I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MARCH 1, 2021, AND MARCH 22, 2021, MEETINGS MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. DEPARTMENTAL REQUESTS

A. District Attorney’s Office

1. Budget Adjustment – VOCA Grant Funding – Mr. Terwilliger stated this is the VOCA (Victims Against Crimes Act) grant that we do in conjunction with the Department of Social Services. The Department of Social Services actually allocated our portion of the grant last year. He requested authorization to accept and appropriate that funding in the amount of $53,555.35. This funding helps support the cost of the Victim Advocate position, cell phone and office supplies.

Mr. Mullen asked is there an ongoing expense with this? Mr. Terwilliger replied yes for the position of the Victim Advocate. Mr. Mullen asked are there any strings attached to this funding? Mr. Terwilliger replied no.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT AND APPROPRIATE VOCA GRANT FUNDS IN THE AMOUNT OF $53,455.35 RECEIVED FROM THE DEPARTMENT OF SOCIAL SERVICES IN THE 2020 BUDGET MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.
B. Probation
   1. Request to Change Banking Institutions for Fines/Restitution Accounts – Ms. Crocker requested authorization to change the banking account for the fines and restitutions accounts from Five Star to Community Bank.

   **MOTION:** AUTHORIZING THE DIRECTOR OF PROBATION TO CHANGE THE BANKING INSTITUTIONS FOR THE FINES AND RESTITUTIONS ACCOUNTS FROM FIVE STAR TO COMMUNITY BANK MADE BY MR. MULLEN. SECONDED BY MR. POTTER FOR DISCUSSION.

   Mr. Malter asked what is the reason for doing this? Ms. Crocker replied when we have had to do a stop payment on checks, the process was fairly simple, but now Five Star is making the process more difficult. Additionally, the Deputy Sheriff has to drive us across town to go to Five Star rather than just walk us across the street.

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

C. Sheriff’s Office
   1. Donation – Undersheriff McNelis requested authorization to accept a donation of body cameras from Corning, Inc. We have a two-year capital project for the body cameras. This donation will give us an $87,000 savings.

   **MOTION:** AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF BODY CAMERAS FROM CORNING, INC. MADE BY MR. MULLEN. SECONDED BY MR. POTTER FOR DISCUSSION.

   Mr. Potter asked is there a cost to the County after those two years? Undersheriff McNelis replied yes, the annual cost will be approximately $30,000 for storage and licensing.

   Mr. Van Etten stated we have body cameras already with storage and software. What happens to those? Undersheriff McNelis replied we have an in-house storage system and that has been monopolizing a large amount of space. The current software is unsupported and has been very difficult to manage. We are trying to limp along, however, the current cameras have reached their end of service life.

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

   2. Awarding Jail Milk Bid – Undersheriff McNelis requested authorization to award the bid for milk at the Jail to Upstate Niagara Cooperative.

   **MOTION:** AWARDING THE BID FOR MILK AT THE JAIL TO UPSTATE NIAGARA COOPERATIVE MADE BY MR. POTTER. SECONDED BY MR. MULLEN FOR DISCUSSION.

   Mr. Mullen asked did you send the award information out to us? What was the change? Mr. Morse explained the bid went up three percent, but the actual price per month went down. The price is $.2620 per pint which is $733.60 per week. On the previous bid we were paying $872.20 per week. Mr. Malter commented the price went up, but there was a decrease because of the decrease in the Jail population.

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

D. Emergency Management Office
   1. Quackenbush Tower Site – Mr. Marshall stated he has received a request from the New York State Department of Transportation (NYSDOT) to move their radio equipment from West Hill, which is north of our tower site. They would like to cooperate with us and come onto our tower site at Quackenbush. This is a doable option and he requested authorization to enter into an agreement allowing NYSDOT to use our tower site for radio communications.
Mr. Malter asked is there a monetary component? Mr. Marshall replied we will discuss that when we do the agreement. We may ask them to pay for the electric. Mr. Mullen stated it would be good to talk to them about using their towers. Do they have their own towers? Mr. Marshall replied I am not sure. The property they are currently on is in the process of a land sale and that was the reason for wanting to move right now. We did discuss other options.

**MOTION:** AUTHORIZING AN INTER-MUNICIPAL AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE USE OF SPACE FOR RADIO COMMUNICATIONS EQUIPMENT ON THE QUACKENBUSH TOWER SITE MADE BY MR. POTTER. SECONDED BY MR. MULLEN FOR DISCUSSION.

Mr. Mullen asked is this revocable on notice? What are the terms? Mr. Marshall replied we have not worked out the details. There is typically at least a 30-day notice to cancel.

Mr. Potter asked with the interference we are having with other tower sites, is it possible this could generate further interference? Mr. Marshall replied the NYSDOT is on low band and they will stay on low band so this should not provide any interference here.

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

E. Personnel
1. **Reclassification – District Attorney’s Office** – Mr. Alderman requested authorization to reclassify one Assistant District Attorney position, Management Grade H to one Senior Assistant District Attorney position, Management Grade I. Mr. Baker explained this reclassification is necessary as I will have two positions opening up in my department due to Assistant District Attorney Jennifer Galvan accepting a position in the Law Department, and Senior Assistant District Attorney Jim Miller retiring in July. We will be trying to catch up from the court closure during COVID and will be very busy with trials for the next year.

Mr. Baker stated there is money in the budget that I can split and hire two people at the Senior Assistant District Attorney level and remain budget neutral. It will take several months to fill Ms. Galvan’s position and that is money that will not be spent. He stated that he would like to bring in two senior people to do trial work, however, the market is not great as we are competing with other counties.

Mr. Malter asked what will be the net effect on the 2022 budget by upgrading? Mr. Baker replied I will not exceed the budget I have now for those two positions.

Mr. Mullen asked wasn’t Mr. Miller getting a stipend for CAP Court? Mr. Baker replied that became part of the salary. Mr. Mullen asked is that being spread out over all the positions? Mr. Wheeler replied when we did the salary study we included that “stipend” in the overall salary and CAP Court became inclusive of their other duties. He noted that Mr. Miller is one of the higher compensated attorneys.

**MOTION:** AUTHORIZING THE RECLASSIFICATION OF ONE (1) ASSISTANT DISTRICT ATTORNEY POSITION, GRADE H TO ONE (1) SENIOR ASSISTANT DISTRICT ATTORNEY POSITION, GRADE I IN THE DISTRICT ATTORNEY’S OFFICE MADE BY MR. POTTER. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Swackhamer asked can you please explain again why you are doing this? Mr. Baker replied I am losing two very good people and we are in the middle of a post-COVID trial rush right now. We start trials this week and we will be doing one trial per week going forward. I would like to bring in two senior people who can come right in and try cases. Also, looking to the future, Dave Wallace and Joe Pelych will not be staying for the long-term. I will not spend more than $180,000 on the two positions; $90,000 per position. I currently do not have any candidates. Mr. Wheeler stated Mr. Baker will work with Mr. Alderman to determine the salary. Mr. Baker
stated my hope is to find people experienced enough to justify the $90,000 salary; if not, then they will be paid less than that.

Mr. Swackhamer asked how much is the District Attorney authorized to offer? Mr. Wheeler replied he can offer between $63,232 to $98,000. He would have to have someone of Mr. Miller’s experience to get to the $98,000. If the applicant has ten years of relevant experience then Mr. Baker would have to come to the Administration Committee to get approval to hire above Step 5 and that would be $75,000. He would be looking at $86,000 - $87,000.

Mr. Baker stated I need to find people first and then I can come here to request an increase. I will not pay more than $90,000 per position. Mr. Wheeler commented $90,000 would be Step 11. Mr. Malter stated that would need to go to Administration.

Mr. Mullen asked what is Mr. Miller’s title? Mr. Baker replied he is a Senior Assistant District Attorney. Mr. Mullen asked are there any others in your office above $98,000? Mr. Baker replied Dave Wallace.

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

F. County Manager

1. **Local Law Amending County Charter** – Mr. Wheeler stated he is proposing an amendment to the County Charter to establish the position of Director of Public Safety. We are proposing adding the Director of Public Safety under both the 911 Department and the Emergency Management Office.

**MOTION: AMENDING THE STEUBEN COUNTY CHARTER TO ESTABLISH THE POSITION OF DIRECTOR OF PUBLIC SAFETY MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

2. **Upgrade** – Mr. Wheeler requested authorization to upgrade the Deputy Director of the Emergency Management Office, Management Grade G to Management Grade H. This would be the same level as the Deputy Director of 911.

**MOTION: AUTHORIZING THE UPGRADE OF THE DEPUTY DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE, GRADE G TO GRADE H MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

Mr. Wheeler commented this will go to the Administration Committee as I will be recommending moving the salary to Step 5 of Grade H.

IV. OTHER BUSINESS

A. **DWI Trailer** – Mrs. Lando asked the Undersheriff to provide an update on the status of the DWI Trailer. Undersheriff McNelis stated the bid for the first part of the project was accepted and the trailer is currently out at Goodrich’s. We sent out the bid for the electrical. We were unable to find a company that was willing to do everything.

B. **Body Cameras** – Undersheriff McNelis stated as a follow-up to the earlier conversation about the body cameras, the New York State Police began their rollout of their body camera program and we expect that will be mandatory statewide at some point. Mr. Mullen asked if this becomes mandatory statewide, will we be in compliance? Undersheriff McNelis replied yes.
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. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN EXECUTIVE SESSION MADE BY MR. POTTER. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: APPROVING A CHANGE ORDER IN THE AMOUNT OF $26,861.00 TO MOTOROLA FOR ADDITIONAL WORK ON THE FIRE VHF SIMULCAST RADIO PROJECT, SAID COST TO BE PAID USING HOMELAND SECURITY GRANT FUNDS MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: RATIFYING THE SOLE SOURCE DESIGNATION FOR BLACK CREEK SECURITY MANAGEMENT MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: ACCEPTING THE MARCH 24, 2021, PROPOSAL AND CONTRACT FROM BLACK CREEK MANAGEMENT, MINUS ANY FUNDING TERMS SET FORTH WITHIN MADE BY MR. MULLEN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Mrs. Scotchmer commented the Sheriff’s Office has been paying an annual maintenance fee to Black Creek but the last annual maintenance agreement received was in 2010. She stated she informed the Sheriff that the committee will also need to approve the annual maintenance agreement for $14,000. Ms. Prossick stated we will address that at next month’s meeting.

MOTION: REVOKING THE FINANCING AGREEMENT THAT HAD BEEN SIGNED BY THE SHERIFF RELATIVE TO THE BLACK CREEK PROPOSAL MADE BY MR. POTTER. SECONDED BY MR. MULLEN FOR DISCUSSION.

Mr. Mullen stated I don’t view this as having ever been in effect as the contract was never approved. Ms. Prossick stated I will include that in the letter that I will be sending to Black Creek.

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

Mr. Wheeler stated I would recommend to pay for the upgrade by transferring $145,000 in unspent fund balance to the Capital Project for Black Creek.

MOTION: AUTHORIZING THE TRANSFER OF $145,000 FROM UNSPENT FUND BALANCE TO THE BLACK CREEK CAPITAL PROJECT MADE BY MR. POTTER. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

Mr. Potter asked by doing this will we be paying this in full? Mr. Malter replied yes.
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, May 3, 2021
Legislative Chambers
9:00 a.m.
Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Monday, April 26, 2021