

Minutes

Public Safety Committee

Wednesday, December 13, 2017, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Wendel, Whitford, Pavlock, Niebel

Member Absent: Bankoski

Others: Tampio, Griffith, Sheriff, Horrigan, Dennison, Himelein, Barone, Rachael Kneer

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

Approval of Minutes (10/4/17 & 11/8/17)

MOVED by Legislator Niebel, SECONDED by Legislator Whitford

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Proposed Resolution – Confirm Re-Appointments - Chautauqua County Coroners

Chairman Wendel: As you see, Mr. Riles and Mr. Migliore. Mr. Migliore is our newest one.

Legislator Niebel: Riles has been around for a while.

Chairman Wendel: Yeah, we have the oldest and the newest.

Legislator Niebel: At least 40 years, I think.

Chairman Wendel: Any questions?

Unanimously Carried

Proposed Resolution – Confirm Appts. & Re-Appts. – Emergency Medical Services Council

Chairman Wendel: Any questions on these names?

Unanimously Carried

Proposed Resolution – Amend Personal Services & Employee Benefit Appropriation
Accounts - Emergency Services

Mr. Griffith: (*Inaudible*) a lot more EMT training at the end of the year than what we had planned for which is good in working with the Sheriff's Academy so we needed to move some funds from the personal services Fly Car account to the EMT training.

Chairman Wendel: Any questions?

Unanimously Carried

Proposed Resolution – Authorize Transfer of Capital Funds Among Capital Accounts

Mr. Griffith: It's the goal of the Sheriff's Department and the Emergency Services to build a storage building as we have talked about in the past. This is to create the capital funds account and move the money from both of our accounts into the capital funds accounts to do that in the future.

Chairman Wendel: Is there a projection as to when this would happen or take place?

Mr. Griffith: That would be put in the capital budget for next year.

Legislator Whitford: Is there a timeframe on that?

Mr. Griffith: We would like to put it in the budget for next year and have it done in early 19'. The bids came out with all of the building that has gone on in the south between Florida and Texas building materials have skyrocketed in price. Our original estimate came in way higher than we thought. Possibly by the time we do go to bid again, building materials may have come down. I don't know if that will happen or not but either way we don't have enough money right now so we'll just retain the monies for a future project.

Legislator Pavlock: Where is the site located at?

Mr. Griffith: It will be by the Emergency Services building. We have seven acres of land up there, we can do it. It would be a great joint project between the Sheriff's Department and Emergency Services to allow us get more stuff inside. It's always good to have our (*inaudible*) it's under cover and inside where they are protected. That is what we're looking to do. On both of our parts. Sharing a building is cheaper than building two buildings by far.

Chairman Wendel: So most of it would be equipment. There wouldn't be any files.

Mr. Griffith: No, it would be trailers, equipment, forensic van maybe, different things like that.

Legislator Pavlock: Snowmobiles?

Mr. Griffith: Yeah, we have some buildings there of trailers now but yeah.

Chairman Wendel: Excellent. Any questions?

Unanimously Carried

Proposed Resolution – Authorize Agreement w/ Wayne County for Inmate Housing

Sheriff Gerace: We have been keeping inmates at Wayne County because of the unavailability of other housing space. But we had no formal agreement with them as we have with other county jails so we need to put this in place where we can make payment to them for their housing, I believe today, 13 of our inmates at Wayne which is about a two and a half hour drive away. It's very concerning to say the least. We have 27 board outs right now and our jail population is 321. That includes 24 Federals overall.

Chairman Wendel: There is no possibility of using anything in Warren County, correct? You would think if it's just the housing part of it -

Sheriff Gerace: Because of the cross interstate, the State did do some regulation change, law change, that will allow us to bring State inmates from out of State into New York State but not the other way around because they wouldn't meet New York State standards for housing. So that would unfortunately not be an opportunity for us. It's very, very, disturbing because Niagara County who has empty bed space right now, is not authorized by the New York State Commissioner of Corrections to board in because they have a variance to expand internally more cell space, although they are not using the variance right now because they are below that population count. They still will not let them house our inmates because they have a variance which is bureaucracy at its finest. Cattaraugus we have a few, we have a few at Allegheny but they are at levels where they won't accept more than a few and then we have some at Wyoming and the bulk of them are in Wayne.

Chairman Wendel: That's a haul.

Sheriff Gerace: It's a big haul.

Chairman Wendel: Those are inmates that are usually here for an extended time aren't they?

Sheriff Gerace: We try to pick sentenced inmates because they don't have return dates for court but you don't always have that. In fact, just for your information, today Wayne County called and said there is four of them that we want back at your Jail. They are disruptive so come and get them and bring them back and they have that right to do that.

Legislator Niebel: Is there a high figure as far as Wayne County? Can they take like 20-25 of our people?

Sheriff Gerace: I don't know that for sure. I do know that we do have another alternative that would be Ontario. I have not gone there yet but that's about the same distance, the drive time.

Chairman Wendel: I just wish there was a way that we could utilize and I know that Mr. Bankoski spoke about the space in Brocton. I mean, you are in the State system and it doesn't make much sense why you wouldn't be able to board, even in the segregated unit all by themselves, where (*inaudible*) open unit to overflow for County jails.

Sheriff Gerace: One of the things that it made it so frustrating and I apologize I won't take up anymore of your time after I finish this statement, but we have 11 parole violators in our Jail that belong in State prison and not in our Jail but they sit there and sit there at our expense and not the State expense until they are good and ready to have a hearing for them and move them back to State prison. The only way that is going to change is for the New York State Legislature to change the law because the New York State Court of Appeals has ruled that that what happens to them. They get kept there in County jails until until they are given a hearing. So the only way that that is going to ever change is for New York State to change the law. I have asked our State Senator to look at that and our Assemblyman and the change is pretty slim that they are going to do that, it would cost the State money, big money.

Legislator Niebel: We can't charge the State for these?

Sheriff Gerace: It's very confusing. Parole versus Probation. Parole is when they are let out of State prison early. So they are put on parole. They still owe the State time but they are doing it free on parole. Now during their parole time, they violated, not the law, they violated conditions of parole. So they go where? Not to State prison, that would make too much sense. That is who they owe the time to. They go to County Jail and they sit until they have a hearing to prove that they were indeed in violation and they are not in a hurry to do those hearings.

Legislator Pavlock: There is no specific amount of time that they have to be there or can or can't be there?

Sheriff Gerace: I wish there were but there is not. Now, when they are sentenced to prison, we, the Sheriff's sued the State and won and they have 10 days in which to move them once they are ready to go. But, otherwise they pay us 100% of our cost but with our parole violators, nope they stay here.

Chairman Wendel: Any other discussion?

Unanimously Carried

Proposed Resolution - Authorize Acceptance of Aid to Prosecution Funds 2017-2018

I'm Rachael Kneer, new face, so I thought I would introduce myself.

Chairman Wendel: Nice to meet you.

Ms. Kneer: Nice to meet you.

Chairman Wendel: Is there anything you need to fill us in on?

Ms. Kneer: No, I would just like to mention that we have had this grant for quite a while. I'm told over 20 years. There is no matching funds. It's a formula grant based on crime statistic population so it's one that we definitely thankful for, for this long.

Legislator Niebel: Just a technical question I guess. Rachel, the grant is for \$54,000. We're going to increase the one appropriation, personal services with District Attorney by \$15,000 and increase the revenue account. Where is the other \$40,000 roughly of the grant going? I know this is for the 2018 budget but are we not accounting for the rest of the grant at this time?

Ms. Kneer: As far as I'm aware, it's just to aid us in the felony prosecutions, the repeats.

Mrs. Dennison: It's already included in the budget.

Legislator Niebel: So the other \$40,000 is included, Kathleen?

Mrs. Dennison: Yeah, when Rachael and the District Attorney prepared their budget, they included revenue for this grant and after the budget was completed they've gotten a grant award and found that it was more.

Legislator Niebel: Oh, I see. That is a good thing.

Mrs. Dennison: We probably should have specified that. (*Cross talk*).

Legislator Niebel: And we're only accounting for \$15,000 out of \$54,000 here but I guess I would have checked your account too just to see if it was in there. Thanks.

Chairman Wendel: Any other questions?

Unanimously Carried

Discussion - Update on Fly Car Program – John Griffith

Discussion - Centralized Arraignments and Public Defender's Office Move – Ned Barone

Other

Proposed Resolution – Increase Designated Fund Balance for Helicopter Operations

Sheriff Gerace: What this involves is, we sold the surplus helicopter that we've had stored up at the airport for a number of years for \$150,000 to a museum down in the Pittsburg area. What I'm asking is that that money be placed, there is no County tax dollars involved in the

acquisition of the helicopter, that this money be placed in the designated fund balance that you had previous established for the helicopter program that gives the Legislature accountability over the money anytime that we need to utilize that to support the program, we would need a resolution to move it for the appropriate use. It also protects it from being – continue to rollover so we can support the program into the future using the monies from the sale of the helicopter.

Chairman Wendel: Any questions?

Legislator Niebel: You could have gotten more money from Vince Horrigan. He's a pilot, he would -

Sheriff Gerace: It's not fast enough for Horrigan. Not even close. *(Cross talk)*.

Chairman Wendel: Any questions?

Unanimously Carried

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