

PUBLIC SAFETY COMMITTEE

March 2, 2016
NOT APPROVED

Committee Members Present: P. Curran, D. Healy, S. Burt, J. Hopkins, K. LaForge, A. McGraw, C. Crandall

Others Present: L. Ballengee, C. Brown, H. Budinger, K. Graves, S. Grusendorf, R. Hollis, K. Hooker, G. James, B. Kelley, J. Luckey, J. Margeson, T. Miner, K. Monroe, B. Riehle, R. Scott, K. Slep, R. Starks, R. Swarthout, R. Whitney

Media Present: B. Clark, *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.

Approval of Minutes

A motion was made by Legislator Hopkins, seconded by Legislator McGraw, and carried to approve the Public Safety Committee minutes of February 4, 2016.

Public Defender

Monthly Report

Public Defender Barbara Kelley pre-filed her monthly report. She talked about the New York State Association of Counties' resolution about increasing the indigent defense spending. She believes it is important, and she hopes it comes to fruition. She added there is legislation pending calling for a phase-in of the State taking over the cost. In 2016, the State would pay 25 percent, 50 percent in 2017, 75 percent in 2018, and 100 percent in 2019.

Legislator Hopkins stated she had a conversation with a local cemetery caretaker. The caretaker expressed concern about the indigent population. Cemetery plots are less expensive in Allegany County, than in the cities. He is concerned that the cities will buy many burial plots in our area. Legislator Hopkins said she wondered if the Legislature could propose some sort of local law or resolution to address this concern. Chairman Crandall said they are governed by the Department of State, Division of Cemetery, and any fees have to be approved by them.

Emergency Management and Fire

Monthly Report

Director Jeff Luckey pre-filed his monthly report. Mr. Luckey highlighted a couple of items on his report including the Emergency Manager's Conference. He noted the attendance was good. Mr. Luckey also mentioned he completed his Tier 3 level reporting, which is good for another year. He spoke about the snow and ice storm on February 16. About 5,000 people were without power. By night time, it was down to about 2,000 people, and about 1,000 people didn't have power the next day. He said he had one person reach out to them, and the Red Cross was on stand-by in case someone needed shelter.

Accept and Approve Hazard Mitigation Plan Contract with Tetra Tech

Mr. Luckey stated they contacted seventeen firms, and received three responses. The Hazard Mitigation Committee has reviewed the results of the request for proposal (RFP). They used a spreadsheet for point scoring. Mr. Luckey requested a resolution to accept and approve

the Hazard Mitigation Plan Contract with Tetra Tech in the amount of \$89,800. The scope of work will be the proposal Tetra Tech provided in response to the RFP. The funding is available within the 2016 County Budget, and is approved in part by Resolution 54-16 Hazard Mitigation – PDMC C#000755. There is \$90,000 from the Federal Government, and \$30,000 local in-kind labor. Legislator Graves stated he is on the committee, and has dealt with Tetra Tech. He said it is a good firm, and they are familiar with Western New York and the challenges they face. The request was approved on a motion by Legislator Healy, seconded by Legislator McGraw, and carried. **Prepare Resolution**

STOP-DWI

Monthly Report

Coordinator Linda Edwards pre-filed her monthly report. She did not attend the meeting because she was at the Monroe County Law Enforcement Conference in Spencerport. On her monthly reported she noted there were 201 Driving while Intoxicated (DWI) arrests in 2015. Also, only 42 out of 69 referrals attended the Victim Impact Panel due to weather.

District Attorney

Monthly Report

District Attorney Keith Slep pre-filed his monthly report. He noted there was an increase, but there was nothing major to report.

Probation

Monthly Report

Director Bob Starks pre-filed his monthly report. He noted there was an increase in juvenile crime. They are already at one-third of the number of juvenile delinquent cases they had for all of 2015. Legislator Curran asked if Mr. Starks knew why there was an increase. Mr. Starks was not sure. Legislator Burt asked if they occurred during school or after school. Mr. Starks did not know off the top of his head.

Weights & Measures

Monthly Report

Director Gilbert Green pre-filed his monthly report. Mr. Green was not in attendance. He was representing the BOCES Board for the last time at the Special Ed Winter Carnival in Ellicottville.

Sheriff's Office

Monthly Report

Sheriff Rick Whitney pre-filed his monthly report. Legislator Hopkins asked when the pheasants are released. Sheriff Whitney stated late September through the end of October. He noted they have already ordered two batches of 750 birds already. Legislator Curran asked where they get the birds. Sheriff Whitney stated they get them for free from the State. Legislator Burt asked how many other counties have the same program. Sheriff Whitney stated he is not aware of any other counties, but Erie County visited their program last year. Legislator Curran asked if the State does this program with other organizations. Sheriff Whitney believes

the State does this program with other not-for-profits. Legislator Burt asked how many years they have had the program. Sheriff Whitney said it has been about eight or nine years.

Budget Transfer

Sheriff Whitney requested the following budget transfer in the amount of \$1,000:

From:		
A3112.403	E-911 Dispatch – Maint.Cont. Office Machine	\$1,000
To:		
A3020.428	Public Safety Communication – Natural Gas/Propane	\$1,000

Sheriff Whitney stated they put in two bigger propane tanks at a couple of the towers. So, they are paying more in propane this year. The request was approved on a motion by Legislator Healy, seconded by Legislator McGraw, and carried. **Refer to Ways & Means**

Accept and Approve Inter-Municipal Mutual Aid Agreement with Schuyler County

Sheriff Whitney requested a resolution to enter into a five-year inter-municipal mutual aid agreement with Schuyler County. This agreement has approval of the County Attorney. This agreement allows sworn employees of the Sheriff's Office to act as special emergency Deputies during the events at Watkins Glen International Raceway. All associated costs including insurance coverage and Workers' Compensation are the responsibility of Schuyler County. Legislator Hopkins asked if it is only once a year. Sheriff Whitney stated the contract covers anything, but knows this is the only time they have been utilized. Legislator Graves asked about the cost to the County. Sheriff Whitney believes there isn't any cost. Schuyler pays the Deputies, and if they send a car, the costs are covered by Schuyler County. Legislator Graves asked how many deputies are provided. Deputy Sheriff Clark Brown stated eight Deputies, and one car usually goes. Lieutenant Grusendorf added the Deputies take time off using vacation or comp time in order to go. Legislator Curran noted it is eight deputies over a four-day period. The request was approved on a motion by Legislator Healy, seconded by Legislator Burt, and carried. **Prepare Resolution**

Accept Amendment to ICE Inmate Housing Contract

Sheriff Whitney said this memorandum of understanding was originally approved by the Board in Resolution 235-15. The recreational equipment was ordered in November 2015; however, it was not received until February 2016. The computers were not purchased in 2015. The Sheriff requested a resolution to amend the U.S. Immigration and Customs Enforcement (ICE) Inmate Housing Contract to allow for ICE to reimburse the County for purchasing computers and recreational equipment to be used by ICE and other inmates housed in the Allegany County Jail. The total amount of expenditures is \$28,700. ICE would reimburse the total amount upon being invoiced.

Appropriations:		
A3150.201	Jail – Office Equipment – (Computers)	\$ 3,141
A3150.210	Jail – Equipment Other – (Recreational Equipment)	<u>\$25,559</u>
	Total:	\$28,700
Revenue:		
A3150.4389.00	Federal Aid – Other	\$28,700

The request was approved on a motion by Legislator McGraw, seconded by Legislator Hopkins, and carried. **Refer to Ways & Means**

Appointment to Traffic Safety Board

The Traffic Safety Board requested the Board of Legislators to appoint Dustin Burch to complete Melinda Rounds' unexpired three-year term on the Traffic Safety Board commencing immediately, and expiring December 31, 2016. Legislator Burt asked about Mr. Burch. Legislator Healy stated he is the Chief of Police in Cuba, and is an outstanding person. The request was approved on a motion by Legislator Healy, seconded by Legislator Hopkins, and carried. **Prepare Resolution**

NYSAC Resolutions

Raising the Age

There was discussion about the resolution urging New York State to fully fund all costs related to raising the age of criminal responsibility and ensure that any statutory or administrative changes fully recognize the responsibility of locally elected District Attorneys to promote public safety, maintain victims' rights, and ensure accountability in the justice system. Legislator Graves asked if this has become a law. District Attorney Keith Slep stated not yet. In January, the District Attorney's Association proposed a much more simplistic solution. They said instead of changing the whole system for a few hundred cases a year, they are in favor of picking an age where the criminal records are sealed permanently if the person doesn't commit another offense. If they commit another offense, then it is not sealed. A motion to support the Raising the Age Resolution was made by Legislator Hopkins, seconded by Legislator LaForge, and carried. **Prepare Resolution**

Alternatives to Incarceration

The resolution is in support of efforts to improve probation and alternatives to incarceration in New York State in order to protect the public and reduce reliance on prisons and jails. Legislator Curran asked Probation Director Bob Starks if he will see a large impact on the Probation Department. Mr. Starks stated some things they are asking for don't affect the Department that much, but he appreciates trying to get more funding from the State. He stated when he started there was nearly 50 percent State funding, and now it is about 12 percent. Mr. Starks also said he would like the ability to administratively modify probation conditions rather than wait for Court. He believes they can do it swiftly, and it will be beneficial. Mr. Starks said he was in support of everything in the resolution. A motion to support the Alternatives to Incarceration Resolution was made by Legislator Healy, seconded by Legislator Hopkins, and carried. **Prepare Resolution**

9-1-1 Surcharge

This resolution calls on Governor Andrew M. Cuomo and the State Legislature to more equitably and efficiently impose the 911 Surcharge on all wireless communications devices and use revenues to finance County 911. Legislator Graves stated this was originally proposed, and then it was diverted. A motion to support the 9-1-1- Surcharge Resolution was made by Legislator Healy, seconded by Legislator McGraw, and carried. **Prepare Resolution**

Next Generation 911

This resolution calls on Governor Andrew M. Cuomo and the State Legislature to plan for next generation 911 in New York State and create a New York State 911 Department that

supports county public safety answering points and enhances local emergency dispatch services. Legislator Burt was concerned this would result in mandates for the County. It is costly, and it could be passed down. Legislator Graves asked how the Sheriff's Office or Emergency Management and Fire Services felt about it. Lieutenant Shawn Grusendorf said there was discussion at a recent meeting about future funding. The State is leaning towards a formula based program for all grants that would apply to 911. Counties would be awarded a certain amount of money every year based on a formula. It would be a reduced amount compared to what Allegany County has received in the past, but there is a guarantee to get some money. Last year less than half of the counties in New York State received money. Now, all 56 counties would be eligible to receive money. Mr. Grusendorf said he is in support of this resolution. He noted all of the other counties at the meeting were in support of it too. A motion to support the New Generation 911 Resolution was made by Legislator Hopkins, seconded by Legislator LaForge, and carried. **Prepare Resolution**

Executive Session

District Attorney Keith Slep requested an Executive Session to discuss the employment history of a particular person. The Committee entered executive session at 11:33 a.m. on a motion by Legislator Burt, seconded by Legislator Healy, and carried. The Committee exited executive session at 12:13 p.m. on a motion by Legislator Burt, seconded by Legislator McGraw, and carried.

Adjournment

There being no further business to come before the committee, the meeting was adjourned at 12:13 p.m. following a motion by Legislator Healy, seconded by Legislator Burt, and carried.

Respectfully submitted,
Rebecca Scott, Secretary to the Clerk of the Board
Allegany County Board of Legislators