**MINUTES**

COMMITTEE:
John V. Malter, Chair
Frederick G. Potter
Jeffrey P. Horton, Vice Chair
Thomas J. Ryan
Aaron I. Mullen

STAFF:
Jack K. Wheeler
Bill Caudill
Matthew Whitmore
Noel Terwilliger
Shawn Sauro
Craig Patrick
Christopher Brewer
Jennifer Galvan
Tina Goodwin
Nate Alderman
Brooks Baker
Tim Marshall
Jennifer Prossick
James Allard
James Gallagher
Ken Forenz
Andy Morse
Matthew Sorge

LEGISLATORS:
Scott J. Van Etten
Hilda T. Lando
Kelly H. Fitzpatrick
Steven P. Maio
K. Michael Hanna
Gary D. Swackhamer

OTHERS:
Alivia Jiang, Youth In Government Intern
Mary Perham

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MAY 3, 2021, AND MAY 11, 2021, MEETINGS MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. PRESENTATIONS
A. Youth Bureau
   1. Youth In Government – Mr. Caudill thanked the committee for the opportunity for Alivia Jiang to present her resolution to the committee. Alivia is a Junior at Corning-Painted Post. Alivia Jiang presented her proposal for the creation of a Steuben County Youth Court. Mr. Malter thanked Alivia for her presentation and said that it was very well presented. We will pass your recommendation on.

B. Sheriff’s Office
   1. Commendations – Sheriff Allard introduced Corporal Andrew Hawk and Deputy Robert Shepherd. He presented them both with a commendation for their actions on April 10, 2021. On that day the officers were called to the scene of an unresponsive individual. They administered Narcan and saved the life of this individual who had overdosed on Heroin.

Sheriff Allard introduced Sergeant Lori Gardner who is the overnight Supervisor at the Jail. He presented her with a commendation letter in recognition of her attention to detail in confiscating methamphetamines that a CAP detainee had brought in.

Sheriff Allard introduced Corrections Officer Robert Labar. He presented him with a commendation letter in recognition of his attention to detail. He recognized that an inmate was in distress due to a suicide attempt and as a result of his attention to detail, he was able to save the life of this inmate.
C. District Attorney’s Office

1. Contract – Mr. Baker requested authorization to enter into a contract with the Institute for Human Services for two part-time interns to work during the summer doing clerical work. They will work 14 – 19 hours per week and will be paid minimum wage. Mr. Terwilliger stated the amount of the contract will not exceed $7,500 and we have funds in our contracts for services line item. Mr. Mullen asked do you have specific tasks lined up for them? Mr. Baker replied they will be working on opening and/or closing files, filing and getting things boxed up in anticipation of our move.

   **MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ENTER INTO A CONTRACT WITH THE INSTITUTE FOR HUMAN SERVICES FOR TWO PART-TIME INTERNS TO WORK DURING THE SUMMER TO ASSIST THE OFFICE WITH MOVING AND FILING IN AN AMOUNT NOT TO EXCEED $7,500 MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. Informational – Mr. Baker stated that he wanted to put the committee on notice of something that will be happening in the department. Back in 2019 we had issued an RFP to have someone come in and look at our office operations and we did not get any responses. We have had discussions with a retired Corning, Inc. employee who was an operations development consultant to assist us with this. There will be no charge to the County and we should have a recommendation by September.

3. Salary Adjustments – Mr. Baker requested authorization to adjust the salary for incoming Senior Assistant District Attorney Marty Anderson. He requested authorization to set the salary at Grade H, Step 11 which is $89,376 and he can start immediately. Mr. Mullen asked is this a full-time one hundred percent employee? Mr. Baker replied yes and there will be no outside employment.

   **MOTION: SETTING THE SALARY FOR INCOMING SENIOR ASSISTANT DISTRICT ATTORNEY MARTY ANDERSON AT GRADE H, STEP 11 IN THE AMOUNT OF $89,376 MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

   Mr. Baker requested authorization to adjust the salary of Assistant District Attorney Anna Ciesla at Grade H, Step 3 which is $63,972. He explained when Ms. Ciesla started she had not passed the bar, but now she has. She was hired at the minimum end of the scale with the idea that we would give her a raise upon passing the bar. She has two years of experience and prior to passing the bar she was working under a practice order. We did budget for this in this year’s budget. She is doing a great job, has worked very hard and has a lot of potential.

   **MOTION: SETTING THE SALARY FOR ASSISTANT DISTRICT ATTORNEY ANNA CIESLA AT GRADE H, STEP 3 IN THE AMOUNT OF $63,972 MADE BY MR. HORTON. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

4. Animal Cruelty Cases – Mr. Baker stated we have one case with bulls and cows and my understanding is that a plea has been entered and we are awaiting sentencing. Mr. Wheeler commented this was the larger of the two cases and it should be taken care of by the end of the month.

   Mr. Baker explained we can have a civil hearing if we can establish probable cause. At that point we could force the individual to post bond to care for the animals or to forfeit the animals. In this particular case we could not do it because of the court closure. Going forward, that is what we will do if it makes sense economically. To do that requires us to call in an expert witness and that is at a significant cost. We will do a cost benefit analysis going forward. He stated that often in misdemeanor cases they are issued an appearance ticket which is 30 – 45 days out and then discovery is 30 days after the appearance. We will work on that.
D. **Emergency Services Office/E-911**

1. **Contracts**

   a. **NICE Recorder Service Agreement** - Mr. Marshall requested authorization to renew the annual service agreement with Wilmac for the recorder at the 911 Center. The cost is $33,670. Mr. Potter asked was there a price increase? Mrs. Goodwin replied there was a 3 percent increase.

   **MOTION:** **AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE ANNUAL SERVICE AGREEMENT WITH WILMAC FOR THE RECORDER AT THE 911 CENTER IN THE AMOUNT OF $33,670 MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

   b. **UPS Service Agreement** – Mr. Marshall explained this is a contract with Graybar. The new UPS was installed last year and they offered a one year warranty. The maintenance agreement covers the annual inspection/service and also includes an infrared scan of the batteries. The cost is $9,872.84. Mr. Marshall noted this is a little higher than the previous contract we had, but we have a newer unit. Mr. Horton asked were you happy with the service while it was under warranty? Mr. Marshall replied, yes, we were very happy with the service.

   **MOTION:** **AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A SERVICE AGREEMENT WITH GRAYBAR FOR THE ANNUAL INSPECTION/SERVICE OF THE NEW UPS SYSTEM FOR THE 911 CENTER FOR A COST OF $9,872.84 MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

   c. **Pictometry** – Mr. Marshall requested authorization to renew the agreement with Eagleview (Pictometry) for the annual license payment. This is part of a multi-year contract and the amount is $122,256.27. Mr. Wheeler explained we chose to go this route and budget it annually in the operating cost. Previously we had paid the entire amount up front, but this has been better for the budget.

   **MOTION:** **AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE CONTRACT WITH EAGLEVIEW FOR THE ANNUAL LICENSE PAYMENT OF $122,256.27 FOR THE PICTOMETRY IMAGERY AT THE 911 CENTER MADE BY MR. HORTON. SECONDED BY MR. POTTER FOR DISCUSSION.**

   Mr. Van Etten asked do they fly annually? Mr. Marshall replied they were supposed to do the re-fly last year. Mrs. Goodwin stated they will do the re-fly in the fall of 2022. Mr. Wheeler commented they do the re-fly every three years and we spread out the payments.

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

   d. **OCV Contract Update** – Mr. Marshall requested authorization to enter into a five year contract with OCV for the Ready Steuben app. This cycle will work better with the funding cycle of the Department of Homeland Security and Emergency Services (DHSES). This year the cost will remain the same at $4,995, the cost for years two and three will be $5,495 per year and years four and five will be $5,995. This is for the maintenance and upgrades to the Ready Steuben app. Mr. Wheeler asked is this grant funded? Mr. Marshall replied yes. Mr. Malter asked has the app been successful? Mr. Marshall replied yes and it was very helpful during the pandemic as we used it to push information out. This company ties in well with the Sheriff’s app, so we have that tie in.

   **MOTION:** **AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIVE-YEAR CONTRACT FOR THE OFFICE OF EMERGENCY SERVICES WITH OCV, LLC FOR MAINTENANCE AND UPGRADES TO THE READY STEUBEN APP FOR A FIRST YEAR COST OF $4,995; $5,495 PER YEAR FOR YEARS TWO AND THREE; AND $5,995 PER YEAR FOR YEARS FOUR AND FIVE MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**
e. **NYS DOT** – Mr. Marshall stated we are working with the New York State Department of Transportation to try to get access to their traffic cameras. Usually we have had to log into the 511 system with a password. NYS DOT will be allowing us to have access to their traffic cameras so we can monitor flow during high peak situations and winter events. There will be no cost to the County. The Law Department has reviewed the contract.

**MOTION:** AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE USE OF THEIR TRAFFIC CAMERAS BY EITHER OFFICE OF EMERGENCY SERVICES OR E-911 STAFF, AT NO COST TO THE COUNTY MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Request to Bid Tower Maintenance** – Mr. Marshall requested authorization to solicit bids for tower maintenance. We need to look at our tower system, conduct a structural analysis, inspections and maintenance. The best way to do that is to bid and we will be able to use Homeland Security Grant funds.

**MOTION:** AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT BIDS FOR TOWER MAINTENANCE MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. **Personnel**

1. **Reclassification – Office of Emergency Services** – Mr. Alderman requested authorization to reclassify a Senior Typist to a Senior Account Clerk-Typist. He noted the current employee is very experienced. Mr. Marshall explained in 2004 we lost the Administrative Officer position in our office and that position was zero-based. This Senior Typist took on those duties; a lot of which is grant work. Since the events of September 11th, our grant work has increased immensely; we handle millions of dollars of funding and there is intense financial work. The Senior Typist has been with the County for 33 years and would like to stay in our office.

**MOTION:** APPROVING THE RECLASSIFICATION OF ONE (1) SENIOR TYPIST POSITION, GRADE VI TO A SENIOR ACCOUNT CLERK-TYPIST POSITION, GRADE X IN THE EMERGENCY MANAGE OFFICE MADE BY MR. RYAN. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Potter asked is this additional cost already in your budget? Mr. Marshall replied I don’t believe it is currently. We may be able to do some budget adjustments to cover it. Because of COVID we did not go to any conferences or trainings. Mr. Wheeler commented the overall budget will be able to absorb the additional cost. We try to keep every department whole within the budget, but we can transfer from other salaries and wages if needed.

Mr. Mullen commented this is going from a grade six to a ten; was there nothing else in between? Mr. Alderman replied given the amount of time the employee has been with the County, the amount of work and with the reorganization of the department there is now a supervisory component. Mr. Mullen asked what is the supervisory component? Mr. Marshall replied with the reorganization, there are two Senior Typists within 911 and this position would be supervising those positions.

Mr. Wheeler stated the other options other than Senior Account Clerk-Typist are a little low. Also we would have an issue with the Union if we tried to move that to a confidential position. This title is in line with the expectations and duties.

Mr. Van Etten asked since we are doing the reclassification based on the job morphing, do we run the risk of someone wanting retroactive pay? Mr. Alderman replied that is certainly a risk, but we have never had anyone do that. As Civil Service Officer, I have the authority to reclassify any position. The department head can tell us they want to reclassify a position, or that they want to take away duties that would require a reclassification. Mr. Wheeler stated they also have the option of a temporary assignment. TheUnion can be assigned to a higher grade
with that pay. If we see that a temporary assignment will not be so temporary, then we can come forward with the request to reclassify.

Mr. Van Etten asked do we do any periodical “audit” of jobs? Mr. Alderman replied not countywide. There are certain positions we will do an audit for. When an exempt position is vacated we will look at it, but with the competitive positions, not so much. Mr. Malter asked are you updating the job descriptions and duties of each individual in their personnel file? Mr. Alderman replied yes. We try every few years to go through and do that.

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

2. **Reclassification** – E-911 – Mr. Alderman requested authorization to reclassify one Supervising Dispatcher position, Grade XII to a new Operations Manager position, Grade XIII. There is no grade currently in the Union contract for the Operations Manager position and we will need to add that. He stated he spoke with the Union and, with your approval, I have the authority to add another grade.

Mr. Malter commented we were talking about the reorganization of the department, this position was talked about at that time. Mr. Marshall explained the Dispatch Supervisor is responsible for supervising the dispatching and the quality improvement/quality assurance. There is one supervisor that does the majority of the training and another does the scheduling. We are trying to roll some of these management level responsibilities into this position; the quality improvement/quality assurance and scheduling. This gives us the ability to look at those things in more detail and provide additional training. This is the next level of supervisor.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE SUPERVISING DISPATCHER POSITION, GRADE XII TO AN OPERATIONS MANAGER POSITION, GRADE XIII IN THE E-911 DEPARTMENT MADE BY MR. MULLEN, SECONDED BY MR. HORTON. ALL BEING IN FAVOR, MOTION CARRIES 5-0. Resolution Required.

F. **Sheriff’s Office**

1. **Accept Bulletproof Vest Matching Grant from Bureau of Justice** – Sheriff Allard requested authorization to accept the Bulletproof Vest Matching Grant from the Bureau of Justice. We received $8,780 in reimbursement for vests purchased for Corrections Officers, Road Patrol, Probation, School Resource Officers and Court Security. The State pays half the cost of the vests for the road patrol and the school picks up the other half of the cost for the School Resource Officers.

Mr. Malter asked how long do the vests last? Sheriff Allard replied for a patrol officer they are five years and for Corrections Officers they last longer. He explained that body heat breaks down the Kevlar.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A BULLETPROOF VEST MATCHING GRANT FROM THE BUREAU OF JUSTICE IN THE AMOUNT OF $17,560 WITH $8,780 BEING REIMBURSED BY THE STATE MADE BY MR. HORTON, SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **Accept Donation from Brinks, USA** – Sheriff Allard explained Brinks, USA has a program where they donate used trucks to tactical teams across the country. They have a used truck that they would like to donate to us which is valued at $3,500. Deputy Locke and Public Works have looked over the truck and say that it is serviceable and usable. He requested authorization to accept this donation at no cost to the County. Mr. Van Etten asked will there be any additional cost to equip the truck? Sheriff Allard replied the truck is fully functional and running now, so we would just be paying for maintenance.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE DONATION OF A USED BRINKS INTERNATIONAL TRUCK, VALUED AT $3,500, FROM BRINKS, USA MADE BY MR. MULLEN, SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.
3. **Sgt. Devin A. Snyder Memorial Foundation** – Sheriff Allard stated this past weekend at the annual Sgt. Devin A. Snyder 2021 Ride to Remember event, they made a $1,000 donation to the K-9 Program. He requested authorization to accept this donation.

**MOTION:** AUTHORIZING THE SHERIFF TO ACCEPT A $1,000 DONATION FROM THE SGT. DEVIN A. SNYDER MEMORIAL FOUNDATION FOR THE K-9 PROGRAM MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

G. **Emergency Services Office** (Cont.)

1. **VHF Update** – Mr. Potter asked for a status update on the VHF conversion. Mr. Marsh replied we made some changes at the tower sites. We did testing two weeks ago and found additional issues that we want to try to resolve. We are working on the details and hope to have that information before the next Legislative meeting. Mr. Wheeler commented we have been pushing Motorola and TRX. We are still getting interference and the ideal solution would be to change the channel number and reprogram the combiner. We are getting a quote for doing that and it seems like the fix to get us further away from the interference. Mr. Wheeler stated we know how frustrated the fire chiefs are, however, they would be more upset if we go live and we are getting interference.

Mr. Malter asked will there be an additional cost to the fire companies? Mr. Wheeler replied not to them. We hope that the Homeland Security grant can cover the cost.

2. **Emergency Services Study** – Mr. Van Etten asked is there an update on the Emergency Services Study? Mr. Marshall replied we received a preliminary draft Friday and we have been looking through that for errors and omissions now. We will get any corrections to them and finalize it within the next couple of weeks. Mr. Wheeler stated we expect to have a presentation at the July PS&C meeting. Mr. Marshall commented I am fairly happy with it. Mr. Malter asked can we get a copy before the meeting? Mr. Wheeler replied we will send it to you electronically and have the company come in and do a presentation.

H. **County Manager**

1. **Approval Process for STOP-DWI Plan** – Mr. Wheeler stated in 1998 the Legislature delegated authority for authorizing the STOP-DWI Plan to the Traffic Safety Board. He is proposing rescinding that authority and instead designating the Legislature and the Public Safety & Corrections Committee to approve the STOP-DWI Plan. Sheriff Allard stated he researched this with the STOP-DWI Foundation and this would be the preferred method.

**MOTION:** RESCINDING RESOLUTION NO.100-98 AND PLACING THE APPROVAL PROCESS OF THE ANNUAL STOP-DWI PLAN AND BUDGET UNDER THE AUTHORITY OF THE STEUBEN COUNTY LEGISLATURE MADE BY MR. HORTON. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

V. **OTHER BUSINESS**

A. **Setting the Date of the July Meeting** – Due to the 4th of July holiday, it is being recommended to set the date of the July meeting for Monday, July 12, 2021.

**MOTION:** SETTING THE DATE OF THE JULY MEETING ON MONDAY, JULY 12, 2021 AT 9:00 A.M. MADE BY MR. HORTON. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

**MOTION:** TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
VI. DEPARTMENTAL REQUESTS (Cont.)

Personnel

1. Residency Requirements for Steuben County Deputy Sheriffs and Peace Officers – Mr. Mullen stated I am not interested in Deputy Sheriffs residing out of County, but I would be willing to allow a sunset clause after a period of years. That would give people a couple of years to move into the County. Ms. Prossick stated we either have to rescind and not do it or do it now and then rescind it. Mr. Wheeler commented if that is done, then someone in a couple of years could bring it back to committee. Mr. Mullen stated I would not be interested in doing it.

Mr. Ryan stated I don’t have a problem with them living in another county as long as there is reciprocity. Sheriff Allard stated Schuyler County has a waiver in State Law and they can take from us, but we cannot take from them. Mr. Ryan stated I don’t want to see our tax money going to another county and us not having the reciprocity.

Mr. Van Etten commented I don’t know if I agree with that as the tax dollars are paying for the salary when they are working in the county. Spending outside of the county is possible, but there is no impact and no correlation on where a person spends their money and where they do their job. Mr. Malter stated there is sales tax and property tax and there is some impact. Mr. Ryan stated their income would fund the schools and Sheriff of the other county they live in.

Mr. Mullen stated it is more of a safety issue; we should have the Deputies close by. Mr. Wheeler stated we did have a discussion about that and talked about putting a 45 minute response time and the Deputies Association was willing to discuss that.

Sheriff Allard stated we are the least paid full-time agency in this county or any contiguous county. If you are interested in information on how that affects operations, this would be a benefit to recruitment and retention if this local law was passed. We also have part-time and temporary employees that would be affected.

Mr. Malter stated with the Corrections Officers, they are peace officers and if we pass that local law, does that affect the department? Mr. Wheeler replied that is a separate designation under Civil Service Law.

Ms. Fitzpatrick stated given public perception of police in this day and age, they may feel safer not living in the community where they perform enforcement. I’m sure many of the Deputies feel very comfortable. If there is an incident, there is a lot of perception that there is some element of risk for them. The Deputies risk their lives every day and we ask them to do that; we pay them to do that and give them equipment. I am not against a local law allowing them to live where they want to. Why then factor infringing on their personal being by telling them they have to live in the County?

Mr. Wheeler stated under the local law you have the ability to give preference to a candidate that lives in the County. If you adopt the local law, you could communicate to the Sheriff to hire those candidates who live within the County.

Sheriff Allard commented I don’t think you will see a mass exodus if this passes. It is inconvenient to live outside the County if they have a family or children.

Mr. Horton asked how often when a Deputy is off-duty do you call them in for an emergency? Sheriff Allard replied it depends on the specific duty they have. Our arson investigators get called out a lot as do the forensic investigators. Mr. Horton asked could you require that those Deputies with specialty duties be residents of the county?

Mr. Nichols asked no one is allowed to live in Pennsylvania, right? Mr. Wheeler replied, no they cannot not live in Pennsylvania.

Mr. Mullen stated in response to the comment that we are infringing on their right to live where they want; are we not doing that with the question of how far away they can be? Allowing them to live out of county makes that worse per se. Added to that is having to have the cars at the highway shops. That creates a loss of supervision of the car and the
Mr. Malter stated with regard to the Peace Officers/Corrections Officers, many of them are living outside of the county and that has been past practice before. Do we have a consensus on this, whether to allow out of county residency? Mr. Mullen commented that he is okay with this for the peace officers.

MOTION: PRESENTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2021, WAIVING THE RESIDENCY REQUIREMENT FOR STEUBEN COUNTY PEACE OFFICERS MADE BY MR. POTTER. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Van Etten stated this one is more simple because peace officers have been retired. It is a gray area, but we had to change the classification to peace officer to handle court security.

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

Mr. Malter asked with the residency waiver for Deputies, is there a scenario that we could modify the local law to allow those already out of the county to remain out? Ms. Prossick replied it is all or nothing as it goes by title.

Mr. Van Etten asked are Deputy duties broken up into quadrants? Sheriff Allard replied we rotate so that the Deputies learn the entire county. We typically break the county up into three zones: Hornell/Arkport area, Corning area and then Bath. Sometimes we shift a little more or a little west on the western half of the county.

Mr. Van Etten stated from a recruitment standpoint I am in favor of doing this as we are a low-paying county and if we can increase the pool of candidates, that is a good thing. Mr. Alderman stated I researched the Deputy exams and in the last four exams 35 percent of applicants are from out of county and that is a fairly good number. We typically get 15 – 30 candidates and of those 30 – 40 percent are out of county. This local law would open up the numbers a little.

Sheriff Allard commented the State Legislature passed a law that within three years we cannot hire a police officer that does not pass a background check that meets the standardization of accreditation which means a psychological exam and a polygraph test. We currently meet that standard and if we do not, then we will be decertified. There will be some serious competition.

MOTION: PRESENTING LOCAL LAW TENTATIVELY NO. THREE OF 2021, WAIVING THE RESIDENCY REQUIREMENT FOR STEUBEN COUNTY DEPUTY SHERIFFS MADE BY MR. HORTON. SECONDED BY MR. VAN ETTEN FOR DISCUSSION.

Mr. Van Etten stated I live two miles from the Chemung County line. If a Deputy lives in Big Flats, that doesn’t make them less effective than if they lived in Corning or Caton. The horse is already out of the barn and we are playing catch up, and that is my issue, but that won’t preclude me from voting for this.

Ms. Fitzpatrick stated I think we should do this as well. If there is a recruitment issue, this is just one element of the items that we will have to face. The Deputies may want to work in our county because of good leadership and opportunities. If we can get a great person just over the county line, I don’t want to miss out on that opportunity.

Mr. Malter stated the pool we have just from the county is very limited. If we need to look outside, I am in favor.

Mr. Van Etten asked does the Undersheriff qualify as a Deputy? Ms. Prossick stated because he can technically step in and act for the Sheriff, he and his position have to stay in the county as an elected official would.

Mr. Mullen asked for a distance requirement, what did you have in mind? Mr. Wheeler replied what we have talked with Sergeant Sorge about is a 45 minutes response time to Bath. That would keep it within a smaller radius. Mr. Van Etten asked how do we measure 45 minutes? Wouldn’t a mile radius be more precise? Ms. Prossick stated that is something
you could determine if you pass the local law. Those details would be part of the MOU. Mr. Mullen asked why would it not be included in the local law? Ms. Prossick explained we are piggybacking off the local laws of contiguous counties.

Mr. Maio asked where does it say that residency in Pennsylvania is not allowed? Ms. Prossick replied that is in Public Officers Law; you have to live where the appointing body is and in New York State. All of the exceptions say contiguous counties pursuant to New York State Civil Service. Mr. Maio commented it might behoove us to put that in the local law. Mr. Wheeler replied the local law says contiguous counties within New York State; section three, last paragraph.

**VOTE ON PREVIOUS MOTION: MOTION FAILS 2-3 (MR. POTTER, MR. RYAN AND MR. MULLEN OPPOSED)**

Mr. Maio commented that residency is in fact where you lay your head at night as opposed to your domicile.

Mr. Mullen stated if we can do it with a sunset clause, I would be interested.

Mr. Ryan stated I would be in favor if there was reciprocity with other counties.

Mr. Wheeler stated we cannot put in a sunset clause, but we will look to see if we could include language that the Public Safety & Corrections Committee will review at a specific date in time. Ms. Prossick stated I will take a closer look to see if there is any wiggle room.

Mr. Malter asked how many Deputies are in peril? Sheriff Allard replied we do have part-time and seasonal Deputies that this affects. There is one part-time welfare investigator that lives out of county. We have three seasonal boat patrol; they are retired and work 19 hours a week. There are some in the DA’s Office that are investigators that live out of county. This does not just affect the full-time Deputies.

Mr. Malter stated I would like to have the full Legislature discuss this. Ms. Prossick stated at the Administration Committee I can report if there is any wiggle room. It has to go from PS&C and then to Administration.

Ms. Fitzpatrick stated you are killing it here and not giving the Legislators a chance to express opinions. This issue is really important and some Legislators have strong feelings on it. Mrs. Lando stated I agree.

Mr. Maio stated you are talking about restricting county government. This is what the committee system is for. There are lots of things I don’t agree on that I don’t get a chance to vote on.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**

**PLEASE NOTE CHANGE** Monday, July 12, 2021 **PLEASE NOTE CHANGE**

Legislative Chambers
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Tuesday, July 6, 2021