**MINUTES**

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

STAFF: Jack K. Wheeler  
Christopher Brewer  
Tim Marshall  
Jennifer P. Horton  
Jeffrey P. Horton  
James Allard  
Jennifer Galvan  
Noel Terwilliger  
Ken Forenz  
Brenda Scotchmer  
Brooks Baker  
Andy Morse

LEGISLATORS: Scott J. Van Etten  
Robin K. Lattimer  
Carol A. Ferratella  
Kelly H. Fitzpatrick  
K. Michael Hanna  
Hilda T. Lando  
Steven P. Maio  
Gary B. Roush  
Gary D. Swackhamer

ABSENT: Thomas J. Ryan

OTHERS: Mary Perham

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 5, 2021 MEETING MADE BY MR. POTTER, SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. HORTON ABSENT FOR VOTE)

III. DEPARTMENTAL REQUESTS

A. Emergency Management Office

1. Motorola Radio Project – Mr. Marshall informed the committee that Motorola is in town today and working at the Jasper site. They will be back on Wednesday and Thursday to complete work at the Cameron and Jasper sites. The Perkinsville tower site is now working the way it should. We will do additional testing and make sure everything is good before we do the cut over.

2. Generator Bid – Mr. Marshall informed the committee they put out a bid for the maintenance of the generators at the tower sites. We have generators at the tower sites for backup generation. We currently do not have an annual maintenance contract and decided to put that out to bid. Two bids were received and he recommended awarding the bid to Emergency Power Systems for $3,025. Mr. Mullen asked is that annually for all of the generators across the county? Mr. Marshall replied this is for all the generators at the tower sites. Mr. Mullen asked what was the other bid? Mr. Marshall replied the other bid was Cummins Sales for $3,301. Mr. Malter asked have we had a problem in the past with these generators? Mr. Marshall replied not typically, but we are getting to a point where they are getting older and we need to have a regular maintenance contract. The other thing is this will allow us to be able to use Homeland Security Grant funds for this. Mr. Mullen asked what was the difference in the hourly rate between the two bidders? Mr. Marshall replied it was a difference of $10 - $12; it
was not significant between the two bidders. Emergency Power Systems was the overall low bid for the annual maintenance cost, but the hourly rate is a couple dollars more.

Secretary’s Note: Mr. Horton arrived.

MOTION: AWARDING THE BID FOR ANNUAL GENERATOR MAINTENANCE AT THE RADIO TOWER SITES TO THE LOW BIDDER, EMERGENCY POWER SYSTEMS FOR AN ANNUAL COST OF $3,025 MADE BY MR. MULLEN. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Potter asked who performs the regular maintenance? Mr. Marshall replied our radio technician does some regular maintenance. This bid is for the annual maintenance.

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

3. Fire/EMS Study – Mr. Van Etten asked Mr. Marshall to give a brief update. Mr. Marshall stated we have received all of the surveys back from the transport agencies. The consultant was also looking for the costs of regular operation, which I provided. The consultant is completing the final data and we should have the draft report in the next three to four weeks. Mr. Van Etten asked what will happen at that point? Mr. Wheeler replied you should review the study first and then you will direct us how you want to handle it.

B. Sheriff’s Office
   1. Accept Additional STOP-DWI Crackdown Funds – Sheriff Allard requested authorization to accept an additional $3,000 in STOP-DWI Crackdown funds.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT AN ADDITIONAL $3,000 IN STOP-DWI CRACKDOWN FUNDS MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. Approve Amendment to GTL Contract – Sheriff Allard requested authorization to approve an amendment to the GTL contract and extend the contract for five years. GTL provides phone and tablet services for the inmates. As part of this contract, they will also donate additional equipment for the safety and security of the Jail valued at $68,773.

Mr. Maio asked what is GTL giving us? Sheriff Allard replied they are donating Tasers, cartridges and body cameras for the Jail. Mr. Mullen asked was that part of why the commissions changed to 60 percent from 55 percent? Sheriff Allard replied the commissions went up and that is in accordance with the FCC Federal guidance. The FCC sets what the commissions’ charges can be. Mr. Mullen asked do they set a rate or do they set a cap? Sheriff Allard replied they set a cap. This is consistent with what other counties are receiving now. The Sheriff’s Association also does an RFP with GTL as a group to get better rates for everybody. Mr. Mullen asked and that’s at 60 percent?

MOTION: AUTHORIZING THE SHERIFF TO AMEND THE CONTRACT WITH GTL TO EXTEND IT FOR FIVE ADDITIONAL YEARS AND AUTHORIZING THE ACCEPTANCE OF A DONATION OF TASERS, CARTRIDGES AND BODY CAMERAS VALUED AT $68,773 MADE BY MR. HORTON. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Mullen asked so is this an RFP that is basically being accepted through the Sheriff’s Association or did you bid it, or are we just extending it? Sheriff Allard stated this is an extension of the existing contract.

C. Personnel
   1. Reclassification – Sheriff’s Office – Mr. Alderman stated we are recommending the reclassification of one Deputy Sheriff position, Grade XI to a Criminal Investigator position, Grade XIII. He noted that the Sheriff has had an employee off on 207-c for almost five years and we have been working in
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Monday, May 3, 2021

conjunction with that employee trying to get them disability retirement. There is nobody working in that position at this time. We are able to pull another employee into that role. If and when we are successful getting the employee on 207-c retired, we will reclassify that position back to a Deputy Sheriff position.

MOTION:  AUTHORIZING THE RECLASSIFICATION OF ONE DEPUTY SHERIFF POSITION, GRADE XI TO ONE CRIMINAL INVESTIGATOR POSITION, GRADE XIII IN THE SHERIFF’S OFFICE MADE BY MR. HORTON. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Horton stated I received the Sheriff’s email and that was a great breakdown. Mr. Horton asked will the position go back to Deputy Sheriff automatically? Mr. Alderman replied we assume we can do it automatically.

Mr. Malter asked who is currently doing the work? Sheriff Allard replied everyone in that unit. Mr. Van Etten asked how many Investigators are there? Sheriff Allard replied we have 6 Investigators. Mr. Van Etten commented you have been getting the job done with five. Sheriff Allard replied yes and no. For the past two years we have been paying a Deputy out of title to do the DSS investigations.

Mr. Mullen asked were there some investigators on the drug task force? Sheriff Allard replied one. Mr. Mullen asked historically where have we gone over the last five years? Sheriff Allard replied we have had a net increase of one full-time Investigator and one part-time Investigator. You approved two part-time Investigators and we zero-based one this year and one of those is for narcotics. We have had one new Investigator position over the last five years besides the part-time reclassification.

Mr. Mullen asked with the 207-c, has that employee been on that for a full five years? Sheriff Allard replied the individual had come back on light duty a couple of times until his doctor would not let him stay. The individual has been off the past 2–2½ years. Mr. Malter asked are they being paid full salary? Sheriff Allard replied yes and we are not sure how much we will get back from PERMA. Mr. Wheeler commented we are pretty much paying the full shot. Sheriff Allard commented the individual is doing everything he can to get disability retirement, but the State has been dragging their feet.

AMENDING THE PREVIOUS MOTION TO STATE THAT SAID POSITION WILL BE FILLED IN JULY 2021 AND THE INVESTIGATOR POSITION WILL BE AUTOMATICALLY RECLASSIFIED BACK TO A DEPUTY SHERIFF POSITION WHEN THE EMPLOYEE ON 207-C RETIRES MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

D. District Attorney

1. Personnel Issue – Mr. Baker stated Mr. Wheeler reached out to me regarding the part time ADA’s and outside employment. In reference to the ADA who was hired at less than full-time at 80 percent, there has been a history of that in the office and it was made viable in this case and now I am being told that is not possible. We have a history of part-time attorneys going back to the 1990’s. I was hired as an 80 percent employee back in 2011/2012. This provides us with the ability to bring someone in who can do the job and still lets them have an outside income. With that, the Assistant District Attorney’s (ADA) are different than anyone else who works for the County. The attorneys in the Public Defender’s Office can have outside employment as long as there is no conflict with their county duties. My people are not allowed to do that once they become an ADA. The only way to do that is to pay them less money up front and give them the ability to do additional outside work.

Mr. Baker stated right now Ontario County pays ADA’s with zero experience $70,000 and with two years’ experience they are paid $100,000. Monroe pays $61,000, Saratoga pays $92,000 with two years’ experience, Jefferson pays $72,000, Montgomery pays $78,000 and Lewis pays between $62,000 - $78,000 with no experience. Currently Chemung and Allegany counties both have positions open and it has been impossible to find full-time attorneys. This solution allows us to pay $60,000. Mr. Malter commented part of the problem is that this individual is not registered with the Personnel Office and Ethics Board for outside employment. Mr. Baker stated we will get that form filed.
Mr. Mullen stated another issue is that this was not new, this discussion about not having 80 percent employees. Mr. Wheeler stated this was discussed last February at PS&C and Administration. The Administration Committee had discussed 75 percent, but everyone’s consensus was that it was 100 percent or 50 percent. Mr. Maio asked was that conveyed to the District Attorney? Mr. Swackhamer replied yes, the Administration Committee talked about it. Mr. Maio stated then this is nothing new. What is this individual being paid? Mr. Baker replied he is being paid 80 percent of what he would make as a full-time attorney, so that is somewhere in the $60,000 range. Mr. Mullen asked where is our starting salary? Mr. Baker replied $55,000 and in my experience we have not been able to hire at that range.

Mr. Malter asked for a motion for executive session to discuss the employment status of a specific individual.

**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 4-0.**

**MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**MOTION: TO ADJOURN MADE BY MR. MULLEN. 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, June 7, 2021
Legislative Chambers
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Monday, May 31, 2021