stated we have a case management system called Caseload Explorer which is provided by Automon. This is software that Albany requires us to use. Early last Tuesday morning the server went down and we did not
have access to this system and that issue occurred all week. Thursday afternoon I reached out to Automon to ask about them being the host server and eliminating the County from hosting the system. They sent me a quote and I met with Mr. Morse. We determined that it was a sole source. She stated she is requesting authorization to sign a contract with Automon to have them host the system. The cost for them to host will be $11,200. Prior to reaching that agreement they wanted $8,400 just to put us back on a new server at the County. We have had issues before with the County server. We discussed this with IT and determined this would be the best route to go.

Mr. Wheeler stated money is in the budget to cover this. With a sole source declaration, pursuant to the Administrative Code the department head, Purchasing, Law and I reviewed and approved this. Since this is a State system we cannot put it out to bid. This was the action that we took Friday. Migrating to the cloud is a better option.

Mr. Van Etten asked will there be an annual cost? Mrs. Crocker replied no, this is a one-time cost. Mr. Horton asked what is the annual cost for the system? Mrs. Crocker replied we have always paid a maintenance fee and that is $11,000 annually. We have been paying that for the last eight years. Mr. Mullen asked the host fee matches the maintenance fee? Mrs. Crocker stated to use them as the host is a one-time fee of $11,200 to get up and running. Then the $11,000 per year maintenance fee will continue. Mr. Mullen asked is there an annual host fee? Mrs. Crocker replied no.

MOTION: RATIFYING THE DECLARATION OF AUTOMON AS A SOLE SOURCE VENDOR FOR THE CASELOAD EXPLORER SYSTEM AND APPROVING A ONE-TIME FEE OF $11,200 FOR AUTOMON TO HOST THE CASELOAD EXPLORER SYSTEM ON THE CLOUD AND CONTINUING THE ANNUAL $11,000 MAINTENANCE FEE MADE BY MR. MULLEN. SECONDED BY MR. RYAN FOR DISCUSSION.

Mr. Mullen asked as we move more and more to the cloud will we have any local infrastructure cost savings? Mr. Wheeler replied yes. The server costs will decrease as there will be less storage requirements. We are already seeing that. We still have a lot of data we have to store locally. As we are migrating more to the cloud we are seeing cost savings because we are not replacing servers every five years.

Mr. Malter asked will IT lose revenue because of the chargebacks to the departments? Mr. Wheeler replied that is a good question. I haven’t look at that part of the budget. We may not have that specific chargeback.

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

IV. OTHER BUSINESS
A. Emergency Services Study – Mr. Potter asked what is the status on the emergency services study? Mr. Malter commented that is part of what we are going to discuss under goals. My understanding is that the study is pretty much ready to be presented. Mr. Wheeler replied you will get it this month. Mr. Malter asked that it be sent out to everyone so we can review it for the August meeting.

B. Status of 2021 Goals –
- Drug Rehabilitation Program at the Jail - Mr. Malter stated Mr. Mullen had recommended looking at the drug rehabilitation program at the Jail. He stated this morning he has asked Sheriff Allard and Dr. Chapman to go over that with us and see where we stand.

Sheriff Allard stated pre-bail reform we had a very successful program with a lot of first time offenders in the Jail for drug charges that were held, got clean, assessed and entered into treatment. We had a team that met every month to make sure that when those individuals were released they went to Catholic Charities or some other halfway home to continue their treatment. They were already signed in to Steuben County Mental Health so there was no gap in their treatment, which was one of the identifying issues that we wanted to take care of and it was very successful. Now, with bail reform, unless they are arrested for selling $75,000 or more in narcotics, they are mandatorily remanded and released. So those first time offenders are not captured anymore; they are mandatorily,
statutorily arraigned and released back into the community. Through COVID, obviously we had no visitation at the Jail and that also meant Dr. Chapman’s personnel in the Jail. We have recently started visitation again and Kim Jessup is conducting group sessions in the Jail and as soon as we get to the point where we can fully open up, we will begin the program we had before, albeit with less people in it. Right now the program has six people in it and we anticipate it being just as successful, just with fewer attendees. From the Jail end we are ramping up again now and look to re-establish the program as it is a difference maker in the community.

Dr. Chapman stated as you are aware, M.A.T. (Medicated Assisted Treatment) has been a mandate in our Substance Abuse and Mental Health clinics. There is currently a bill on the Governor’s desk to mandate M.A.T. within the Jail and there are a lot of concerns about that. From a treatment perspective we see the merit of it. There is a lot of research out there that once people with Opioid dependence are released from Jail there is a high risk for them to use again. On the fiscal end, with no funding for the Counties, there is concern about the expense of the medications to provide that treatment. The NYS Conference of Mental Hygiene Directors is advocating to the State to fund the counties to offset the cost of treatment.

Sheriff Allard stated we met about three weeks ago with PrimeCare and Dr. Chapman’s staff to get an idea of the cost when we have to do M.A.T. We think the cost will be $50,000 - $70,000 per year just in medication. We are searching for every type of grant we can get to offset that. He stated that PrimeCare is already doing this in Monroe County and can help guide us through that while using Dr. Chapman’s staff for counseling services, and that seems to work really well for us. This will probably be another unfunded mandate from the State. Dr. Chapman commented PrimeCare will dispense all the medications and my staff will provide counseling, assessment and support services.

Mr. Potter stated it is my understanding that the Governor has created a dedicated fund for Opioid abuse and treatment because of the recent settlement of the lawsuits. I’m assuming the counties will be going after the State for some of that money? Ms. Prossick stated we do have an active Opioid litigation claim, however, the money that the State is talking about is not the same as what the counties will get. It is yet to be determined how that will play out. This is in regards to the Purdue Pharma bankruptcy. There are still other defendants out there. It looks like we will get something because of the bankruptcy settlement. Mr. Wheeler commented there is an indication that those funds have to be dedicated toward treatment.

Mrs. Ferratella asked with bail reform is there anyone that volunteers to be put into rehab? Sheriff Allard replied we have not had that experience. Typically once they get to drug court they will ask. With the people that are convicted and sentenced, we take them there as part of their plea agreement. Mr. Horton asked once people are released from the Jail, is there ever a program to buy them a ticket if they want to go to family that lives out of the area so that they are not around the same crowd of people. Sheriff Allard replied that is part of the program we have with our team for sentenced people that are rehabbed; we get them into halfway homes, many times in Pennsylvania, to get them to stay in treatment. It is important that there not be a break in treatment.

Mr. Sauro commented the District Attorney and I have been working with the drug court team and there is a plan for an Opioid component to assist persons at CAP to help take the edge off the consequences of bail reform. At that time if we identify someone in need, we can assess and offer help to them right away and their participation would be voluntary.

Mr. Van Etten asked is M.A.T. mandatory or voluntary? Dr. Chapman replied it is voluntary. Mr. Wheeler stated however, it is mandatory for us to offer it. Dr. Chapman stated a lot of effort goes into engagement and trying to link them up with continued treatment, and addressing housing issues and employment.

Ms. Fitzpatrick asked are there studies or success rates with and without M.A.T.? Are we seeing more drug problems now after bail reform than we were in the past? Sheriff Allard replied we have seen a significant increase in indictments and multiple indictments of the same person. Once they are released, without treatment options, they are going right back to business. We are seeing a steady increase in overdoses accompanying that.
Mr. Malter asked what is the current Jail population? Sheriff Allard replied it was around 170 and now we are around 135.

Ms. Fitzpatrick asked are the numbers based on the communities where they are getting arrested for the charges? I have had meetings with Catholic Charities and Arbor Development and Catholic Charities is looking at forming a housing task force to help with the issue. They will be focusing on the Village of Bath, but will look at the entire County. There are so many bad drug situations around. One big issue is with the free clean needle exchange and we are finding used needles everywhere. Can you put out a container where they can be properly disposed of? I would like to see the numbers from the communities where they are being arrested and the type of charge. Sheriff Allard replied I can look and see what we can find. He noted that this is the first he is hearing about the needle exchange program.

Mr. Mullen asked are there crimes that people can still be held on? Mr. Sauro replied there is a laundry list of crimes for which you can be held, or not. The issue is with how folks are being returned on warrants and other things. Previously they could not be held on bail, but now they can. Defense counsel, under Section 530 of CPL, can require a hearing to flesh out details of why or why not an individual is remanded based on actual facts. We call for the hearing and the individual remains at liberty until the hearing. Mr. Mullen asked are there other cases where the District Attorney applies to the court to hold someone, and if so, how often? Mr. Sauro stated that he has not seen anything from the District Attorney, but my attorneys are making the Section 530 requests.

- **District Courts** – Mr. Malter stated he had asked Ms. Prossick to put together the process and authority to see what we have to do and if we are in a position to move forward. Ms. Prossick stated prior to two weeks ago, the Chief Administrative Judge was adamantly opposed to district courts. However, we no longer have the Chief Administrative Judge. One has not been permanently appointed yet. She stated one of my top priorities is to discuss this with the new judge and it could very well be a different landscape.

Ms. Prossick stated essentially this body would have to adopt a resolution requesting the State to adopt a proposed local law to establish district courts. That is a fairly straightforward process. The State can reject that request. They have not had a request since 1999 for a district court. They also have not accepted a request for a district court since 1962. I believe it is because it is a State cost; the buildings, judges, etc. and it is a financial burden on them. If the State were to agree to district courts, then the voters would have the right, at a mandatory referendum, to vote on that. It is a legal process, but it is very political. Having been a town attorney, I know that is can be very costly for the towns to run these courts.

Mr. Horton commented in Campbell, our court costs are $100,000 per year without software. What we have budgeted for income will never come close. Ms. Prossick stated with our assigned counsel panel we have a shortage of attorneys and cannot find people to cover the 32 courts. As far as ILS (Indigent Legal Services) standards, we will not be able to meet the needs, but district courts would be the solution to that.

Mr. Malter stated the first step is to know who the Chief Administrative Judge is going to be. Ms. Prossick replied yes, I think so and that makes sense. This was always a non-starter with Judge Doran.

Mr. Malter commented with the courts in the County, some are making money because of the Driver Diversion Program and a lot of towns of losing money. Ms. Prossick stated district courts would not change the Driver Diversion Program; that money goes back to the towns.

Mr. Mullen commented we are in a somewhat unique situation. To me, it would be less expensive to the State for district courts because we have Bath, Corning and Hornell that have facilities that could be shared. Mr. Wheeler stated OCA (Office of Court Administration) pays rent.

Mr. Horton asked can you combine local courts? Ms. Prossick stated there is a process and we could look into it. The Village of Painted Post uses the Town of Erwin. Mr. Wheeler stated there are ways. There would be more facility and location savings. He has talked with the County Administrator in Orleans County and they...
Public Safety and Corrections Committee
Monday, July 12, 2021

Mr. Malter asked would district courts cover the towns, villages and cities? Ms. Prossick replied district courts would only cover towns and villages. Mr. Malter stated with 48 town and village courts, I looked at it from cost savings from personnel. I would like to pursue this, but we need to wait and see who the Chief Administrative Judge will be.

Mr. Mullen stated we could still work on the plan and what we would do. Ms. Prossick stated yes, we would have to find building, hardware, etc. The more details you have to submit, the better. She stated ILS is now talking about case caps for Family Court attorneys. We cannot meet that mandate. The district courts would solve the problem. Mr. Malter stated at this point we will just wait and see. If the committee has any recommendations, think about it and we will discuss at our next meeting.

Mr. Wheeler stated we have been keeping Senator O'Mara and Assemblyman Palmsano in these discussions and they seem pretty supportive. The real reality is for the State, it would increase their budget. Mr. Mullen asked do we know how much OCA pays to the towns? Ms. Prossick replied they take a cut. The other thing unique to us is the size of the County and we need to hone in on that. Mr. Mullen commented at the State Bar Association they talk about a lot of rural justice type initiatives to figure out how to best serve rural areas.

Mr. Wheeler commented another action item to consider after we determine who the new Chief Administrative Judge will be, is to talk to the Magistrate's Association. There are strong opinions on both sides within that organization. Ms. Prossick stated she agrees. Mr. Malter stated another issue is trying to get people to run for positions anymore. Mr. Potter stated the cost for schooling for a new judge is substantial. In my town we have been through that several times. There are only about two towns that are making money and for the others it is a losing proposition. Mr. Van Etten stated the courts are not supposed to be a profit center. They are part of the services you provide as a local government. Mr. Potter commented it would be nice if you could come closer to breaking even.

Mr. Van Etten thanked Mr. Malter and the committee for the review of their goals. Every year we set goals and forget about them. It is good to do regular reviews.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
August 2, 2021
Legislative Chambers
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Monday, July 26, 2021