**MINUTES**

COMMITTEE: John V. Malter, Chair  
Kelly H. Fitzpatrick, Vice Chair  
Steven P. Maio  
Frederick G. Potter  
Thomas J. Ryan

STAFF: Jack K. Wheeler  
Christopher Brewer  
Jennifer Prossick  
Brenda Aston  
Cheryl Crocker  
Tim Marshall  
Andy Morse  
Noel Terwilliger  
Shawn Sauro  
Nate Alderman  
Brooks Baker  
Craig Patrick  
James Allard

LEGISLATORS: Joseph J. Hauryski  
Carol A. Ferratella  
K. Michael Hanna  
Scott J. Van Etten

OTHERS: Allison Hunt  
James Post, The Leader

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 AUGUST 5, 2019, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Emergency Management Office

1. FY19 SHSP Grant Acceptance – Mr. Marshall requested authorization to accept the FY19 State Homeland Security Program Grant in the amount of $129,963. Per Federal regulations, 25 percent must go to the Sheriff’s Office for terrorism prevention activities. The Sheriff’s portion is $32,491. He stated the remaining $97,472 will be used by his department to continue to fund programs such as Ready Steuben and IamResponding. We will also use funds for training fire and EMS personnel to respond to active shooter scenes.

Ms. Fitzpatrick asked in the award letter it referenced that you need to complete the Nationwide Cyber Security Review. What is that? Mr. Marshall replied that is something that we will work with the IT department on to ensure that we are meeting cyber security requirements. Mr. Maio commented the letter references that the grant goes through August 31, 2022 and that extensions are highly unlikely. Will this put us on the line for any of the programs that we fund using this grant? Mr. Marshall replied this is a Federal appropriation and typically is awarded every year and he expects that to continue.

Mr. Wheeler commented that for the Sheriff’s portion, those funds will be dedicated to terrorism prevention activities and he will be purchasing tires for the tactical vehicle, a digital collection kit and CIU equipment.
MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO ACCEPT THE FY19 STATE HOMELAND SECURITY PROGRAM GRANT IN THE TOTAL AMOUNT OF $129,963; WITH $97,472 BEING ALLOCATED TO THE EMERGENCY MANAGEMENT OFFICE AND THE REMAINING $32,491 BEING ALLOCATED TO THE SHERIFF'S OFFICE AND AUTHORIZING AN AMENDMENT TO THE SHERIFF'S MAJOR EQUIPMENT LIST TO INCLUDE THE PURCHASE OF TIRES FOR THE TACTICAL VEHICLE, A DIGITAL COLLECTION KIT AND CIU EQUIPMENT MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. Cohocton Fiber Connection – Mr. Marshall stated he has received a quote from Southern Tier Network (STN) to install the connections at the Cohocton tower site. He requested authorization to contract with STN for $6,102 to install the fiber connection.

MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO CONTRACT WITH SOUTHERN TIER NETWORK (STN) TO INSTALL THE FIBER CONNECTIONS AT THE COHOCTON TOWER SITE MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Sheriff’s Office
1. Donation from Bath Revitalization Group – Sheriff Allard requested authorization to accept a $655 donation from the Bath Revitalization Group to be used for the K-9 program.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF $655 FROM THE BATH REVITALIZATION GROUP TO BE USED FOR THE K-9 PROGRAM MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. Donation from Bath Kiwanis – Sheriff Allard requested authorization to accept a $500 donation from the Bath Kiwanis for bicycle helmets.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF $500 FROM THE BATH KIWANIS FOR BICYCLE HELMETS MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. Red Zone Detail Reimbursement – Sheriff Allard requested authorization to accept $1,833.88 as reimbursement from the NYS Office of Homeland Security for participation in the Red Zone Detail. This is a counter-terrorism detail where we send deputies to Chemung County and test the “If You See Something Say Something” Campaign. Chemung County also sends their deputies here to test the program. We have been participating in this for three years.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT $1,833.88 FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY AS REIMBURSEMENT FOR PARTICIPATION IN THE RED ZONE DETAIL MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. Bid Award – Throw Phone – Sheriff Allard informed the committee that he did not need to bid for the throw phone as it was under the bidding threshold, however, he does need authorization to add it to his major equipment. Mr. Van Etten asked what is a throw phone? Sheriff Allard replied a throw phone is typically used during hostage negotiations. The phone is very durable and is controlled remotely by the hostage negotiation team. It is meant to be thrown through a window or long distances. He stated the cost of the phone is $6,495.

MOTION: AUTHORIZING THE SHERIFF TO AMEND THE MAJOR EQUIPMENT LIST TO INCLUDE THE PURCHASE OF A THROW PHONE FOR $6,495 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
Mr. Maio stated a couple of weeks ago there was a meeting with Judge Doran. Can you report on that or put it on the agenda for next month? Mr. Malter asked what was discussed at the meeting? Mr. Wheeler replied the purpose of the meeting was to discuss CAP and Raise the Age. We had a meeting on Friday which changed the direction of the plan; however, Judge Doran was not in attendance. We have not received feedback based on Friday’s meeting. Mr. Baker commented Raise the Age will not change. Mr. Wheeler stated we developed our own plan. Mr. Potter stated he thought all of the arraignments took place in Bath, but he recently read about arraignments in the City of Corning. Sheriff Allard explained the arraignments only happen at the Jail if there is not a public defender available. In the case you are referencing, the public defender was already scheduled to be there.

C. District Attorney’s Office
   1. **Traffic Diversion Local Law** – Mr. Baker stated the idea of the local law is to create a system whereby the County accepts and accounts for payments received. Ms. Prossick stated instead of prosecuting all people that qualify, the purpose of this local law is to make the roads safer and to be an educational program. The County, through the Commissioner of Finance, will collect straight fees. We will enter into agreements with the municipalities for the costs of law enforcement.

Mr. Maio asked what about those municipalities without law enforcement? Ms. Prossick replied we will need to discuss that and come up with an agreement. Mr. Maio asked how much of the money stays with the County? Ms. Prossick replied about $75.00 will go to the municipalities and the rest will remain with the County.

Mr. Malter asked relative to Section 4, item (d), why do we need the approval of the Commissioner of Finance? Why not just have it be a recommendation by the District Attorney and the Commissioner of Finance? Mr. Baker replied it is just another check and balance. Mr. Malter asked if it is up to this committee, why do we need the permission of the Commissioner of Finance? Mr. Wheeler replied you are authorizing the Commissioner of Finance to collect those fees. Ms. Prossick stated the money would go into the General Fund and it is just a check and balance. Mr. Malter commented he would be more comfortable if the wording in this section said “…upon the recommendation by the District Attorney and the Commissioner of Finance…” Mr. Maio commented we are the governance of the County and the final authority ought to be with us.

**MOTION:** PRESENTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2019, AUTHORIZING A STEUBEN COUNTY TRAFFIC DIVERSION PROGRAM AND AMENDING SECTION 4, ITEM (d) TO READ: “PURSUANT TO THIS LOCAL LAW, THE STEUBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE SHALL HAVE THE AUTHORITY, UPON THE RECOMMENDATION BY THE DISTRICT ATTORNEY AND THE COMMISSIONER OF FINANCE, TO MODIFY, CHANGE, OR OTHERWISE ADJUST THE SERVICE CHARGE(S) SET FORTH HEREIN” MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **16B Request** – Mr. Baker requested waiver of rule 16B relative to Discovery Reform which will lead to the need for additional staff. He has sent out the RFP for a management review of his office. With the new discovery requirements, we will, at a bare minimum, need an ADA and a Paralegal. He is requesting approval to start interviewing, with the hopes that they can get them on board and trained by the end of the year so they are ready to start with the new discovery requirements on January 1st.

Mr. Wheeler stated he and Mr. Baker have talked about this. His recommendation, so that Mr. Baker can have something in place, is to enact a 16B waiver of which one of the requirements is that the position(s) is a result of a State or Federal requirement. The normal process is that 16B’s are submitted in May. In order to waive 16B, that requires the approval of this committee, Administration and the Full Board. If you create these positions, he would have them on the books by the end of the month.

Ms. Fitzpatrick asked how would these new positions fit into your office study? Mr. Baker replied this is the bare minimum of staff we will need for the new discovery requirements and the office study will show the best process
under which to manage them. Mr. Hauryski asked what is the closing date on the RFP? Mr. Morse replied responses are due by the end of September.

**MOTION: WAIVING RULE 16B AND RECOMMENDING THE CREATION OF ONE ASSISTANT DISTRICT ATTORNEY POSITION AND ONE PARALEGAL ASSISTANT POSITION IN THE DISTRICT ATTORNEY’S OFFICE MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN FOR DISCUSSION.**

Mr. Potter asked how will these positions be funded? Mr. Baker replied this will be all county funded. Mr. Wheeler commented the State told us that closing the internet sales tax loophole will fund these, which is not true. Mr. Van Etten asked do we currently have the space for these positions? Mr. Baker replied no.

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

3. **Purchase from Capital Projects** – Mr. Baker requested authorization to utilize funds in two capital projects in order to purchase computers and related equipment to comply with the new Discovery Reform. As part of this we will be attempting to go paperless and as such will need laptops and air cards. We will be purchasing laptops for all current staff along with a second screen for the desktop computers.

Mr. Maio asked do you foresee the possibility of incorporating a diversion program for certain violations? Mr. Baker replied he thinks we could do that in some instances. It would have to be a victimless crime.

Mr. Malter asked what is the total amount that you will be transferring? Mr. Baker replied there is $20,000 available in the License Plate Reader capital project and $20,000 in the Child Advocacy Center capital project. Mr. Wheeler clarified the request is to authorize the purchase of equipment out of those two capital projects. This will need the approval of this committee, Finance and the Full Legislature. Mr. Hauryski asked have you figured the recurrent costs into the budget? Mr. Baker replied yes.

**MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO PURCHASE COMPUTER EQUIPMENT NECESSARY FOR COMPLIANCE WITH ARTICLE 245 RELATIVE TO DISCOVERY REQUIREMENTS OUT OF THE LICENSE PLATE READER CAPITAL PROJECT AND THE CHILD ADVOCACY CENTER CAPITAL PROJECT AND AMENDING THE DISTRICT ATTORNEY’S MAJOR EQUIPMENT LIST TO REFLECT THESE PURCHASES MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

D. **Personnel**

1. **Reclassification – Sheriff’s Office** – Mr. Alderman requested authorization to reclassify two part-time, zero-based Building Security Deputy positions, Grade XI to two part-time Special Patrol Officer positions at $16.00 per hour. This is in response to the State wanting an additional full-time position in court security.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF TWO (2) PART-TIME, ZERO-BASED BUILDING SECURITY DEPUTY POSITIONS, GRADE XI TO TWO (2) PART-TIME SPECIAL PATROL OFFICER POSITIONS WITHIN THE SHERIFF’S OFFICE MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **Reclassification – Probation Department** – Mr. Alderman requested authorization to reclassify one Account Clerk-Stenographer position, Grade VIII to one Senior Typist position, Grade VI. This is being done as a result of a retirement.

**MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE (1) ACCOUNT CLERK-STENOGRAPHER POSITION, GRADE VIII TO ONE (1) SENIOR TYPIST POSITION, GRADE VI WITHIN THE PROBATION DEPARTMENT MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**
IV. OTHER BUSINESS

A. CAP – Mr. Van Etten asked is there an update on CAP? Mr. Baker replied the numbers are higher than what we had projected. We are doing arraignments every day, sometimes twice a day. There are no court clerks, so the judges are handwriting everything. The Sheriff’s staff is making sure copies are going to all of the right people. They are doing great work. This has been a very time-consuming process.

Mr. Malter asked have the number of arrests increased? Sheriff Allard replied it has more to do with the type of arrests that require arraignments. Mr. Baker commented the Office of Court Administration (OCA) grossly under predicted the numbers.

Mr. Wheeler stated OCA is essentially creating a court piece that we are paying for. Mr. Baker stated some bail reform requires notice to defendants within twenty-four hours. OCA is shifting costs by having longer CAP days. Mr. Maio commented we need to have a serious discussion about CAP court versus district court. Mr. Baker stated the question is how does OCA have the power to do all of these things? There is no way to do what they want to have done. Mr. Maio stated his limited understanding is that first appearance has to happen within 20 days of arraignment. The judge cannot order the courts to have court twice a month. Mr. Baker stated that is what we have asked him to do. Mr. Potter commented that will double the load for the local justices and double the cost. Sheriff Allard stated the majority of the towns have court at least twice per month.

Mr. Van Etten asked is OCA doing this to everyone in his district? Mr. Baker replied they want to have it done at minimum OCA cost. Mr. Wheeler stated we are second only to Monroe County and they are comparing us to them. Logistically, we cannot have people in all of the courts. Taking a cookie cutter approach to this is not working for us. Mr. Maio stated his position is that this is an onerous process that is inevitable at this point and the district court is something that we need to look at.

Mr. Wheeler stated the other part is Probation and the tracking and notification. The State says that OCA may contract with pretrial services for notifying individuals and the indication was that it would be Probation and the State says that is OCA’s responsibility. Mr. Baker explained under the new bail reform, they will give individuals reminders every time they have a court appearance. Discussion followed. Mr. Wheeler commented we will discuss this next month, most likely at the Chairman’s Meeting.

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, October 7, 2019
9:00 a.m.

PLEASE PROVIDE AGENDA ITEMS NO LATER THAN NOON
Monday, September 30, 2019