

STEUBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, May 1, 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 Brenda Scotchmer David Sutton Shawn Sauro Ken Forenz	Christopher Brewer Jennifer Galvan Jennifer DeMonstoy Tammy Hurd-Harvey	Jennifer Prossick Tim Marshall Noel Terwilliger Nate Alderman
LEGISLATORS:	Kelly H. Fitzpatrick Hilda T. Lando Nicholas D. Pelham	Carol A. Ferratella Steven P. Maio Gary D. Swackhamer	James Kuhl Robert V. Nichols
OTHERS:	Mary Perham Brian O’Neil, WLEA		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 3, 2023, MEETING MADE BY MR. POTTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. Public Defender’s Office

1. **ILS Funding – Public Defender’s Office/Assigned Counsel** – Mr. Sauro requested authorization to accept Distribution #11 year one contract in the amount of \$123,875.77 and Distribution #12 year one contract in the amount of \$70,299.00. These amounts were not included his 2023 budget, however, the amounts for contract years two and three will be put into the following years budget.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO ACCEPT ILS FUNDING FOR THE PUBLIC DEFENDER’S OFFICE AND ASSIGNED COUNSEL IN THE AMOUNT OF \$123,875.77 FOR YEAR ONE OF DISTRIBUTION #11 AND \$70,299 FOR YEAR ONE OF DISTRIBUTION #12 MADE BY MR. HORTON. SECONDED BY MRS. LOZO.

Mr. Horton asked what is the new rate for Assigned Counsel? Mr. Wheeler replied the rate has not changed. We did receive an update from NYSAC. The tentative budget shows that \$79 million will come out of ILS to pay for the Assigned Counsel rate increases. It will be interesting to see what happens with the ILS grants. They are taking funds that are reimbursed for the Public Defender and reallocating funding to pay for the proposed rate increases.

Mr. Sauro commented ILS has done a great job of managing the allocations. I think this will work. Last month he attended a meeting where the Director of ILS was also present. At that time the Director indicated that \$79

million - \$80 million will be coming from the fund that ILS has that has quite of bit of money available and this should not affect the current grant payouts.

Ms. Prossick commented it looks like the counties will be responsible for the first \$75.00 per hour and the State will have a plan for the remainder. The new rate is expected to be between \$118 - \$120 per hour. Mr. Wheeler stated we will keep you posted and we expect to get more information in the next couple of days. Ms. Prossick commented this will be a reimbursement system so we will need more in the budget as it will be a timing issue. Mr. Sauro commented that he is hoping that he can add an additional staff person to help with processing the claims.

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

B. Sheriff's Office

1. **Renewal of SRO Contracts** – Jail Superintendent Sutton requested authorization to renew the existing SRO contracts. Mr. Wheeler commented this is at zero cost to the County as the schools reimburse all costs.

MOTION: AUTHORIZING THE SHERIFF TO RENEW THE EXISTING SRO (SCHOOL RESOURCE OFFICER) CONTRACTS MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Authorization to Renew Agreement with Schuyler County** – Jail Superintendent Sutton requested authorization to renew the agreement with Schuyler County to provide coverage during race week at Watkins Glen. Ms. Prossick commented this is an Inter-Municipal Agreement so that we can get formally reimbursed.

MOTION: AUTHORIZING THE SHERIFF TO RENEW THE AGREEMENT WITH SCHUYLER COUNTY TO PROVIDE COVERAGE DURING RACE WEEK AT WATKINS GLEN MADE BY MR. HORTON. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Pelham commented he is concerned as we have done this for a long time and since they moved the NASCAR race, this now overlaps with an event that we have in Steuben County. My concern is that we make sure we have enough coverage in Steuben County. Mr. Van Etten asked does the Sheriff commit to having a certain number of deputies at the Fairgrounds? Mr. Pelham replied they do, but we have much less coverage than in the past.

3. **Approval to Purchase Water Pump for Generator** – Jail Superintendent Sutton requested authorization to purchase a new water pump for the generator. The current water pump has a small leak and we are concerned that it will get worse. This generator runs the entire building. Mr. Malter asked what is the cost? Jail Superintendent Sutton replied \$9,464.65.

MOTION: AUTHORIZING THE SHERIFF TO PURCHASE A WATER PUMP FOR THE PUBLIC SAFETY BUILDING GENERATOR FOR A TOTAL COST OF \$9,464.65 MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Vehicle Repeaters** – Jail Superintendent Sutton requested authorization to purchase vehicle repeaters and components on State bid from Castner Communications, Inc. for a total cost of \$94,380.

MOTION: AUTHORIZING THE SHERIFF TO PURCHASE VEHICLE REPEATERS AND COMPONENTS ON STATE BID FROM CASTNER COMMUNICATIONS, INC. FOR A TOTAL COST OF \$94,380.00 MADE BY MR. HANNA. SECONDED BY MRS. LOZO.

Mr. Swackhamer asked are these new or replacement? Mr. Wheeler replied these are replacements and are budgeted.

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

C. Emergency Services/E-911

1. **Acceptance of FY22 State Interoperable Communications Targeted Grant** – Mr. Marshall requested authorization to accept the FY22 State Interoperable Communications Targeted Grant in the amount of \$5,846,500. These funds are to be used to support improved operations of public safety communications and interoperability. This will allow us to bring core services into Steuben County and duplicate them in Allegany County. We can then bring Schuyler and Chemung counties into that. This will allow for interoperable communications between the four counties.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE FY22 STATE INTEROPERABLE COMMUNICATIONS TARGETED GRANT IN THE AMOUNT OF \$5,846,500.00 MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Resolution Required.

2. **Renewal Agreement – Maintenance for Central Square Dispatch Now CAD** – Mr. Marshall stated he would like to pull this item to wait to see what the timeline is for the new CAD system. He stated he may be bringing this back with a change in date based on the timeline for the new CAD system.

3. **Patriot Towers Contract Extension** – Mr. Marshall explained the contract with Patriot Towers expired at the end of April. He requested authorization to extend the contract through August 31, 2023, to allow time for the punch items to be completed and to make payments for the final work. This contract is for the Pinnacle Tower site. The tower has been erected, the building and the generator are in place. We are waiting on NYSEG to set the pole and run power to the tower. Additionally, we are awaiting final FCC approval for the tower frequency. Once we have power, then we will be able to bring the tower on line.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO EXTEND THE CONTRACT WITH PATRIOT TOWERS, RELATIVE TO THE PINNACLE TOWER SITE, THROUGH AUGUST 31, 2023 MADE BY MR. POTTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. Personnel

1. **16B Waiver – Public Defender** – Mr. Sauro stated last month the committee had approved a budget modification accepting distribution #5 of the Hurrell-Harring grant. That modification included the creation of one additional Assistant Public Defender and a Paralegal position. With your approval, this should round out our staff development relative to the Hurrell-Harring grant. Mr. Sauro requested approval of a 16B waiver for both positions. The funding is now in the budget and once these positions are in place we can begin to make claims. Mr. Sauro noted he has been keeping careful track of the caseloads for all of the attorney and makes bi-monthly adjustments. We are right on pace to meet the caseload caps. The addition of these positions will help even more.

Mr. Malter asked will you be able to find individuals to fill these positions? Mr. Sauro replied we are in very good shape. We have a couple of applications. He has been working with Cornell and they have sent two law students and two undergraduate students. We are bringing new people into the area.

MOTION: WAIVING RULE 16B AND AUTHORIZING THE CREATION OF ONE FULL-TIME ASSISTANT PUBLIC DEFENDER POSITION, MANAGEMENT GRADE J AND THE CREATION OF ONE PARALEGAL ASSISTANT POSITION, CSEA GRADE J IN THE PUBLIC DEFENDER'S OFFICE MADE BY MR. HORTON. SECONDED BY MRS. LOZO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

E. Emergency Services/E-911 (Cont.)

1. **Windmill Fire** – Mr. Potter asked Mr. Marshall to discuss the windmill fire in West Union and how situations like that will be handled in the future. Mr. Marshall explained there was a wind turbine fire in West Union and there was fiberglass fall out. We reached out to DEC (Department of Environmental

Conservation) and have been in contact with them and the wind turbine company. This is the first wind turbine fire that we have had. The fire department cannot get to the fire and they have to let it burn. Going forward, due to the nature of fiberglass and other material that drops as a result of the fire, we will reach out to the DEC Spill Division and have them on-scene and working with the wind turbine company on remediation. In this incident, remediation was not done until after.

Mr. Potter commented four agencies need to be involved; agriculture, public safety, DOH (Department of Health) and DEC. We have to work with all four agencies. Should we have an action plan of our own? Mr. Marshall replied the hazardous material response plan is what we would implement. The first responder is the fire department and they will reach out to DEC who then takes over the scene. The protocol is similar to a brownfield cleanup.

Mr. Malter asked how does DEC respond? Mr. Marshall replied when we call, there are two individuals in our area during the day. At other times, they are on-call. The response can take 30 minutes upwards of two to three hours. Mr. Malter asked is there a process in place for fighting this type of fire? Mr. Marshall replied there is nothing we can do. We have to let the fire burn out on the turbine and then it falls off the tower, at which point we then have a ground fire.

Mrs. Ferratella asked how many acres were impacted? Mr. Potter replied the impact was about one mile in diameter. The fiberglass has contaminated hay fields and the company will cover the costs associated with that. Mr. Marshall commented this is new territory for the DEC and they are doing a lot of research and talking with other States. Mr. Potter commented the transmission housing on the turbine holds 50 gallons of oil and then there is another housing that holds additional oil. With all of the solar farms and the stuff in those solar panels, that is much more toxic. Mr. Marshall stated this is uncharted territory and it is all new for us. The guidance for the lead response is if the fire is inside to stay outside and not to touch it until the agencies get there. He commented we deal with the same issue with lithium ion batteries that are in bikes and scooters. Luckily, we have not seen any of these issues. If we get an electrical vehicle fire on the interstate, that takes 10,000 gallons of water. In other areas where they have had these experiences, they will put the vehicle in a dumpster filled with water to flood the vehicle. Our ability to put out that type of fire will be very difficult and the recommendation is to let it burn.

Mr. Malter commented we have been taking ground-up windmill blades and putting them in the Landfill. Will that be a problem down the line? Mr. Van Etten replied DEC has approved that to be used as cover material. We as County Legislators need to be careful involving ourselves in these types of things. We do not want to be in the middle of any of these disasters at the wind or solar farms as we have nothing to do with those. We are just listening to our constituents. He stated that he asked what the IDA's (Industrial Development Agency) position was and they do not have one other than the company will be looking at another sales tax exemption when they report. He commented he would just be careful of the County Legislators being involved because the County is not involved. Mr. Potter stated he agreed and he just wanted to make sure that we had everything we need in place.

2. **EMS Discussion** – Mr. Marshall informed the committee that he received data back from NYSDOH on EMS courses offered between 2001 – 2016. On average, we teach one to two EMT courses per year and we are graduating 20 EMT's per year. The basic course is for new EMT's and the refresher courses are for EMT's that have already been trained and are keeping their certification. We would have 20 – 25 individuals per year that we would be putting through the EMT class. Mr. Malter commented if we roll out this program we may have a bigger response. I would not limit the classes to 20 – 25. He stated his first estimate was 50.

Mr. Wheeler commented the other thing we want to share is that CSS Workforce and BOCES have received Federal training dollars that could be authorized to pay for instruction materials, books, tuition, etc. We are organizing a meeting with CSS Workforce and BOCES to talk about this. He noted Corning Community College used to do the training, but have gotten out of doing that and do not want to get back into it. Finger Lakes Community College is another provider that is eligible. It would be great if we could develop a training program

to leverage Federal funds at the same time. The caveat is that the Federal funding can only be used for those going into paid service; not for volunteers.

Mr. Malter stated they should check with Fred Grambs in Wayland who is using an outside company to conduct Zoom trainings in addition to in-person training. Mr. Marshall explained Wayland has partnered with a company out of New York City to do virtual lecture trainings. The hands-on trainings are being done at Wayland Ambulance. This is certainly a good concept. The cost is a little more expensive than what we do with local trainings. The luxury for people is to be able to pick certain days of the week and times for training. Mr. Malter commented we need that flexibility.

Mr. Marshall stated it is great to pay for the new EMT's, but what incentive does a current EMT get who is working to continue their training? The biggest concern is once an agency can pay an individual to take the EMT course, what requirements are there to make sure they actually run calls? There are a number of EMT's in the community that are not providing services. Woodhull has 10 EMT's and we cannot get them to respond to calls and we do not know why. It could be work, family, etc. Most of the individuals looking for an EMT certification are looking for a full-time job. Very few want to be an EMT just to help their community.

Mr. Malter commented part of our previous discussion was to hire EMT's to serve the under-served. Mr. Marshall stated yes, that is what we would propose if we looked at a model to increase EMT's, etc. Mr. Wheeler stated we had a very interesting discussion with an individual, a native of Steuben County, who is the owner/operator of a non-profit agency that serves the Town of Webster. One of the things this individual suggested was establishing a separate, not-for-profit agency of the County to manage and provide these services. Ms. Prossick stated we looked into it and it not necessarily a good path forward for us.

Mr. Wheeler stated with that, we are in a position where Mr. Marshall has drafted an RFP for these services and we are getting close to issuing that RFP. That would be the next step in this process. We could get that RFP out this month. Mr. Malter asked where would that leave us with the EMS Coordinator position? Mr. Wheeler replied our goal is to hire that position first. We sent that information out again across the State.

Mr. Swackhamer asked what would the RFP be? Mr. Wheeler explained you would have the option of one or two staffed ALS/BLS rigs and we would get pricing from anyone in the industry. With the RFP responses you will have the understanding of what that cost will be and then we have been working on the analysis if we hired those positions, what that cost would look like. Mr. Swackhamer asked what would they do? Mr. Wheeler explained you would need to determine the framework of what hours they are working, for example 24/7. Then once you hire an EMS Coordinator, that individual would work with 911 and the paid and volunteer services to find out where the gaps are. That will be a lot of the responsibility of the EMS Coordinator, to determine where the gaps are and deploy resources to fill those gaps. Mr. Swackhamer asked would we supply the equipment? Mr. Wheeler replied under the RFP, they would provide their own equipment. We have heard a lot of discussion about co-branding. There are agencies that have rigs, supplies and materials, but not the personnel. He noted that Chenango County rebranded with new decals on the rigs that are shared so that someone from the County can hop in the rig and go. The goal is to leverage rigs that already exist. Mr. Malter commented we need to get the RFP out with the different options.

Mr. Potter asked are we looking at 20 people per year for EMT training? Mr. Marshall replied that is the average. Mr. Potter asked are you tracking how many of those we are losing? Mr. Marshall replied he would need to go back and look at the data. We have lost a significant number over the past four to six years and since COVID he suspects we have lost even more. We are having a problem getting people through the class. Mr. Wheeler commented the opportunity to include CSS and others is pretty critical as there are other ancillary supports they can provide.

Mrs. Ferratella commented at Inter-County there was a presentation on the public and private partnership between Schuyler County and Cayuga Health.

Mr. Potter asked the reimbursement for training; is that contingent on the individual completing the course and passing the exam? Mr. Wheeler replied yes. Mr. Malter commented we need to look at how to structure that. Mr. Potter asked is there a requirement to actually contract with them before they go on a run? Mr. Marshall replied it depends on the medical director of the ambulance agency. That is one of the problems with EMS; each agency operates differently. Mr. Potter commented the other part is the EMT that does not get called out and they get frustrated with that and give up. Mr. Marshall stated we see that all the time.

Mr. Van Etten asked with regard to the recommendation to pay a flat fee; are we approving that today? Mr. Wheeler stated he would recommend that we wait a month so we can have discussions with CSS Workforce and BOCES. The outcome of that discussion could substantially change what we would propose. Mr. Marshall stated we also need to look at whether you are providing financial support for those that are refreshing. What stipulations are you placing?

Mr. Wheeler stated he would ask the committee to think about that as that would not be funded by outside sources. The federal funds that are available are for individuals doing new training, not for recertifications. Mr. Malter commented my initial recommendation when we first discussed this was to cover individuals for retraining. Mr. Wheeler commented that cost would be a local cost.

Mr. Marshall stated they are looking at changes in State legislation with regard to training of volunteer firefighters. We are not sure how that will all flush out. Under the Volunteer Fireman's Benefit Law, they are looking at changes to allow for reimbursement to happen. However, once you pay a volunteer, they are now a paid employee.

Mr. Horton commented if someone has been an EMT and is taking their recertification and can legally be reimbursed, I think that should be the same as for someone new taking the training. They are already an EMT and have the experience. I wouldn't want to see the EMT who is already licensed not get anything for recertifying.

Mr. Van Etten asked Mr. Marshall if he could provide information on how many people return for recertification training each year? Mr. Marshall replied he believes he has those number from 2016 and 2022.

Mr. Malter stated this will be an agenda item for next month's meeting.

IV. OTHER BUSINESS

A. *16B Process* – Mr. Van Etten commented in the 16 years that he has been here, he has never experienced the 16B process as we always do a waiver. Mr. Wheeler stated we have discussed with Mrs. Scotchmer, changing the Rules of Procedure and you can amend that if you choose. Mr. Malter commented you could amend that to cover new grant funding that would create those positions.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

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

Monday, June 5, 2023

9:00 a.m.

Please send agenda items to the Clerk of the Legislature's Office

NO LATER THAN NOON

Tuesday, May 30, 2023