I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE SEPTEMBER 7, 2021 AND SEPTEMBER 27, 2021, MEETINGS MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. MULLEN ABSENT FOR VOTE)

III. DEPARTMENT REQUESTS

A. Emergency Services Office/E-911

1. 911 Phone System Upgrade – Mr. Marshall explained given the pricing, the best thing to do is to move forward with an upgrade of the current Intrado system. They received a quote from Intrado to upgrade the current system and they also received a quote from Frontier for the Motorola system which was substantially more money. After speaking with Mr. Morse in Purchasing and Mr. Wheeler, he is recommending moving forward with an upgrade to the current Intrado system. The cost for one year is $240,312.72. This would be a seven year contract and the maintenance cost locked in for six years will be $31,748.57 per year. The overall cost of the project over seven years will be $430,804.14.

Mr. Wheeler commented we are paying annual maintenance right now and this is pretty close to that number. Mr. Marshall commented actually what we were paying was substantially more at $73,000 annually as we were no longer under any type of maintenance. With the upgrade we got a better price.

MOTION: AUTHORIZING AN UPGRADE TO THE INTRADO 911 PHONE SYSTEM FOR A TOTAL PROJECT COST OF $430,804.14 OVER SEVEN YEARS MADE BY MR. HORTON. SECONDED BY MR. POTTER FOR DISCUSSION.
Mr. Malter asked is this in a capital project? Mr. Marshall replied yes and we have enough money in the project, and with this pricing we will be saving $30,000 per year in maintenance.

Mrs. Lando asked does this upgrade come with new features? Mr. Marshall replied yes and there will also be new equipment. Mr. Wheeler stated they will still operate on the same platform. Mr. Marshall stated we anticipate doing the upgrade within a year.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 3-0. (MR. MULLEN ABSENT FOR VOTE)

2. **Contingent Fund Transfer** – Mr. Marshall informed the committee that we are currently short on the Coroner’s budget. This was a difficult year as there were a number of suicides and overdoses as well as some homicides. We are over in the autopsy and testing fees line items and will need $40,000 from the Contingent Fund to pay these bills.

MOTION: AUTHORIZING A TRANSFER OF $40,000 FROM THE CONTINGENT FUND TO THE CORONER’S BUDGET MADE BY MR. MULLEN. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Malter asked will this amount cover what you need? Mr. Marshall replied we are hoping so. We have one more quarter left and we anticipate this transfer should cover that. We do have $7,000 in the salaries line item and may be able to use some of that depending on the salaries and how those are paid out. Mr. Potter asked are the Coroner’s salaried or paid by the case? Mr. Marshall replied they are paid by the case. Mr. Wheeler stated except for the Coroner’s Physician, Dr. Cole, who is paid a flat rate.

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

B. **Sheriff’s Office**

Mr. Malter stated before you get started, you did a fine job on your annual report. One question I have is what is the soft-hands technique? Sheriff Allard replied that refers to any escort technique that does not utilize a weapon. Every month we have to report to the State every use of force we do both on the road and in the Jail. That information goes into a State database.

Sheriff Allard informed the committee that Kerry Pebbles of Wayland passed away unexpectedly yesterday. He had close to a 40-year career in law enforcement, including working as Chief of Police in Wayland. Super nice guy and we will miss him.

1. **Donation** – Sheriff Allard requested authorization to accept a $25.00 donation from Victor Campbell. Mr. Potter asked will that be utilized in any specific account? Sheriff Allard replied he would have to talk with his staff, but he believes it will go into one of our revenue accounts; most likely to be used for law enforcement supplies.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A $25.00 DONATION FROM VICTOR CAMPBELL MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

2. **BOCES SRO Agreement** – Sheriff Allard informed the committee that BOCES is not interested in funding a full-time Deputy. What they were interested in was funding another retiree, which is 100 percent reimbursement. There is no county cost, however, it does raise our budget because it is revenue in and revenue out. He stated that Deputy Swan is recently retired and they wanted to rehire him. They sent us a contract which basically mimics the SRO contracts with the school districts that we hire retirees for. He requested authorization to enter into a contract with BOCES for an SRO at Coopers. He anticipates doing another hire similar to this for the Wildwood Campus.
MOTION: AUTHORIZING THE SHERIFF TO ENTER INTO A CONTRACT WITH BOCES FOR A SCHOOL RESOURCE OFFICER (SRO) AT THE COOPERS CAMPUS MADE BY MR. POTTER. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Horton asked this position would not have any County benefits, correct? Sheriff Allard replied that is correct. BOCES will cover his initial issue and they will cover Workers’ Comp and everything associated with that position.

Mr. Mullen asked did we have something in the beginning of this year where we lost a couple of SRO positions? Sheriff Allard replied we have several vacancies; five in the Corning School District, one in the Prattsburgh School District and one in the Wayland-Cohocton School District. Mr. Swackhamer commented BOCES cancelled their agreement a year ago. Mr. Mullen asked when that happened, we did we keep half of one of those positions on? Sheriff Allard replied we kept them both on and now we have re-contracted with Hornell and Arkport to split one of the full-time deputies. So one of the two that we kept is being reimbursed half time by the Hornell District and half time by the Arkport District. Mr. Mullen asked what is going on with the other one that we kept? Sheriff Allard replied they are out doing patrol duties. He commented it is all about cost. It is about $110,000 per year for them to reimburse a full-time deputy versus $35,000 a year to reimburse a retiree SRO. Mr. Mullen asked so BOCES dropped two? Sheriff Allard replied correct. Mr. Mullen stated so then we held onto one of them and are paying them $110,000? Sheriff Allard replied no. Both deputies worked for us as patrol deputies and they were assigned to BOCES. BOCES cancelled their contract so they no longer reimbursed for them, but we still had the deputies. They are still here at the rate of pay under their contract for salary and fringe. They are still our deputies and they always were our deputies. They never belonged to BOCES. Mr. Malter stated they don’t want a deputy, they want a retired individual on a contract basis which costs them less money. Sheriff Allard replied correct. Mr. Malter stated we still have another deputy out there that we could use. Sheriff Allard replied correct. For information only, the Corning School District has reached out and is very interested in a similar contract to what Hornell and Arkport did. So, before we get all of that finalized, I just wanted to let you know that we are working on funding for that other deputy position.

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

3. Utility Vehicle – Sheriff Allard stated about a week after the flooding in Woodhull, the City of Rye reached out to us, through the 1033 Federal Military Surplus Program, regarding the availability of a 4-Wheel Drive Utility Vehicle which we are eligible to receive. This vehicle is set up as a mobile command post and has 837 miles on it. It is available to us for no money and is on loan through the 1033 Program. Sheriff Allard stated he talked with Mr. Marshall and the County Manager about this and I believe we could set that up very well as a mobile command post for high-water incidents. The only requirement of the program is that we have to maintain it and put fuel in it. When we are done with it we give it back to the 1033 Program. He requested authorization to accept the vehicle. We will work with Emergency Management to make sure that it is available for our escalating number of high-water incidents so that we can respond appropriately.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT, ON LOAN, A 4-WHEEL DRIVE UTILITY VEHICLE THROUGH THE 1033 FEDERAL MILITARY SURPLUS PROGRAM MADE BY MR. POTTER. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Potter asked how long do you anticipate keeping this? Sheriff Allard replied until it is no longer feasibly viable due to maintenance. Mr. Potter stated so it will be ongoing? Sheriff Allard replied yes. The thing about the 1033 Program is that it changes President to President with regard to what we can and cannot have.

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

4. PrimeCare Contract Extension – Sheriff Allard requested authorization to extend, for one-year, the PrimeCare contract under the same terms and conditions. This is the second year, going into the third.
MOTION: AUTHORIZING THE SHERIFF TO EXTEND, FOR ONE-YEAR, THE PRIMECARE CONTRACT UNDER THE SAME TERMS AND CONDITIONS MADE BY MR. POTTER. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

5. Wineglass Marathon – Sheriff Allard reported they had a successful Wineglass Marathon yesterday and everything went well. This was once again a financial boom to our region.

6. Vehicle – Mr. Swackhamer asked is the utility vehicle already equipped with radios, etc.? Sheriff Allard replied not yet. Mr. Swackhamer stated so there will be additional costs? Sheriff Allard stated we do have a radio to put in it and he would like to put in a satellite phone. In talking with Mr. Marshall, our plan is to use Homeland Security funds and make it a true command center.

C. Law Department

1. RFP for ILS Funded Mentor Contract Position – Ms. Prossick requested authorization to issue an RFP for a mentor for the Assigned Counsel panel. This is funding from ILS and I think we are on year two or three and we have not spent the money for this. Last year was the kind of situation where it was impossible to have somebody mentoring attorneys and there wasn’t really court going on. We have a couple of years of back funding to spend as well. She is asking for a one-year contract with two, one-year renewals. This is part of the whole Hurrell-Harring settlement to raise the bar, pun intended. Ms. Prossick explained we have assigned counsel attorneys that are not probably willing, at this point in time, to take felonies as they are sole practitioners and don’t really have anyone to teach them. The program would be for $25,000 a year and we will put out an RFP to find a highly experienced attorney to be the person that the less experienced attorneys can call. Ideally this person would not be taking any criminal cases at this time so there would not be any conflicts. The attorneys would be able to call about any legal or ethical questions. This attorney could also sit as second chair and attend the first felony trial. We do have $25,000 to spend each year and this is something that is required, at this point, for ILS funding. This will come back to the committee for award and I can bring back details regarding the payment structure. This individual would also be a resource for the Conflict Defender and Public Defender.

MOTION: AUTHORIZING THE COUNTY ATTORNEY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR AN ILS FUNDED MENTOR CONTRACT POSITION MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D. Conflict Defender

1. Request for Third Full-Time Attorney – Mr. Sauro explained under the Hurrell-Harring settlement, we just completed year three budget paperwork. For the Conflict Defender, some money was allocated to add an additional full-time conflict defender. These funds will be used to augment the conflict defender’s office. The rationale for this is that we will be getting a caseload cap in 2023. Cases conflicted go first to the conflict defender and then to assigned counsel. He noted that Ms. Aston does have space in her office for an additional person. This is part of the Hurrell-Harring QI and caseload program and is all budgeted for.

Mr. Wheeler commented we fully expect this funding. There is no doubt this will be funded through ILS, however, they have not officially approved the contract. Ideally we would like to have the contract in-hand before we add the position, but they are very busy and we are assured of the funding.

Mr. Malter asked what is the possibility that you will be able to fill the position? Mr. Sauro replied the struggles to find attorneys continues. Mr. Wheeler clarified this is a position that will need to be created. The request will also go to Administration for a 16B waiver to create the position.

MOTION: APPROVING A 16B WAIVER TO CREATE A FULL-TIME ASSISTANCE CONFlict DEFENDER POSITION IN THE CONFLICT DEFENDER'S OFFICE MADE BY MR. POTTER. SECONDED BY MR. HORTON FOR DISCUSSION.
Mr. Swackhamer asked will the funding cover 100 percent of the costs of the position? Mr. Wheeler replied yes, this will be covered by anticipated grant funding. He stated ILS knows of the plan for how to roll this out and there is no reason to believe they will not sign the contract. Mr. Sauro stated we have had many meetings and we have discussed the line items in detail. The good news is they actually build upon each year and re-execute the contracts so it does not have to go before the State Comptroller and that means the contract will be here soon.

Mr. Potter asked who sets the salary? Mr. Wheeler explained the salary is included in the Management Salary Plan and is based on the individual’s experience. Mr. Sauro stated he would like to set the salary at the mid-point. That will give Ms. Aston the option to look at a broad range of candidates.

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

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Monday, November 1, 2021
Legislative Chambers
9:30 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Monday, October 25, 2021