

**REGULAR MEETING OF  
PUBLIC SAFETY COMMITTEE  
Ontario County Safety Training Facility  
April 30, 2012, 2:00 P.M.**

<b>Committee Members</b>	<b>Others Present</b>
Samuel Casella, Chairman	John Garvey, David Tillman, Tom Harvey, Ray DeRuyter,
Mary Luckern - <b>Necessarily Absent</b>	Alexandra Burkett, Leanne Lapp, Jeff Harloff, John Park,
John Champlin	Dru Malavase, Halle Stevens, Mary Gates, Cathy Bentzoni,
Norm Teed	Supervisor John Cowley
Robert A. Green, Jr. - <b>Necessarily Absent</b>	
Donald Ninestine	

The Public Safety Committee met in the Ontario County Safety Training Facility on Monday, April 30, 2012 at 2 p.m. for a regularly scheduled meeting. The meeting was chaired by Supervisor Casella.

**Approval of Minutes:**

Supervisor Teed moved approval of the Minutes of the regular meeting of the Public Safety Committee held on April 9, 2012 amended to reflect the concerns of Supervisor Ninestine as stated in the discussion SHSP FY 2010 Grant funds and whether the funds should be used for the purchase of subscriber radio equipment for County EMS agencies. During the discussion, Supervisor Ninestine remarked that it was the intent of the Finance Department to make all decisions. We should ask them where the money would come from to replace the funds, if the grant were used in this way, rather than for County equipments. Champlin seconded the motion, carried unanimously.

**Assigned Counsel Program**

Mr. Garvey gave an update on the Assigned Counsel Program. He reported that in 2011, the cost per case in the Public Defender's Office was \$603.89. Mr. Garvey said that the public defender cannot handle every case as there are multiple defendants in one case testifying against each other, cases where a public defender has defended someone in another matter, etc. In these cases, an assigned counsel is appointed. The cost per case in Assigned Counsel is \$668.98 per case. Mr. Garvey pointed out that a growing issue that will need to be addressed someday is the non-criminal cases in Family Court. The cost per case in Family Court is \$605.47. Mr. Garvey discussed the problem last year where there was a year-end surprise from the Assigned Counsel Program where attorneys had submitted fees totaling almost a quarter million dollars. Since that time, Ms. Burkett has been meeting with attorneys advising them that bills must be submitted within 30 days of closing of the case. Mr. Garvey said that as of this year, the Public Defender's Office is fully engaged and there hopefully will be a better handle on things from now on, but the proof will be in if the bills come in on time or not.

Supervisor Ninestine said that the Assigned Counsel Program report was apparently full of errors. In the 2008 and 2009 reports different figures were carried over. Mr. Ninestine said that he did some research and did some of his own calculations and it was full of errors. Mr. Garvey reported that the Public Safety Finance Office asked for a cost per case through our closing fiscal year. There are several ways of measuring this. They may or may not agree with those cases reported by the Bar Association. Mr. Garvey spoke to the Bar Association and the report has been amended. Mr. Ninestine said that the DWI cases that were reported were exactly the same two years in a row, which he did not think was accurate. Mr. Garvey discussed the plan that Wayne County has for representation of the indigent. Wayne County contracts with one organization to take all of the cases and the organization that is the successful bidder, gets that amount of money. Wayne County received three proposals, one from Legal Aid Society of Rochester, Inc.; Legal Society of Wayne County, Inc. and Legal Assistance of Western New York. When Wayne County decided upon Legal Assistance of Western New York and decided upon an amount of \$154,363.00 for the period April 9, 2012 – December 31, 2012 for services. The best analysis is that it is 400 cases at a cost of \$385.00 per case. Mr. Garvey advised that he would distribute the proposal from Wayne County for the committee to

review. Mr. Garvey said that he thought this model was an option for Ontario County. It was discussed with the Assigned Counsel Administrator and president of the Bar Association and whether they would be interested in amending the plan. Mr. Garvey also advised that it is believed they have a better handle on getting the invoices in on time, but there is no guarantee. There is some ability to go back to the Bar Association and point out that this is what has been agreed upon. Ms. Lapp further explained reasons why the Public Defender's Office may not be able to represent someone and they have to be given an assigned counsel. There was some further questions and discussion about the assigned counsel plan, which was written in 1989. Mr. Garvey will send Wayne County's plan to committee members who will report back by the next Public Safety Committee meeting what direction they would like pursued with regard to the Assigned Counsel Program.

Chairman Casella recognized a member of the public in the audience and asked if he wanted to comment or address the committee.

Brad Jones, advised he is the person that's preventing the communications tower from being built in the Town of Italy. He advised that he had a meeting yesterday with two citizens' groups that are upset and raising money for another lawsuit to be filed against Ontario County. Right now the situation with the Italy Town Board is that only 4 people can discuss or vote on this. There will either be a 3-1 vote against it or a 2-2 deadlock, either of which means Ontario County will get no approval. Since there is no litigation going on anymore there is nothing to do except for Ontario County to sue Italy and go back in front of Judge Falvey. Mr. Jones said that the goal of getting a tower up by the end of the year would be in jeopardy. There is an opportunity for a win-win situation which would be for Ontario County to look at construction of a new tower at the existing SBA site. We know that this was evaluated in the past, but we don't agree with the analysis and the cost numbers provided. There is plenty of room to construct a new tower four feet taller than the current tower on the SBA property. There is plenty of space to do that. If this can be discussed in a public forum, they could solve the problem in a short period of time. Just apply to the Town Zoning Board and that Board will approve the variances needed. The citizens' group is raising money to fund any further litigation by the Town of Italy, and the other group is comprised of Ontario County citizens who may bring suit against the County in Ontario County court.

Mr. Jones went on explaining he had just learned that the County's fiber optic ring served the SBA tower. He stated that ring is 99.9% reliable and should be used instead of the proposed microwave system as 99.9% reliability is good enough. This would reduce the load on the SBA tower.

He concluded by stating that the town wants to work with the County and it was in everyone's best interest to work together instead of being adversarial.

**Public Defender:**

Ms. Lapp requested authorization to apply for additional funding from the Office of Indigent Legal Services in the amount of \$271,911 over a three year period. This is similar to the grant that was applied for last year, but the funds were not received until January of this year. This year's grant is more than last year's.

**Supervisor Teed moved approval as requested by Ms. Lapp. Motion was seconded by Supervisor Champlin and carried unanimously.**

Ms. Lapp requested extension of contract with James Begley, explaining that part of the Indigent Legal Services grant includes funding for a mitigation expert. Mr. Begley was contracted for these services for an amount not to exceed \$35,844 from January 1, 2012 to May 31, 2012 for an alternative type program. Ms. Lapp said because the money from the grant wasn't received until late last year, she was requesting an extension of the contact to March 31, 2013.

**Supervisor Champlin moved approval as requested by Ms. Lapp. Motion was seconded by Supervisor Ninestine and carried unanimously.**

**Planning Department:**

Several bills from RG&E and one from SBA Towers were removed from the agenda as they were sent in error.

Mr. Harvey requested payment of the remaining bills listed on the agenda:

- 1 NYSEG in the amount of \$27.39, Shay Road, Naples.
- 2 Lease of property on Warner Road, Town of Springwater in the amount of \$7,200.
- 3 Chronicle Express, Penn Yan, public notice in the amount of \$40.64.
- 4 Finger Lakes Times, public notice in the amount of \$39.60.
- 5 L.R. Kimball Invoice in the amount of \$32,841.22 less retainage of \$3,284.12, for a total amount due of \$29,557.10.
- 6 Messenger Post Newspapers, classified advertising in the amount of \$34.45.

**Supervisor Ninestine moved approval as requested by Mr. Harvey. Supervisor Teed seconded the motion, carried unanimously.**

**Emergency Management:**

Mr. Harloff requested authorization for renewal of agreement for an Emergency Services Stress Management Training/Assistance Program for an amount not to exceed \$2,000 for the calendar year 2012, with Bray Associates of Huntsville, Texas. Mr. Harloff said the price has remained the same since 1991.

**Supervisor Champlin moved approval as requested by Mr. Harloff. Supervisor Teed seconded the motion, which carried unanimously.**

Mr. Garvey asked how Mr. Bray could provide these services when he lives in Texas. Mr. Harloff advised that he has people here that are part of his company that respond in short notice and in some cases, he has been here within 24 hours. Mr. Garvey asked if there were any local vendors that could do this. Mr. Harloff said that he could check into it.

Mr. Harloff requested re-appointments of Lee DeRuyter and James VanOpdorp to the Ontario County Fire Advisory Board for a three year term from July 1, 2012 – June 30, 2015.

**Supervisor Teed moved approval of Mr. Harloff's request. Supervisor Champlin seconded the motion, carried unanimously.**

Mr. Harloff requested approval of a resolution for acceptance of Local Emergency Management Performance Grant Program.

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

**At the request of Chairman Casella, Supervisor Champlin moved to close the regular meeting to go into executive session at 2:54 p.m. to discuss pending litigation. Supervisor Ninestine seconded the motion, carried unanimously.**

**Supervisor Champlin moved to close the executive session and return to the regular meeting at 3:16 p.m. Supervisor Ninestine seconded the motion, carried unanimously.**

**Office of Sheriff:**

Undersheriff Tillman reported on the inmate population advising that 177 are housed currently. Fifteen females are being housed for Federal Immigration for at least a couple of weeks, which will generate revenue.

Undersheriff Tillman requested authorization for System Maintenance Software and Services Agreement Extension with Keystone Information Systems, Inc. through December 31, 2012; in an amount not to exceed \$450,000.

**Supervisor Teed moved approval as requested by Undersheriff Tillman. Supervisor Champlin seconded the motion, carried unanimously.**

Undersheriff Tillman requested authorization to Realign the Capital Project Budget, Capital Project No 7.-2006. Ms. Gates explained that they were reinstating the repair funding that was in the original capital project, which will increase the total project by about \$296,000.

Supervisor Champlin asked if this was the money that was being considered to assist the fire departments' with the new radio system. Supervisor Casella advised yes, and said that Mr. Harloff's office had done some research and realized that it cannot be used for that.

**Supervisor Champlin moved approval as requested by Undersheriff Tillman Supervisor Teed seconded the motion, carried unanimously.**

Undersheriff Tillman requested authorization to accept donation from Clifton Springs Hospital & Clinic in the amount of \$500. Undersheriff Tillman advised that the donation was in appreciation for the Active Shooter presentation by the Emergency Response Team.

**Supervisor Teed moved approval as request by Undersheriff Tillman. Supervisor Champlin seconded the motion, carried unanimously.**

Undersheriff Tillman requested authorization for Acceptance of Funds for FY11 State Law Enforcement Prevention Program (SLETPP) Capital Project No. 7 of 2006 in the amount of \$76,388.00.

**Supervisor Champlin moved approval as requested by Undersheriff Tillman Supervisor Teed seconded the motion, carried unanimously.**

Undersheriff Tillman requested authorization for approval to enter into the following contracts for the D.A.R.E. Concert to be held on June 7, 2012:

- C. Kevin Wanzer in the amount of \$4,500.00
- Rochester Brass & Electric in the amount of \$2,000.00
- Moon Dog Sound in the amount of \$1,600.00

**Supervisor Ninestine moved approval as requested by Undersheriff Tillman Supervisor Champlin seconded the motion, carried unanimously.**

Undersheriff Tillman requested authorization for Award of Quote Radar Units totaling \$7,400.00 from Rear View Radar Units to Motor Fleet, Inc.

**Supervisor Teed moved approval as request by Undersheriff Tillman. Supervisor Champlin seconded the motion, carried unanimously.**

Undersheriff Tillman discussed vehicle purchase plans for 2013 and 2014 advising that additional SUV's were added. The request was to reduce the patrol vehicle by two and increase SUV's by two in each year.

Undersheriff Tillman discussed two items to be included in the CIP. The first is a plan to purchase scheduling software that helps with managing over-time and scheduling for comp and vacation times more effectively.

Undersheriff Tillman reported that there have been discussions with Buildings and Grounds about retrofitting in the jail so that up to five inmates can be supervised constantly by one correction officer. Undersheriff Tillman advised that to have one officer on constant watch with one inmate is very costly because there is not enough staff to do it without overtime. The plan is to reconstruct the medical area where these inmates can be watched.

**Supervisor Champlin moved to support the CIP items requested by Undersheriff Tillman. Supervisor Teed seconded the motion, carried unanimously.**

Mr. Harvey advised that at the last Public Safety Committee meeting and Board of Supervisors meeting approved a contract amendment with PB Americas, Inc. Unknown to him at that time, PB Americas, Inc. has now changed its corporate name to Parsons Brinckerhoff, Inc. Therefore, Mr. Harvey requested approval of a resolution regarding Capital Project 7 – 2006: Recognition of Corporate Name Change of Engineering Consultant, New Ontario County Emergency Communication System.

**Supervisor Ninestine moved approval as requested by Mr. Harvey. Supervisor Teed seconded the motion, carried unanimously.**

Supervisor Casella discussed the letter from the Rochester office of the Attorney General regarding Language Access Services for Persons of Limited English Proficiency. It was reported that a meeting will be set up with Sheriff Povero the week of May 7<sup>th</sup>.

Undersheriff Tillman invited everyone to the Law Day Ceremony on May 17<sup>th</sup>, at 12 noon at the Ontario County Jail.

Tom Harvey handed out a sheet that would show a cost of \$98,000 would be incurred by delaying the Shay Road Construction.

**Supervisor Champlin moved approval to adjourn the meeting at 3:42 p.m. Supervisor Teed seconded the motion, carried unanimously.**

Respectfully submitted,

Carol Marx  
Sr. Stenographer