

Herkimer County Legislature
Public Safety/Emergency Management and Ways & Means
Committee Meeting
Thursday, April 9, 2020
Via Teleconference
Follows Human Resources and Ways & Means

Persons Attending:

John P. Stephens (Chairman, Public Safety/W&M committee member)
Gregory Malta, Sr. (Public Safety committee member)
Raymond Johnson (committee member, both)
Kurt J. Ackerman (committee member, both)
William Weakley (Public safety committee member)
Peter Campione (Public Safety committee member)
Patrick E. Russell (Ways & Means Committee Chairman)
Raymond Smith (Ways & Means committee member)
Frederick J. Shaw, Jr. (committee member, both)
Vincent J. Bono, Chairman of the Legislature
James W. Wallace, Jr., County Administrator
Brandy Serow, Sec. to County Administrator
Lorraine Lewandrowski, County Attorney
Sheri Ferdula, Budget Officer
Steve Billings, Personnel Officer
Michael Edwards, STOP-DWI Coordinator
Scott Scherer, Sheriff
John Raymond, Director of Emergency Management
(Non Committee Members Signed In)
Legislator Mark Gaworecki
Legislator Robert J. Schrader
Legislator Bob D. Hollum
Legislator William E. Keeler, Sr.
Legislator John L. Brezinski
Legislator Peter F. Manno
Legislator Ray Donley

Absent:

N/A

Mr. Bono asked Mr. Stephens to call Public Safety to order.

Mr. Stephens called the meeting to order at 10:21 a.m.

Items Discussed:

PUBLIC SAFETY/EMERGENCY MANAGEMENT:

1. Approve annual report of STOP-DWI
2. Approve monthly reports of the Sheriff – January & February 2020
3. Approve Annual Report of the Sheriff
4. Discussion of Coroners
5. Other

PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS & MEANS:

6. Approve contract for new correctional facility for smoke control system inspections

7. Approve bid for concrete shelter 911
8. Approve amendment to the Inmate Telephone Services Agreement in Sheriff's Department
9. Hire Construction Attorney for new Correctional Facility
10. Other

Committee Vote Record:

PUBLIC SAFETY/EMERGENCY MANAGEMENT:

Mr. Stephens stated "First item on the agenda is to approve the annual report of STOP-DWI. Can I get a motion?"

Item #1 – On motion of Mr. Campione, seconded by Mr. Johnson, Item #1 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens stated "Approve monthly report of the Sheriff for January and February 2020. Can I get a Motion?"

Item #2 – On motion of Mr. Ackerman, seconded by Mr. Johnson, Item #2 was voted on and approved. Unanimous.

Mr. Stephens stated "Approve the annual report of the Sheriff's Department. Can I get a motion?"

Item #3 – On motion of Mr. Campione, seconded by Mr. Weakley, Item #3 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens stated "Discussion of coroners. We don't need a motion as it is a just discussion. Mr. Bono do you want to lead this off? Or do you want me to lead this off. You have more info than I do"

Mr. Bono stated "Yes. There has been some concern on the performance of some of the coroners. We have not had a quick response from some of the coroners. Some of them are away from their duties, on vacation, and it seems that it imposes a burden on services that are provided when a coroner is needed and Mr. Carpenter is on the line and he can talk to it a little bit but mainly in the instance of an unattended death, if you have to wait 2, 3, 4 hours sometimes for a coroner, we find that's unfair to the family, it's unfair to the providers that are there whether it be State Police, local police, the EMS who may be called, the fire in the case of a fatality in an accident, sometimes you're on site for quite a long time and to get a coroner there in a 3 or 4 hour period seems to be unacceptable and it is unacceptable. Certainly if there is a criminal investigation involved where evidence may have to be collected, that may jeopardize that evidence. Jeff Carpenter, if you are on the line, did I hit everything that was of concern? If you want to speak to this, by all means."

Jeff Carpenter stated "Thank you. This came up last week when I got a call from 911 because I believe they received a call from the NYS Department of Health on who would be our Chief Coroner to deal with the pandemic and that very quickly raised the issue that, as you know we have four elected coroners and several years ago you appointed Dr. Zellman to act if one of the coroners was unavailable and Friday evening through Saturday morning we had five coroner calls and Dr. Zellman covered three of them and Mr. Vincent Enea covered two of them but that raised the issue of where our elected coroners are and it's my understanding that Brian Roberts has been in Florida since January and he is not due to come back until May, and Mr. Harry Enea was out for an extended period of time because of medical issue and I believe also some travel there so when we are down 2 out of our 4 elected coroners that's obviously going to affect the response time by the other coroners and certainly by Dr. Zellman who just incidentally is not a licensed funeral director so he cannot transport a body so he has to rely on somebody else or an ambulance service to transport the deceased. In talking with one of the coroners last week, Mr. Harry

Enea, he indicated the system is broke which I do not believe that to be true. I think the breakdown is with the people who ran for those positions and then traveled for extended period of time and I think there is also serious lack of communication between the 4 coroners as to who is away, who is on duty and who can respond to these locations. That's it in a nut shell but once again I just urge the Legislator to either revisit going to the medical examiner's office or really put some political pressure on people who run for these offices and then travel for extend periods of time."

Mr. Bono said thank you and stated "Mr. Stephens, I would recommend that we look into alternate means for providing the service whether it be a medical examiner, an appointed coroner if possible. I believe that may have been the problem but we'll look into it again so we will not table it but have Lorraine do some research."

Mr. Stephens state he would get with Lorraine over the next couple of weeks and explore all of the avenues.

Mr. Bono said "Thank you."

Mr. Johnson stated "Mr. Stephens, can we get a list of the 4 coroners and who should be answering the calls and who is actually answering the calls so we can see who is not doing their job and who is carrying the load? Is that something we can get or no?"

Mr. Stephens stated "I believe that would be available from the operations center at 911. I will look for that and see what I can get for you."

Mr. Johnson thanked Mr. Stephens.

Mr. Bono stated "Mr. Wallace says we can get that from the Auditor also so both sources will be used."

Mr. Stephens asked if there was any other discussion on this topic.

John Raymond stated "911 would have to go through every call to see who responded. Kelly is working on that."

Mr. Stephens said "Ok great. I will talk with Kelly on that then. Thank you. Anybody else have anything on topic number 4?"

Item #4 – Discussion only. No vote taken.

Item #5 – N/A

PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS & MEANS:

Mr. Stephens stated "Moving on to number 6, approve contract for new correctional facility for smoke control system inspections. Does that fall under Sheri or Jim Wallace or both?"

Sheri Ferdula stated "We have been advised there is another special inspection that needs to be completed at the jail. If you remember we had hired a couple of companies for commissioning and special materials testing. This would fall under our commissioning people but it was not included under our original contract. So it is something that we have to have in order to receive our Certificate of Occupancy. We received two proposals. One from Labella for \$11,000 and one from Guth DeConza, who is our commissioning agent for \$10,400 so I am recommending we go with Guth DeConza at the \$10,400 to complete the inspection."

Mr. Johnson and Mr. Bono made motions for both committees.

Item #6 – On motion of Mr. Johnson, seconded by Mr. Bono for Public Safety, and on motion of Mr. Johnson, seconded by Mr. Bono for Ways & Means, Item #6 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens asked Sheri “Where does this come from as far as payment? Is that something extra or is it something we have left?”

Sheri answered “It will come out of the Jail Construction budget. At this moment we have the money in there to take care of it so it will come out of there.”

Mr. Stephens thanked Sheri

Mr. Russell stated “I just want to say I thought that should have been in our contract with LaBella to begin with but obviously it wasn’t.”

Item #6 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens stated “Number 7, Approve bid for concrete shelter for 911. John Raymond, you still on?”

John Raymond responded “Yes, if you can hear me ok. This is to approve the new concrete equipment shelter that will be on Spohn Hill tower facility. The current building that’s there is basically a garden shed. It’s been there for well over 15 years and is starting to rot out. It’s not even mounted on a concrete slab. It badly needs to be replaced so this is a standard communication shelter that you see cell tower sights use. It’s designed to withhold ice falling on the roof, it’s concrete is bullet proof up to a certain extent and they make excellent shelters and I would like to go ahead with that.”

Mr. Stephens asked “And this is all grant funded, correct John?”

John Raymond responded “This is 100% grant funded on the SIC 16 grant which we will be sending down that money to that grant.”

Mr. Stephens said ok and asked for a motion.

Item #7 – On motion of Mr. Johnson, seconded by Mr. Weakley for Public Safety, and on motion of Mr. Johnson, seconded by Mr. Bono for Ways & Means, Item #7 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens stated “Number 8, approve amendment to the Inmate Telephone Services Agreement in Sheriff’s Department. Who is explaining this one?”

Scott Scherer stated “Currently we have a contract with GPL. We get 55% of the revenue and right now \$0.20 or \$0.40 per minute depending on where they are calling so our new contract with GPL that we are looking at we will get 80% of the revenues and we are asking to go 15% a minute during the COVID-19 because we are not allowing visitation. Thereafter we go back to \$0.20 per minute when this is all over with. So with the new contract we are getting 80% instead of 55% and we are looking to have phone calls at \$0.15 a minute instead of the \$0.20 or \$0.25 per minute which we will bring back up afterwards.”

Mr. Stephens said thank and asked for a motion.

Item #8 – On motion of Mr. Campione, seconded by Mr. Malta for Public Safety, and on motion of Mr. Shaw, seconded by Mr. Johnson for Ways & Means, Item #8 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens stated “Number 9, Hire Construction Attorney for new Correctional Facility. I spoke with Lorraine about this this morning. As of when we started the meeting she hadn’t heard back from an attorney on this issue unless she has in the meantime. Lorraine, if you have, speak up. If not, we will continue on.”

Lorraine stated “I have not heard back from him. I know this is an attorney who helped the County in building the new County office building and resolved a number of complicated issues that arose there. I spoke with Rob. He gave me his contact info. He charges \$350 an hour. He stated he would not need a written retainer agreement with the County. We’ve done business with him in the past. This is Attorney Tony Adams in Rochester who specializes in construction type of work so we need to put in a response to a notice. He said he has done hundreds of these so I was just trying to see what the committee feelings is in terms of having this attorney come on board to help us out with that.”

Mr. Stephens stated “Just a little bit of background we received a notice from one of our contractors at the jail we are seeking some outside legal advice from someone that handles these issues on a day to day basis.”

Mr. Bono stated “Time is of the essence on this. We probably need to act sooner than later just for the record I would like to see it go forward so I would like to make a motion. We can have a discussion on it but it’s imperative that we move forward.”

Item #9 – On motion of Mr. Bono, seconded by Mr. Johnson for Public Safety, and on motion of Mr. Bono, seconded by Mr. Johnson for Ways & Means, Item #9 was voted on, approved and moved for Resolution. Unanimous.

Mr. Ackerman asked “Just want to know how we got six weeks behind with this and we are just hearing about it now when it’s coming to an attorney?”

Mr. Bono stated “That’s executive session material. It’s in regard to a contract we have with a contractor or contractors. I don’t know how we would handle that. It’s discussion on proposed current or pending litigation that it would fall under that. There is a potential here for litigation so I would think that would cover and I am being advised by our attorney that that is the case. I don’t know how we could handle that. We can certainly if ok with Lorraine that we could call back in on a different secured line and have that discussion. Being the circumstances we have, I think it’s our only alternative unless you want them to come in which would not be safe.”

Lorraine stated “I did speak with committee on open government. I had some questions on how public meetings are held via telephone conference. I did ask about executive session. She said some of the telephone services allow for a separate number to call in or there maybe be a special side room so I am not sure on the technical aspects of it but would we have a second number to call in that’s secure?”

Mr. Bono said yes.

Mr. Stephens stated “So at this time there is a motion. Mr. Bono, do you want to put a cap on that or no?”

Mr. Bono stated “Maybe 10 hours Lorraine is saying. That would be reasonable.”

Mr. Stephens asked if there was any further discussion at that time.

Item #9 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens asked "Anything under other for Public Safety?"

Mr. Bono stated "In light of what's going on with COVID-19, Mr. Wallace, the Sheriff and myself have been deemed the lead agents on any complaint that's lodged from the public for any company that's working and not adhering to the safe practices for distancing. The mandate from the Governor was brought forward so we've had some complaints. We need to act on them. What we are going to do is I have asked to Sheriff to take the lead on this and he has obliged us. He will be making the initial contact with the company or individual who may be taunting the law here. Initial response to give them a warning and then subsequently it will be turned over to the local jurisdiction whether it be the state police if they do not have a local police department or the local police department whether it be city or town or the Mayor or Codes Officer, whoever wants to take it. There are some penalties. I believe the second offense would be a citation and the third instance would be a fine. We are implementing that. I will be notifying the towns, Mayors and Supervisors today of that. Sheriff, did I speak correctly or do you want to correct me?"

Sheriff stated "It is correct. So we set up the Chief Deputy and our civil guy set up a committee and are going out and handling these calls. The first step is a verbal or written warning. We are letting everyone know what they are violating or thought to be violating because not all the calls have been truthful and we are looking into that. I spoke with the chiefs in many of the departments so far and will finish up today. We are doing a written report on it and we will pass that along to the department if we get a second call on the same establishment after talking to them. We will pass that along to the Chief of the State Police and then their department will handle it with codes which would be the next step. Codes are uniform with local building codes violations, Public Health law violation and then it gets down to the third or fourth time disorderly conduct or criminal nuisance or obstructing. We don't want to go out there and pound these people right off the bat, so we are doing it with a soft hand right to so if they don't want to comply and get a criminal record."

Mr. Bono and Mr. Stephens thanked the Sheriff.

Mr. Stephens asked if there was anything else. With no response he asked for a motion to adjourn Public Safety.

At 10:44 a.m., on motion of Mr. Weakley, seconded by Mr. Ackerman the Public Safety/Emergency Management Committee adjourned.

The Ways & Means committee continued.

At 10:47 a.m., the Public Safety/Emergency Management Committee reconvened.

Item #10 – On motion of Mr. Ackerman, seconded by Mr. Campione, the Public Safety committee went into Executive Session at 10:47 a.m., under Public Officer's Law, Section 105 (d). No vote taken. On motion of Mr. Bono, seconded by Mr. Johnson, the committee came out of Executive Session at 11:15 a.m.

At 11:15 a.m., on motion of Mr. Campione, seconded by Mr. Bono the Public Safety/Emergency Management Committee adjourned.