

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, January 9, 2023

9:00 a.m.

*Legislative Chambers, 3rd Floor, Annex Building
Bath, New York*

****MINUTES****

COMMITTEE:	John V. Malter, Chair Wendy Lozo	Jeffrey P. Horton, Vice Chair Frederick G. Potter	K. Michael Hanna
STAFF:	Jack K. Wheeler Ken Forenz Shawn Sauro Brooks Baker Craig Patrick	Christopher Brewer Jennifer Galvan James Allard Nate Alderman Tammy Hurd-Harvey	Jennifer Prossick Brenda Scotchmer Jennifer DeMonstoy Craig Pomplas
LEGISLATORS:	Scott J. Van Etten Jeffrey P. Horton Steven P. Maio	Kelly H. Fitzpatrick James Kuhl Nicholas D. Pelham	Carol A. Ferratella Hilda T. Lando
OTHERS:	Mary Perham		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE DECEMBER 5, 2022, MEETING MADE BY MR. POTTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Sheriff's Office

1. **Sheriff's App** – Sheriff Allard requested authorization to extend the Sheriff's App into a website with the same company, OCV, LLC and the same process. This will just help people reach our Jail better with the web application, rather than just the application on the phone. We can finance 90 percent of the cost from the Jail Commissary Account. He requested authorization to finance the remaining 10 percent; \$1,500, out of the Jail Maintenance Contract line item.

Mr. Potter asked is the \$1,500 an annual cost? Sheriff Allard replied no, it is a one-time cost. Mr. Wheeler asked is there an annual maintenance cost of \$4,000 that is paid out of the Commissary account? Sheriff Allard stated yes. He noted that approximately 95 percent of the activity on the app is with the Corrections side.

MOTION: AUTHORIZING THE SHERIFF TO EXTEND THE CONTRACT WITH OCV, LLC FOR THE SHERIFF'S APP FOR AN ANNUAL MAINTENANCE COST OF \$4,000 TO BE PAID OUT OF THE JAIL COMMISSARY ACCOUNT AND TO ALSO INCLUDE AN ADDITIONAL COST OF \$1,500 FOR WEBSITE DEVELOPMENT TO BE PAID FOR OUT OF THE JAIL MAINTENANCE CONTRACT LINE ITEM MADE BY MRS. LOZO. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Replacement K-9 Discussion** – Sheriff Allard stated K-9 Daimon passed away about one and a half months ago after having been with us for almost 11 years. We are looking to replace him with another K-9 to work with Sergeant Shutt. He stated he is requesting pre-authorization to receive that as a donation from the

Sheriff's Foundation as they have the funding to purchase a replacement K-9. We will have only about a one week window to say yes or no when a K-9 becomes available.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF A REPLACEMENT K-9 FROM THE SHERIFF'S FOUNDATION IN AN AMOUNT NOT TO EXCEED \$12,000 MADE BY MR. POTTER. SECONDED BY MR. HORTON.

Mr. Potter asked will this K-9 have a specific use? Sheriff Allard replied the K-9 will be used for patrol, tracking and narcotics. Mr. Horton commented he is in favor of replacing the K-9. At night when there are not two deputies in a patrol car, the K-9 gives the officer a little backup.

Mr. Nichols asked will the K-9 be trained? Sheriff Allard replied the K-9 will have basic obedience training and bite training. We work with the Finger Lakes Training Group to provide training for patrol, tracking and narcotics. The handler and K-9 are certified together. All of our K-9's receive the Criminal Justice certification.

Ms. Fitzpatrick asked do you receive donations from other places to cover the regular expenses of the K-9's? Sheriff Allard replied we do receive donations and we put them in the line item for K-9 supplies. Mr. Van Etten commented he appreciates that the Sheriff came to the committee ahead of time with this request. Mrs. Ferratella asked what is the average age of the dogs when you received them? Sheriff Allard replied they are between 6 months and 1 year of age.

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

B. Personnel

1. **Reclassification – Sheriff's Office** – Mr. Alderman requested authorization to reclassify one Criminal Investigator position to a Deputy Sheriff position. Sheriff Allard explained two years ago we upgraded a Deputy Sheriff position to a Criminal Investigator position and now that there is a retirement, he is requesting to reclassify that position back to a Deputy Sheriff.

MOTION: AUTHORIZING THE RECLASSIFICATION OF ONE CRIMINAL INVESTIGATOR POSITION TO A DEPUTY SHERIFF POSITION WITHIN THE SHERIFF'S OFFICE MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Request to Create and Fund a Temporary Part-Time ADA/Emeritus Senior ADA** – Mr. Alderman clarified the position does not need to be created. The District Attorney is requesting authorization to fund a temporary part-time ADA/Emeritus Senior ADA. Mr. Wheeler stated we technically are not creating a position and the District Attorney is likely to have funds available in his salary line item. We do not necessarily need a motion from the committee; this is more for feedback for the District Attorney and Personnel.

Mr. Malter asked for an explanation for this request. Mr. Baker stated Dave Wallace, our most senior trial lawyer in the County, as well as Deputy District Attorney, wants to retire. That will put a huge hole in our office. This temporary position would also serve as a mentor to our junior attorneys. He stated Mr. Wallace is willing to serve in this capacity two days a week to help our junior attorneys and speed up their development. Additionally, Mr. Wallace will also serve as a resource for our other attorneys. Mr. Wallace will no longer do trial work and his existing trial work will be shared among three attorneys. Mr. Wallace will only be in court if there is a very specific or difficult matter to handle. Mr. Baker stated he had reached out to a couple of candidates and they indicated that economy was keeping them from being interested in the position. During the interim as we search for a replacement, we will be asking more of our staff.

Mr. Horton asked when is Mr. Wallace retiring? Mr. Baker replied he wanted to retire at the beginning of the month. Currently he is on vacation and will retire upon his return. Mr. Potter asked with the proposed two days of work, is there any flexibility with that? Mr. Baker replied yes. We thought the most efficient way would be to schedule specific times that Mr. Wallace will be in the office.

C. Public Defender

1. **Authorization to Issue RFP for Investigative Services** – Mr. Sauro requested authorization to issue an RFP for investigative services. Traditionally he has asked for a one-year contract, but this time he would like to do a two-year contract. He explained that because of the amount of hours they use, the County Attorney and Mr. Morse felt it would be appropriate to do an RFP. We have \$50,000 budgeted and we anticipate additional income to supplement that. We are hoping we can continue with our current investigator. The rate we are currently paying is \$70.00 per hour.

MOTION: AUTHORIZING THE PUBLIC DEFENDER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR INVESTIGATIVE SERVICES MADE BY MR. HORTON. SECONDED BY MRS. LOZO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. Emergency Services/E-911

1. **2023 Contracts**

a. *EES, Inc.* – Mr. Forenz stated this is for the flood warning system. The annual cost is \$8,400.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE CONTRACT WITH EES, INC. FOR THE FLOOD WARNING SYSTEM AT AN ANNUAL COST OF \$8,400 MADE BY MR. POTTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

b. *NMS Labs* – Mr. Forenz stated this is the contract for forensic toxicology services. The price is per service. Mr. Potter asked was there a price increase? Mr. Forenz replied there was a slight increase based on caseload.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE CONTRACT WITH NMS LABS FOR FORENSIC TOXICOLOGY SERVICES MADE BY MR. HORTON. SECONDED BY MRS. LOZO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

c. *Motorola* – Mr. Forenz stated this is our annual maintenance contract with Motorola. This is an annual contract in the amount of \$162,072.65 and this is grant funded.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE ANNUAL MOTOROLA MAINTENANCE CONTRACT IN THE AMOUNT OF \$162,072.65 WHICH IS COVERED BY GRANT FUNDS MADE BY MR. POTTER. SECONDED BY MR. HORTON.

Mr. Horton stated with this maintenance contract we have had several questions regarding the tower sites, etc. In your opinion, is this our best company to have the contract with? Mr. Forenz replied we need to contract with them as they support the Motorola equipment. Mr. Wheeler explained there are two companies; Motorola and Harris. About seven years ago we did an RFP and to switch, we would have had to switch technology and the cost to do that would have been in the tens of millions. Mr. Van Etten commented we have our consultant, Televate, who helps monitor what Motorola is doing and that has worked to our benefit. Mr. Wheeler stated Televate can very strongly advocate from the technology standpoint as well as advocate other options. As a result, we have realized a savings of \$500,000.

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

d. *EMSTAR* – Mr. Forenz stated this is our annual contract where EMSTAR provides medical training and services.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RENEW THE ANNUAL CONTRACT WITH EMSTAR FOR MEDICAL TRAINING AND SERVICES FOR \$5,625 MADE BY MR. HORTON. SECONDED BY MR. HANNA.

Mrs. Lozo stated it is time to look at this contract with regard to the training aspect and renegotiate this with respect to the conversations we have been having about getting training set up in the County. What we have heard is that training needs are not being met in Steuben County. Mrs. Lozo stated I do not support this. They are pushing everyone to go to EMSTAR and the trainings are in Elmira. It is time for us to look at this and is our chance to say no and that we want them to do more for us. For example, holding four classes; one in each region. Mr. Potter stated I agree. Mr. Malter asked do we want to go back and renegotiate?

Mr. Wheeler explained if you want to do that, then we would need to do an RFP. We are looking at internal options as well. It would be a few months until we could have something in place. Ms. Prossick noted on the County contract template, there is a 30-day termination clause, so that is an option. Mr. Wheeler stated my recommendation would be to approve with the caveats that we have. If you would like us to, we could put out an RFP. We are also currently working on an EMS Coordinator position.

Mrs. Lozo stated you need to keep the contract for the other services. Mr. Malter stated whatever we get back from an RFP, if it doesn't meet our needs, we could reject it. We could approve the contract with the 30-day termination window. Mrs. Lozo asked can you go back and tell them you want something in an RFP? You are not changing the monetary value. Ms. Prossick replied we can see what was put out to see if that is in there. We have to stay within the scope of the original RFP. The first step is if we cannot stay within the scope of the original RFP, then we could ask. If they don't agree, then we are stuck for right now. We can go through that process.

Mr. Wheeler stated we can work on that. One idea that we have discussed was having the EMS Coordinator being a certified trainer. Mrs. Lozo commented EMSTAR takes care of the list of current instructors and we still need that relationship. This is just the training aspect only in the contract that I am questioning.

Mr. Malter asked Mr. Alderman for an update on the EMS Coordinator position? Mr. Alderman stated we have polled agencies across the State and the positions are all over the map. We have a pretty good handle on what we need to create and we have started working with the State on compiling the job specifications for this.

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

e. Lease Agreement – Mr. Forenz requested authorization to enter into a lease agreement with GRI Telecom for five years relative to the Higman Hill Tower Site.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A LEASE AGREEMENT WITH GRI TELECOM FOR THE HIGMAN HILL TOWER SITE MADE BY MR. HORTON. SECONDED BY MR. POTTER.

Mr. Van Etten asked with the payment schedule, the first year is \$48,000 with the second and third years set at \$8,500 and \$8,800. Why is the amount so front-loaded? Ms. Prossick replied this represents a little bit of a catch up as I don't believe the County has paid for 20 years.

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

f. Empire Access – Mr. Forenz stated they would like to hold this until next month.

E. County Manager

1. Finger Lakes SPCA, Inc. – Mr. Wheeler requested authorization to renew the agreement with the Finger Lakes SPCA for \$10,000 for boarding and support services. We still carried \$39,000 in the budget for

2023 for this line item. Last year there was \$29,000 that remained unspent and we put that into a capital project so you have funds for the future.

MOTION: AUTHORIZING THE COUNTY MANAGER TO RENEW THE AGREEMENT WITH THE FINGER LAKES SPCA FOR \$10,000 FOR BOARDING AND SUPPORT SERVICES MADE BY MR. POTTER. SECONDED BY MRS. LOZO.

Mr. Potter asked did we get the situation resolved for boarding of bovines and other large animals? Mr. Wheeler replied we received one proposal from Wilkins. The SPCA remains the sole option.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 4-0-1. (MR. HORTON RECUSED HIMSELF FROM VOTING AS HE DOES WORK FOR THE FINGER LAKES SPCA)

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. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

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

MOTION: TO ADJOURN MADE BY MR. HORTON. SECONDED BY MRS. LOZO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****

**Monday, February 6, 2023
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Monday, January 30, 2023**