I. **CALL TO ORDER**

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

II. **APPROVAL OF MINUTES**

**MOTION:** APPROVING THE MINUTES OF THE NOVEMBER 1, 2021, MEETING MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. **DEPARTMENTAL REQUESTS**

**A. Emergency Services/E-911**

1. **Motorola Service Contract** – Mr. Marshall requested authorization to renew the annual maintenance contract with Motorola. The cost is $151,352.17 and this is consistent with what we pay and this is paid for with grant funds.

**MOTION:** AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE ANNUAL MAINTENANCE CONTRACT WITH MOTOROLA FOR A TOTAL COST OF $151,352.17 MADE BY MR. HORTON. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **CODE Red Contract** – Mr. Marshall requested authorization to renew the CODE RED Contract. This is our notification system to the public in the event of an emergency. The annual cost is $21,656.25.

**MOTION:** AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE CONTRACT WITH CODE RED FOR A TOTAL COST OF $21,656.25 MADE BY MR. RYAN. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Potter asked was there an increase from last year? Mr. Marshall replied there was a very slight increase and it is budgeted.

**VOTE ON PREVIOUS MOTION:** ALL BEING IN FAVOR. MOTION CARRIES 5-0.
3. **911 HVAC/Mechanical Upgrades** – Mr. Marshall explained there are some HVAC and mechanical issues that need to be resolved at the 911 Center and we have been working with Buildings and Grounds and Danforth. We do have $275,196.96 in a capital project and he requested authorization to utilize those funds for the necessary upgrades.

Mr. Mullen asked was this bid? Mr. Marshall replied we are using one of the standardized community commodity contracts through Purchasing. Ms. Prossick explained this is a national co-op that we can use and piggyback off of if a municipality did an original bid for it. Mr. Mullen asked how much are the upgrades? Mr. Marshall replied I have $275,000 available in the capital project. We would be looking at changing out some of the controls and some of the diffusers. We are also looking at putting in a new water heater and water softener in the building. He noted that Mr. Rose had indicated this would be within the $275,000 cost.

Mr. Mullen asked that’s not something we think we would get better prices on with a bid? Mr. Wheeler replied the prices through the cooperative purchasing agreement we have used for projects both at the County Office Building and the Jail through Gordian and Danforth, who has been the contractor for most of those. The prices have been within market range. We kept an eye on that to make sure we are not upside down on that, but the prices look good from our past experiences. Mr. Marshall commented we will be using Gordian as well.

Mr. Van Etten stated I don’t think we have done this before where you just have an open-ended authorization to spend a total amount of money without having any detail on what the parts and pieces are. Mr. Malter asked are you suggesting we get an estimate as to each facet of the project that we are doing? Mr. Van Etten replied that is what I would like to see rather than an open checkbook. What was this capital project originally? Mr. Wheeler stated I had mentioned probably a year ago that the controls out there with regard to keeping the temperature right has been an issue consistently, so we started putting money away a few years ago. We can get you the formal scope of work so you can see exactly what is being done. Mr. Van Etten stated I think that would be more helpful. I have never been against facility projects as it is part of doing business because you have to replace, maintain and update those; but to just have a total amount without having any detail; I am not comfortable with that. Mr. Marshall stated he can bring this back next month.

Mr. Mullen asked do you know how long these numbers are good for through the national co-op? If they are going to be good for a while and we are close to $300,000, it might be worth bidding. I would like to hear what other people think about it. Ms. Prossick explained we can check the prices. I believe this is the one from the Town of Greece. We have been using this for a couple of years. The Town of Greece put it out across the State for all of the municipalities to use. Everybody that would possibly bid in the area bid on that and it was awarded to the lowest bidder. So it is the same cast of characters that we would be sending out bids to. Mr. Mullen stated I don’t want to approve it without more information.

**MOTION:** POSTPONING ACTION ON THE 911 HVAC/MECHANICAL UPGRADES AT THE 911 CENTER TO THE JANUARY 3, 2022 MEETING MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Request for Special Meeting** – Mr. Marshall requested a special meeting prior to the December 20, 2022, Legislative Meeting to accept and award the Communications Tower Maintenance RFP. The RFP’s are due back December 15th and he would like to award it prior to January 1st so that we can get moving with the projects for tower maintenance work. Mr. Malter stated we can hold a special meeting, but what towers will be worked on? Mr. Marshall replied this will be all of the towers for the County’s communication system. This will be for maintenance and upgrades of the towers and structures.

**MOTION:** SCHEDULING A SPECIAL MEETING FOR DECEMBER 20, 2021, FOR THE PURPOSE OF AWARDING THE RFP FOR COMMUNICATIONS TOWER MAINTENANCE MADE BY MR. HORTON. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
5. **Contingent Fund Transfer** – Mr. Marshall informed the committee that they are short funds in the Coroner’s Budget. He had previously requested $50,000 and they are still short for the year. He is requesting an additional allocation of $25,000 which will be used in the salaries and Medical Examiner’s line items.

**MOTION: AUTHORIZING A CONTINGENT FUND TRANSFER OF $25,000.00 TO THE 2021 CORONER’S BUDGET MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

6. **FEMA** – Mr. Potter stated I know we have been working with our congressional representatives on FEMA assistance for homeowners. Has there been any progress on that? Mr. Marshall stated he checked in with the State Office of Recovery last week and it was still under review. We have not gotten any additional background information from FEMA. We continue to work with the human service agencies and the United Way to support homeowners. The United Way has grants of $2,500 available and most of the individuals identified with needs have received some of those grants. There are still some homeowners that need funding.

7. **Radio System** – Mr. Potter asked how has the changeover to high band been? Mr. Marshall replied the changeover has been going pretty well. Most of the calls are now over high band. We have some gaps in paging, but overall it is working very well. We are trying to identify those gaps and fill the voids with additional tower locations. Everything is working as it should be. With the paging concerns we are looking at programming issues. The majority of complaints have been minor and there have not been many at all.

B. **Sheriff’s Office**

1. **RFP – Inmate Phone** – Sheriff Allard stated we have been in a contract with our current provider, GTL, since October. If you would rather go to an RFP for these services, we would need to do it soon as our current contract runs through February. The contract GTL forwarded increases the commission we would receive from 55 percent to 80 percent on phone calls and 0 – 20 percent on tablet message usages that they supply. The only downside is that FCC ruled as I predicted and changed the amount the charge per phone call went from $.40 per minute to $.15 per minute. It would be an increase in commission. Whether or not that equals an increase in revenue I can’t say yet because of the change in rates. Mr. Malter asked are you happy with the provider? Sheriff Allard replied yes, we have had a little over a 20-year relationship with the provider and they have been very responsive to our needs. I believe last year we collected $120,000 in revenue.

Mr. Malter asked can we renew or do we have to go to bid? Ms. Prossick stated that is the question because the last time an RFP was put out; I don’t know the answer to that. Sheriff Allard replied the State Sheriff’s Association put out an RFP for inmate phone services the year before last and they invited, on a statewide contract for all providers. Ms. Prossick asked did you talk to Mr. Morse about this because that would be a question for Mr. Morse. Sheriff Allard replied no. Ms. Prossick stated the State Sheriff’s Association is not a municipality so we cannot piggyback off of their bid. This would be a Mr. Morse question for the last time an RFP went out to see if we need to put it back out. Mr. Malter asked is there a time limit for when these RFP’s have to go out? Ms. Prossick replied you are supposed to do an RFP every time. You can waive the RFP process for professional services if there is a reason. I don’t know if there is a waiver process with this, so Mr. Morse would need to take a look at this and determine if it needed to go back out or if there was a justification to not put it out. Mr. Malter asked if we need to do an RFP, do we have enough time? Ms. Prossick replied we can discuss that with Mr. Morse and you could discuss it at a special meeting on December 20th.

Mr. Potter asked is there any harm in doing an RFP? Sheriff Allard replied it would be a six-month turnaround time. Mr. Wheeler stated Mr. Morse could turn it around quicker than that if need be. Mr. Potter commented I would say put out an RFP. Mr. Wheeler stated I would agree with Ms. Prossick to get Mr. Morse’s feedback and if we need an RFP we could work on that between now and the special PS&C meeting on December 20th.

Mr. Van Etten asked are there other providers? Sheriff Allard replied the providers are Secura and GTL. GTL has about 90 percent of the national market. Mr. Malter stated we will discuss this further at the December 20th special meeting.

3. Public Safety and Corrections Committee
   Monday, December 6, 2021
2. **2022 STOP DWI Agreements** – Sheriff Allard requested approval of the 2022 STOP DWI disbursement agreements. He noted they will be disbursing $68,600 for overtime reimbursement and $14,600 for equipment where we purchase equipment for the agencies.

**MOTION:** APPROVING THE 2022 STOP DWI DISBURSEMENT AGREEMENTS TO LOCAL POLICE AGENCIES AS PRESENTED MADE BY MR. HORTON. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Lexipol Agreement** – Sheriff Allard stated I emailed everybody about this on Friday and Ms. Prossick worked with their legal to get it cleaned up so it is good to go and everybody has agreed that it is sole source. Basically we would be getting 13 months for the cost of 12 months and be able to start right away with no increase in the amount. We got a quote in 2021 and this keeps us at that 2021 rate rather than waiting until 2022 and seeing what the quote would be then. Mr. Van Etten asked what is the 2021 cost? Sheriff Allard replied $34,721.65. Mr. Wheeler stated we do have that in the budget.

**MOTION:** AUTHORIZING THE SHERIFF TO ENTER INTO A CONTRACT WITH LEXIPOLO FOR 13 MONTHS AT THE 2021 COST WHICH IS $34,721.65, PAYABLE IN 2022 MADE BY MR. HORTON. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Social Media** – Mr. Van Etten asked the Sheriff to explain the benefit of social media relative to the Sheriff’s Office posts about arrests and leaving that open for public comment? Does someone review and do you shut off the comments? Sheriff Allard replied if it becomes obscene or offensive we contact Facebook and they remove and block those comments. Mr. Wheeler stated there have been a few. If we allow comments we cannot edit them unless there is profanity or they are threatening. There was one instance where we did shut off the comment ability for that post. Mr. Mullen stated my personal opinion is just to see them turned off. I think even some information in the posts have been questionable.

Mr. Van Etten asked is there value in allowing the comments? Sheriff Allard replied it is freedom of speech. Mr. Malter asked is it part of the reform and transparency? Mr. Van Etten stated transparency for the department, but opening up discussion for every arrest on social media becomes a sounding board for the relatives. Mr. Wheeler stated I would agree. We have done that with Public Health because it became toxic. There is no requirement for the County to provide a forum for discussion.

Sheriff Allard stated we can take a look at it and see if there is any benefit to having the comments, and if not, we can disable the comments. Mr. Malter asked Sheriff Allard to provide his opinion at the next meeting.

Mr. Maio commented if I put a post on Facebook, as the poster I can delete the comments. Ms. Prossick stated we cannot as we are a government agency. Mr. Maio stated I don’t see the point of letting people discuss and spout off.

Mr. Malter stated it is the committee’s consensus to remove the ability for commenting on Facebook posts relative to arrest notifications by the Sheriff’s Office.

5. **Vehicle Exhaust** – Sheriff Allard commented the vehicle exhaust issue is primarily Downstate. Vehicle and Traffic Law states the exhaust should not be anything that is not factory installed.

C. **Law Department**

1. **RFP – Assigned Counsel Mentor** – Ms. Prossick stated back in October the committee authorized an RFP for assigned counsel and there were no responses. She requested authorization to put the RFP back out. When it originally went out there was some miscommunication and it did not get forwarded to all parties.
MOTION: AUTHORIZING THE LAW DEPARTMENT, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO RE-ISSUE THE RFP FOR ASSIGNED COUNSEL MENTOR MADE BY MR. HORTON. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. County Manager
Mr. Wheeler stated I have one item relative to personnel for Executive Session.

IV. OTHER BUSINESS
A. Vehicles – Mr. Maio asked Mr. Malter is there something I can bring forward to committee before we go in Executive Session? If it is a matter of Executive, then Ms. Prossick can let us know. I have had a couple people approach me, people who are in a position to know about these things, and my question is for you, and probably get transferred up to the DA’s offices, do any Assistant District Attorneys have their own cars that are provided by the District Attorney’s Office or the County? Do we know the answer to that question?

Mr. Malter asked do you know, Mr. Wheeler?

Ms. Prossick stated I do. Mr. Malter stated you do? Okay. Ms. Prossick stated I would rather not discuss it in open session. Mr. Maio stated okay. Ms. Prossick stated I have to think of a reason for it to be in Executive Session. Mr. Maio stated well, if it is something other than it might make somebody uncomfortable, then I’m okay with that. Ms. Prossick stated it is more than that. Mr. Maio stated okay. Ms. Prossick stated there is a particular person in which there is a matter being looked at that would not be for open session.

B. January Meeting – Mr. Malter stated due to the Organizational Meeting, the January 3rd Public Safety & Corrections Committee meeting will need to be moved to 10:30 a.m.

MOTION: SETTING THE TIME OF THE JANUARY 3, 2022, PUBLIC SAFETY & CORRECTIONS COMMITTEE MEETING TO 10:30 A.M. MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. 2021 Goals – Mr. Malter stated Chairman Van Etten had asked for a review of our 2021 goals. One of our goals was the Driver Diversion Program. This was started up again in 2021 and is going well. We should get a report in January on the program. Our second goal was to discuss and look at district courts. We are looking at trying to move that forward now that there is a new Administrative Law Judge. Ms. Prossick stated the new judge is Judge Taylor. Mr. Malter stated I would be happy to write a letter to the new Administrative Judge before moving forward.

Mr. Malter stated out third goal was the EMS Study. We need to do something in 2022 to see where we can go with this. People in my district are happy to attend meetings to see what we can do to shore up ambulance services in the County. There was some discussion and it looks like we are willing to do something, but we are not looking at setting up our own ambulance service like Livingston County. He stated he is looking to set up a couple of meetings to look at where we want to go with this. Mr. Wheeler stated it is timely that there is some legislation pending in New York State giving locals additional options. As the Legislature gets back into session we will have a better idea of what they are thinking.

Ms. Fitzpatrick asked should we set up an EMS board to get all the parties in and discussing the options? Mr. Malter asked can we just set up a special committee? Mr. Van Etten stated we could set up a special committee to consider the report and then bring in certain people that are experts to discuss and bring in information. An EMS Fire Advisory Board would be a subcommittee of the Fire Advisory Board. Ms. Fitzpatrick asked is there no difference between the special committee and a board? Mr. Van Etten explained the special committee is made up of people that can vote on spending money.

Mr. Wheeler commented my suggestion as well is that it be a legislative committee from a voting standpoint. You could have an Ad Hoc Committee or a Special PS&C Committee and bring in relevant players to provide testimony and feedback. Mr. Malter stated we will wait until the first of the year.
Mr. Van Etten stated thank you for your review. There are two goals for 2022 that are still important and will need to be worked on.

Mr. Malter asked are we still doing CAP court virtually? Mr. Wheeler replied we have lost the ability to do this virtually through an Executive Order and OCA. Legislation had been introduced to give flexibility to extend and that did not pass. We can continue to advocate in Albany. Sheriff Allard commented OCA will not discuss this anymore with us.

Mr. Mullen stated going back to the discussion on district courts, the steps would be to adopt a resolution and request the State create a district court and then it would go to the voters for approval. The better process would be to go to the Administrative Judge for help smoothing the skids going to the State. Mr. Malter commented if the new judge is in favor of district courts, that will make the process easier.

Ms. Prossick commented our State Assemblyman and Senator need to be brought into the loop. This is something the State will not want to do as it is a State charge. However, as the mandates kick in, we are anticipating not being able to meet those mandates with the geographic size of the County. Everyone is in the same position and everyone is dealing with the same issue. Four or five other counties are quickly coming on board with the idea of district courts.

Mr. Malter commented the State would have to pick up the cost of the district court, but we need a study to see how much revenue would be generated.

Mrs. Ferratella asked is NYSAC involved in this discussion at all? Mr. Wheeler replied no. They have been involved, but it seems that for the large geographic counties like us it is a major issue, but not for NYSAC. I will flag this for them as we head into the next legislative term.

Ms. Prossick commented district courts save the towns a ton of money and right now individuals are not getting quality representation and they are not able to contact the town courts. Mr. Potter stated there are one or two courts in the County that probably may be opposed to this as they make a lot of money, but they are definitely in the minority. Mr. Malter stated some of their monies come from the Driver Diversion Program and even with district courts, my understanding is that money would still trickle down.

D. License Plate Readers – Mr. Van Etten asked could you provide an update on the District Attorney’s push to do the license plate readers? Ms. Prossick replied our last discussion was that I needed to know what the services were so that Mr. Morse could look into it and see if an RFP was needed.

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. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.
MOTION: TO ADJOURN MADE BY MR. RYAN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Monday, January 3, 2022
Legislative Chambers

**PLEASE NOTE CHANGE** 10:30 a.m. **PLEASE NOTE CHANGE**

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Monday, December 27, 2021