

Minutes

Public Safety Committee

Wednesday, January 18, 2017, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Wendel, Bankoski, Tarbrake, Whitford

Member Absent: Niebel

Others: Tampio, Gerace, Dennison, Himelein, Leone, Abdella, Swanson

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

Approval of Minutes (12/14/16)

MOVED by Legislator Bankoski, SECONDED by Legislator Tarbrake

Unanimously Carried

Privilege of the Floor

County Executive Horigan: I am pleased to announce that we have selected Ms. Kathleen Dennison as our Budget Director. Many of you know her as working with the Sheriff and she will start February 1st as Kitty moves to Director of Finance. Kathleen will become the Budget Director and we're very pleased and I feel bad for the Sheriff. Kathleen has a very interesting background experience, everything from private sector to public working in Mongolia and everywhere so we're very thankful that she'll be coming over and we're excited about it. I just wanted you all to know that.

Congratulations (by whole committee) – Applause

Chairman Wendel: Is there anyone else to speak to the privilege of the floor? If not, we'll close the privilege of the floor

Proposed Resolution – Confirm Re-Appointment – Chautauqua County Traffic Safety Board

Chairman Wendel: Sheriff, would you like to address this?

Sheriff Gerace: Yes Mr. Chairman. Lisa is a current member and is asking to be reappointed. She's a very valuable member of the Traffic Safety Board.

Legislator Tarbrake: How often do they meet Joe?

Sheriff Gerace: We meet quarterly.

Chairman Wendel: She's a biker, so it helps that (*cross talk*). Any other questions for the Sheriff?

Unanimously Carried

Proposed Resolution – Confirm Re-Appointments–Chautauqua County Fire Advisory Board

Mr. Leone: Actually these are names from last year and everybody is a repeat on the Fire Advisory Board. That fills all of our seats.

Chairman Wendel: Any questions?

Unanimously Carried

Proposed Resolution – 2016 Hazardous Materials Grant Program

Mr. Leone: This is a grant program which we've received for 3 years now. We share this grant with Cattaraugus, Allegheny, and Seneca Nation of Indians. This year, it's our 3rd round of purchasing SCBA, self-contained breathing apparatus for our team and sharing with Allegheny and Cattaraugus County and the Seneca Nation of Indians. That is what the money will be used for as well as a few additional monitors.

Legislator Whitford: Who is the lead agency on this?

Mr. Leone: We are. There is no match to this grant either.

Chairman Wendel: Any other questions?

Unanimously Carried

Mr. Leone: Can I mention Mike?

Chairman Wendel: Yes, I was just going to ask you if you would like to. If not, I was.

Mr. Leone: Sure, if you want to go ahead.

Chairman Wendel: I spoke with Julius last week and they have hired a Senior Paramedic. Mike Volpe comes to us with several years of background in this type of work. He's worked for, Emergent Care in Pennsylvania so when it comes to rural EMS he's well acclimated along with the billing and processing and things like that. I just told Mr. Tarbrake, (*inaudible*) he's one of

us, he comes to the fire service. This is what the Fire Services wanted, they have one of their own now in charge so I think it's going to be a win/win situation.

Mr. Leone: We're excited to have Mike on board, without a doubt. Good guy. Another step forward. Thank you.

Proposed Resolution – Close Capital Project H.3110.511

Sheriff Gerace: This is a capital project. The money that is in it was actually received from the sale of military surplus, helicopter parts and it has to be designated for use for the same purpose. But, it's been in the capital projects so long that it was at the request of the Budget Director to move it into an undesignated fund balance that's specific for this purpose. So that's what this resolution is for.

Ms. Dennison: It will be moved to a designated fund balance.

Sheriff Gerace: Right, designated not undesignated.

Ms. Dennison: Designated for helicopter repair.

Legislator Whitford: So it will be used for what it was intended for.

Ms. Dennison: Yes.

Sheriff Gerace: We understand the Federal regulations, pre 1995, if we sold components we could keep the money. No longer is that the case. We have to return it if we're not using it.

Chairman Wendel: A question that I would have had was, could it just be put into the program itself overall, but as long as it is going to maintenance.

Sheriff Gerace: It has to be used for - this wouldn't be the Star Flight program. This is the military surplus helicopter, we use as a police helicopter.

Chairman Wendel: Any other questions?

Unanimously Carried

**Proposed Resolution – Reallocate Budget and Adjust Revenue and Appropriation
Accounts to Consolidate Grant Awards into One Sub-Department**

Ms. Dennison: Right now our grants are, they are kind of co-mingled into operation budgets so in the budget for department A.3110, that's Sheriff Operations, that budget includes a lot of grants. The problem with that is, if we look at an account and we look at the total budget for that particular account, we don't know if it's just for regular operations or if it's kind of designated or if it's designated it should be designated for a grant function. So, we propose taking all of our grants and putting them into separate sub-departments so that sub-department

will be strictly grant revenues and appropriations. That will keep it separate from the general operating budgets.

Chairman Wendel: So you are still going to use the line items to make sure it's all accounted for.

Ms. Dennison: Yes.

Chairman Wendel: Without that designation, for public record, they would say, well, a DWI grant you are using it for Lake Patrol or something like that that they would realize that our grants will be labeled and listed as such.

Ms. Dennison: Right.

Chairman Wendel: Any other questions?

Unanimously Carried

Proposed Resolution – Adjust Appropriation and Revenue Accounts due to Unbudgeted Revenues and Expenditures

Ms. Dennison: This has a local share, bottom line effect of zero and it's just moving money in and out of accounts within the Sheriff's organization. We do have some revenue accounts that are ahead of schedule and we also have some appropriation accounts that are running over budget so this is just a pre end of year resolution to try and get the accounts where they are actually going to end up at the end of the year. It's based on actual results through November and kind of the first part of December. Usually we do this in February when we have the year-end results. This is a precursor to that year-end resolution.

Chairman Wendel: Any questions?

Unanimously Carried

Presentation – District Attorney, Patrick Swanson

Mr. Swanson: Thanks for having me today. As I settle into this new position, I wanted to take a moment to get in front of you guys, taking the lead from some of the other District Attorney's across the State that I've spoken with a little bit about how they keep the County informed as to what their office is doing and one of the things that they do is they try to get in front of their Public Safety Committee on a bi-annual basis to give you an update of what we're doing, what we see happening in our County, just to keep you in the loop with regards to how things are going as far as our end of things are concerned in the criminal justice system. So with subject to your approval, I would like to appear every January and June regardless whether I have a resolution on the table, just to appear and give you an update on what is going on.

That being said, as I settle into my position, I'm going to be taking a look at our data, statewide crime rates, and our County crime rate. I want to take a look at our population and

other similar population around the State, give you guys a feel for what the other counties are doing with what they are given and make any suggestions or recommendations with regards to what we're afforded and how we go about handling our business with what we have. Some of the concerns that I have at this point and this is something that I know David made you aware of are, on a professional responsibility level, the attorneys in our office are overloaded. Which means, if we were private attorneys we would be taking in more cases than we're capable of handling on a professional responsibility basis. There are some ways that we can remedy that. We do everything that we can to maintain grants, finding increases in funding so that we can hire more people. In case you are not aware, we lost one of our part time employees to go full time. What I was able to do because he was handling quite a bit of felony work, I hired someone full time as an entry level position. So, we're at the point now where we have 8 full time attorneys and two part time so we have 9 total. If you look around the State, I will give you an example of Schenectady County and this is just to give you an idea of what I'm going to give you. Schenectady County has about 150,000 people. They have a staff of 10. We have a staff of 6. They have 9 investigators, we have 3 and they have 20 attorneys and we have 10 that counts me. Our crime rates are very similar and you can look at Niagara County and extrapolate back. They have a larger population but what you will find is that we could use 4 attorneys. Now, I will be making a proposal, I don't expect to get 4, I'd love to get one, but at least I am going to try and keep you guys informed as to the caseload that we have. I can tell you that last year we did not see any significant increase in our crime rate. Again, from 2010 in to today, we seen a pretty consistent amount of felony cases come in. It's right around 1,000. It was 1,048 last year so that is an uptick because we were just below a thousand. All of the increases we saw were in domestic violence felonies so we did see gains in other areas. They are insignificant number wise but we do have a very steady crime rate, which is good. Which says that what we do have we're doing the best we can with what we have. But, I'm going to try and put something together so that we can sit down and possibly individually and then as a group and I can make a proposal to the Audit & Control Committee to maybe get additional staff member. I can tell you right now, we have cases that are closed that sit on our shelves for months because our staff, we're limited and years ago they had more staff than we have now when there were less cases. So, we're battling up hill and I know we have tight budgets but I'm going to try and put some common sense proposals together that may feasibly work. If the State can come through with legislation where they slowly assume control over the Public Defender offenses, I know their budget is at least as big as mine is not more, I'm not expecting you to hand over that budget to me but I'm going to be asking the Audit & Control Committee to consider utilizing some of the savings that they'll experience by not having to fund the Public Defender's office and potentially getting us up to a point so that we're not behind the eight ball when it comes to just be basic professional responsibility rules that are set for us.

The other major proposal that I think I want to make this year and this is a minimal one. We have forensic investigation team that handles all of our major crime scenes. It's a Countywide agency made up of about 33 officers and retired officers that stream across our various agencies and what they do is essentially, they process our crime scenes on my most serious cases. Their funding comes from their individual departments which means they are responsible for their overtime. So if it's a Fredonia guy that is responding, Fredonia has to pay the overtime. Now, what I am going to request from the Audit & Control Committee at some point and this is after proposing to you guys is that, we get a line item on our budget that gives us \$10 to \$20,000 to help them pay for their training that they have to undergo to keep their

certifications and to pay for some very basic supply needs so that it's not the Sheriff paying for all of it. I know Joe assumes most of the cost of the equipment which, it is a countywide agency but it isn't just the Sheriff. It's everyone and it mostly benefits me so I'm going to be putting something together in regards to that. Just to give you a heads up what I will be doing for July.

The main thing that I wanted to talk about today is, I've spoken in depth with Chief Snellings and Chief Ortolano and Joe Gerace and I've sat down with Mayor Teresi and Mayor Rosas and I've talked with Vince and we're all very concerned about the recent increase we've seen in our gun violence. I know we have members of the community in Jamestown that are very concerned. I wanted to sit in front of you today to announce that I'm putting forward what's called a "Gun Done" initiative which is, a policy that we're enacting in our office where if there is a crime committed with an illegal handgun or firearm or if there is an illegal possession of handgun or firearm, we are not going to negotiate those, we are going to make no plea offer. We're going to hold them to what the minimums are. Depending on what the defendant's record, that could be anywhere from 3 ½ years in State prison up to 7. But I felt that it was important to let you guys know that is what our policy is going to be. I felt it was important to – I reached out to the Post Journal and the Observer to let them know that I was going to make this announcements because I think the public needs to know. I also think the people that are going to commit crimes with guns need to know that if you're going to do that in Chautauqua County, that there are going to be consequences and we're not going to give you a break. There are far too many responsible gun owners in this County who the people that are breaking the laws with weapons, are giving a bad name to and I just want the people in this County to know that through our efforts of law enforcement and talks with the various people involved that this affects the most, that we're going to stand firm on this issue and try and get out in front of this rather than playing catchup after the rash of gun violence that we saw last year at the end. If there is any questions you want to address me on, please feel free to contact my office. As the Public Safety Committee I would think if there is one body in the Legislature that may want to have frequent contact with me, it's you folks. Don't every hesitate to call me. If there is a list of things that you want to speak to me about when I appear in July, that's fair game too. I want to make sure that you are aware of what we are doing, what your concerns are, what our trends are.

A complete side note. It was encouraging to see that WCA is getting some beds. I think the sooner that opens, the better. I think in the long term that helps us. Giving these people that struggle with addiction a place to go rather than frequenting the business of drug dealers will help ultimately at the end. Hopefully this is a step in the right direction and we can continue to make strides on that front. With all that being said, that is all that I have for you.

Legislator Tarbrake: First of all, I think the gun initiative is fantastic. I think it probably reaches a number of issues in the crime world so I commend you highly on that. Just maybe this isn't a question, maybe just an observation. With the drug trade and the drug problems that we have had over the last 5 to 10 years, it surprised me a little bit when you said the crime rate has basically stayed the same.

Mr. Swanson: It has. While we've seen an increase in drug use, we aren't seeing - if you take sample of the course for the whole year, we are not seeing any market increase in the number of crimes being committed. Now, you can look at that in a couple of ways. We know more people are using drugs which means they are illegally possessing it. It becomes a function of who we are catching. But with regards to our felony crime rate and our overall crime rate, it's

been relatively flat over five years. Essentially what we are seeing is a shift in the criminality in our County. The sad reality – well, there is two ways to look at it. The sad reality is that we're seeing more people use, which drives drug dealers in the area but the positive aspect to that, if we can get the drug additional issue under control, we stand to make great in-roads with the crime rate in this County because if you drive the demand down, which means you get the users the help they need, what you see is a decrease in the risk the dealers are willing to make by coming to our County and selling, you see a decrease in the number of people looking for ways to purchase drugs and in many times that is funded by illegal activity like burglary and theft and you see improvements which with these new facilities and money coming in from the State level to help with treating people on the front end, I think we're in a position now, where hopefully in the next 5 to 10 years, we see improvement in just the quality of life we experience in this County. Now, obviously some of that needs to be helped with job creation and those things but with regards to drug use, it fuels a lot more than just drug use. You see the violent crime that comes along with it. While our shootings we don't believe were drug related, they were people involved in that kind of activity. It was, without telling you more about that case, the only thing I can tell you about those shooting that were in Jamestown is, the majority of them were from actors from outside our area. So, we see a trickle in from Buffalo and from the Niagara County area. So, I'm going to try and keep you guys updated so that you are in the know. Any time that you have a question, please feel free to approach me. I'm going to be reaching out to you individually to sit down with you and address any of the concerns and question you have in a non-public forum but, I'm going to try and keep you in the loop a little better as things improve or if they get worse. Hopefully that is not the case but if they improve, I hope to have good news to bring you.

Legislator Wilfong: I appreciate you being pro-active instead of reactive.

Mr. Swanson: There are areas where you can be and there are areas you can't. In my position, we are limited a lot of times to mostly a reactionary role but I can lay out a policy like this and make it public so that maybe saves us from one gun incident because that person thinks well geez, now I'm not going to get a deal if I'm caught with this weapon and you hope that there is a – people read the paper, they pay attention to what we are doing and they need to know that we're not going to deal people that commit gun crimes.

Chairman Wendel: You mentioned and not to get too involved but you did mention illegal firearms is that harder to do with illegal firearms?

Mr. Swanson: Sure, for example, one of the positions I'm going to take on gun crimes is, you could be legally possessing a handgun but you could criminally mischief someone or threaten them with a weapon. O.k., I'm not going to deal that case. You committed a crime with a firearm, granted you legally possessed it, but, we aren't going to tolerate that kind of behavior. It's not something that I want a would be criminal to know that if I commit a crime, regardless of what kind it is, I'm going to get a deal. Sure there are some cases that we will do that on, but we're taking a stance on gun cases or crimes committed with guns where we are not going to deal those cases.

Chairman Wendel: Great. I'm excited. I shouldn't say excited that we have to use it, I'm just saying it's better to know that they have you taking that stance or going to take that stance and like you said, the criminals are going to realize that we're not –

Legislator Bankoski: Send that message.

Chairman Wendel: Exactly.

Mr. Swanson: So if you have anything, let me know. But thank you for having me today and please put me on the calendar for July and I'll try and get you some good news. Thank you.

Discussion – Amending Rules & Regulations – Verbatim Minutes

Clerk Tampio: Here is a draft of the resolution pertaining to this subject.

Chairman Wendel: I guess when I came in I had a different opinion of this because I didn't realize from a personal standpoint that I thought this was something that we were going to either lessen the burden or to streamline and after listening, that is not the case. Everybody's very o.k. with what is going on. There hasn't been a reason to not continue with what we are doing. Personally and on a research basis it is nice to be able to call the office and they've been able to provide me with whatever I needed. I can look at it as opposed to thumbing through a – as good and as easy as it sounds, thumbing through the minutes of a recording, it takes a while. Whereas you look at the – you know where it was on the verbatim. That is my opinion. I am not sure of everybody else's but I see if it's not broke, it doesn't necessary mean we change it.

Legislator Bankoski: I agree.

Chairman Wendel: Anyone else?

Legislator Whitford: It just poses the question, how is it going to improve what we do in the County as a Legislators and department heads. What would it improve if we went to tapes? Is there a cost savings, I mean, why would you do it if wasn't going to improve what we're doing now? That is the part that I don't understand. Obviously we've had individuals that have (*inaudible*) post opposition because of the convenience of the minutes, investigating certain issues that the comes across. That would be my question. Is there a cost savings and how does it improve what we do here in the County as department heads and representatives of County constituents?

Legislator Tarbrake: I guess I have a question for Steve. When was this resolution first enacted? I see these numbers here – so these are all the amendments?

Mr. Abdella: Yes. These are and these only go back to 2002, but, I'd have to look but I think periodically we'll adopted it in sort of a fresh clean form and then it gets little amendments after this and I have a feeling that 2002 was the last time it was just clean slate and so these are little amendments that have occurred since then. But the rules have existed back to the beginning of the existence of the Legislature.

Legislator Tarbrake: Has this question come up in the past about changing the way we do minutes?

Mr. Abdella: I think in the past year or two it's come up and I feel like I've heard some discussion. Usually surrounding whether – the software was progressed to the point that it could understand all the different individuals speaking and I think the conclusion right now is that it's not there yet. Those software's work better when it's the same speaker or a couple of speaker and it starts to recognize that persons voice but when you have visitors coming in, I think that challenges the software.

Legislator Whitford: Most of the software is voice recognition software, even on your phone where if somebody else talks into it, it doesn't come up.

Chairman Wendel: I think for us, the cost would probably be a little bit higher on the front end because you'd have to have five microphones here, six with a person there and I just think right now the technology isn't there. You really have to have individual mics, at least for us in here, the Committee meetings. That is what we are talking about. You have to have individual mics and individual data collection. It's going to take my voice and Bob's voice and everyone else's and then come back and you know piece it together. I think right now the technology isn't there and I think that we're going to create more cost and more headache in trying to do it some other way right now.

Legislator Bankoski: Trying to fix something that isn't broken.

Chairman Wendel: Exactly. I can see some of the discussion of other committees that may – like Audit & Control for an example where they discuss every issue, their position is, well, do we need it? We're very brief here so these minutes aren't, if I shut up, would be shorter, they usually aren't that long. They might be looking at trying to save some time but again, I don't see any real need for it right now. Any questions for Mr. Abdella or any more discussion on the matter? No. So do we want to make any motion from this Committee as to –

Legislator Tarbrake: Do we need a motion or can we make a recommendation to Audit & Control?

Chairman Wendel: I would think a recommendation.

Legislator Tarbrake: I would make the recommendation that we proceed with the minutes the same as we are doing now.

Legislator Whitford: Second.

Chairman Wendel: All those in favor?

Unanimously Carried

Other

Chairman Wendel: Any discussion or information to bring to the committee? Seeing none.

MOVED by Legislator Bankoski, SECONDED by Legislator Tarbrake and duly carried, the meeting was adjourned. (4:45 p.m.)

Respectfully submitted and transcribed,
Kathy K. Tampio, Clerk/Lori J. Foster, Deputy Clerk/Secretary to the Legislature