

STEBEN COUNTY PUBLIC SAFETY AND CORRECTIONS COMMITTEE

Monday, June 5, 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 Nate Alderman Ken Forenz Shawn Sauro	Christopher Brewer Noel Terwilliger Tim Marshall Craig Pomplas Brooks Baker	Jennifer Prossick James Allard Jennifer Galvan Jennifer DeMonstoy
LEGISLATORS:	Scott J. Van Etten James Kuhl Robert V. Nichols	Kelly H. Fitzpatrick Hilda T. Lando Nicholas D. Pelham	Carol A. Ferratella Steven P. Maio
OTHERS:	Mary Perham Brian O’Neil, WLEA Kristin Klemenz, B&W Towing Blaine Westervelt, B&W Towing Lindsey, B&W Towing Mike Sweet, Mayor, Village of Bath Colin Taft, Chief, Village of Bath Police Department		

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MAY 1, 2023, MEETING MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. PRESENTATIONS

A. Village of Bath

1. **Proposal Re: Extra Security in Bath** – Mayor Sweet stated we are the product of New York State’s failed welfare system and the Village of Bath faces some unique problems. The County’s Mental Health offices are located in the Village’s business district and that does not help attract people to our downtown area.

Mayor Sweet stated our business district is used by the Department of Social Services (DSS) for transient placements at the Old National Hotel and the Shannon Building. These individuals are being placed with no background checks having been completed and this results in multiple arrests. These individuals are harassing our customers in our business district. There have been instances of harassment at the Chat-A-Wyle, Lake Country Jewelers, Pizza Delite and Community Bank. These individuals are hanging out in Pulteney Park and are using our electric, smoking and using foul language. He noted that 33 percent of all of the arrests made, the individuals have self-reported as being DSS placements. Some solutions to this would be for the County to stop contracting with the business district for housing placements, to fund foot patrol officers during business hours to prevent loitering and harassment and to relocate the bus stop from the downtown municipal parking lot to the

outskirts of the village. Mayor Sweet stated another issue is with individuals loitering outside of the entrance to the mental health offices. To think that this is not a significant problem is false. The individuals that we are arresting are not community members; they are the individuals that have been placed here in the County.

Mayor Sweet noted there is currently no security in the mental health building and that is beyond my comprehension. Last year we had 20 calls that we responded to at the mental health offices. He would ask that the County consider moving the mental health offices to the County building; hire a security guard that is in the building during business hours to prevent loitering, or move the entrance to the rear of the building. He noted that nearly 100 percent of repeat arrestees are DSS or mental health clients and over 90 percent of all village court cases are DSS placements. We have to do something about this. Over the past twelve months we have had numerous crimes ranging from theft, to kidnapping, to having a convicted murderer being housed at the Budget Inn.

Mayor Sweet stated we are doing a number of things in the Village to try to combat this on our own. We have invested in a K-9, we spent \$75,000 to install cameras in the downtown district, we have increased our bike patrols and we have invested in providing training relative to protocols to be used with individuals who are having mental health difficulties and have initiated our "Operation Quality of Life" program. We have a problem in the Village and we are asking for your help.

Mr. Malter thanked Mayor Sweet for his presentation. He stated we need to have some time to look at your presentation and maybe hold a special meeting internally to discuss this.

B. B&W Towing

1. **Electric Vehicle Battery Fires** – Ms. Klemenz introduced Lindsey who is their EV safety person. Lindsey stated as of May 2, 2023, 382 EV's are registered in Steuben County. The State is looking at installing charging stations every 50 miles on I-86 and I-390. We currently have 15 charging stations in the area and those stations can charge multiple cars. The number of EV's in the County does not account for EV's that are traveling along interstate corridors through the County. The danger of the EV's is not only if they catch fire, but if they are off-gas. In both instances the vehicle is venting to cool off. When they are cooling off they emit a white smoke and an odor that smells like sweet cherry bubblegum. If you smell that, you need to get at least 75 feet away and see a doctor. Additionally, be on the lookout for popping, hissing or arching. The EV's have lithium batteries; 6,000 – 7,000 lithium batteries are located under the vehicle. If these vehicles ignite, you need proper training to handle the fire correctly. A lot of places are saying to just let the car burn. If you are trying to put the fire out, you are going to be using tens of thousands of gallons of water. Even if the fire is put out, the vehicle could still have a thermal event. Fire departments would have to monitor the vehicle for one hour before we are able to take them away because of the risk of another fire. A fire in an EV could re-ignite for up to 45 days. She stated the Energy Security Agency (ESA) will help provide risk assessment if any EV is in an accident. An EV running over debris in the road could cause a battery to malfunction. If an EV is in an accident, they still have liquid run off from brake fluid and oil in some of the moving parts and those liquids also need to be cleaned up. If you are using water to put out the fire, then there are heavy metals that are contaminating the water. If you let the fire burn out, then there will be less pollution of the air and ground.

Mr. Malter asked when there is an EV fire, does it destroy the vehicle? Mr. Westervelt replied yes and the fire burns so hot that it could damage the road. We have a box container that we are putting together; we will have the ability to put the vehicle into that container with a sealable door. We will also need to put it in our yard with bunkers to protect against re-ignition. These roll-off containers are being built to put these cars into and we are going to market those to the four counties that we do business with in NY and PA.

Mr. Malter asked have we had EV fires in Steuben County? Lindsey replied none at this point. Mr. Malter asked have there been any EV fires in the surrounding counties? Mr. Westervelt replied there have been some on the I-99 corridor.

Mr. Van Etten asked if the vehicle is submerged, does that water put out the fire? Mr. Westervelt replied foam will not put the fire out. A lot of fire departments do not have enough water. Mr. Van Etten commented we also have to be concerned about the e-bikes and e-scooters that are being plugged in to charge in garages. Mr. Westervelt commented by 2035, 60 percent of vehicles will need to be electric. He noted that Ithaca just purchased 10 electric buses and they received money from the federal government to purchase and put in the necessary infrastructure.

Mr. Pelham asked does the total count include hybrids? Mr. Westervelt replied yes. Mr. Horton commented I agree with what they are saying. The Dunkin Donuts in Coopers has a charging station and cars are getting off the highway all day long to get charged.

Mr. Westervelt commented when there is an incident with an EV and it requires a tow, there is a list of protocols that you have to follow. If you don't follow the protocols correctly, you could cause problems with the vehicle as the vehicle needs to be put in tow mode. It will take more time to get the vehicles off the highway.

Mr. Malter thanked Ms. Klemenz and Mr. Westervelt for being proactive and developing the containers.

Mrs. Lando asked when will you be holding a training? Lindsey replied a training will be scheduled for the end of August and ESA Risk Assessment will provide a full-day training. Mr. Malter asked who is being invited to the training? Ms. Klemenz replied fire, police and other tow agencies. We had 42 individuals attend our first training. She noted ESA charges \$250 per person and we supply them with a car and fly them out to do the class. For our first training, some of the bigger departments did not send anyone. Lindsey stated she is talking with the local car dealerships to see if they could sponsor some of the training spots so that if a department is low on funds, they could still attend.

Mr. Malter thanked them for their presentation and stated this is going to be a problem as more EV's are put on the road.

IV. DEPARTMENTAL REQUESTS

A. District Attorney

1. **Contract** – Mr. Baker requested authorization to enter into a contract with an individual to maintain vehicle and traffic matters for local courts and the Traffic Diversion Program. This individual could be either an attorney or an individual with a law enforcement background. If an attorney is doing this work, they could also do speeding offers for those individuals that do not get into the Traffic Diversion Program. He requested authorization to contract with Attorney Tim Rosell for this service for a cost of \$20,000 annually which will be paid out of the Traffic Diversion Program funds. He noted that Mr. Rosell is a former Assistant District Attorney who is now a private attorney and is also a part-time city attorney.

Mr. Malter asked how does this fall with the Traffic Diversion Program funding? He would like to see a report. Mr. Terwilliger explained he has the annual report which he will send out to the Legislators by next Monday. Mr. Malter stated he would like the report to show the balance of funds within that program, including this \$20,000. Mr. Terwilliger stated the report will show what we pay out to the municipalities. There is more than enough money in the program to pay for the contract with Mr. Rosell. Our remaining balance from 2022 was \$362,978 and we took out \$35,000 for law enforcement which left an ending balance of \$327,978.

Mr. Malter commented with this contract, that will free up more of Mr. Terwilliger's time. He asked Mr. Terwilliger if he would still be overseeing the program? Mr. Terwilliger replied yes. I spend a minimum of one hour per day reviewing applications and then there are other administrative duties. Mr. Rosell will now be reviewing all of the applications and will also do some of the administrative work, however, he will still be generating the reports.

Mr. Maio asked is there any problem with a city attorney handling matters that deal with violations of the law in such police department? Ms. Prossick replied there could be. The real issue is that this is a professional service and needs to go through the procurement process.

Mr. Wheeler stated he did discuss this with the District Attorney and he had suggested that this should be done by a contract, rather than with a temporary hire. We could have a special meeting prior to the Legislative meeting once we talk to Mr. Morse and Mr. Alderman. Mr. Malter asked would this be a one-year contract? Mr. Wheeler replied yes and there would be the option for renewals if we did this through an RFP. Mr. Van Etten commented we should do an RFP to see if there are any other interested parties out there.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSALS RELATIVE TO SERVICES TO MAINTAIN VEHICLE AND TRAFFIC MATTERS FOR THE LOCAL COURTS AND TRAFFIC DIVERSION PROGRAM MADE BY MR. POTTER. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Malter stated that he would like to get the report on the Traffic Diversion Program. Mr. Terwilliger stated he will send that out.

Mr. Baker asked with the RFP process, the individual doing this work would act as an ADA to make offers. He stated that he is concerned that it will be someone that he doesn't know or trust. Mr. Wheeler replied we can work on that and set requirements to narrow that down.

2. **Accept 2023 – 2024 Crimes Against Revenue Program (CARP)** – Mr. Terwilliger requested authorization to accept the 2023 – 2024 CARP (Crimes Against Revenue Program) Grant award of \$40,400. This is a three-year grant cycle and we will use these funds to offset the cost of an investigator at the Department of Social Services, relative to welfare fraud. He noted the Sheriff has two part-time investigators working in Welfare Fraud.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT THE 2023 – 2024 CRIMES AGAINST REVENUE PROGRAM (CARP) GRANT AWARD IN THE AMOUNT OF \$40,400 MADE BY MR. HORTON. SECONDED BY MRS. LOZO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Accept Domestic Violence Program Grant** – Mr. Baker requested authorization to accept the Domestic Violence Program Grant in the amount of \$6,000.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT THE DOMESTIC VIOLENCE PROGRAM GRANT IN THE AMOUNT OF \$6,000 MADE BY MR. HORTON. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Sheriff's Office

1. **Accept State Criminal Alien Assistance Program (SCAAP) Grant** – Sheriff Allard requested authorization to accept the State Criminal Alien Assistance Program (SCAAP) Grant in the amount of \$3,890. He noted these funds are used for housing Federal inmates.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) GRANT IN THE AMOUNT OF \$3,890 MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Accept Wal-Mart Cyber Grant** – Sheriff Allard requested authorization to accept the Wal-Mart Cyber Grant in the amount of \$4,000. These funds are used for the Toys for Tots and Coats for Kids programs that we do every December.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT THE WAL-MART CYBER GRANT IN THE AMOUNT OF \$4,000 MADE BY MR. HORTON. SECONDED BY MRS. LOZO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Spending from the Capital Project Entitled HVAC Johnson Control Upgrade** – Sheriff Allard explained last year we got quotes for the work at the physical plant at the Jail. He requested authorization to spend \$5,000 on minor equipment for the water control valves and \$6,000 on major equipment for the mini split in the server room. At budget time he will come back to request authorization to spend money on the HVAC Upgrade.

Mr. Wheeler explained the cost for this will be paid out of the HVAC Johnson Control Upgrade Capital Project. There is currently not enough budgeted to do the HVAC Upgrade, however, these two projects would be good to finish up this year. The HVAC project came in more than we had budgeted and we may need to do an authorization to get design work done as it may require having an engineer draw up the specifications.

MOTION: AUTHORIZING THE TRANSFER OF \$11,000 FROM THE HVAC JOHNSON CONTROL UPGRADE CAPITAL PROJECT TO THE JAIL'S MINOR EQUIPMENT LINE (\$5,000) FOR THE WATER CONTROL VALVES AND TO THE JAIL'S MAJOR EQUIPMENT LINE (\$6,000) FOR THE MINI SPLIT IN THE SERVER ROOM MADE BY MR. HORTON. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

3. **Cannabis** – Mr. Potter commented legislation was included in the State Budget to deal with the sticker stores. When can we start enforcing that? Sheriff Allard replied we cannot. The County has been in communication with the Office of Cannabis Management. He noted that he was on a Zoom conference call and that he offered to Face-Time/video with them to assist and they said they will get back to me.

4. **CAP Incident** – Ms. Fitzpatrick asked for an update on the incident that occurred in CAP court. Mr. Baker explained at the end of May an inmate who was arraigned became unruly and went after the ADA, who suffered a concussion. Since that incident we have made some changes. The Office of Court Administration was great; the incident happened on a Saturday night and they were on the phone with us on Sunday and then we had a meeting that Monday that included the Public Defender and the Law Department. A number of recommendations came out of that meeting. One of those recommendations was that the District Attorney appear virtually and OCA put the equipment in to do that. As long as this is effective, we will continue to do it.

Sheriff Allard commented we also moved the layout of the room so the inmates do not cross behind the ADA or Public Defender. The inmates will also be shackled and handcuffed, except for pregnant or recently delivered females. We will also provide some situational awareness training. We have conducted 4,500 CAP arraignments and this is the first incident that we have had. We get so many new attorneys in and sometimes they do not realize the dangers and they need that situational awareness training. The Correction Officer on scene acted very quickly. Now we have a screening process and if they determine there is a threat they will either have additional security, or push the arraignment out.

Mr. Horton commented my wife does a lot of CAP arraignments and the CO's do a great job. Another option would be to do the entire thing virtually. Sheriff Allard commented we have been pushing for that. Mr. Baker stated with the change in the State Law, we are at the part where all parties have to agree. Indigent Legal Services (ILS) has indicated that if they agreed, it would put the Public Defender's \$6 million grant in danger, so at this point we are not able to do the entire thing virtually.

Mr. Van Etten asked what about having a portable holding cell? Sheriff Allard replied OCA said no to that. Mr. Van Etten asked do we have this risk in every courtroom? Sheriff Allard replied yes. This is the first appearance for the arrestees and most are still under the influence at the time of arraignment. They are required to be brought before a judge within 12 hours of arrest. We had looked at portable cells on wheels and OCA did not approve.

Mrs. Ferratella asked is there a program that will help the town courts to be more aware? Sheriff Allard replied the Magistrate's Association will be meeting next month and Captain Mills is putting together a situational awareness and physical security training. Many of the towns do not have security in their courts.

C. Emergency Services/E-911

1. **Motorola Pinnacle Proposal** – Mr. Marshall requested authorization to contract with Motorola for \$345,000 to provide and install equipment for the Pinnacle tower site. This is grant funded. Mr. Malter asked when will this be done? Mr. Marshall replied as soon as we can get the equipment here and installed.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO CONTRACT WITH MOTOROLA TO PROVIDE AND INSTALL EQUIPMENT FOR THE PINNACLE TOWER SITE FOR A TOTAL COST OF \$345,000 MADE BY MR. HANNA. SECONDED BY MR. POTTER.

Ms. Fitzpatrick asked the proposal indicated that one of the programs is no longer supported by Motorola. Are you doing something special with regard to that? Mr. Marshall replied we acquired additional equipment from Tompkins County in order to put this site on line on the current version. We have a \$5.8 million grant that will enable us to upgrade all of our equipment to the latest versions and that project will be a couple of years out.

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

2. **Authorization to Bid DC Power Plant Purchase and Installation** – Mr. Marshall requested authorization to put out a bid for DC power plant purchase and installation for the tower sites. The current power plants are old and undersized and he would like to upgrade that equipment. Motorola did provide pricing, however, we feel we may get a better price if we bid it out.

MOTION: AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A BID FOR DC POWER PLANT PURCHASE AND INSTALLATION RELATIVE TO THE TOWER SITES MADE BY MR. HANNA. SECONDED BY MR. HORTON.

Mr. Potter asked is this for AC and DC power? Mr. Marshall replied yes. Some of the equipment has to go to DC if its powered by the generator switching on.

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

3. **EV Battery Training** – Mr. Marshall commented they have an EV lithium ion battery class scheduled for July. This is a new course that the State Office of Fire Prevention and Control is offering. We are waiting for the instructors to develop the course and on approval for the location of the training. This will be a free 3-4 hour training provided by the NYS Office of Fire Prevention and Control for fire, police and EMS. He noted this will be in addition to the training that B&W is offering. Our course will be a general awareness training.

D. Personnel

1. **Memorandum of Agreement – Deputy Sheriff's Association** – Mr. Alderman stated currently in the County, the lateral transfer section of the bargaining agreement allows us to bring people in at a higher step. If they were an employee from another department, we would give them a step based year for year for police service. The lateral transfer never worked for us before and it takes two years to get up to salary and the Sheriff's Office was not able to recruit. With this proposed memorandum of agreement, this would allow Deputy Sheriff's and Building Security Deputies to do a lateral transfer on a year for year basis and move up and not have the cap at year five. Mr. Wheeler explained due to our current situation of contract negotiations, this is particularly important. We are not able to recruit at the appropriate salaries. This will help in the short-term, as well as the long-term.

Mr. Malter asked who reviews the candidates? Sheriff Allard replied every candidate goes through a background check, a psychological evaluation, a polygraph and we also check on certifications/de-certifications through State and Federal. Then the application goes to Personnel and they check the validity of their status; whether they are full-time or part-time, medical, etc. We save approximately \$50,000 on every lateral transfer.

MOTION: APPROVING THE MEMORANDUM OF AGREEMENT WITH THE DEPUTY SHERIFF'S ASSOCIATION RELATIVE TO THE NEW APPOINTMENT OR LATERAL TRANSFER OF A DEPUTY SHERIFF OR BUILDING SECURITY DEPUTY MADE BY MR. HORTON. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Van Etten asked with regard to the costs for all of the testing; should we be looking at paying that? Sheriff Allard replied the cost for the psychological evaluation is \$110. We reached an agreement with the State to do the criminal history through our fingerprinting. He stated he thinks we should reimburse the individuals when they get hired. Mr. Van Etten asked is that part of the union contract? Mr. Alderman replied no. Mr. Wheeler stated we will talk with the Law Department and the County Auditor to see what we need to do.

E. County Manager

1. **EMS Update** – Mr. Wheeler stated we will issue the RFP this week. We have received a dozen or so applications for the EMS Coordinator and we are very pleased with that. There are a number that are well-qualified. Interviews will be starting within the next week or two. He stated that they did meet with CSS Workforce NY and held follow-up meetings with BOCES and Corning Community College on how we could leverage the programs they currently have with the Federal training dollars. He reminded the committee that the Federal training dollars can only be used for individuals in the paid services. We are also looking at training reimbursement.

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****

Monday, July 3, 2023

9:00 a.m.

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

NO LATER THAN NOON

Monday, June 26, 2023