

**PRESENT:** Chair Cianfrini, Legislators Stein, Clattenburg and Bausch. County Manager Gsell. Also Present: Legislature Clerk Pratt, Legislator Ferrando, County Attorney Zambito, Planning Director Duval, Undersheriff Sheron, Chief Deputy Dibble, Sheriff Maha, Legislator Leadley, Highway Superintendent Hens, Legislator Hancock, Emergency Management Director Yaeger, Batavian Reporter Owens, Public Defender Horton, Legal Assistance Coordinator Zickl.

The meeting was called to order at 4:40PM in the Legislature Conference Room. The minutes of the April 16, 2012 meeting were approved upon motion of Legislator Bausch, seconded by Legislator Clattenburg. Legislator Stein abstained because she was not present at the meeting.

Sheriff Maha recommended approval of an agreement and corresponding budget amendment to enter into an agreement with Darien Lake for 2012 operating/concert season for the provision of additional law enforcement services by the Sheriff's Office and to amend the budget in the amount of \$160,000 of additional revenue. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein. This will change the way we do business with Darien Lake. Last year an officer was injured while making an arrest and although he was being paid directly by Darien Lake, a portion of his Worker's compensation was assigned to the county. Under the new proposal an hourly rate will be charged back to Darien Lake including salary and fringe benefit costs. The language of the proposed contract will be tweaked by the County Attorney prior to final approval. Concerts begin on June 6, 2012. Legislator Stein asked if this complied with Civil Service Rules. Sheriff Maha noted that he will be using seasonal employees. Legislator Stein expressed a concern about liability coverage and felt that more than the customary \$1,000,000 should be considered. County Attorney Zambito noted that that has been the standard and he will bring forward the policy for future review if that is the desire of the Legislature. The contract with Darien Lake is for one year and their personnel are responsible for activity inside the venue. The Sheriff will be responsible for activity in the parking lot and road direction in and out. This is a good effort to cover both county needs and enhance enforcement for the park. In years past, the City has been a great partner for officers but they are currently low on personnel also. Last year's revenue for Darien Lake services was \$100,000. Personnel are assigned on a concert by concert basis. Legislators were invited to ride along by contacting Chief Deputy Dibble to see these activities first hand. The Sheriff will be coming back to Committee with a request to hire Special Deputy Sheriffs to supplement regular patrols in June. He estimates he will be requesting approximately 10 positions.

The Sheriff requested a salary schedule amendment to establish a temporary financial clerk typist position at a cost not to exceed \$1406.11 to provide transitional training for a position held by the incumbent for 30 years. They are currently interviewing. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein.

The Sheriff requested a salary schedule amendment by creating a Justice for Children Advocacy Center supervisor replacing the Senior Community Victim Services Counselor as recommended by the Salary Review Committee. Colleen Marvel has resigned to take another position. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Clattenburg. Legislator Lawrence asked if other counties were using the Center, and if they could be asked to contribute to the cost of staffing the Center. It was noted that the Center expenses and staffing are currently funded entirely by grants. It is therefore inappropriate to ask other counties to contribute at this time.

Planning Director Duval recommended the declaration as surplus property a list of equipment no longer used or needed. It has been offered to other County Departments and Agencies and this is what remains. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein. It was noted that Keffel & Esser Company items may be of value to collectors. They may be featured in an on-line auction this summer.

Three members on the Planning Board were recommended for reappointment at this time: Berney Staats of Stafford, Ted Hawley of Batavia, and Scott Waite of Pembroke. All attend meetings faithfully and are interested in being reappointed for three year terms. Legislator Bausch noted he was interested and pleased to see the inclusion of the attendance list in the reappointment application. Mr. Duval noted that they were also all current with their training requirements. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Clattenburg seconded by Legislator Bausch.

The Committee noted Mr. Duval's upcoming retirement and agreed they were sad to see such a tremendous asset retiring. He has been a valued member of the Department since 1976. Mr. Duval noted that everything accomplished within the Department was because of a team effort and he is very proud of the team assembled under his leadership.

Emergency Management Coordinator Yaeger requested permission to apply for a Tech Rescue Grant in the amount of \$59,971 with no county match. Response should be received in June/July. Permission to apply was approved.

Highway Superintendent Hens noted that the Legislature previously approved a resolution regarding the award and financing of a new grader which included a trade-in of the old grader. Subsequently interest was expressed by a municipality for the purchase of the grader at an increased value of \$2500 over the trade-in offer. Mr. Hens is recommending amending the original resolution to allow for the sale of the grader with the funding to be used towards the lease purchase. This was approved for placement on the Legislature Agenda upon motion of Legislator Stein seconded by Legislator Bausch.

Mr. Hens recommended approval of a budget amendment to the Road Machinery Fund for the sale a 1997 Champion Grader in the amount of \$22,500 (see above.) This was

referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein.

Mr. Hens presented his annual resolution establishing and closing capital projects for the repair of highways & bridges in the amount of \$1,400,000 CHIPS funding and \$40,000 federal aid. It includes the establishment of 4 projects and one study. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Clattenburg.

Bids were received for the painting of pavement markings on county roads and at the airport and the recommendation is to award two bids at this time, Seneca Pavement Markings for waterborne pavement markings in an amount not to exceed \$95,000 and Accent Stripe for epoxy pavement markings in an amount not to exceed \$15,000 at the airport. This was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Clattenburg.

A bid award to Joe Johnson Equipment of Rochester, NY to purchase a trailer mounted sewer cleaner for use at the Highway Department in an amount not to exceed \$43,995 expensed to the Road Machinery Fund was approved for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Bausch. This equipment is used frequently throughout the county and sharing with another municipality is not practicable. 6 bids were received.

Authorization to purchase a wheel loader for use at the Highway Department from George & Swede Sales of Pavilion in an amount not to exceed \$171,360 was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Clattenburg. This is off state contract.

Mr. Hens recommended approval of the shared services contract with the municipalities which expired in February of this year. This allows for the sharing of equipment, materials and services on an informal basis and in compliance with law. This is an extension in the original agreement of 2006. This was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein. It was the consensus of the Committee to go to a 5 year contract with the next renewal.

A Special Events Agreement was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Clattenburg with Boshart Enterprises and Airport Services to hold a Poker Run at the Airport on June 16, 2012.

Randy Zickl was present to give an Agency Review for Assigned Council. Public Defender Horton was also present for his Department Review. The Assigned Council budget is slightly under for Family court and currently \$5000 under for Criminal Court. His agency is now handling all appeals which were previously handled by the Public Defender Appeals Attorney, a position eliminated in the 2012 Budget. Mr. Zickl states this will impact his budget considerably. Appeals cost approximately \$3000 each. Public Defender Horton noted that Assigned Council did handle these cases years ago. For the

past 14 years there have been about 40-50 per year. This became an issue when he was told to cut his budget. He stated he made the consequences of cutting the Appeals position very clear in his budget message. The District Attorney's position in an appeal is very different. They must respond only to the issues raised by the appellate. The appellate counsel must review every aspect of the trial and determine the issues. The average appeal brief is 40-50 pages. The DA response is 5-6 pages. The Committee thanked Mr. Zickl for his report and asked him to keep the Committee informed on his budget. Mr. Horton announced that a grant application has been filed to establish a Regional Appellate Office which will be headed by Legal Aid Society of Buffalo. Qualifications for Public Defender services are 125% of poverty level. Ultimately the Court decides Public Defender representation. In some cases, they can assign costs or partial costs back to the defendant.

The Public Service Meeting scheduled for 6/18, 12 will be rescheduled to 6/19/12 upon motion of Legislator Bausch seconded by Legislator Clattenburg.

The meeting was adjourned at 6:10 PM upon motion of Legislator Clattenburg seconded by Legislator Bausch.

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Raymond Cianfrini, Chair  
Public Service Committee  
Submitted 5/21 cpp