

**REGULAR MEETING OF
PUBLIC SAFETY COMMITTEE
Ontario County Safety Training Facility
October 15, 2012, 2:00 P.M.**

Committee Members	Others Present
Samuel Casella, Chairman	John Garvey, Philip Povero, Steve DeChick, Jeff Harloff,
Mary Luckern	Leanne Lapp, Ray DeRuyter, Judy Bergstresser
John Champlin	Halle Stevens, Mary Gates
Norm Teed	
Robert A. Green, Jr.	
Donald Ninestine	

The Public Safety Committee met in the Ontario County Safety Training Facility on Monday, October 15, 2012 at 2 p.m. for a regularly scheduled meeting. The meeting was chaired by Supervisor Casella.

Approval of Minutes:

Supervisor Champlin moved approval of the Minutes of the Budget /Regular Meeting held on September 17, 2012. Supervisor Luckern seconded the motion, carried unanimously, amended for correction of wording under STOP-DWI, to reflect that Ms. Malavase stated that “last” year at the end of September the revenue was 47% of the budget.

Supervisor Luckern moved approval of the Minutes of the Regular Meeting held on September 24, 2012. Supervisor Teed seconded the motion, carried unanimously.

Public Defender:

Ms. Lapp requested authorization for the acceptance of additional funding from the Office of Indigent Legal Services. This is for \$271,911 over three years and the work plan for use of funds had been laid out, with no County match for these funds.

Supervisor Teed moved approval as requested by Ms. Lapp. Supervisor Champlin seconded the motion, carried unanimously.

Ms. Lapp requested authorization for the acceptance of a contract with FLACRA. This is related to the Indigent Legal Services Grant. She has worked with the County Attorney’s Office on the contract. The substance abuse services are for incarcerated clients of the Public Defender’s Office. Assigned Counsel can also use these services, but it will be overseen by the Public Defender’s Office.

Supervisor Champlin moved approval as requested by Ms. Lapp. Supervisor Green seconded the motion, carried unanimously.

Office of Sheriff:

Sheriff Povero requested authorization for a contract with the Marcus Whitman School District for continuation of the School Resource Program for 09/01/12 -06/30/13. The contract is for a part-time Officer, 1040 hours. The Marcus Whitman School Board is meeting tonight and the Superintendent fully anticipates that the School Board will approve the contract tonight as they have budgeted the funds to support the SRO for the contract. Supervisor

Luckern asked which schools are without an SRO now that had one before. The Sheriff advised that currently Marcus Whitman, Victor, and Honeoye have a half-time Officer. Bloomfield, Midlakes, and BOCES no longer have an SRO. It was asked if the Sheriff's Office tracks the number of calls to schools without SROs and Sheriff Povero stated yes. Red Jacket and Naples have not contracted with the Sheriff's Office for SROs but have placed calls for assistance. The department responds to all school calls.

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

Sheriff Povero requested authorization for the acceptance of a donation for services provided at the Hill Cumorah Pageant in July for traffic control. This is for \$19,106.95 and is equal to the salaries and benefits of the Officers.

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

Sheriff Povero requested authorization for the renewal of a bid for the purchase of diving gear and equipment. Periodically, this equipment has to be replaced. The resolution established the vendors from which these specialty items can be purchased. Currently, there are not any pending purchases.

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

Sheriff Povero reviewed Jail Revenue. Through September, there are 234 days of Federal Immigration for a total of \$18,720, which is over 15-1/2% of the amount budgeted for 2012. The population count over the weekend was 237 and is at 225 as of noon today. There are 46 females, including 2 immigration inmates. The Jail is only housing female immigration inmates at this time. The other Pods are also well populated. Pod 3 is for juveniles, under age 18. That number is historically a low number for the Jail. The Commissioner of Corrections has granted a temporary variance allowing the co-mingling of some appropriate adult male inmates into Pod 3 to alleviate overcrowding in Pods 7 and 8. That number is at 22 and is a 24 bed pod. Pod 7 is at 41 and Pod 8 is at 48. The jail has 282 available beds (including 6 medical beds) and is at about 80% capacity. The state average is about 82%. When looking at surrounding counties that would send inmates to Ontario County if they had excess to house out, most of the area counties are not housing out any inmates; so there is not any revenue there to be generated.

Mr. Garvey advised that Financial Management Committee asked next year for a cost benefit analysis on housing out-of-county and Federal prisoners. The presumption has always been that whatever revenue is brought in, it helps offset costs. However, there are significant costs to running a jail, and while there is reimbursement for medical, some inmates bring special issues with them. There will be an analysis completed to determine if it is cost beneficial to house these inmates or does it really cost more.

Emergency Management Office:

Mr. Harloff stated that he had previously offered a Resolution (500-2012) for acceptance of a DCJS grant. He had received a phone call from Senator Nozzolio that the grant was for \$60,000 and \$20,000 was dedicated to the Hall Fire Department. The Emergency Management Office is working with the Senator's Office to supply DCJS with documentation to split the grant into two work projects, so that Hall could work directly with DCJS on their expenditures and Ontario County could work directly with DCJS on the remaining \$40,000. In reviewing how best to benefit fire prevention and arson prevention, there are a couple of items needed. One would be a generator that would allow for the use of multiple scene lights. Right now, only one can be used at a time. Secondly, they would like to purchase a portable x-ray machine for forensic analysis of certain things involved in fire investigations, such as electrical breakers and electrical components. This machine could be used at the scene

to determine our rule out the possibility of an item being on or being the cause of a fire. The closest one to our region now is Montour Falls but Ontario County has not utilized it. The department proposes to spend \$12,000 on the generator and \$28,000 on the portable x-ray machine. This resolution will establish the budget. It may have to be amended later for the appropriate wording for the money to pass from the State directly to Hall. In the absence of that, the purchasing would have to be done through Ontario County. A brief discussion followed regarding the use of the x-ray machine for forensic applications outside of the forensic fire investigations. More research will need to be done.

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

Mr. Garvey introduced Mr. Harloff with regard to the next agenda item, funding for the Haz-Mat Response Team. Mr. Harloff was not present at the Financial Management Committee meeting and conferred with Mr. Garvey, who advised that nothing was final until the budget is finalized. He suggested Mr. Harloff write to Chairman Casella and ask for a reconsideration, which the Committee could then pass on to Financial Management. Mr. Harloff comes to the Committee today, with Mr. Garvey's knowledge, and to explain this program in more detail. Mr. Harloff asked the Committee to review the memorandum and went through it, giving a background of the Haz-Mat Team and the services provided. Since 2006, the team has had 51 responses, including calls to Yates, Seneca, and Wayne Counties. The Ontario County team is part of a regional Haz-Mat group with those neighboring counties. The Haz-Mat team is funded from a budget and annually returns a little over \$6,000 a year to the General Fund. The reason for this is that \$5,000 is budgeted annually in the event that it is necessary to purchase a Level A Haz-Mat Suit. That way, it can be purchased immediately without having to seek reimbursement from the party responsible for the spill. \$1,500 is also budgeted annually for radios in the event that any of the radios are damaged due to decontamination. The other major item budgeted for is Haz-Mat supplies. If there is a spill that causes a fluid leak that exceeds the local capabilities of a fire department the Haz-Mat Team has supplies available to supplement what the local fire department has. Not all of them have a large quantity of granular absorbent for example and very few have booms that float on top of the surface of a lake or pond to contain what is floating on the surface. In some instances, those supplies are replaced by the DEC Spills Unit, with the exception of the granular absorbent, or by the fire department or Ontario County. About every other year, the department purchases a pallet of the granular material Mr. Harloff further stated that he feels the Haz-Mat Team is critically essential with the number and nature of calls they have had; especially with chemical suicide and suspicious letters. There have been two suspicious letters in the last 3 years on County property, one of which involved the FBI. The Haz-Mat Team is the only group in the County that can do the collection and sampling for the FBI so that it can be transported to a state lab. They have the equipment and training and train regularly with the FBI. Mr. Harloff further stated he appreciated the Committee's continued support of the Haz-Mat Team through the budget process.

Discussion followed. Supervisor Green expressed his deep concern about this program not being funded, especially in today's post 9-11 world. Chairman Casella agreed. \$16,700 was eliminated from the budget. The Committee concurred that this needs urgent consideration. At the direction of the Public Safety Committee, Mr. Garvey will write a communication to the Financial Management Committee for their meeting on Wednesday.

Mr. Harloff also spoke to the Committee stating that Ontario County is a non-submitting county to the regional Haz-Mat group. Seneca County is the fiduciary (submitting) county with a regional haz-mat grant. This is the first year that New York State is not paying for calibration of the equipment on the haz-mat trailers that Ontario County has. Mr. Harloff is working with Seneca County to supply them the information so that they can complete the grant application, which is due Friday. Calibration costs have been paid for by the state and the Regional Haz-Mat grant would support that cost of calibration and maintenance of the equipment for Ontario County.

Supervisor Ninestine commented there is an obligation to provide for the health and safety of Ontario County. There are certain things that have to be provided. There was additional discussion. Mr. Garvey asked if the City of Canandaigua used and participated in the Haz-Mat program. Mr. Harloff stated yes and the City has had members on the team three years ago. They currently use the Haz-Mat program. The team is made up of several representatives of fire departments and law enforcement, but there is not any financial support outside of the County.

Planning Department:

Mr. DeChick, on behalf of Mr. Harvey, requested authorization for payment of the following invoices pertaining to the construction and development of the radio communication system.

- A. Parsons Brinckerhoff, Invoice No. AR-493106 in the amount of \$984.85
- B. Communications International, Application No. 12 in the amount of \$22,120.00
- C. Communications International, Application No. 13 in the amount of \$67,282.11
- D. Communications International, Application No. 14 in the amount of \$7,055.50

Supervisor Green moved approval of all the above invoices as listed. Supervisor Luckern seconded the motion, carried unanimously.

Mr. Garvey addressed the Committee regarding a request for traffic synchronization devices as supported by the Canandaigua Emergency Squad. They would like the State DOT to install a system whereby, lights would be synchronized on Main Street (Route332) and Routes 5&20. The devices would operate in the City of Canandaigua, Town of Canandaigua, and Town of Hopewell. The lights would stay green so the traffic could slow and keep moving to get out of the way of emergency vehicles, rather than stop with no place to go. Since this involves three municipalities, it also involves the County. The Traffic Safety Board supports the program. They are seeking the support of both Public Safety and the Public Works Committees. A brief discussion followed. Mr. Garvey will present a resolution at the next meeting(s).

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

Other Items:

Mr. Garvey advised the Committee that Bill Swingly, Mental Health Director, with 31 years of dedicated service, will retire. The Board will be notified today at 4:00 p.m. Mr. Swingly has decided to spend more time with his family. Mr. Garvey will also notify the Community Services Board this evening at 7:00 p.m. They appoint the Community Services Director, which is a position Mr. Swingly holds. Mr. Swingly has worked tirelessly in his profession and spent countless hours counseling clients. Mr. Garvey asks the full Board to join him in thanking Mr. Swingly for his years of service to the County and all of his efforts to serve since 1981. Mr. Garvey will ask for Diane Johnston to be appointed as an interim Community Services Director, who has worked many years in the County's Mental Health agency.

Supervisor Ninestine addressed the Committee regarding the need for a Spanish speaking employee in the Public Defender's Office, as well as other County agencies Social Services and law enforcement.

He is not aware if there is an employee in the Public Defender's Office that speaks Spanish. Sheriff Povero commented on how fortunate enough the Sheriff's Office has been to have had positions created for Spanish speaking officers. Currently, there are two Spanish speaking Correction Officers and one County Police Officer. The department is working with the County Attorney's Office and Attorney General's Office to enhance services to communicate with people that do not speak English. It is a large issue. Discussion followed. Supervisor Ninestine will check with the Public Defender's Office regarding their available resources, such as an interpreter.

Sheriff Povero spoke on the issue of mental health services at the Jail. The Mental Health Department has lost some staff recently, one of which was a Social Worker that worked in the Jail. That person has not been replaced and now there is only one Social Worker and a Doctor that are coming in to see inmates. Mental Health has asked correctional health care staff to prioritize the needs of inmates. Correctional health care is very concerned about this. An RFP has gone out for a vendor to come in and provide full-time dedicated services to correctional health care. In the interim, Chief Haskins reached out to Correctional Medical Care Inc. for services. They would provide a social worker to be in our facility 8 hours a week, a Thursday evening and a Saturday. The Sheriff was please with the times that they offered as these are times that the one-on-one usually starts. The cost is 2,698.92 per month. The Sheriff would like to use this as a temporary measure until the RFP is approved. If Correctional Medical Care is a responder to the RFP, and if this is proper, it would give an opportunity to reflect on this group before an RFP is awarded. Mr. DeRuyter was in agreement. If approved, a resolution would need to be done for Financial Management on Wednesday, if possible to get it on the agenda. Ms. Gates advised that this would only need to go to Financial Management if additional funding were needed. For three months, a cost of roughly \$8,100, if it can be done within the existing budget as a short-term contract, it would not need to go to Financial Management. Mr. DeRuyter said that a short-term contract would be acceptable but advised to get the insurance in place up front so the vendor can get paid in a timely manner. The Sheriff reiterated how great the need is to get services in place. Jail numbers are rising and the need is there.

There was discussion by the Committee about hiring a firm that is not local and not knowing much about them. Mr. Garvey stated that while he is aware of the need, he is a little uncomfortable with hiring a firm from out-of-state without exploring local resources. How do we justify hiring an out-of-state firm, do we have references and is the price competitive? Is there someone else available in the region that would be price competitive? He further stated he is not unsympathetic to the need but is there anyone regionally that would be interested or grieved if an out-of-state firm were hired and they were right here. Mr. DeRuyter said this is acceptable as it is for professional services and a temporary measure until the RFP is done and sent to everyone. While the Committee is concerned about hiring a non-local firm, they also understood the immediate need for mental health services. Sheriff Povero stated that this firm is involved in several jails in New York State and he has had discussions with this group on a professional basis. He believes that they will respond to the RFP. The VP of Operations lives in Rochester and was the former superintendent of the Monroe County Jail. There are local people affiliated with the organization that the department knows and are familiar with. The Sheriff anticipates a resolution in December so that by the final Board meeting of the year, if all goes accordingly, an agreement should be in place for contracted services. Chairman Casella concurred with the Committee that mental health services is a major problem and while a temporary solution, it is appropriate for the time to get through until January. In response to a question by Supervisor Luckern as to whether other companies were sought out, Sheriff Povero stated they were not due to the familiarity of this group, have

local ties, and are in New York State jails, with positive feedback. Mr. Garvey advised that we must meet and confer with CSEA to tell them that the County is subcontracting with an outside agency for a service now done by County employees. The County does not have to gain their agreement, just meet and confer. Ms. Gates asked Mr. Garvey if he would prefer a resolution for this. Mr. Garvey stated that while a resolution is always preferable, he would go with the direction of the Committee.

Supervisor Green moved approval as requested by Sheriff Povero for a short-term contract not to exceed 90 days for mental health services at the Jail. Supervisor Teed seconded the motion, carried unanimously.

Sheriff Povero addressed the Committee regarding the overall changes in the Public Safety area of the budget. It was his intention to ask the Committee today if he could prepare a presentation for the next meeting regarding the elimination of the D.A.R.E. program. The amount eliminated is \$9,725 which is in a revenue account. We are doing the program now and some of the other County schools are anticipating and planning for the program to begin shortly after the first of the year. He is not sure if there is a timeframe involved but he would like to put something together for the Committee to ask Financial Management and the full Board to reconsider the elimination of D.A.R.E.

Committee members feel strongly that the program should remain in place. Even though its success is hard to determine, it is an important program and helps foster communication between children and law enforcement. The budget that has been eliminated is comprised of grants, donations and asset forfeiture money that supports the purchase of books and curriculum and other related costs. The County does have a cost when it comes to salary and benefits of officers that go into the schools. That is something the department does as far as teaching prevention programs. Ms. Gates clarified that the entire D.A.R.E. budget was removed from the 2013 budget. No taxpayer monies go into this D.A.R.E. budget line item. No personnel costs are in this budget. Mr. Garvey stated that Financial Management considered the cost of personnel to staff the D.A.R.E. program, which was slightly less than \$16,000 in salary. No overtime is used for D.A.R.E. Discussion continued. Mr. Garvey advised that a number of programs received close scrutiny. It is one which is difficult to determine long-term results. The deployment of officers in the school for the purpose of teaching D.A.R.E. was eliminated. Sheriff Povero advised that one part-time deputy teaches the majority of the D.A.R.E. classes. Sheriff Povero respectfully requested a resolution to support the reinstatement of the D.A.R.E. budget.

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

Supervisor Teed moved to adjourn the meeting at 3:25 p.m. Supervisor Champlin seconded the motion, carried unanimously.

Respectfully submitted,

Linda Hudson
Sr. Typist