**MINUTES**

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

STAFF: Jack K. Wheeler  Christopher Brewer  Jennifer Prossick
Tim Marshall  James Allard  Nate Alderman
David Wallace  Craig Patrick  Brenda Scotchmer

LEGISLATORS: Scott J. Van Etten  Carol A. Ferratella  Kelly H. Fitzpatrick
Hilda T. Lando  Robert V. Nichols  Gary B. Roush
Gary D. Swackhamer

OTHERS: Mary Perham
Kristin Klemenz

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**


III. **DEPARTMENTAL REQUESTS**

A. Emergency Services Office/E-911

1. **Radio System Update** – Mr. Marshall stated the changes we have made have worked. We have finally fixed the problem and have been testing the system over the last several weeks. We will be transitioning the first units over today. The Corning area will be first, followed by Hornell, Woodhull, Cohocton and Bath.

2. **August 18th Flood Update** – Mr. Marshall stated Homeland Security has developed an app that will allow residents to submit their damages to the State for the approval process. We are pushing that information out through our human services agencies and also social media. He stated the United Way has $150,000 in funding available for the first round and $110,000 available for the second round. We have seen a lot of support from Corning, Inc. as well as Wegmans for flood relief. Additionally Three Rivers has matched some funding. Lowes in Hornell has donated 100 boxes of flooring to ProAction and ProAction is working to distribute that to residents in need. The FEMA application has to be in this week and we are working to get that information to them.

Mr. Mullen asked what items can people submit for? Mr. Marshall replied all of the information is available on our Facebook page and the Ready Steuben App. Anyone that had flood damage can report and they should post pictures of the damage. This will allow the Department of Homeland Security to go through and show FEMA the level of damage residents are experiencing. There are 350 residents that have been documented through the 2-1-1 list that have requested assistance. FEMA has looked at 120 properties. Mr. Wheeler stated FEMA wanted to see the worst of the worst. We would like them to come back and re-review and look at properties that had basement flooding.
Mr. Ryan asked is the money from United Way a loan or a grant? Mr. Marshall replied that funding is a direct grant through the United Way and they pay the contractor. Mr. Wheeler stated if the FEMA applications get approved then it will be a combination of low-interest loans and grants. Mr. Potter asked for those individuals without access to a computer, are other provisions in place to help them? Mr. Marshall replied Catholic Charities and other non-profits are helping with that.

Mr. Van Etten asked has anyone indicated the likelihood that FEMA will come back around with approvals for individuals? Mr. Wheeler replied no. They are making the case, but no one has said if there is a good chance of that happening or not. If they don’t reverse their decision, we would like them to come back out and do a more thorough review. Mr. Marshall commented on the public assistance side, they have held two applicant briefings so far. The towns and municipalities should be applying for that and those applications are due by November 4th. We want to make sure that the municipalities that suffered damage get their applications in and we are working very closely with Soil & Water, Public Works and the municipalities on that.

Mr. Marshall provided an update on this past weekend’s rain event. On Thursday the forecast was predicting 1 to 1.5 inches of rain for us. My concern was the amount of water still in the Cohocton watershed. Our flashflood guidance is 1.5 inches over three to six hours. I had a conversation with Mr. Wheeler and we were prepared. The rain estimate that was forecast was low as our total average was 2.25 to 2.5 inches over the course of Friday. Flooding started around 10pm Friday. We worked very closely with the Campbell Town Highway Superintendent. This is the first time in a long time that we have had issues with the main stem river. He stated kudos to the local fire departments as most were out pumping basements over the weekend.

Mr. Horton asked what can we do in the river? When do we start to fix the river? The river needs to be dredged. It doesn’t take much to flood the Savona/Campbell road. Mr. Marshall stated that is more of Mr. Parker’s scope of work. Mr. Horton stated I would just like to know where we start. Mr. Marshall stated we need to start with the shoals in the middle of the river that have trees in them and the gravel base that have become islands. Trying to get DEC to approve that kind of work is a big question as they like the fish and other wildlife habitat that those shoals create. I have had concerns for a while too about the main stem of the Tioga coming into Erwin with the gravel base and trees. The question is what we do with the streams and creeks with gravel bases. Right now following a flood there might be the potential to do an emergency permitting.

3. Acceptance of FY20 Statewide Interoperability Grant – Mr. Marshall requested authorization to accept the FY20 Statewide Interoperability Grant in the amount of $766,339. This is a non-matching grant. We will use the funds for our communication system upgrade and specifically we will focus on updating the Pinnacle tower site. I am working very closely with DEC and State Parks. There is a transition of property going on with State Parks and Pinnacle. State Parks is going to be turning that property over to DEC. We have equipment at the clubhouse and the clubhouse is going to be torn town. This funding will help us get this tower project up and going.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE FY20 STATEWIDE INTEROPERABILITY GRANT IN THE AMOUNT OF $766,339.00 MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Marshall stated the plan is for State Parks to turn the land over to DEC and they will make it reforested land. We are looking to acquire a piece of that property toward the road to allow for the tower site and equipment.

B. Sheriff’s Office
   1. Accept HVEC Grant – Sheriff Allard requested authorization to accept the HVEC Grant (formerly known as the Crackdown Grant) in the amount of $17,500.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE HVEC GRANT IN THE AMOUNT OF $17,500 MADE BY MR. MULLEN. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
2. **Accept Vest Grant** – Sheriff Allard requested authorization to accept the vest grant in the amount of $17,100. This is a matching grant and will purchase vests for Corrections Officers, Road Patrol and Probation. This is a 50 percent matching grant and we will be receiving up to $8,550.

**MOTION:** AUTHORIZING THE SHERIFF TO ACCEPT THE VEST GRANT IN THE AMOUNT OF $17,100 WITH $8,550 BEING REIMBURSED MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.


**MOTION:** AUTHORIZING THE SHERIFF TO ACCEPT THE LAW ENFORCEMENT PORTION OF THE 2021 HOMELAND SECURITY GRANT IN THE AMOUNT OF $30,500 MADE BY MR. RYAN. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Mullen asked how will you be using this funding for the SWAT Team? Sheriff Allard replied the funds will be used for personal protection equipment, communications equipment, uniforms, hardware for evidence collection, two new cameras at the Public Safety Building, and expanded memory for the computers for the Zedex telephone program.

Mr. Mullen stated with regard to the SWAT Team, in the last budget discussion you talked about the lack of the ability of the State SWAT Team to respond in a timely manner. At some point I would like you to discuss the overall goal for the SWAT Team, your long-term plans and how you will utilize them in conjunction with or in comparison to the State SWAT Team. Mr. Malter stated that will be an item for next month’s agenda.

4. **BOCES Wildwood SRO Agreement** – Sheriff Allard requested authorization to enter into an SRO agreement with BOCES for the Wildwood campus. This contract has been approved to form by the County Attorney. The cost will not exceed $35,000 and will be for one year.

**MOTION:** AUTHORIZING THE SHERIFF TO ENTER INTO AN SRO (SCHOOL RESOURCE OFFICER) AGREEMENT WITH GST BOCES FOR THE WILDWOOD CAMPUS FOR ONE YEAR IN AN AMOUNT NOT TO EXCEED $35,000 MADE BY MR. RYAN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **Arson K-9** – Sheriff Allard stated this is an information item. Every year Homeland Security provides four arson K-9s to agencies that have applied. They will provide the K-9 and training for the handler. If it works out, Homeland Security will provide a K-9 to the handler’s agency with the expectation that if it is not working out, the K-9 goes back to the State. He stated that he spoke with Mr. Marshall about this. There are currently 11 arson K-9 teams in the State. The closest team to us is either Buffalo or Binghamton. We made application and are on the short list. Should we be accepted, Homeland Security will train the handler and supply the K-9. The Sheriff’s Foundation has agreed to pay for the room and board of the handler for training, if we are approved. Arson K-9’s are different as they don’t do patrols or tracking. They are specifically trained to detect accelerants. Sheriff Allard stated we have increased the amount of support that we provide to the Emergency Services Office. This K-9 would be beneficial to the fire departments, the Emergency Services Office and our arson investigator. Currently there is a three hour wait if one of the K-9 teams is available. If our application is accepted, we would have one in county for use. The team typically last for about 10 years. Of the 11 K-9 arson teams in the State, 7 of the teams are teamed with a Sheriff or a police department.

Mr. Malter asked how many arson investigations do you do in a year? Mr. Marshall replied typically 50 – 60 per year. Mr. Mullen asked how often would this team be needed? Mr. Marshall replied it would depend on the situation. We could use a K-9 six to eight times per year, but certainly there are times when we could use a K-9 more often if one were available to us. We could certainly use a K-9 20 or more times.
Mr. Malter asked how many deputies currently are assigned a K-9? Sheriff Allard replied 4. The arson K-9 handler has to be an arson investigator. Mr. Mullen asked are other counties interested in having an arson K-9? Mr. Marshall replied not that I am aware of. We could look at a mutual aid agreement with other counties if need be.

Mr. Van Etten stated if the Sheriff’s Association is covering the first year cost, what will be the annual cost to maintain the team? Sheriff Allard replied we would just have dog food, veterinary and storage when the handler is on vacation. Mr. Swackhamer asked what is the yearly cost for the dog and who will continue paying after the one year? Sheriff Allard replied we will use the donations to the K-9 program and the County picks up very little of the cost; we have $5,000 in the budget. In my discussions with the Sheriff’s Foundation, they are interested in continuing their support, but will only commit to one year at a time.

Mr. Mullen asked how much time will it take the deputy to do this job? What kind of overtime will be involved and does having a dog create additional deputy time that is not already being done? I am concerned that you may want another position in another year to backfill. What do you estimate is the difference in time between a deputy that has a dog and one that does not? Sheriff Allard explained every investigator wears two or three hats currently. We do not backfill our positions. They all perform their normal tasks and this would be an additional task. Overtime for the arson investigator was often because they were responding after-hours. With the arson K-9, the training can be done while they are working. They are significantly different than the other K-9’s with regard to their responsibilities and hours for training. Mr. Mullen asked you don’t think in the future you’ll be requesting a deputy position in a following year? Sheriff Allard replied no.

Ms. Fitzpatrick asked since the dog is specifically trained, does that limit what the investigator can do? Sheriff Allard replied no. This is just an added tool in the box to allow them to rule out accelerants at the scene. They will spend 20 – 30 minutes twice a week training to determine an accelerant and send that paperwork into the State. We will find out in February if we will be accepted into this program. If yes, then in May I will ask the County to receive the donation of a K-9 from the State. Mrs. Lando asked what is the value of the K-9? Sheriff Allard replied it is less than $500 when they are donated. Mr. Marshall explained the arson dogs typically come from rescue environments; they are not a specific breed of dog like the Malinois. Sheriff Allard stated typically arson dogs are Labradors.

Mr. Mullen asked practically, how will it help the County to have a dog? Sheriff Allard replied the dog will benefit the arson investigator and will be able to rule out whether an accelerant was used. Mr. Mullen asked what happens in an investigation if an accelerant is used? Sheriff Allard replied there would be the element of criminal activity or suspicious fire. Mr. Marshall explained we are seeing an increase in the number of suspicious fires. Having access to a dog is beneficial because it reduces the amount of time our arson investigating teams are on scene. Our investigators are mostly volunteers; only a handful are paid.

Sheriff Allard stated at this point we are waiting to hear if they accept our application. Mr. Mullen commented I am not sure I would vote to accept the dog absent discussion on the long-term effects. Mrs. Lando asked why? Mr. Mullen replied I am not convinced this is budget neutral and I am not sure it is worth the cost.

Mr. Van Etten stated he would echo Mr. Mullen’s comments. We questioned the K-9 program last year and saw an exhibition of what they do; it was very impressive. How many K-9’s do we have? Sheriff Allard replied 4. Mr. Van Etten asked and one of those is for explosives? Sheriff Allard replied yes. Mr. Van Etten commented if we keep getting specialized K-9s and nobody else is hired, it is beneficial gearing up with all of those tools. With only 6 investigations per year, we could get a dog from the State within three hours and it is not a huge task to sit on site and wait.

Mrs. Lando stated I am not seeing how this is cost prohibitive. You are not looking at an extensive cost for this. The benefit is that we can help other counties and that is a good thing. I don’t understand. Mr. Mullen stated it is more of the labor related costs that you would be sinking money into.
Mr. Malter stated if there is further discussion we can put this on the agenda for next month’s meeting. Mr. Van Etten stated it would be nice to hear a presentation on that entire K-9 program and also hear about what our neighbors have for K-9 assistance. Mr. Mullen stated I would like to see the labor costs of the individuals that are handling the K-9s versus the labor costs of those individuals prior to having a K-9. Mr. Malter stated it would basically be the overtime. Sheriff Allard stated in the K-9 program there is not overtime in training and we changed their schedules to not create overtime. The only overtime is when they are called out for tracking, searches, etc. for either us or another county. They are working well to keep the costs down.

Mr. Malter stated we need to see what the bordering counties are doing. Sheriff Allard stated we can get that report. Mr. Potter asked is that a billable service to neighboring counties? Sheriff Allard replied that is not my decision to make. We have never done that as we work with the neighboring counties both ways. Mr. Malter asked do we keep track of the shared services? Sheriff Allard replied he has not, but we can start tracking that.

Mr. Mullen commented I have no issue helping from time to time, but I don’t want us doing it over and over again and not have an agreement for it. Sheriff Allard explained every county around us, except Allegany, has a K-9. Typically we are equal to or less than their program per capita. Mr. Malter asked Sheriff Allard to provide a report on the neighboring counties and their K-9 programs. Mr. Mullen stated he would still like a report on the cost for an employee before they had a K-9 and then with the K-9. Mr. Wheeler stated we could come up with an estimate. The overtime hours may not be an apples to apples comparison, but we can generate that report. A lot of our handlers have had these K-9s for years.

Ms. Fitzpatrick stated the dog is another tool. If there have been increases in fires, it will be very useful and maybe even will prevent some crime. A dog like this is a tool and I personally think it is a good idea. Discussion followed.

6. **Contingent Fund Transfer** – Sheriff Allard informed the committee that the Jail medical line is short funds due primarily to medications and procedures outside the facility. In order to meet our contractual obligations through the end of the year, he is requesting $200,000 from the Contingent Fund. Mr. Malter asked how did we get here? Sheriff Allard replied we had a perfect storm this year. Our Jail medical contract runs from November to October. Each November we start a new threshold where within the contract with PrimeCare they cover the first $100,000 of prescription medicines and outside medical procedures. Within the prescription medications they are also paying for all of the mental health prescription medicines and medical medications that are prescribed, as well as if someone has to have dialysis, eye surgery, heart surgery, etc. Typically we work proactively with Probation, the Public Defender and the District Attorney to try to find alternatives to incarceration for those individuals that are going to have anticipated, very costly procedures. However, if they are sentenced, we cannot change that. Additionally, in the fourth quarter of 2020 our population of inmates increased as the State was not taking State readies and that coincided with the start of the new threshold. In the first quarter of 2021 our Jail population was over 180 inmates and the population has decreased in the second quarter. Our threshold was gone by the end of April. From April forward we have been paying the full amount for medications and procedures outside of the facility.

Mr. Malter asked do we eat the cost for the State readies? Sheriff Allard replied that cost is reimbursed to us. We have received $170,000 and another reimbursement is expected by the end of the year. We anticipate that amount to be $150,000. Mr. Malter asked if we receive that reimbursement can we move that into the Contingent Fund? Mr. Wheeler replied we could, but since it will be occurring at the end of the year he would recommend that it be rolled into the General Fund.

**MOTION:** AUTHORIZING A TRANSFER OF $200,000 FROM THE CONTINGENT FUND TO THE JAIL MEDICAL LINE ITEM MADE BY MR. MULLEN. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Van Etten asked in the original contract when the threshold was negotiated, was that based on a certain average population? Sheriff Allard replied I do not know. Mr. Van Etten asked are other counties that use PrimeCare at the same threshold or a higher threshold? Sheriff Allard replied I can research that. Next November we will be up for contract
negotiation and we can discuss that. Also we will be doing an analysis of whether we need all of the staff there all of the hours and I think there may be some cost savings there.

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

7. **Vehicle Exhaust** – Mr. Potter stated the Governor recently signed a law on vehicle exhaust systems and there is a substantial fine of $1,000. Have you gotten any information on this? Sheriff Allard replied no. Mr. Potter asked do we have the resources to enforce this? Sheriff Allard replied that sounds like something that will go out to the State Police for enforcement. Every week we have a conference call with the Sheriff’s Association, so if the Governor signed it I’m sure that will be addressed on the conference call and then I’ll have more information for you.

8. **Cannabis Sticker Stores** – Mrs. Lando asked what is the status of sticker stores? Sheriff Allard replied there were two that were going to start in the City of Corning and I heard they are re-evaluating that. There is one shared between the Village of Riverside and the City of Corning. We have had meetings with all of our law enforcement partners and we are actively investigating that. The issue is that under the Marijuana Taxation Act, there is no clear cut violation for that. What we are doing is researching with the New York State Police as to the tax evasion end of it. I think that is going to be a much bigger thing. The act of selling unlawfully is a violation. There is not much there unless it is to a person under 21. We will continue with that and I have been in conferences with the District Attorney, the State Police and City of Corning Police Department. We are actively moving forward.

C. **Personnel**

1. **Reclassification – District Attorney’s Office** – Mr. Alderman requested authorization to reclassify a vacant Full-Time Paralegal Assistant position to a Part-Time Office Manager position. This is the result of the study that was recently completed.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE VACANT FULL-TIME PARALEGAL ASSISTANT POSITION TO A PART-TIME OFFICE MANAGER POSITION IN THE DISTRICT ATTORNEY’S OFFICE MADE BY MR. MULLEN, SECONDED BY MR. HORTON, ALL BEING IN FAVOR. MOTION CARRIES 5-0, Resolution Required.**

Mr. Swackhamer asked since this position will be part-time, will we see, or have we seen a schedule for what this individual will be doing hour wise? Mr. Alderman replied hour wise, no, but duty wise, yes. They will be working under 20 hours per week and they will be less than a half-time employee. My requirement is that it needs to be less than part-time. Mr. Swackhamer asked who will be keeping track of the hours? Mr. Alderman replied they will be tracked by the payroll system as they will clock in and clock out. Mr. Swackhamer asked do they have a set time daily that they will work? Mr. Wheeler replied that it is up to the department. We control the number of hours. Mr. Mullen commented I hope they would be in there daily to keep things flowing. Mr. Wallace stated I expect them to be in every day, just not all day.

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

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature  
**NEXT MEETING SCHEDULED FOR**  
Monday, December 6, 2021  
Legislative Chambers  
9:00 a.m.

Please send agenda items to the Clerk of the Legislature’s Office  
NO LATER THAN NOON  
Monday, November 29, 2021