

**REGULAR MEETING OF  
PUBLIC SAFETY COMMITTEE  
Ontario County Safety Training Facility  
January 13, 2014 2:00 P.M.**

**Committee Members**

Theodore Fafinski, Chairman  
Gregory Bendzlowicz  
Charles Evangelista  
Robert Green  
Margaret Hilton  
Kristine Singer

**Others Present**

John Garvey, Sheriff Povero, Jack Marren,  
John Sheppard, Catherine Bentzoni, Jeff Harloff,  
Dru Malavase, Jeff Rougeux, Deb Gierman,  
Mary Gates, Halle Stevens, Deb Trickey,  
Andrea Schoeneman, Virginia Gumaer-Muller

**Approval of Minutes:**

The Public Safety Committee met at the Ontario County Safety Training Facility in Monday, January 13, 2014. Supervisor Fafinski called the meeting to order at 2:00 p.m.

**Supervisor Green moved approval of the Minutes of the Regular Meeting held on December 9, 2013. Supervisor Evangelista seconded the motion, carried unanimously.**

**County Administrator:**

Mr. Garvey addressed the Committee to request approval for an Agreement with the Ontario County Bar Association for the 2014 Assigned Counsel Program. The County will contract with the Bar Association for 9 months while the program is in transition and then the County will take over the Assigned Counsel Program in September. The contract is at the same rate as last year but pro-rated to cover three quarters. Discussion followed regarding items that this contract covers. The Bar Association hires someone to administer the plan and the County approves the vouchers but does not supervise the administrator. Mr. Garvey explained that the contract amount is based on the administrative costs and has not changed in three years. The agreement provides the County with the services of the Assigned Counsel administrator ( attorney), salaries of two part-time people in the office, office and overhead expenses. The administrator provides invoices and is paid quarterly.

**Supervisor Green moved approval as requested by Mr. Garvey. Supervisor Bendzlowicz seconded the motion, carried unanimously.**

**Committee Chairman:**

At this time, Chairman Fafinski welcomed everyone. He has been on the Public Safety Committee previously for 2-3 years. This year, there are four Committee Chairpersons on Public Safety, including the Vice Chair of the Board. Supervisor Bendlowicz is new but has had a very successful career with the Geneva PD. Ms. Hilton brings her experience as a Town Justice. She instituted Youth Court in the County. Supervisor Green was with the Sheriff's Office for over twenty years and EMT. This is an extremely strong Committee, which made it difficult to select a Vice Chair. Chairman Fafinski asked Supervisor Green to co-chair based on his law enforcement background and previous Committee experience. Supervisor Green accepted.

**Emergency Management:**

Mr. Harloff presented a resolution authorizing Agreements for Services for Emergency Service Instructors. This is an annual resolution. It is a requirement for the Department of Health course sponsorship that allows the department to teach EMS courses. The rates of pay for instructors have to be established each year.

**Supervisor Evangelista moved approval as requested by Mr. Harloff. Supervisor Green seconded the motion, carried unanimously.**

Mr. Harloff gave a brief overview of the Emergency Management Department. He provided handouts for Committee members pertaining to the department, its responsibilities, and 2014 goals. He introduced Deb Trickey, County EMS Coordinator. She will attend Committee meetings in Mr. Harloff's absence. There was brief discussion on the RACES program and its valuable assistance to the County.

**Office of Sheriff:**

Ms. Gierman addressed the Committee regarding a resolution to Rescind the Award of Bid (B3102) for Honor Guard Uniforms. The original resolution to award the bid was approved in December. Items 14 and 15 of the bid were split from the award to Galls for not meeting the bid specification and were given to United Uniform. Galls was then awarded the bid on items 1-13. However, the bid was not recalculated at that time. When it was recalculated later, it was found that the low bid for items 1-13 was, in fact, United Uniform and not Galls when not including items 14 and 15. To date, no items have been purchased using this bid award.

**Supervisor Singer moved approval to rescind the award of items 1-13 and award the bid of these items to United Uniform, as requested by Ms. Gierman. Supervisor Green seconded the motion, carried unanimously.**

Sheriff Povero requested authorization for an agreement with the Naples Central School District for a School Resource Officer, part-time. This would be until the end of June. The school budget has funds to appropriately reimburse the County for all costs for this time, the same as the other schools repay to Ontario County. Two officers have expressed interest. A brief discussion followed regarding the billing rate. Sheriff Povero stated the two candidates interested in the position do not have the same pay rate. Both are retirees now working part-time and have expressed interest in the position.

**Supervisor Evangelista moved approval as requested by Sheriff Povero. Supervisor Singer seconded the motion, carried unanimously.**

Sheriff Povero requested approval for the acceptance of a Grant from the NYS Sheriffs' Association Rural Traffic Initiative for Selective Traffic Enforcement Program. The award amount this year is \$25,400. Over time, funds are used to enforce speed or recklessness, or high crime areas.

**Supervisor Singer moved approval as requested by Sheriff Povero. Supervisor Green seconded the motion, carried unanimously.**

At this time, Mr. Garvey stated that Ms. Lapp was in Court for a trial. Her presentation on Counsel at First Appearance will be held over for the next Committee meeting.

Sheriff Povero presented resolutions authorizing the Acceptance of Contracts with the Canandaigua Emergency Squad for 2013 and for 2014. Billing is done on a per case basis. Ms. Gates stated it is a flat rate but based on where the patient is taken. A 2013 contract is being presented now as this past year the amount of money spent exceeded the threshold for being able to utilize a short-term contract, about \$8,000. The County Attorney's Office has been working on getting a signed contract with the vendor but it couldn't be presented until the contract language was finalized. Supervisor Green suggested a breakdown of the type of services to be provided when the 2014 contract is signed.

**Supervisor Evangelista moved approval of the 2013 contract with the Canandaigua Ambulance Emergency Squad as requested by Sheriff Povero, amended to include the total amount paid in 2013. Supervisor Green seconded the motion, carried unanimously.**

**Supervisor Evangelista moved approval of the 2014 contract with the Canandaigua Emergency Squad as requested by Sheriff Povero, amended to include a not to exceed amount of \$8,500. Supervisor Bendzlowicz seconded the motion, carried unanimously.**

Sheriff Povero requested authorization for the acceptance of Bid for the Purchase of Sheriff's Office Uniforms, for Law Enforcement, Corrections, and 911, at a cost of about \$62,000 per year. This is an annual bid. The correct end date in the first "Resolved" is January 23, 2015. There is an option for renewals, if agreeable.

**Supervisor Evangelista moved approval of the resolution as requested by Sheriff Povero, amended to show the correct end date of January 23, 2015 in the first "Resolved". Supervisor Green seconded the motion, carried unanimously.**

Sheriff Povero requested authorization for the acceptance of a Donation for the D.A.R.E. Program. The Town and Village Highway Department presented a check to the Sheriff's Office for \$500 and requested the funds be used for D.A.R.E., which will be taught in schools in 2014.

**Supervisor Green moved approval as requested by Sheriff Povero. Supervisor Singer seconded the motion, carried unanimously.**

Sheriff Povero presented a Budget Transfer request to transfer \$1,800 from the .4 line, Prescriptions and Medications to the Overtime line Correctional Health Care Budget. This arises from the amount of overtime recorded in the month of December, which put the overtime slightly ahead of the \$15,000 budgeted for the entire year.

**Supervisor Singer moved approval as requested by Sheriff Povero. Supervisor Hilton seconded the motion, carried unanimously.**

Sheriff Povero stated that Ms. DeMay had forwarded documents from T. Michael Nicholson, who is requesting support to receive benefits (Public Safety Officer Disability Benefit). The Sheriff brought this to the Committee for discussion and consideration. Mr. Nicholson was injured prior to the establishment of this disability benefit program. Discussion followed.

**Supervisor Singer moved for a resolution of support for Mr. Nicholson, providing the County would not be held financially responsible for the benefits. Supervisor Green seconded the motion, carried unanimously.**

Sheriff Povero addressed the Committee regarding the Jail. In the past, he has tried to give updates on the Jail population. There will be more information on operational issues at the next meeting. The Jail population continues to be a source of discussion on the appropriateness of individuals in the Jails setting and whether there might be some venues more suitable for some of those people. Sheriff Povero mentioned an article will be in the Finger Lakes Times as a follow to the Board presentation in December by Judge Aaronson on the Veterans Court and Mental Health Court. The Champlin Commission met this morning and are looking at trying to bring together those that have a vested interest in the Jail operation to determine what is appropriate, what can be done to be sure the individuals in Jail should be there, and to ensure that the criminal justice system is moving their cases expeditiously through the system.

Today, there are 233 individuals in the Jail in various housing units. Pod 2 has 35 females. This Pod can house up to 60, including 12 cells that are double bunked. Pods 3, 4, 5 and 6 have each contain 24 housing beds. Currently, there are 23 inmates in Pod 3, 24 in Pod 4, 23 each in Pods 5 and 6. Pods 7 and 8 house adult males and can hold up to 60 inmates each. There are 12 double units in each.

Sheriff Povero also advised there are three inmates currently in Medical for a mental health watch. One is a female involved in an alcohol related fatal crash earlier today. Since January 1, 2014, there have been 78 new admissions to the Jail. Fifty-four have significant drug issues, now including withdrawal. Six have mental health issues. This is a snapshot of the information the Sheriff would like to give the Committee on a regular basis.

A lengthy discussion followed regard housing of inmates going through drug withdrawal. Sheriff Povero said these inmates are monitored by Medical but they are in the general housing unit pods. Smaller pods offer more attention and generally, these inmates are in those pods. Some of the inmates spend a lot of time in their cells if they are going through classification and other issues. Supervisor Marren asked about having a report generated that would show the number of hours of overtime worked during last five years compared to the current Jail population during that time as well. Ms. Gates will provide this.

There was also questions and discussion about other counties in our surrounding area that are experiencing some of the same issues as Ontario County. Sheriff Povero stated there are times we house inmates out due to a safety or security issue and can try to take some of that facilities' inmates that may have a similar issue. In 2013, they talked with other counties to look at ways of economizing space and deal with jail issues such as mental hygiene and drugs. There are also classification issues with youth ages 16, 17, and 18. Options were looked at such as Ontario County housing 16 and 17 year olds and another county housing the 18 year olds. This is still in discussion and in also in discussion with the New York State Commission of Corrections. Their position is not favorable right now due to PREA and what might happen if New York State decides that 16 and 17 year olds are to be handled in Family Court as opposed to Criminal Court. Those discussions are ongoing through the Sheriffs and some effort in NYAC. As a group, may be able to provide some information to get the State to view things more favorably.

### **Probation:**

Mr. Rougeux introduced Ms. Gumaer-Muller, ATI Supervisor, to present a resolution for the 2014 ATI Advisory Board Appointments. She advised that Probation is the midst of a five-year contract with the State to offset costs of the community service program and each year a service plan has to be filed with the State. It requires a resolution for the ATI Advisory Board appointments each year. Supervisor Hilton is the Chair and Supervisor Fafinski is the Vice-Chair. Other than that, the membership stays the same. Some positions are mandatory, some are volunteer. Supervisor Hilton noted that the Chairperson is appointed by the Chairman of the Board of Supervisors. This should be listed in the resolution. Supervisor Hilton also noted there is not a representative from either the Town or Village Courts on the ATI Advisory Board. There was discussion regarding ATI and the Champlin Commission.

Chairman Fafinski received a letter from Judge Lew, who wanted to meet with Public Safety to let them know what the Champlin Commission is working on. Mr. Rougeux mentioned the Champlin Committee could be a sub-committee of the ATI Board, reporting directly to them. Working with a small group allows individuals to focus on a single issue. It would be ideal to have two Justices on the ATI Advisory Board. Chairman Fafinski will contact Judge Lew regarding a presentation at the next Public Safety Committee meeting. In the meantime, the Champlin Commission should continue working as is. Supervisor Hilton will contact Judges Lew and McGuire to see if they are interested in serving on ATI. Mr. Rougeux stated that it would help to have someone from the Board of Supervisors on the Commission, preferably from Public Safety.

**Supervisor Green moved approval as requested by Ms. Gumaer-Muller, amended to state the ATI Chairperson is appointed by the Board of Supervisors Chairman. Supervisor Bendzlowicz seconded the motion, carried unanimously.**

### **Other Items:**

Mr. Garvey spoke about goals of the Committee. There are two important personnel items on the Committee's agenda. Ms. Malavase is retiring this year and the County will need a new STOP-DWI Coordinator. The position will be reviewed and updated in order to hire someone as effective as Ms. Malavase. The second item is the hiring of a Conflict Defender, who will primarily take over the Assigned Counsel Program. This person will report to the Board of Supervisors through Mr. Garvey. The third item would be a more cohesive effort for Alternatives to Incarceration and to start measuring the results we are achieving. Much of the work of the Committee this year will be to get a handle on Jail issues. A major focus of the Public Safety Committee this year is to avoid any capital projects to add Jail pods and to find better ways to manage. There are many topics but these are three that he wants to call to the Committee's attention. Chairman Marren said that in 2013 the focus was on non-mandated items. This year, the focus will be on areas of large expenses. Seventy-eight new admissions are alarming and the County has to take a hard look at it. Chairman Marren thanked everyone for their continued effort and educating the new elected Supervisors through the transition period.

Ms. Malavase stated there is a Victim Impact session this evening if anyone wishes to attend and observe. Tonight's session is a women's session and forty-nine offenders will be at the session. The next session will be for men. The percentage of women being arrested has risen substantially. Women represent over 40% of alcohol related crashes. Some involve prescription drugs, and sometimes a combination of alcohol and drugs. These things are discussed within the group.

**Planning:**

The following payment requests were submitted by the Planning Department:

1. Xybix Systems, Inc., Invoice No. 19995-R for \$8,228.63, retention balance due. (CP4-2012)
2. L.R. Kimball, Invoice No. 522639 for \$6,826.50. (CP5-2013)

**Supervisor Green moved approval of the above invoices. Supervisor Singer seconded the motion, carried unanimously.**

**At 3:21 p.m. Supervisor Evangelista moved to adjourn the meeting. Supervisor Hilton seconded the motion, carried unanimously.**

Respectfully Submitted,

Linda A. Hudson  
Confidential Secretary