I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JUNE 3, 2019, MEETING MADE BY MR. POTTER, SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. MAIO ABSENT FOR VOTE)

III. DEPARTMENTAL REQUESTS

A. Public Defender

1. Upstate Model Family Representation Office Grant – Mr. Sauro introduced Sally Madigan, the Senior Assistant Public Defender for Family Court. Ms. Madigan stated she is here today to request authorization to apply for the Upstate Model Family Representation Office Grant. This is a grant that will be awarded to one county in New York State, outside of New York City. The total amount is $2,610,417 or $870,139 annually for three years. The start date would be October 2019.

Ms. Madigan explained this grant is basically a holistic approach in providing legal representation to parents in child protective proceedings under New York Family Court Act Article 10, and the termination of parental rights proceedings. All stakeholders involved would be a part of a more efficient approach. This is essentially funding for a pilot program which will provide the Office of Indigent Legal Services (ILS) with data which could provide mandates similar to what we have seen with Hurrell-Harring. The trend is to provide a holistic defense to the clients we serve. There will be teams, with each client being represented by an attorney, support staff, a parental advocate, an investigator, a social worker and a case worker. This would provide a one-stop service for Department of Social Services as well as criminal or family court needs. This model has proven to be beneficial to clients. In a study conducted in New York City in the Bronx, during 2015 – 2017, 68 percent of cases did not
need to go to court. The purpose is to provide legal and non-legal representation to prevent cases from going to court.

Ms. Madigan stated if we were awarded this grant, our case caps could go to 50 clients per attorney at any given time. Currently we have two Family Court attorneys and one support staff. If awarded this grant, our request would be to hire two full-time attorneys, two Social Workers, one Alcohol and Substance Abuse Counselor, one contracted investigator, one typist, one receptionist and one case worker. The addition of these positions would enable us to be in compliance with the grant. This would also allow us to provide liaison services to the Department of Social Services. She stated the Family Court division of the Public Defender’s Office is working with the Department of Social Services to discuss the benefits of this program. We will continue the discussions and we have until July 19, 2019 to submit the grant application.

Mr. Sauro stated this is similar to preventive services. We have been approached by several judges as the court system has been busier than it ever has been. He is requesting authorization to apply for this grant.

Mr. Malter stated there is only one grant award outside of New York City. What are our chances? Why do you think our application will be better? Mr. Sauro replied he thinks we are in a position in Steuben County where the numbers and stressors on the system are such that this is a good opportunity for ILS to use this program in Upstate New York and have a better idea of what it will look like for the other counties.

Mr. Ryan asked how will we compete? Mr. Sauro replied his intention is to apply for the criminal side as well. Hurrell-Harring happened and he would guess that something similar will happen with Family Court. He is hoping we can mirror both sides at the same time and that may set us apart.

Ms. Fitzpatrick asked if you get this funding will you use the funds to hire the additional positions? Mr. Sauro replied yes. Ms. Fitzpatrick asked will that be an appropriate use for the funds? Mr. Sauro replied this grant is to establish a program as a pilot and it has not been done yet. The grant is specifically designed to hire that sort of staff.

Mr. Wheeler commented should you authorize the application; this is a big and transformational project. The thought is that the next step is that a meeting will be scheduled to talk amongst ourselves. If you authorize the application, it does not commit you to anything. We would work together to find a way to make the application as strong as possible. Should we get awarded, we would need to come back to the committee with a sustainability plan. Having funding for three years is great, but that is a lot of staff.

Ms. Muller stated she is guardedly optimistic, but it depends on the blueprint. You could create more volume of work depending on how the program is implemented. We have to remember that if clients have defense counsel from the start, our attorneys will also need to be present along with the case workers. She stated she would support this should the blueprint play out in the best interest of the clients and both departments.

Ms. Madigan stated she certainly does not need to create any additional work. She would envision our office being involved to assist clients with what they need to do. She knows this program will impact the lives of children and parents in the community. Ms. Muller commented we need to work out the disciplines that you have set up with regard to the social worker, substance abuse counselor and outside departments with their impact; defining the positions and duties to be effective for both sides.

Mrs. Lando stated it sounds like you are duplicating efforts, just in a different way from the Department of Social Services. You are adding another group to assist and she is confused. Ms. Madigan stated in our current situation with Family Court, with the volume of cases we have, our per capita filings in this county are well above other counties. The current model we have is not serviceable. We do not have enough attorneys or enough time to sit with clients to work on things prior to court filings happening. The best model of lawyering is preventing cases from going to court. These people that are involved with being reported from the Department of Social Services do not see Social Services as being a help to them. They need to hear from someone they perceive to be on their
Ms. Strache stated she is the Court Attorney for Judge Watches. She stated Family Court is the worst place to solve things; it’s the ER. We are trying to get on the ground earlier. With Alternative Dispute Resolution (ADR), every court in the State has to have an ADR position in place by September 2019. You may not get this grant, but what will flow out of this will be mandates. There is already a special commission on Family Court. Judge Doran has indicated that counties need to get ahead of it and try to have ownership. Steuben County has a quarter of the filings of Monroe County. We have three judges compared to Monroe’s 11 judges. All of the judges have approved of this concept. What she hears when she goes to other meetings is we all have the same goals to have kids be safe and parents to be healthier and we work pretty well toward that.

**MOTION: AUTHORIZING THE PUBLIC DEFENDER TO SUBMIT AN APPLICATION FOR THE UPSTATE MODEL FAMILY REPRESENTATION OFFICE GRANT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK FOR DISCUSSION.**

Mrs. Ferratella asked when is the grant due? Mr. Sauro replied July 19, 2019.

Mr. Ryan asked do we have money in the budget to pay for the additional attorneys? Mr. Sauro replied yes. The equivalent of what we are paying individuals now is set up in the tentative budget. Mr. Wheeler stated all of that would have to come back to the committee if we have to hire above the mid-point or create positions.

Mr. Potter asked where will we put people if we are successful in getting this grant? Mr. Sauro replied as part of our budget plans we included a line item for rent. ILS is never fond of purchasing buildings, but they do not seem to mind paying for rent. Mr. Wheeler explained the building project has accommodated for anticipated growth in the Public Defender’s Office. Long-term the planning is there, but the issue would be the short-term.

Mr. Wheeler stated the counties that made out the best in the Hurrell-Harring settlement were the named counties. If we can get in with an actionable model and construct, outside of funding, he thinks there is some merit to that, but it has to be sustainable based on the information we have at the time.

Ms. Fitzpatrick asked would there be an opportunity for shared services? Mr. Sauro replied yes. Ms. Fitzpatrick asked Ms. Madigan what her current caseload is. Ms. Madigan replied she is at about 100.

Mr. Swackhamer stated two months ago you came to committee and said how you cannot hire attorneys and now you are presenting us with a proposal to hire more. Mr. Sauro replied he made no overtures that it would be easy. We want to do this now before it becomes mandated and he would like to start early. Mr. Swackhamer asked why? Mr. Wheeler stated Mr. Sauro is stating that he will try. There is certainly a shortage of attorneys. We need more attorneys participating. The caseload standards, at a minimum, will happen.

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

B. **Sheriff’s Office**

1. **Accepting K-9 Donations** – Sheriff Allard requested authorization to accept the following donations for the K-9 program: Corning Credit Union - $250; Snyder Foundation - $1,600 (yearly); Market Street Trust - $105; Herbert & Irene Smith - $100 and Bath Dairy Festival - $56.50.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE FOLLOWING DONATIONS TO THE K-9 PROGRAM: CORNING CREDIT UNION - $250; SNYDER FOUNDATION - $1,600 (YEARLY); MARKET STREET TRUST - $105; HERBERT & IRENE SMITH - $100 AND BATH DAIRY FESTIVAL - $56.50 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**
Mr. Potter asked how much of the K-9 program is funded by donations? Sheriff Allard replied every K-9 we bought has been through donations. Mr. Wheeler stated donations have also paid for a good portion of the maintenance and supplies. Sheriff Allard explained donations have paid for food and health care for the K-9’s, injectable Narcan for the K-9’s and almost everything except for the vehicles and deputies. He announced next month they will be acquiring through donation, K-9 Knapp in honor of Pete Knapp.

2. **Authorization to Bid Washing Machines** – Sheriff Allard requested authorization to put out a bid for washing machines.

**MOTION:** AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A BID FOR WASHING MACHINES MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Water Project** – Sheriff Allard requested authorization to contract with Danforth for the 2nd phase of the water project. This has already been budgeted for.

**MOTION:** AUTHORIZING THE SHERIFF TO ENTER INTO A CONTRACT WITH DANFORTH FOR THE 2ND PHASE OF THE WATER PROJECT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Accepting Additional STOP DWI Crackdown Funding** – Sheriff Allard requested authorization to accept an additional $1,000 in STOP DWI Crackdown funding. This will be used to pay for personnel costs for DWI enforcement with other agencies.

**MOTION:** AUTHORIZING THE SHERIFF TO ACCEPT AN ADDITIONAL $1,000 IN STOP DWI CRACKDOWN FUNDS MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **Air Handler Project** – Sheriff Allard requested authorization to contract with Johnson Controls for the 2nd phase of the air handler project. This has already been budgeted for.

**MOTION:** AUTHORIZING THE SHERIFF TO ENTER INTO A CONTRACT WITH JOHNSON CONTROLS FOR THE 2ND PHASE OF THE AIR HANDLER PROJECT MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

6. **Activating Two Zero-Based Deputy Sheriff Positions** – Sheriff Allard stated he had sent out his analysis of CAP (Counsel at Arraignment Program). We had planned for a total of five new deputies to address CAP needs; two to be hired in January, two to be hired now and one to be hired next January. He would like to move forward with hiring the next two deputies. He commented their overtime is through the roof already.

Mr. Malter asked are these positions budgeted? Mr. Wheeler replied these positions came in after the budget was adopted, so they were not included in the budget. Mr. Malter asked what about the budget for overtime? Mr. Wheeler stated we have already exceeded the budget for overtime. Mr. Malter asked will we need to use the Contingent Fund to pay for these positions? Mr. Wheeler replied no. We have funded vacant positions. We will use the flex in the overall funded vacancies to fund these.

Mr. Maio asked what will be the scheduling for the two additional deputies? Sheriff Allard replied they will fall into the overall schedule as need be. The idea is to have three deputies on days and evenings and two deputies on overnights. They will maintain the responsibilities with CAP as well as other duties within the county. For many years we had one and two deputies on duty and it was just not feasible to do.
Mr. Maio asked what has led to the increase in orders of protection? Sheriff Allard replied temporary orders of protection are issued in CAP court and it is our responsibility to do those. The return of the original document to home court is our responsibility.

**MOTION:** FUNDING TWO ZERO-BASED DEPUTY SHERIFF POSITIONS MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN FOR DISCUSSION.

Ms. Fitzpatrick stated the deputies working in CAP court have been doing a very good job. They have been very professional, helpful and are doing a great job.

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

C. **Emergency Management Office**
   1. **Grant Project Amendment** – Mr. Forenz requested authorization to amend their current radio communications project to include a designation of $64,915 to implement the layer three network protocol in the communications system. This will create better security and will assist with redundancy. Mr. Wheeler explained layer two was the older technology. That technology is less expensive, but with the funding available in the current grant, they felt it was ideal to go to the protocol which gives you greater security, redundancy and more capacity. Ms. Fitzpatrick asked will this delay the project timeframe? Mr. Forenz replied no.

**MOTION:** AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO AMEND THE CURRENT RADIO COMMUNICATIONS GRANT PROJECT TO DESIGNATE $64,915 FOR THE IMPLEMENTATION OF THE LAYER THREE NETWORK PROTOCOL IN THE COMMUNICATIONS SYSTEM MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. **District Attorney’s Office**
   1. **RFP Request** – Mr. Baker requested authorization to put out a Request for Proposals for a consultant to review the layout and the efficiency of the office. He has been in the office for 25 years and the office has doubled. He would like to have someone come in and look at the law office efficiency and structure. Mr. Haurycki asked will they also look at the space needs requirements? Mr. Baker replied yes. Mr. Maio commented it is a good idea to do now before you go into the new space.

Mr. Wheeler stated we would also need to look at a Contingent Fund transfer assuming you award the RFP. The award of the RFP, as well as the transfer, would have to come back to committee.

**MOTION:** AUTHORIZING THE DISTRICT ATTORNEY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS FOR A CONSULTANT TO LOOK AT LAW OFFICE EFFICIENCY AND STRUCTURE MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Driver Diversion Program** – Mr. Baker stated traffic diversion programs have been successful in the State. He would like to bring this program back to Steuben County and the first step would be to repeal our current Local Law. He explained the purpose of traffic diversion programs is to take first-time offenders, or those with a short history, and have them take a six-hour course. Participants can take the course through the Sheriff’s Office, or they can take an online course. When they complete the course, we withdraw or reduce their ticket. The reviews we have gotten from people are phenomenal. We charge a fee and that reflects the cost to the County for the processing of the ticket. When we did this program last time, we had 3,500 tickets and revenue that was close to $1 million.

Mr. Malter asked will the amount of time spent on discovery be cut down if you do this program? Mr. Baker replied yes. The new mandate regarding discovery includes traffic tickets and we do not have the staff to do that. Mr. Malter asked are you creating enough internal controls so that the money will run through the Finance Office?
Ms. Prossick replied that piece will be presented next month. This month we are just repealing the Local Law. Next month will be the restructuring of the program.

Mr. Maio asked do you have a model? Ms. Prossick replied we are still working on the details. Mr. Wheeler stated the way we are drafting it, it is much more structured and sensitive to Article 1804. Ms. Prossick explained their department has looked at all of the existing programs and how other counties are doing it. We are trying to take the best of all of those and create our own program.

Mr. Maio asked the Local Law will set up the program, but who will determine the offenses? Mr. Baker replied that will fall on him. The idea through the Local Law or a memorandum of understanding is to resolve the finance issue. He stated he does not want any money coming through his office at all as that creates a conflict.

MOTION: REPEALING LOCAL LAW NO. TWO OF 2015 RELATIVE TO THE DRIVER DIVERSION PROGRAM MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Monday, August 5, 2019
9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS NO LATER THAN NOON
Monday, July 29, 2019