

Minutes

Public Safety Committee

February 19, 2020, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Niebel, Whitford, Pavlock, Bankoski, Hemmer

Others: Tampio, Ames, Swan, Quattrone, Barone, Gregory, Kneer, Hayes, Dennison,

Narraway, Abdella, Chagnon, Lawton

Chairman Niebel called the meeting to order at 4: 15 p.m.

Approval of Minutes (1/15/20)

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Proposed Resolution - Confirm Re-Appointments – STOP DWI Advisory Board

Chairman Niebel: Anybody here for that? That's Elizabeth Rankin and Lisa Vanstrom - they've consented to be on the STOP DWI Advisory Board. Does anybody have any questions about that resolution? Those in favor? Opposed?

Unanimously Carried

Proposed Resolution – Amend 2019 Budget for Year End Reconciliations: Unified Court Costs – Indigent Services – Child Custody and Law Department

Chairman Niebel: Anybody here for that?

Mrs. Dennison: I can speak to that on Steve's behalf.

Chairman Niebel: If you want to. We're just increasing the .1 and the .8 and decreasing the .4 by \$3,608.

Mrs. Dennison: Yes, the only thing that is a little bit unusual about this resolution is that the extra costs are actually not in the County Attorney's department. The County Attorney oversees a contract for indigent services in the child custody area. So, it's in the courts department, but it is pretty much administered by the law department and County Attorney Abdella said that there was – the reason that the expenses were over is that there was a court ordered psychiatric evaluation.

Chairman Niebel: For a child?

Mrs. Dennison: Yes. Fortunately, he had a surplus in his contractual cost so he could cover that from the law department.

Chairman Niebel: Decreasing his .4's?

Mrs. Dennison: Decreasing his .4's in the attorney department.

Chairman Niebel: O.K., no problem. Any questions? Those in favor? Opposed?

Unanimously Carried

Proposed Resolution – Authorize Lease Agreement with the City of Dunkirk for Use of Office Space by the Chautauqua County Office of the Public Defender

Mr. Barone: Good afternoon. This is pretty straight forward. We have a lease- proposed lease that we've drafted with the City of Dunkirk concerning office space in City Hall in Dunkirk. We've been working on this for approximately 6-9 months. We've also involved- and I've learned from past experience- we involved Allison Carrow from the County Attorney's Office in the negotiations regarding this lease and we've had her review it, make suggestions and asked for her input before we actually had the final draft of the lease. She was a tremendous help with this. In any regard, this lease is pursuant to an OILS grant that we secured through the Hurrel Settlement. It's part of the five year settlement and grant and we were – for last year, actually, provided with funds of approximately \$10,000 for the Dunkirk office. Well, we never actually finalized the lease last year, so this year I'm actually scheduled to talk with Claire Zataran (?) from ILS tomorrow at 3 o'clock to finalize this year's figures. We're looking at approximately obtaining \$15,000 for this year for rental space in Dunkirk. This particular lease is for a fee of \$12,000 per year – its \$1,000 per month, which also includes all utilities and the utilities being water, electric, gas – everything. So, it comes out to be about \$15 per square foot but again, that includes the utilities. We're happy with the lease. It's tremendous space. Its located right in Dunkirk City hall and we're actually right past the security check in and right across the hallway from the court room. So, it's absolutely tremendous for our purposes. The other thing I just want to point out for the committee is that not only did we receive full grant funding for the rental fee, but more importantly we also have grant money available and provided to us over a five year period that would take care of all furniture, equipment- anything else associated with securing and providing for that office space; we have the grant money. So, it will cost Chautauqua County absolutely nothing. I just want to point out that this, for the first

time ever, our public defender office will have the opportunity to have a physical presence in the north end of the county. For the first time ever we'll have a fully functional and staffed office in Dunkirk, here in Mayville, and also in Jamestown and that's part of our overall plan to provide a holistic defense to the county and that includes having a physical presence in the community. For those of you from the north end of the county, you understand how important that can be. We have the staff already in place and ready to go- attorneys and clerical that will be staffed on a full-time basis and more importantly, the one thing I'm very excited about is our staff in that office will all be bilingual. I think that will be a real asset to the community. So, we're really excited about it and I think that it's a tremendous help to our office and to the community, not to mention we're working very close with the opioid court out of Dunkirk City hall as well. So, this is a big help, it's a tremendous asset not only to our office, but to the north end of the community. It's something that we've needed for quite a while.

Chairman Niebel: O.K., any questions of Mr. Barone?

Legislator Hemmer: The staff- are these all people that you have in place now or you got new hires that you're bringing on? How does that work?

Mr. Barone: They're already in place. As a matter of fact, one of the attorney's started approximately two months ago who's from Peru originally and then he transferred up here to UB and finished law school at UB and we hired him on. He interned for us a couple years ago. One of the clerical individuals- she was hired on just about a month ago and she's working in our Mayville office right now. One of our other attorneys who's bilingual will be there on a full-time basis as well. So, I also- we're in the process of hiring three more attorneys that we have funds for from ILS for this year and I've already been talking to another attorney who's committed to our office and he's bilingual and he'll be staffed in Dunkirk. We also have an investigator that speaks Spanish and they'll be based on a full-time basis out of the Dunkirk office as well. So, yeah, they're already- with the exception of one, already working for us just in different locations until we get the approval on the lease in Dunkirk.

I think it's good for Dunkirk and Dunkirk City Hall to have everyone there and Mayor Rosas worked with us on this and helped us out tremendously and getting things together. Everyone in Dunkirk stepped forward and did everything they could to help us put this together and I'm very appreciative of that.

Chairman Niebel: Excellent. Any other questions of Mr. Barone?

Legislator Pavlock: The grant money- you said things are obviously paid for through the grants such as office equipment and furniture and that sort of thing. Say you have x amount for it and you don't use it all, does it go to someone else? Or where does that money pool?

Mr. Barone: That's a good question. That was clarified during a meeting between Mr. Chagnon, myself, and ILS a couple months ago. For example, we didn't use the Dunkirk lease money from last year and that's still available. So, we'll use that now. We can still make a claim for that this year even though its last year's monies. Now, if we don't use it for that we can use it with ILS authorization for anything else we may need and it's kind of- ILS let us know from early on because the settlement grant monies are actually over a five year period and one of the

things that they've always considered to be important is us providing the data to them on a regular basis. That data tells them where we might have to kind of switch funds from. So, for example, the lease in Dunkirk if we didn't put this together then what they would have done is ask that we take that lease money that we haven't used and put it somewhere else or use it for something else that we could use it for and that's how we're handling that right now.

Legislator Pavlock: How long is that money available? Say in five years you've only spent x amount and you have leftovers. Can you spend it for another five years or is time capped?

Mr. Barone: It expires in 2023. That's how long the Hurrel settlement monies are actually awarded to- it's actually from April 1, 2018- March 31, 2023. Come March 31, 2023 the five year grants and just for our purposes we were able to secure a grant of \$15,539,474. That's all New York State money that I was able to work out with them that they gave to us over the five year period and it's steadily been increasing and will increase each year. Again, what's important is it's for enhancement. It doesn't affect the county's share that you've been giving to us all these years and it shouldn't affect it. It will enhance our services. So, I know that one of the things that's very important is let's say that in 2023 it's anticipated that indigent legal services will get a renewal of that contract with New York State and continue those monies. That's what they're anticipating, but if they don't any positions we've created, any offices we've created, anything we've done up to that point cease to exist and the County is under no responsibility to maintain that. All the County's responsibility is up until that point is to maintain what you've been providing to our office all along. So, these monies are extremely important and they'll be available to us until the five year period expires, but they want us to use the monies too. They don't want it to just sit there. As Kathleen can tell you from finance, there's that lag period too that we're on and it's mostly because of ILS and their contract drafting and they've got 62 counties they've been working with and we were one of the first eight counties to secure this funding. So, we were one of the initial counties and we've always been kind of used (*inaudible*) its trial and error. That's a great question and I hope that answered it.

Chairman Niebel: Any other questions? Ned, just to summarize this is for 775 square feet of office space, a three year lease with an escalator clause contained in the lease, it gives us a presence in Dunkirk and we already have a presence in Jamestown?

Mr. Barone: Yes.

Chairman Niebel: It's about \$15 per square foot. Anything else? Those in favor of the resolution? Opposed?

Unanimously Carried

Proposed Resolution – Authorize Acceptance of the Crimes Against Revenue Program (“CARP”) Grant Funds for 2020

Mr. Gregory: This is a resolution to sign a renewal of our CARP grant. We've been receiving the CARP grant since 2014 and it partially pays for one assistant district attorney to

prosecute cases basically on behalf of the NYS Department of Taxation and Finance and it's for \$65,000, which is already what we had budgeted for when we did the budget.

Chairman Niebel: As far as the revenues and appropriations it's already in the 2020 budget?

Ms. Kneer: Yes.

Chairman Niebel: Any questions from the District Attorney's Office? Those in favor? Opposed?

Unanimously Carried

Proposed Resolution - Amend 2019 Budget for Year End Reconciliations – Office of the Sheriff

Mrs. Swan: We're amending this, so it's slightly better and it's all found within our budget.

Chairman Niebel: Essentially you're increasing a number of appropriation accounts, but you're decreasing your thirty-one-ten account?

Mrs. Swan: Correct.

Chairman Niebel: \$52,710 and the increase is offset by the decrease?

Mrs. Swan: Yes.

Chairman Niebel: Any questions? We need a motion for the amendment.

Legislator Hemmer: I'd like to make the motion to amend the resolution per the new information that we just got.

Legislator Bankoski: I'll second that.

Chairman Niebel: O.K. All those in favor of the amendment? Opposed?

Unanimously Carried to Amend

Chairman Niebel: Now we will vote on the resolution as amended. All those in favor?

Unanimously Carried as Amended

Proposed Resolution – Fiscal Year 2019 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

Mrs. Hayes: That grant was previously accepted and now we are appropriating it to use for training.

Chairman Niebel: O.K., any questions? All those in favor? Opposed?

Unanimously Carried

Proposed Resolution – Amend 2019 Budget for Year End Reconciliations – Emergency Services

Mrs. Hayes: Everything is covered in our own budget, we were just short in a few accounts and we were able to make it up mostly within the same departments.

Legislator Bankoski: Just adjusting some line items?

Mrs. Hayes: Exactly.

Chairman Niebel: For a total of \$35,341 all within your-

Mrs. Hayes: Right.

Chairman Niebel: O.K., questions? Those in favor? Opposed?

Unanimously Carried

Proposed Resolution - Reimbursement for Jamestown Fire an Chemical Spill

Mrs. Hayes: The City of Jamestown has reimbursed us \$2,572 for our supplies that we used in a chemical spill back in August and we're just accepting the money and then we will re-purchase the items that we depleted.

Legislator Bankoski: Pretty simple.

Chairman Niebel: O.K., any questions? Those in favor? Opposed?

Unanimously Carried

Proposed Resolution – Amend 2020 Adopted Budget for State Homeland Security Program (SHSP) Grant Award

Mrs. Hayes: This is another grant that was previously accepted. We are appropriating \$13,737 to use for radios- interoperable.

Chairman Niebel: O.K. and the grant was originally received in 2017?

Mrs. Hayes: Right. That one ends this year.

Chairman Niebel: And we're just making adjustments to the 2020 budget?

Mrs. Hayes: Right.

Chairman Niebel: Committee, questions?

Legislator Hemmer: These are just replacements for existing radios or they're new radios that were required?

Mrs. Hayes: There would be a couple new ones.

Legislator Hemmer: Oh, not replacements?

Mrs. Hayes: No.

Chairman Niebel: Any other questions? Those in favor? Opposed?

Unanimously Carried

Proposed Resolution – Amend 2019 & 2020 Budgets for Grant Equipment Revenue –
Emergency Services

Mrs. Hayes: This is money that was appropriated in 2019. We did a purchase order to buy some protective gear. We have ordered it, but it hasn't arrived. So, we could we not voucher for the grant revenue in 2019. This is basically just moving both pieces to the-

Chairman Niebel: But you encumbered for the 2019 expenditures?

Mrs. Dennison: Valerie is doing a very good job of setting the stage and explaining the situation. The only thing I would add is that in the accounting system any purchase order that's prepared and not completed in a prior year it automatically rolls into the next year and it takes its budget with it- just for the expenditure side. The revenue does not move on its own. As Valerie indicated in this department \$19,000 is a pretty big number, so when we look the 2019 results there is a hole in the revenue budget is still there in 2019 and there's no way it can be earned in 2019. It's going to be earned in 2020. So, we wanted to move the revenue budget out of 2019 and put it into 2020.

Chairman Niebel: O.K., so it balances?

Mrs. Dennison: Yeah, sort of. It moves. What actually happened and you don't see it in the resolution but in 2019 we're actually using fund balance because we're decreasing the revenue in 2019, so it's a use of fund balance but in 2020 it's a contribution to fund balance because there's a revenue budget with no expense attached to it.

Chairman Niebel: O.K., questions of Valerie or Kathleen? All those in favor? Opposed?

Unanimously Carried

Proposed Resolution – Amend 2019 Budget for Year End Reconciliations – Unified Court Costs

Mrs. Dennison: Not big dollars in this resolution, but it does not self-balance. In the different courts- really the only expense that is left with the courts is insurance costs for liability and causality and those costs were higher than expected, so the different courts- the appropriations are over budget. There was a little surplus revenue in the justice and constables department, but I still needed to go outside of the courts to balance the resolution, so we are taking a little bit of the surplus in sales tax to compensate for the extra \$1,146 that's needed to cover the insurance.

Chairman Niebel: It's a good thing we had extra sales tax.

Mrs. Dennison: That is true.

Chairman Niebel: Because I think it comes up in the next resolution too.

Mrs. Dennison: It comes up in more than one.

Chairman Niebel: Any questions of Kathleen?

Legislator Pavlock: Do we expect it to carry over to this year's budget? A difference?

Mrs. Dennison: The insurance? Unfortunately, I would say yes because next month we will be researching and presenting a resolution which pertains to overall insurance costs, which most of our premiums we pay in January and we are already seeing that they're higher than expected. Once we know the total premiums eventually those are going to filter out to all the departments, so I would expect that the courts would be over budget in 2020 as well. With these departments they don't really have a revenue source or even any staffing. They have no way to make up that difference because there's nowhere for it to be saved. We'll be looking for money in 2020 as well.

Chairman Niebel: Any other questions for Kathleen? Those in favor? Opposed?

Unanimously Carried

Proposed Resolution - Amend 2019 Budget for Year End Reconciliations – Conflict Administration

Mrs. Dennison: This resolution does not balance within its organization. Unfortunately we have kind of a repeat of the last couple of years that conflict administration, also known as assigned counsel, is over budget in 2019. The appropriations are over budget \$180,496. I should also comment that the revenue that we budgeted in this department is also falling short of its

budget, so we need to adjust for the appropriations but unfortunately the overall impact to the local share is even more than \$180,000. We do have surplus sales tax to cover this overage in appropriations.

Chairman Niebel: We've used that for a number of things Kathleen.

Mrs. Dennison: Yes. The results- the financial results are still preliminary, but as of today the sales tax is in excess of budget for 2019, so there is some surplus that we can use.

Chairman Niebel: Any questions from Kathleen on this resolution?

Legislator Pavlock: The conflict administration- this is something that may receive some help once the legislature gets the conflict administrator- it will help ease this budget for upcoming years?

Chairman Niebel: That's in process.

Mrs. Dennison: That is the plan.

Chairman Chagnon: Mr. Chairman, could I-

Chairman Niebel: Absolutely, come on up.

Chairman Chagnon: That's a very good question. What we have seen over the last couple of years is that when we were informed that we would be eligible for the Hurrell grant we were told that with that we would have to spend no more than what the county has been spending, so we took the public defenders budget and we flat lined it and we took the conflict administration budget and we flat lined it because what we're responsible for is that amount only. So, the last couple of years we've been over budget, which we knew we would be because we weren't able to yet get the benefit of reducing the number of conflicts. The way we can reduce the number of conflicts is more public defenders. More public defenders can potentially reduce the number of conflicts. The last several months we've been bringing in the new public defenders.

Legislator Whitford: Since those funds came in.

Chairman Chagnon: Since those funds became available last year and we are implementing a conflict administrator position to oversee the whole conflict administration process and that should also reduce the amount of assigned counsel costs. For perspective, and I know the numbers aren't final yet, but last year in February this resolution that we passed last year for over budget in this account was \$290,000 and this year it's \$180,000. We are already seeing indications that we're doing better and that is not because of the assigned counsel administrator because that position has not been filled yet. It's got to be from the additional public defenders that have come on. So, we're going in the right direction even though it's a huge number, it's going in the right direction.

Chairman Niebel: We've got a ways to go.

Legislator Bankoski: We've come a long way already.

Legislator Whitford: And it still saves (*inaudible*) what the county contributes.

Chairman Chagnon: That's right.

Cross-talk

Legislator Whitford: We still have to contribute?

Chairman Chagnon: Yes, what we have budgeted in the past.

Mrs. Dennison: And more. As Pierre said, we flat lined the-

Legislator Whitford: Is there a formula that raises that?

Mrs. Dennison: There's not a formula that raises it, but we either misunderstood or we are misinformed on what the grant would cover. We thought that our- for example, in the 2018 budget for assigned counsel was \$524,000 and our understanding was that's all we would ever have to pay and that is not true.

Legislator Pavlock: The question I have pertaining to that- I understand the principle of why we're accounting it this way. How far do they look back? What if we make it correct this year? What numbers do they go by?

Chairman Chagnon: Dan, I think the best way I can explain that, which my understanding is still developing, this is a new process for the state and they are trying to work with the counties to develop this and they've said now with our new understanding that there's a possibility that they could contribute funds even back to 2019, but they need more information. They need to establish there procedures. It's still a developing process, so I can't tell you how far they're going to look back because I don't think they even know. It's still developing.

Chairman Niebel: It's ongoing.

Mrs. Dennison: We were told that if there had been an increase in the amount of criminal cases in which we paid conflict administration- if that had been increasing over the last few years that we could get reimbursement for the increase. Unfortunately, that amount has not been increased.

Chairman Chagnon: You've already confirmed that?

Mrs. Dennison: Yes, just recently. Actually, the criminal component has actually been going down, so the preponderance of the assigned counsel cases are in family court and those cases are just not eligible under the Hurrel grant at all.

Chairman Chagnon: Not eligible for funding, but the conflict administrator will still administer to those and we will see some benefit from that.

Legislator Pavlock: How far out are we from having an assigned counsel?

Chairman Chagnon: Well, we are prepared to make a job offer and hopefully we'll get the job offer our soon. Right, Kathy?

Clerk Tampio: Soon.

Chairman Chagnon: We've been through several rounds of interviews.

Chairman Niebel: Any other follow up questions? Those in favor? Opposed?

Unanimously Carried

Proposed Resolution – Amend 2019 Budget for Year End Reconciliation - Probation

Mr. Narraway: This resolution is to increase the .8's within the probation budget by the amount of \$21,790 and also to decrease the .1's within the same budget year.

Chairman Niebel: It's budget neutral all within your 3140 account.

Mr. Narraway: Correct.

Chairman Niebel: O.K. Any questions? Those in favor? Opposed?

Unanimously Carried

Chairman Niebel: Motion to adjourn?

Legislator Bankoski: Motion to adjourn.

Legislator Whitford: Second.

Unanimously Carried (4:53 p.m.)

Respectfully submitted and transcribed,
Olivia Ames, Deputy Clerk