

**STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE**

*Monday, August 7, 2023*

*9:00 a.m.*

*Legislative Chambers, 3<sup>rd</sup> Floor, Annex Building  
Bath, New York*

**\*\*MINUTES\*\***

<b>COMMITTEE:</b>	John V. Malter, Chair Wendy Lozo	Jeffrey P. Horton, Vice Chair Frederick G. Potter	K. Michael Hanna
<b>STAFF:</b>	Jack K. Wheeler Brenda Scotchmer Tim Marshall Craig Patrick	Christopher Brewer James Allard Noel Terwilliger Tammy Hurd-Harvey	Jennifer Prossick Nate Alderman Shawn Sauro Brooks Baker
<b>LEGISLATORS:</b>	Scott J. Van Etten Hilda T. Lando Nicholas D. Pelham	Kelly H. Fitzpatrick Steven P. Maio Gary D. Swackhamer	Carol A. Ferratella Robert V. Nichols Paul E. Van Caesele
<b>OTHERS:</b>	Mary Perham Jeff Smith, The Leader		

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE JULY 3, 2023, AND JULY 24, 2023, MEETINGS MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**III. DEPARTMENTAL REQUESTS**

A. Emergency Services/E-911

1. **Purchase of IT Equipment for 911 CAD Project** – Mr. Marshall requested authorization to spend up to \$470,000 from the Dispatch Improvements Capital Project for the purchase of IT equipment for the new CAD system.

**MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO SPEND UP TO \$470,000 OUT OF THE DISPATCH IMPROVEMENTS CAPITAL PROJECT FOR THE PURCHASE OF IT EQUIPMENT FOR THE NEW CAD SYSTEM MADE BY MR. HANNA. SECONDED BY MR. POTTER.**

Mr. Malter asked how old is the current CAD system? Mr. Marshall replied this is the original system we started with. Several years ago we transitioned it to be cloud hosted. Now we are transitioning back to having the system hosted internally and we need to purchase the servers and infrastructure to do that. Mr. Malter asked why are you switching? Mr. Marshall replied the current software is at end of life and we are moving to Tyler Technologies.

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

2. **Power Replacement Bid** – Mr. Marshall requested authorization to accept the quote for the remote site power replacement from Schuler-Haas Electric Corp. for a total price of \$269,728. This is to replace

the existing DC and UPS equipment at the tower sites. He noted this will be paid for using Homeland Security grant funds.

**MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE QUOTE FOR THE REMOTE SITE POWER REPLACEMENT FROM SCHULER-HAAS ELECTRIC CORP. FOR A TOTAL PRICE OF \$269,728 MADE BY MR. HORTON. SECONDED BY MRS. LOZO.**

Mr. Marshall explained this will convert AC power to DC power in the event of a power outage and holds the system until the power comes back on. Mr. Van Etten asked how old is the equipment? Mr. Marshall replied the equipment was installed back in the 1980's / 1990's. We are over capacity and need to increase our capacity.

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

3. **EMS Coordinator Update** – Mr. Malter asked Mr. Marshall to provide a brief update. Mr. Marshall stated we are currently in the process of conducting interviews. We had a viable candidate, however, we were unable to secure a commitment and we are continuing with the process.

B. Sheriff's Office

1. **Accept Donation from Robert Austin American Legion in Campbell** – Sheriff Allard requested authorization to accept a \$150.00 donation from the Robert Austin American Legion in Campbell.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION IN THE AMOUNT OF \$150.00 FROM THE ROBERT AUSTIN AMERICAN LEGION IN CAMPBELL MADE BY MR. HORTON. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

2. **Accept Donation from South Corning United Methodist Church** – Sheriff Allard requested authorization to accept the donation of a \$50 gift card from the South Corning United Methodist Church. He stated that he plans to use that for an employee engagement meal.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION OF A \$50.00 GIFT CARD FROM THE SOUTH CORNING UNITED METHODIST CHURCH MADE BY MR. HANNA. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

3. **Accept Donation from Steuben County Sheriff's Foundation** – Sheriff Allard requested authorization to accept a \$3,200 donation from the Steuben County Sheriff's Foundation. These funds will be used to help offset the cost of concrete at the picnic area and the K-9 kennels at the Public Safety Building.

**MOTION: AUTHORIZING THE SHERIFF TO ACCEPT A DONATION IN THE AMOUNT OF \$3,200.00 FROM THE STEUBEN COUNTY SHERIFF'S FOUNDATION TO BE USED TO HELP OFFSET THE COST OF CONCRETE AT THE PICNIC AREA AND THE K-9 KENNELS AT THE PUBLIC SAFETY BUILDING MADE BY MR. HORTON. SECONDED BY MRS. LOZO.**

Mr. Van Etten asked is this amount the total cost of the concrete work, or going toward it? Sheriff Allard replied this is going toward the total cost. Concrete is currently \$168.00 per yard. Mr. Malter asked what is the total project cost? Sheriff Allard replied he believes the total cost will be \$5,400 and he is hoping this donation will pay for the concrete.

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

4. **Contract from Office of Court Administration (OCA)** – Sheriff Allard informed the committee that he has received the contract extension for one year from OCA. The contract expired in March and is now good through next April.

5. **Clean Slate Act** – Sheriff Allard stated the Clean Slate Act was passed by the NYS Assembly and Senate, however, has not yet been signed by the Governor. If this is signed into law, we will have one year to implement it. This legislation states that for anyone convicted of a misdemeanor, three years post-incarceration, the record is to be suppressed. For anyone convicted of a felony, eight years post-incarceration, the record is to be suppressed. He noted that this is not a true sealing of the record as the record will still be able to be accessed for law enforcement purposes as well as for pistol permits. These records will be released for sex offenses. This will create a very interesting dynamic and will be a nightmare for the records clerk when this is signed. He stated he just wanted to let the committee know that this was coming. This will make it difficult for foster care checks, child care checks and volunteer fireman checks as there will be an automatic suppression of the records. The purpose of this law is to prevent an individual’s criminal history from affecting their employment. This will also put us at risk if we inadvertently release something.

6. **Accreditation** – Mr. Malter stated the Sheriff’s Office is currently going through the accreditation process. What is the benefit of doing this? Sheriff Allard explained there is a benefit to the County because we are following NYS standards for police across the board. This gives you the advantage when testifying and when dealing with other agencies. He anticipates that within the next 15 years, the State is probably going to mandate this and we will be ahead of it. This is also good for the reputation of the agency. This makes sure that we stay within the best policies across the board. Moving forward we will always be at the cutting edge of the best policies. Sheriff Allard stated there are 140 standards that we have to meet and we are 95 percent complete and we anticipate being done by the end of the year. At that time we will begin our training and will be accredited early next year.

7. **Police Reform Plan** – Mr. Van Etten asked three years ago we had to submit a Police Reform Plan per the Governor’s requirement. Is there a mandate that you provide a review every year to update your achievements? Sheriff Allard replied there is no mandate, however, he does provide an annual update. Mr. Van Etten asked when was the last time that was done? Sheriff Allard replied it was done last year and is available on the website.

C. Personnel

1. **District Attorney’s Office** – Mr. Baker requested authorization to create one part-time Assistant District Attorney position for the Traffic Diversion Program. We had gotten approval to look at doing a contract for this work, however, after discussion with Mr. Alderman and Mr. Wheeler, it was determined that it would work better to create the part-time Assistant District Attorney position which will be paid for using Traffic Diversion Program funds. This attorney will be able to make offers. If the program goes away, the position will as well. He stated they will cap the position at \$25,000 annually, with no benefits as they will be working less than 19 hours per week.

Mr. Malter asked will this free up Mr. Terwilliger’s time? Mr. Baker replied yes and it will free up his weekends. This position will also help our local court ADA’s as well. If someone does not meet the requirements of the Traffic Diversion Program, they will simply make an offer and it will be a faster process. They also will be able to handle the high-speed reckless driving trials.

**MOTION: AUTHORIZING THE CREATION OF ONE ASSISTANT DISTRICT ATTORNEY, PART-TIME, MANAGEMENT GRADE J WITH A SALARY OF \$25,000 PER YEAR MADE BY MR. HORTON. SECONDED BY MR. POTTER.**

Ms. Fitzpatrick asked does this salary level fall within the Management Salary Plan? Mr. Alderman replied not in this case. In order to fall within the grid, it would be more expensive. The salary is \$25,000 for this particular work and falls outside of the salary grid as it is half of a part-time position. Ms. Fitzpatrick asked do you anticipate this position requiring additional time? We have gone to great lengths to make sure everyone is in the appropriate place in the grid. Mr. Wheeler replied this is different, but is based on the hours worked. This position is part-time, but will make less than the other part-time positions in the department. If the requirements change and they are doing more work, then we would have to come back and talk about it. Mr. Baker stated I

don't think we have the workload to justify a full part-time position. They will be working a day, to a day and a half per week.

Mr. Malter stated I thought we made a decision to have the positions be all part-time or all full-time and nothing in between? Mr. Wheeler replied this position is still part-time. This is a specialized position and they will be doing less part-time work than the others. Mr. Baker stated they will not be working more than 19 hours per week.

Mr. Alderman explained we had originally looked at a contract for this, however, part of the requirements for the duties are to be an ADA and have the ability to make offers. The District Attorney has to have someone that works for the District Attorney's Office. This was not going to work as a contract. Mr. Malter stated he wants the record to reflect that we are doing this and this is the reason behind it.

Ms. Fitzpatrick stated we are setting this up as a part, part-time position and there will be more duties and more work. I am not sure if I am on board with this. This position will be working 19 hours per week and does not fit in the grid and that goes against our policy. This does not make sense to me. Mr. Baker explained we cannot find people to fill the part-time or full-time positions, but we can find someone for this position.

Mr. Maio asked how will we make sure this position is not doing more work than they should? Mr. Alderman replied this is an exempt class position. They are not an hourly position and will be paid \$25,000. If they are working over the number of hours, that is something that will be between the individual and the District Attorney. This position is slated to be that position for that specific amount of money. Mr. Wheeler explained we have our timekeeping system and exempt employees punch in one time per day. We will be able to see if they are working every day as they would be punching into the system.

Mr. Van Etten asked will this position help out other staff, including covering CAP? He stated that he has heard that there are still a number of ADA's that are not calling in? Mr. Baker replied it should. Our belief is that we are there most of the time. We are doing a weekly CAP roster and have been plugging the holes in our staffing for the last few months. Mr. Van Etten asked if the ADA's are not present at CAP, can the judge issue orders of protection? Mr. Baker replied they can do them and there is nothing a judge cannot do. If we are not present at CAP, they may not ask. It is important that we be there and it is a priority that we are.

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

2. **License Plate Readers** – Mr. Malter asked Mr. Baker about the status of the license plate readers? Mr. Baker stated we added this to the Traffic Diversion Program, however, there were procurement issues with regard to how to make that contract work. There is a program in Cooperstown that was started within the last month or so. One of our concerns had been that there was no program like it in the State, however, now there is. He is planning to go to Cooperstown to see their program and how they are doing it. Mr. Wheeler stated in the meantime, Mr. Brewer is working with Purchasing to look at the market to see what the costs are. Mr. Malter asked Mr. Baker to provide the committee with an update after he looks at the program in Cooperstown.

Mr. Baker stated another program under the Traffic Diversion Program is the uninsured program. The Traffic Diversion Program will put plate readers throughout the County. Mr. Terwilliger explained at a minimum they would have ten cameras in ten locations. The locations would be on the highway/interstate as well as some rural areas. We will put the cameras wherever we deem necessary to enforce and make sure that there are no uninsured drivers in the County. Mr. Baker stated the company places and installs the cameras. If a plate comes back as being uninsured, the information is reviewed by law enforcement and the owner will receive a letter to inform them that there is a program to help get them reinsured. Mr. Malter asked who gets notified about the plate and does that also go to the Sheriff? Mr. Baker replied the information is sent to us first. If the owner of the vehicle does not respond and provide proof of insurance, then that information goes to the Sheriff, they write the ticket and then we move forward with enforcement. We anticipate that through this program we will get our local residents as well as those from Pennsylvania and other States that are traveling through the County. Additionally,

we can use the information from the plate readers to track vehicles in cases of missing persons, drug enforcement, etc.

Mr. Malter asked what is the cost? Mr. Baker replied if we go with this program, there will be no local cost. The Regional Law Enforcement Intelligence Center is located in Rochester and we would be able to send our plate reader information to them and that will open up a lot of avenues for us. Mr. Malter asked would we be duplicating what is already out there? Mr. Baker replied we currently do not have access to these.

Mr. Swackhamer asked with regard to the uninsured driver program; drivers are uninsured because they cannot afford the insurance. What will be the cost under this program to attend the class and get reinsured? Mr. Baker replied the civil penalty is \$500, plus the cost of the ticket and additional costs for every day that the driver is uninsured. Under this program, the driver would not get the ticket or the surcharge. Someone will help them through the process to get reinsured or to get the vehicle off the road so they are not continuing to accrue daily costs. Mr. Baker stated during the class they will explain the costs of getting a ticket for being uninsured, along with what could happen as a result of being uninsured. The class will also help them to understand what they can do if they are uninsured. The idea is to help them find ways to stay insured. Mr. Malter asked Mr. Baker to report back on this.

Mr. Maio asked does DMV have their own separate penalties? Mr. Baker replied the ticket goes away. Mr. Maio stated so this program will not be able to help with the DMV portion? Mr. Baker replied no, but the program can help them to stop the process.

Mr. Van Etten asked is the plan to have a deputy review all of these records? Mr. Baker replied yes. The individual will be a police officer and they will be paid for by the Traffic Diversion Program. The company keeps a certain percentage of the fee. I don't project that this will be a terribly economically beneficial program. Mr. Van Etten stated once you see the program in Cooperstown, he would like to look at how many of these you would expect per month. Mr. Baker stated the Traffic Diversion Program will pay for those. Mr. Van Etten asked and what happens if the program goes away? Mr. Baker replied the other option would be to use part-time deputies that work as investigators in Social Services. We could also bring in a retiree for this purpose. The idea is not to create a new position.

Mr. Malter asked Mr. Baker to put together a report showing what other counties are doing with this. Mr. Baker stated he will and that next month he will also present an overview of the office.

#### **IV. OTHER BUSINESS**

A. *Village of Bath* – Mr. Malter stated that Ms. Fitzpatrick wanted to discuss the Bath Village Mayor's request to get reimbursement for police services. ~~Mr.~~ Ms. Fitzpatrick stated that she is not necessarily trying to persuade the committee one way or the other. When we started CAP in the Town of Bath, we recognized that the City of Hornell and the City of Corning were using their resources and officers for transportation and the County assisted with that. With some of the policies that come down from the State, County government does a very good job of enforcing those policies and doing what we have to do. However, that creates problems in the Village of Bath. Some of those implementations have been challenging, but if we are doing something that is creating a problem for municipalities, she would like to explore options to help them. She stated that she sat through CAP court on Thursday and a Public Defender and Assistant District Attorney were present. There were eight cases and three were released, however, there was no transportation for them at that time of night. If they live in Hornell, it is difficult for them to get back home. We have a lot of people on various Social Services programs, which are necessary, but there are still some people that choose to wander the streets. Ms. Fitzpatrick stated I don't know what the answer is. We are creating a big problem in the Village of Bath and we need to consider some solutions to help them.

#### **V. DEPARTMENT REPORTS (Cont.)**

##### **D. County Manager**

1. **ALERT Training Conference** – Mr. Wheeler stated the District Attorney has notified us of a training for active shooter trainer certification. We have a number of law enforcement who are certified and I feel

that there is a good benefit to the community as they assist the schools with their active shooter drills. There is a training coming up and they would like to send additional officers. Mr. Wheeler noted that Traffic Diversion funds roll into the General Fund Balance. He requested authorization to appropriate \$7,450 from the General Fund Balance to send four individuals to the ALERRT Training Conference. This is also open for any law enforcement in the County. We do have an individual from the Canisteo Police Department, Chief Amidon, that would like to attend. If you approve of this, we would enter into an MOU with that agency since they are not an employee of the County.

Mr. Malter asked where is the training? Mr. Terwilliger replied the training is in Texas. We have instituted a teaching program at the Academy and that is open for anyone who wishes to attend. We host a training twice a year and also during academy. Mr. Malter asked when you host the training, are you using a school and where will it be held? Mr. Terwilliger replied last session we held the training in Wellsville at the old Ingersoll-Rand facility. If we do use a school, after the training we clean it up.

Mrs. Lando asked is this a train the trainer? Mr. Terwilliger replied yes. He noted that Chief Amidon and Undersheriff McNelis are trainers. He noted they also hold classes for fire, EMS, and teachers.

Mr. Malter asked how many trainers are in the County? Sheriff Allard replied we have six to eight instructors. Every school superintendent is invited to the trainings to view. All of the SRO's (School Resource Officers) have gone through this training.

**MOTION: AUTHORIZING THE APPROPRIATION OF \$7,450 OUT OF THE GENERAL FUND BALANCE TO SEND FOUR INDIVIDUALS TO THE ALERRT TRAINING CONFERENCE (ACTIVE SHOOTER TRAINER CERTIFICATION) AND AUTHORIZING AN MOU WITH THE CANISTEO VILLAGE POLICE DEPARTMENT TO SEND CHIEF AMIDON TO THE CONFERENCE MADE BY MR. HORTON. SECONDED BY MRS. LOZO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required (MOU).**

**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 MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

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

**\*\*PLEASE NOTE CHANGE\*\* Monday, September 11, 2023 \*\*PLEASE NOTE CHANGE\*\*  
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office  
NO LATER THAN NOON  
Tuesday, September 5, 2023**