

**REGULAR MEETING OF
PUBLIC SAFETY COMMITTEE
Ontario County Safety Training Facility
September 23, 2013 2:00 P.M.**

Committee Members

Samuel Casella, Chairman
Mary Luckern – Necessarily Absent
John Champlin
Norm Teed
Robert A. Green, Jr.
Donald Ninestine

Others Present

John Garvey, Philip Povero, R. Michael Tantillo,
Brian Dennis, John Park, Michael Reinhardt,
Leanne Lapp, Tom Harvey, Jeff Harloff,
Mary Gates, Halle Stevens

The Public Safety Committee met at the Ontario County Safety Training Facility on Monday, September 23, 2013. Supervisor Casella called the meeting to order at 2:00 p.m. and chaired the meeting.

Approval of Minutes:

Supervisor Champlin moved approval of the Minutes of the Regular Meeting held on September 3, 2013. Supervisor Teed seconded the motion, carried unanimously.

County Administrator:

Mr. Garvey addressed the Committee regarding a proposal for assigned counsel services for indigent people. Since the Public Defender Office was established, there has been an increase in demand for services to indigents. Criminal cases are up 5%, Family Court cases are up 51%, exclusive of the Public Defender's Office. The growth curve is on the Family Court side and needs more oversight. Mr. Garvey provided a written proposal that he had discussed with Financial Management. The proposal would establish a Conflict Defender's Office. For Ontario County, this office would be comprised of one attorney and one senior clerical staff. The attorney would take cases that are a conflict for the Public Defender such as a case where two people are arrested in same incident but they have a separate interest i.e. one may testify against the other in a criminal proceeding. They cannot be represented by the same attorney or same law firm. The Public Defender's Office is effectively considered a law firm. Therefore, these people need assigned counsel. The Conflict Defender could take the case of one person. Mr. Garvey proposed that the Conflict Defender Office take over the Assigned Counsel program, which is currently administered through the Bar Association. The County is required to provide defense for the indigent in criminal cases. The Conflict Defender would take the first defendant if there was a conflict and if there were more than that, they would step back and assign the defendant(s) to an established panel. The Conflict Defender's Office would be a separate department reporting to the Board of Supervisors through the County Administrator. Mr. Garvey stated that there are legal standards that must be maintained for members of a defense panel. These defense attorneys must be qualified in the area which they represent and they must keep up their education. Due to the growth in services required, Mr. Garvey believes the creation of a Conflict Defender's Office is the best way to provide services and have appropriate management of the program by the County. This proposal would have to be approved by the state and the current contract with the Bar Association does have a termination clause. Mr. Garvey is proposing this for July 2014. A lengthy discussion followed with regard to the current assigned counsel program, costs involved, and how to effectively provide this service to indigent people.

At 2:35 p.m. Supervisor Champlin moved to adjourn the Regular Meeting and go into Executive Session based on Public Meetings Law, Letter D, for a discussion regarding current litigation. Supervisor Teed seconded the motion, carried unanimously. All stayed.

At 2:53 p.m. Supervisor Ninestine made a motion to adjourn Executive Session and reconvene the Regular Meeting. Supervisor Green seconded the motion, carried unanimously.

Supervisor Ninestine made a motion of support for the County Administrator’s proposal to create the Office of Conflict Defender. Supervisor Green seconded the motion, carried unanimously.

Mr. Garvey noted there would be a period of transition which would be reflected in the budget. He will put the proposal in resolution form.

County Attorney:

Mr. Park spoke to the County regarding a local law for the stolen goods market. He is looking to this Committee for input today and then will come back for final approval. The idea is to try and control the stolen goods market so that when items are stolen, they are not so easily disposed of in Ontario County. There would be registration of dealers in second hand goods and they would have to hold the items for a period of time. Dealers would be required to get identification, maintain records, and report on items received. The Rochester Police Department has a service called Leads o Line which Ontario County now pays for and uses. Discussion followed regarding dealers, second hand shops, antique dealers etc. and the impact the local law would have on them. Garage and estate sales should be exempt. Mr. Park stated the registration could be handled by the County Clerk’s Office. The stolen property is being fenced for drug or gun money. The benefits of a local law outweigh the workload involved.

It was agreed that the local law would be drafted in two forms. One draft should include all types of second hand dealers, pawn shops, and auction houses. The other draft should be specific to certain types of dealers . The law needs to include verbiage about the items being kept in their original form. Specific records must be kept and a “holding period” must be established. Sheriff Povero requested the holding period for items in their original form be for 10 days. There would be a minimum registration fee. Mr. Park asked about the penalties. These should be the same structure as in the Social Host Law. The first offense would be a none-crime penalty.

Supervisor Green made a motion of support to proceed with the draft of a local law on the stolen goods market. Supervisor Teed seconded the motion, carried unanimously.

Planning:

Mr. Harvey requested authorization for an Agreement with Finger Lakes Communication for Installation Services and Antenna System Purchase-UHF Simulcast Network, Capital Project 6-2012.

Mr. Harvey requested authorization for the amendment of a Contract with Harris Communications for equipment removal, jail coverage improvements, and additional system design for the new Emergency Radio Communications Capital Project 7-2006.

Mr. Harvey requested authorization for payment of the following invoices.

- A. L. R. Kimball, Invoice No. 521316 for \$3,792.70
- B. L. R. Kimball, Invoice No. 521078 for \$89,615.34
- C. CDWG, Invoice No. FK09047 for \$3,680.00
- D. Dansville Electrical Supply, Invoice No. 214347 for \$1,318.50
- E. Dansville Electrical Supply, Invoice No. 214492 for \$1,260.55
- F. Synergy Global Solutions, Invoice No. AD241317 for \$558.72

Supervisor Ninestine moved approval of the above listed resolutions and payments as requested by Mr. Harvey. Supervisor Green seconded the motion, carried unanimously.

Ms. Gates updated the Committee regarding the allocation of grant funds for the purchase of mobile radios. \$184,000 would be reclassified from the tax levy to the grant line item. It is more appropriate for these particular radios to be paid from the grant as they were not included in the original list for which County funds were initially appropriated.

Office of Sheriff:

Sheriff Povero requested authorization for a budget transfer for the purchase of equipment for the new 911 Center. This would be for three large screen monitors, not in the original budget. The funds are now available in the crime budget.

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

Sheriff Povero requested authorization to apply for a grant from the F. F. Thompson Foundation. The grant funds would be used to purchase two secure pharmaceutical drop-off containers from MedReturn. There was discussion about finding appropriate permanent and secure locations to bring medications on a daily basis. Sheriff Povero stated the bins would be emptied on a daily basis. The two sites being considered are 74 Ontario Street and the Jail lobby. There is a need for an on-going collection program in addition to the prescription turn-back events that are held in communities throughout the County. Discussion followed. Sheriff Povero clarified that that resolution will be clarified to read “that it is advantageous for the County to apply for \$1,990” of these grant funds.

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

Sheriff Povero addressed the Committee regarding changes made by the Financial Management Committee to the 2014 Operating Budget. The D.A.R.E. budget was eliminated; the Jail budget was reduced by \$10,500; Public Communications was increased by \$3,500; the new SRO positions were removed from the budget until funding is determined and will be added back in at a later date; Court Security overtime was reduced.

A lengthy discussion followed regarding the elimination of the D.A.R.E. program. The Supervisors felt strongly that this program should not be cut from the budget. Sheriff Povero stated that the Sheriff’s Office would continue to be involved in presentation programs in the schools. School Districts are supportive of D.A.R.E.; however, the School Resource Officers are their top priority. After further discussion, it was decided to bring forth the D.A.R.E. Program for reconsideration.

The Committee concurred that Sheriff Povero should put together a D.A.R.E. budget for consideration by the full Board of Supervisors.

Sheriff Povero reviewed Jail population, which is at 213 today. The weekend high was 226. Eight were housed out over the weekend. A report by the NYS Department of Criminal Justice from August 2014-August 2013 shows our Jail daily population has increased 12.4% in year.

Supervisor Green moved to adjourn the meeting at 3:50 p.m. Supervisor Champlin seconded the motion, carried unanimously.

Respectfully submitted,

Linda Hudson,
Confidential Secretary