

**PUBLIC SAFETY COMMITTEE
FEBRUARY 5, 2015**

**** NOT APPROVED ****

Committee Members Present: P. Curran, D. Healy, S. Burt, T. Hopkins, K. LaForge, C. Crandall (Absent: A. McGraw)

Others Present: M. Alger, L. Ballengee, A. Cooper, D. Decker, L. Edwards, D. Fanton, K. Francisco, K. Graves, G. Green, S. Grusendorf, D. Hanchett, R. Hollis, C. Ivers, B. Kelley, B. LaValley, J. Luckey, K. Monroe, S. Ozzella, B. Riehle, T. Ross, C. Santora, K. Slep, R. Starks, R. Swarthout, R. Whitney

Media Present: D. Donohue, *Olean Times Herald*; B. Quinn, *Wellsville Daily Reporter*

Call to Order: The meeting was called to order at 11:00 a.m. by Public Safety Committee Chairman Phil Curran.

Amendment & Approval of Minutes

Under: STOP-DWI Monthly Report

STOP-DWI Coordinator Linda Edwards told the Committee that the Annual Cookies and Wassail event for County employees and legislators was a grand success. She added that she had sent photos and a brief description to the state STOP-DWI and that information has been posted on the website: STOP-DWO.org. [Should be STOP-DWI.org]

Under: Request to Fill One Deputy Sergeant Position

Legislator Graves requested a clarification of his comments/request at last month's meeting:

[original]

...During the discussion, Legislator Graves requested a monthly report on overtime generated by the Sheriff's Office.

[proposed amendment]

...During the discussion, Legislator Graves requested a monthly **overtime** report **with as much detail as can be provided by our current bookkeeping system.**

A motion was made by Legislator Hopkins, seconded by Legislator Burt, and carried to approve the amendments to the Public Safety Committee minutes of January 7, 2015. Subsequently, a motion was made by Legislator Hopkins, seconded by Legislator Burt, and carried to approve the Public Safety Committee minutes of January 7, 2015, as amended.

Traffic Safety Board Appointment

The Traffic Safety Board requested that the Board of Legislators appoint Brian Perkins, Andover, to Traffic Safety Board, completing Melanie Miller's unexpired three-year term, commencing immediately, and expiring December 31, 2015. The appointment was approved on a motion by Legislator Curran, seconded by Legislator Hopkins, and carried. **Prepare Resolution**

Public Defender

Monthly Report

Public Defender Barbara Kelley noted that it had been a busy month, and that 100 new files had been opened during the three-week period from the end of December 2014 through January 26, 2015. She then entertained questions/comments on her report. Receiving none, she continued with the following request.

Approval for Grant Application to Indigent Legal Services under Distribution #5

Ms. Kelley requested approval to apply for grant money through ILS Distribution #5. The grant would provide \$70,434 per year over a three-year period, for a total of \$211,302. She would like to apply the funds, if awarded, in the following ways:

- o create a second full-time Secretary to the Public Defender (actually making the current part-time Secretary full-time);
- o continue funding half of Second Assistant Public Defender position, replacing Distribution #2 which will expire (Distribution #4 also funds half of this position);
- o increase the salary for the original full-time Secretary position with the added responsibility of grants management.

Ms. Kelley was given approval to pursue this grant funding on a motion by Legislator Healy, seconded by Legislator Hopkins, and carried. **Refer to Ways & Means**

Emergency Management and Fire

Monthly Report

Emergency Management and Fire Services Director Jeffrey Luckey highlighted some items on his pre-filed monthly report, including being the speaker for the TRIAD group. His topic was safety concerns and Fire/EMS and (Allegany) County EOC response in Erie County during the November snowstorm and how it relates to Allegany County. He also spoke at the Wellsville Rotary Club on local and county planning for emergency responses. Additionally, he said, he had interviewed four candidates for the DC 1 position and had chosen Joel Clark of Fillmore. There was some discussion regarding training requirements for EMTs. Legislator Healy commended those volunteers who make many sacrifices in the name of public safety.

Re-appropriation of SHSP Grant Money Not Spent in 2014 (Contract #C969110--\$14,159)

Mr. Luckey requested a resolution to re-appropriate SHSP Grant money not spent in 2014 (Project #SH11-1050-E00 SHSP; Contract #C969110. A sum of \$14,159 should be placed in account A3648.450 (Public Safety Contract (P-25 Mobile & Portable High-Band Radios) with a like sum placed in A3648.3306.EM11 (St. Aid-HS #C969110). Approval was granted on a motion by Legislator Curran, seconded by Legislator Hopkins, and carried. **Refer to Ways & Means**

Re-appropriation of SHSP Grant Money Not Spent in 2014 (Contract #C969140--\$52,500)

Mr. Luckey also requested a resolution to re-appropriate SHSP Grant money not spent in 2014, Contract #C969140; Project SH14-1002-D00 SHSP. The total of \$52,500 should be placed in Revenue Account A3647.3306.EM14 (State Aid-HS #C969140). Those dollars should be appropriated to the following accounts:

A3647.447 (Public Safety Contract-Purchase GIS Aerial Photography Package of Allegany; County to Update 2006 Version)	\$41,500
A3647.447 (Public Safety Contract (Personal Protective Equipment [PPE] for Fire Service)	\$10,000
A3647.447 (Public Safety Contract-PDA Sustainment of Connectivity Plan for Emergency Manager)	<u>\$ 1,000</u>

\$52,500

There was some brief discussion regarding the aerial photography package. Mr. Luckey told the Committee that pictometry is far superior to the other technologies for his needs. When asked, he confirmed that the \$41,500 noted above was “seed” money for the entire package; however, those dollars could be used for other purposes if necessary. Approval was granted on a motion by Legislator Curran, seconded by Legislator Hopkins, and carried. **Refer to Ways & Means**

Re-appropriation of SHSP Grant Money Not Spent in 2014 (Contract #T969120--\$40,790)

Mr. Luckey also requested a resolution to re-appropriate SHSP Grant money not spent in 2014, Project # SH12-1001-D00 SHSP/Contract #T969120. The total of \$40,790 should be placed in Revenue Account A3649.3306.EM12 (State Aid-HS #T969120). Those dollars should be appropriated to the following accounts:

A3649.451 (Public Safety Contract-Mobile Data Terminals [MDTs])	\$30,000
A3649.451 (Public Safety Contract-Personal Protective Equipment [PPE])	\$10,000
A3640.451 (Public Safety Contract-Connectivity Service for PDA-Personal Digital Assistant)	\$ 790
	<u>\$40,790</u>

Approval was granted on a motion by Legislator Curran, seconded by Legislator Hopkins, and carried. **Refer to Ways & Means**

Re-appropriation of SHSP Grant Money Not Spent in 2014 (Contract #T969130--\$21,500)

Mr. Luckey requested a resolution to re-appropriate SHSP Grant money not spent in 2014, Project #: SH13-1005-D00 SHSP/Contract #: T969130. The sum of \$21,500 should be placed in Revenue Account A3645.3306.EM13 (2013 HS# T969130), with a like sum placed in Appropriation account A3645.448 (Emergency Services-Incident Command Cargo Trailer and Generator). When asked, Mr. Luckey noted that the cargo trailer would be towed by his Tahoe. Subsequent to that comment, Legislator Burt asked which vehicles were “take home” vehicles. Mr. Luckey said that there is only one in his area. Mr. Burt noted that it would be nice to have a list of vehicles designated as “take home.” Subsequently, approval was granted on a motion by Legislator Curran, seconded by Legislator Hopkins, and carried. **Refer to Ways & Means**

Accept & Appropriate Technical Rescue and Urban Search and Rescue USAR Grant (\$98,946)

Mr. Luckey also requested a resolution to accept the contract for the FY 2014 Technical Rescue and Urban Search and Rescue USAR Grant in the amount of \$98,946 which allows for the usage of the funds to equip a Type III swift water team. He conceded that there is not a lot of need for this type of equipment, but he prefers being prepared for any such emergencies. He also distributed a photo of the type of equipment that would be covered by the grant. The sum of \$98,946 should be placed in revenue account A3653.3306.EM14 (St Aid 2014 SHSP #969149 Swift Water Team) with a like amount placed in appropriations account A3653.207 (Emerg Serv-Equipment). The MOE went on to state that the major benefits of accepting this grant are: the funding will provide equipment to outfit a new county-wide Type III Swift Water Response Team. Currently there are 12 personnel certified to the Water Rescue – Operations Level. This is enough personnel to be able to utilize the requested equipment and be able to serve our entire County with a timely response. We have requested training this fall for the technician level course. Once we complete this training we plan to have 20 county team members trained to the technician level.

The following is the list of State-required equipment with the NYS DHSES’ (Division of Homeland Security and Emergency Services) expense projections:

1)	To purchase Swift water Vests (01SW-04-SPFD), Dry Suit (01WA-03-SUTD), Helmet (01SW-04-HLMT), Boots (01WA-03-BOOT), Glove (01WA-03-GLOV), Gear bags (01WA-06-BAGG), Whistle (01SW-04-SPFD), Helmet Headlamp (03OE-04-LTHH) Water Rescue knife (03WA-01-DNIF)	\$26,699
2)	1-Thermal Imaging Camera	\$ 4,500
3)	1- Generators, Portable	\$ 4,200
4)	1- Hand and gas powered tools	\$ 1,273
5)	1- Rescue litter and accessories	\$ 1,089
6)	1- SCBA air cylinders	\$ 5,000
7)	1- Line thrower	\$ 2,000
8)	1- Personal Flotation Device (PFD)s	\$ 716
9)	1- Binoculars	\$ 880
10)	1- River rescue boards	\$ 990
11)	1- Water rescue throw bags and related equipment	\$ 400
12)	1- Response/equipment trailer	\$27,000
13)	1- Non-motorized inflatable rapid deployment craft	\$ 6,026
14)	1- Inflatable motorized watercraft	\$12,968
15)	1- Rope Rescue Rigging equipment to include plates	<u>\$ 5,205</u>
		\$98,946

Approval was granted on a motion by Legislator Curran, seconded by Legislator Healy, and carried. **Refer to Ways & Means**

STOP-DWI

Monthly Report

STOP-DWI Coordinator Linda Edwards highlighted some items on her pre-filed monthly report, including her attendance at the Dan Barkley Basketball Showcase, which she deemed hugely successful, and a meeting with the Magistrate's Association to discuss the Fine Collection Project. For additional information on that project, Ms. Edwards introduced Alexis Cooper, an intern from Alfred State College, who will be spearheading the project. Ms. Cooper explained that she would be contacting the appropriate entities such as town and village justices as well as the Probation Office in order to generate a list of people who owe outstanding DWI fines. Once the list is refined, letters will be generated and sent to those folks, giving them a deadline for payment or offering a payment plan option. Consequences, such as the possibility of a bench warrant issued through the DA's Office, for non-payment need to be determined as even the District Attorney's Office cannot garnish wages, etc. Finally, Ms. Edwards noted that the DWI statistics for 2014 had been compiled. She said that there had been 206 arrests in 2014, a 10 percent increase from the previous year. She also noted that the number of females being arrested for DWI is increasing.

District Attorney

Monthly Report

District Attorney Keith Slep entertained questions/comments on his monthly reports, saying that he added a page for the final week of December 2014 because over 100 files had been opened that week (the lag week between the time the report is due and the end of the month). Mr. Slep noted that he had attended the DA Convention in New York and the good news to report is that the Governor's budget continues to fund the Aid to Prosecution money at the same level for next year, and the funding for DA salaries is continued in the budget, making him one of the least expensive full-time attorneys on the payroll thanks to that.

Accept DCJS Grant for Victim Services

The District Attorney's Office requested a resolution to accept a \$21,370.68 grant from the NYS Department of Criminal Justice Services for Crime Victim Services. The grant is for a three-year period with a two-year renewal option. This money will offset the money apportioned from the Traffic Diversion Program which was allocated to pay for the Victim Coordinator after the OVS award was terminated. No budget adjustment is necessary for 2015, but the revenue received will be booked to revenue account A1165.3031.01 (St Aid Impact Program). Approval was granted on a motion by Legislator Hopkins, seconded by Legislator Healy, and carried.

Prepare Resolution**Probation****Monthly Report**

Probation Director Robert Starks entertained questions/comments on his pre-filed monthly report. Receiving none, he went on to update the Committee regarding upcoming legislation which will raise the age of adult offenders to age 18. Currently ages 16 and 17 can be charged as adults. This will place the vast majority of 16-17-year-olds who commit crimes and place them in the Family Court system. And it will raise the minimum age for an individual to be charged as a juvenile delinquent to age 12. Currently, it can be as low as age 7. These are merely recommendations at this point. None of this has become law in New York State yet, but it seems to be the direction legislation is headed. Mr. Starks also reviewed the projected timeline for these changes. During the discussion, it was noted that this change will affect the Probation Office and the County Attorney's Office, as well as the Family Court system. Mr. Starks noted also that Probation Offices must hire Family Engagement Specialists to engage families in diversion services. Mr. Starks said he is unsure of what these specialists are, and perhaps in the final analysis, that will not be required, but it is in current projections. Mr. Starks guessed that if this all comes to pass, it may increase costs in his office. When asked what might have sparked this change, Mr. Starks speculated that NYS and NC are the only two states in the Union that consider 16 and 17-year-olds to be adults, and there might be some political pressure for NYS to come in line with the other states. Additionally, studies have been done showing that the human brain does not fully develop until age 23 or 24, so the thinking is that 16 and 17 years olds should not be held to the same standard as adults because their brains are not fully formed, resulting in bad decisions

Budget Adjustment

Mr. Starks requested a resolution to make a budget adjustment, moving \$7,100 from Probation Account A3140.3310.05 (State Aid Revenue) to Probation Account A3140.1580.06 (Sex Offender Fees OVW). This request is a result of this money not being state aid money, but rather revenue received from another agency. This is simply a matter of putting the funds in the correct account. Approval was granted on a motion by Legislator Healy, seconded by Legislator Hopkins, and carried. **Refer to Ways & Means**

Weights & Measures**Monthly Report**

Weights & Measures Director Gilbert Green said January was a slow month. Mr. Green was asked how often nursing homes request his services. He noted about every two years. He was also asked how his new truck was working out. Mr. Green said he is very pleased with the new vehicle.

Sheriff**Monthly Report**

Sheriff Rick Whitney entertained questions/comments on his pre-filed monthly report. Legislator Curran noted that he and Legislator LaForge had just returned from a tour of the Jail and Public Safety Building with Sheriff Whitney. Mr. Curran characterized it as “an impressive operation.” He added that they had an in-depth discussion about overtime. Mr. Curran remarked: “From my point of view, I see big numbers (on an overtime report), but having had it explained to me, and which I won’t go into it at this time, but basically, the consensus of the meeting was that a monthly report of activity and overtime would be helpful. There’s always going to be overtime, but some overtime will create larger benefits, e.g., the working inmate program which generates about 1.5 percent of the overtime costs, but there were inmates working all over that jail. What we need to remember is, yes, there’s overtime, but what are the benefits? If we could see that on a monthly basis, maybe we could mutually find ways to cut the overtime or to add to the benefits side. Mr. Ivers and Mr. Monroe will come up with a way to track the overtime. Some of it,” Mr. Curran acknowledged, is “required by the contracts.” Legislator Burt wanted to ensure that the County is living up to its obligation when it said it would send a monthly report to Albany following the audit by the State Comptroller. Legislator Curran noted that he is currently more concerned about being able to answer constituents’ questions regarding this issue than about the audit response. He is confident, he said, that we will come to a mutually acceptable solution. Sheriff Whitney wanted to commend CO Dana Hand for putting together the highly successful Dan Barkley Basketball Tournament. Legislator Burt requested a list of “take home” vehicles in the Sheriff’s Office. The Sheriff said that information is available, and he would be happy to provide that information upon request. Legislator Healy inquired of Chairman Crandall about the number of high-band radios that had been purchased following the Task Force activity. Chairman Crandall noted that the Task Force had completed its work and had been disbanded, so that information could perhaps be obtained from Lt. Hanchett or Jeff Luckey.

Acceptance of \$6,825 from ACCORD Corp. for ACT II Batterers Program

Sheriff Whitney requested a resolution to accept \$6,825 from ACCORD Corp. for the continuation of the ACTII Batterers’ Program. These funds should be placed in Revenue Account A3117.2260.00 with a like sum placed in Appropriation Account A3117.449 (Act II Batterers Program-Contractual). Approval was granted on a motion by Legislator Curran, seconded by Legislator Hopkins, and carried. **Refer to Ways & Means**

Request to Fill One Full-time Corrections Officer Position

Sheriff Whitney also requested permission to fill one full-time Corrections Officer position that became vacant due to a resignation. The position is currently budgeted and if not filled, would have to be filled with full-time personnel on overtime. Approval was granted on a motion by Legislator Hopkins, seconded by Legislator Healy, and carried. **Refer to Ways & Means**

Old Business**911 Radio Project Update**

Lt. Dan Hanchett noted that the project is moving forward at the site locations. Engineers are *en route* from tower manufacturer to make sure that the weight loads are okay. So far, he said, all is good. Just one site left to inspect, but the weather has been an impediment.

New Business

Discussion of NYSAC's View on the Indigent Defense Issue

Two resolutions were provided to Committee members: one from Chemung County calling on the State of New York to develop a 100 percent state-funded Indigent Legal Defense System as a way to provide mandate relief and lower property taxes, and one from NYSAC calling on the State to develop a 100 percent state-funded Indigent Defense System as a way to settle pending litigation and lower property taxes. Legislator Curran noted that both entities were looking for support of their resolutions. That support was given on a motion by Legislator Hopkins, seconded by Legislator Healy, and carried.. **Prepare Resolution**

Adjournment

There being no further business to come before the committee, the meeting was adjourned at 12:10 p.m. following a motion by Legislator Burt, seconded by Legislator Hopkins, and carried.

Respectfully submitted,
Cynthia Santora, Secretary to the Clerk of the Board
Allegany County Board of Legislators