

Minutes

Public Safety Committee

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

Gerace Office Building, Mayville, NY

Members Present: Wendel, Tarbrake, Whitford, Bankoski, Niebel

Others: Tampo, Himelein, Horrigan, Abdella, Sheriff, Dennison, Swanson, Kneer, Leone, Rettig A. Toda

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

Approval of Minutes (4/19/17)

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford.

Unanimously Carried

Privilege of the Floor

Mr. Toda: What I have here is a little itinerary what I made concerning the index of the phone calls that have been made over a period of years to the Chautauqua County dispatch and I would like to start off by saying, I've had issues with the Jamestown Police, serious issues. That involved my personal rights and those are two prong issues. Those issues have spread here to the Chautauqua County Sheriff's department or the Sheriff under his control of the Mayville dispatchers has also violated my rights. I have made some recordings over the years of what has happened and I just want to remind everybody, this is just a few of the hundreds of recordings I have had to make out of the hundreds that I have had to make to the Jamestown Police for the absolutely torture that has been going on in my life, 24/7.

Chairman Wendel: Mr. Toda, we have to address only what pertains to Chautauqua County and the Sheriff's dispatchers.

Mr. Toda: O.k., but that contributing to my problems with the Jamestown Police in regards to enforcement and I'm going to start off with a conversation that I had with Paula DeJoy on the 5th of May, 2014. And hopefully you'll be able to hear and she, obviously everybody knows, or most people know that she was a former Chautauqua County Legislator and she's also a former member of this committee. *(Then played tape – Hello; Mr. Toda; Looking for Ms. DeJoy – Ms. DeJoy: This is me. Mr. Toda: Hello Paula – Ms. DeJoy: Yeah. Mr. Toda: This is Anthony Toda, did you happen to get my message? Ms. DeJoy: Yes Mr. Toda and I was instructed not to speak to you about this – Mr. Toda: Who instructed you as a Legislator not to speak to me? Isn't that illegal that I can't discuss this with my representative?*

There was no more response from Ms. DeJoy. The subject matter was, the problems that I am having with the Sheriff under Sheriff Gerace in regards to harassment, refusal to identify themselves, refusing to take calls etc. The next one regards harassment. *(Then played tape) Hello, you have reached the Jamestown Police Department, if this is an emergency, please press one and you will (inaudible) operator.(there were then 3 rings)*

(Inaudible) as the Sheriffs aware there is (inaudible) Jamestown to the Chautauqua Dispatch. (more rings through tape). Yes, (inaudible), this is Anthony Toda, I live at 48 Sherman Street in Jamestown and there has been several vehicles with loud exhausts that are going by my house loud enough to be disturbing and illegal so I would like to have a police come down here to see if they can catch someone. (Dispatcher inaudible – illegal?) Mr. Toda: Illegal exhaust. Dispatcher: Noise by loud exhaust? Mr. Toda: Yes. Dispatcher: Do you have a calibrator or something like that down there? Mr. Toda: No, but I know the difference between something that is not legal and something that isn't because I have been caught myself with the same type of (inaudible) and cited for it. Dispatcher: (inaudible). Mr. Toda; Thank you.

That is harassment by the dispatcher and that serious of *(at this time Mr. Toda is talking while trying to play the tape – most inaudible).*

Legislator Bankoski: Can you shut that off. I don't understand what you are looking for this evening.

Mr. Toda: I understand that this committee doesn't have any jurisdiction over the behavior of the Sheriff, however, when the Sheriff asks for money in a constitutional system *(inaudible)* your committee. Your committee studies the appropriations and submits them to the Legislature for determination. Now, we have had several years where there has been updates to the machinery as far as communications in the Sheriff's office. These tapes are showing that some of these things –

Legislator Bankoski: They show that you called Jamestown and they don't answer.

Mr. Toda: No, these are dispatcher calls to Mayville.

Legislator Bankoski: Right, you are calling Jamestown, you have an issue in Jamestown and then they don't answer and then it rolls over to the Sheriff's Department –

Mr. Toda: At times. After 5:00 it goes directly to the Mayville office.

Legislator Bankoski: And your point is?

Mr. Toda: My point is that, there are several things being misused here in regards and its being deliberately misused in regards to the Sheriff's Department. There are several things I've talked to the Sheriff about –

Legislator Bankoski: You call there, it rolls over to the Sheriff dispatcher you said about a loud exhaust.

Mr. Toda: Yes.

Legislator Bankoski: And he said, o.k. and he asked how you knew it was a loud exhaust, he asked if you had a calibrator.

Mr. Toda: Exactly.

Legislator Bankoski: You said you did not and you said you knew the difference between normal and something abnormal, correct?

Mr. Toda: I don't believe this committee should pay your dispatchers to harass people who (*cross talk*)

Legislator Bankoski: I didn't hear any harassment there. They said that they would send a cop.

Mr. Toda: How many people in this room have a calibrator to judge the noise of a vehicle going by?

Legislator Bankoski: By the time that you call, before you call Jamestown, they didn't answer, it came to the Sheriff's, now you're asking for a Sheriff car from Mayville to go to Jamestown and sit there and try and catch somebody with a loud exhaust.

Mr. Toda: No, that is incorrect as the Sheriff would have you explain.

Legislator Bankoski: That is what you asked there.

Mr. Toda: No, the dispatcher handles calls for Jamestown, New York. In other words, when Jamestown is busy during the day, they automatically roll over to the Mayville office who handles dispatches for the Jamestown police and I'm assuming they do that with the other municipalities in the County of Chautauqua. Now, at night when, according to the Sheriff, all calls go through the dispatcher in Mayville. These calls are handled by his own dispatchers, I've talked to him over a period of years concerning this harassment and the Sheriff has promised me that he would address the problem, he has not, it continues to this day. There are various things that are happening.

Legislator Bankoski: That is your point that you are trying to make?

Mr. Toda: The point that I am trying make is where is this music coming from? If you are going to appropriate money to the Sheriff's Department and Carol who is the Sheriff's secretary tells me that there is no music coming over when you wait, then why am I hearing it and why is the Sheriff allowing his dispatchers to play it when you have a new system or when you're asking for money, why are you doing this to an individual? Why are you taking advantage of -

Legislator Bankoski: I get where you are coming from.

Mr. Toda: To harass somebody.

Legislator Bankoski: I get where you are coming from. We'll take your point and we will address it to the Sheriff at the appropriate time.

Mr. Toda: O.k., there are other issues.

Legislator Bankoski: That's it. Your time is up. You've had at least 5 minutes and you got 10.

Chairman Wendel: Moving on.

Proposed Resolution – Authorize Acceptance of the Gun Involved Violence Elimination Grant (“GIVE”) for Funds for 2017-2018

Mr. Swanson: For those of you who don't know, this is Rachael Kneer. She is my new confidential secretary. She has replaced Laurie Studley who was appropriated by Judge Foley. She's done a great job. What we have today is our annual GIVE grant that we have been receiving for the past 12 years in some form or fashion. I think the name has changed in the recent past but what essentially is, is that it funds a good percentage of one of the full time prosecutors that we assigned to Jamestown. It involves gun violence and there is no local match.

Chairman Wendel: Any questions for the District Attorney?

Unanimously Carried

Proposed Resolution - Authorize Acceptance of Grant Extension from NYS Office of Victim Services to District Attorney's Victim Assistance Center

Good evening, my name is Valerie Rettig and I direct the Victim's Unit at the District Attorney's office so they make me do it all, the grant and everything. I did an RFP a few years ago and these are two year extension that the State is allowing, the State Office of Victim's Services. They have already told us how much money to expect for our grant year 2017-18 and 2018-19. I do have to ask for an amendment or a change. At the bottom of the resolution, I included the increase to the appropriations account and increase to the revenue and I calculated incorrectly. So, there are new numbers that I have talked to Mrs. Dennison about that we would need to make a change to.

Mrs. Dennison: We do have a proposed amendment. It is still self-balancing. So increase to appropriations and a commensurate increase in revenue. The numbers here are additions to the 2017 budget just for the three months of the new grant that Ms. Rettig has procured.

Ms. Rettig: This grant and our program for the District Attorney Victim Assistance Center has been established since 1995 and we have been solely grant funded through New York State Office of Victim Services. It used to be Office of Crime Victim's Board in past years.

Legislator Tarbrake: No local share, right?

Ms. Rettig: There is a 20% match. Basically it comes from – it will come from – Office of Victim Services only give us so much towards, 45%, towards benefits, insurance, so the match will just come from there and that will come out of the District Attorney's budget.

Chairman Wendel: It shows received of \$190,000. The totals at the bottom, how do those

Ms. Rettig: This is just a quarter. October through December. The grant runs their fiscal year October 1st through September 31st. That is why on these appropriation or our financial accounts, this is just the first quarter. And the other quarters will be addressed in the District Attorney's budget. We're a sub-agency in his budget.

Mrs. Dennison: It's the first quarter of the grant year but it is the last quarter of the 2017 calendar year.

Chairman Wendel: So the total at the end of that grant year will be \$190,000, is that correct?

Mrs. Dennison: Correct. So they will be putting the \$47,000 and change –

Chairman Wendel: Because somebody might say, we're getting \$190,000 but we're only seeing \$47,000.

Mrs. Dennison: The remainder of the three quarters of the grant will be in the 2018 budget.

Legislator Niebel: That is what I was wondering about so in the second WHEREAS, those numbers are correct?

Ms. Rettig: Yes.

Legislator Niebel: It's just the increase –

Ms. Rettig: Right. It is an increase from what we are receiving this year. Every year they seem to find more money from the Federal VOCA(?) fund and then they pass it on down. This year 2016-17 and next year coming up, 2017-18, it quite a bit of an increase and I can only spend it in direct services to victims of crimes. So, I have to and hopefully getting pay raises for the two people that are there and a new position through Human Resources to be able to supply more Chautauqua County residents who become victims of crimes with assistance.

Legislator Niebel: So basically the second WHEREAS, all those numbers are correct?

Ms. Rettig: Yes sir.

Legislator Niebel: Basically what you are doing is, we're making an adjustment of approximately \$21,000 in both the appropriation of revenue accounts that is what these numbers come up to. A change of about \$21,000?

Ms. Rettig: No –

Mrs. Dennison: Total change is \$47,000.

Legislator Whitford: Forty seven he's talking about.

Legislator Niebel: Yes but it was \$26,000 and now it's up to \$47,000.

Ms. Rettig: No sir. I'll explain. That \$26,380 that was a total mistake on my part when I was calculating and putting the new numbers in. It was a mistake. I can't tell you today where I got those numbers from on the day that I did it.

Legislator Niebel: But now it's \$47,668, so it's about \$21,000 more in both the appropriation and revenue accounts.

Ms. Rettig: The only thing that I can tell you is that the grant that we are getting this year, 2016 through September –

Legislator Niebel: That's what it shows here, \$26,000 is crossed out and now we're going to \$47,000 so it's a change of about \$21,000 in both the appropriations and revenue accounts.

Mrs. Dennison: No. The \$26,000 figure is incorrect. That was intended to be the additional amount added to the 2017 budget, three months' worth of the new grant. But, as Valerie said, she initially miscalculated the salary figure. So, the original resolution was to add \$26,000 to the budget. It should always have been adding \$47,668.

Legislator Niebel: Or a difference of \$21,000.

Mrs. Dennison: Well, I suppose but the \$26,000 is just wrong. It's not like we added a piece and we're adding a second piece. We're adding one piece that's \$47,000.

Legislator Niebel: O.k., let's just say, you understated both the appropriations and the revenue by \$21,000 is what it amounts to.

Mrs. Dennison: I suppose you could look at it that way.

Legislator Niebel: That's how I'm looking at it.

Mrs. Dennison: O.k., but the \$26,000 adjustment has never happened.

Legislator Niebel: I understand.

Ms. Rettig: May I say that from what we are getting this year 2016-17 year from Office of Victim Services is \$152 something thousand and we're going to get \$190,000 so that is what about \$32,000 more and last year they gave us \$22,000 more. So, it's quite a hike in the last couple of years to provide assistance to victims of crime in Chautauqua County.

Legislator Tarbrake: You don't have to explain it so much but what kind of programs do you provide?

Ms. Rettig: We provide education to victims of crime, how the criminal justice system works, how it works for them, what is going on with their case. We keep them updated, we help them understand, we act as a liaison between them and the Assistant District Attorney or the District Attorney working on their case. We help them with victim impact statements, we have accompanied people to court, we refer them to outside community agencies and we do counseling. Well we're not counselors, we do emotional support over the telephone and in person. So those are some of the things that we do.

Legislator Niebel: Val, a lot of times you do outreach, you go to Fredonia State and you explain this program to some of the sociology classes.

Ms. Rettig: Yes, I have many times gone to other agencies or community resources, hospitals, the as Mr. Niebel was saying, sometimes I'm invited to Fredonia. I've taught at the Sheriff Academy about what we do and how to assist victims.

Legislator Tarbrake: I think that the public would appreciate to know more about it and I think that you are doing the right thing by doing outreach. I don't think the majority of the public really knows how much help you give the victims. I think that it is a very good program. I'm not making my point very well but it's an excellent program and I think folks need to know about that.

Ms. Rettig: Thank you. We try and I think that we do have a good working relationship with other agencies within Chautauqua County and they know that they can rely on me and/or whoever to get information, to help their clients. I have people call me from DSS or CPS or Adult Protective Services. While, I am not an attorney, I can't give them any legal advice but I can tell them how the system kind of works, the criminal justice system in Chautauqua County.

Chairman Wendel: Any other questions? If not, all in favor of the newly amended numbers?

Clerk Tampio: We will need a motion to amend?

Legislator Niebel: I'll make a motion to amend.

Legislator Whitford: Second.

Unanimously Carried

Chairman Wendel: Now on the resolution as amended?

Unanimously Carried

Proposed Resolution – Adjust Emergency Services Budget for Capital Vehicle Replacement

Mr. Leone: Last year in the Fall we sold one of the County fire police vehicles and want to move the money to a position in the capital accounts so that we can spend it toward the new vehicles that we got a \$150,000 grant for. That will be a little bit short and that is what this is. We sold it last year to a bidder from Maryland for a lot more money than we had anticipated. It was a good thing.

Legislator Bankoski: You sold one vehicle?

Mr. Leone: Right.

Legislator Bankoski: And we're replacing a new vehicle for that money we sold the used one for?

Mr. Leone: Well actually we got \$150,000 grant to purchase - we have two fire police vehicles. One north County and one south County. One is kept at the training center in Dunkirk and the other one is kept at Ashville Fire Department. So we got a \$150,000 grant to replace both of them. This one was sort of on its last leg and it needed some major repair that was worth more than the truck so we put it out for bid and sold it for \$7,000 so that is what this is. We're down to one truck right now until the new ones arrive.

Legislator Bankoski: And now what will we do with the other one?

Mr. Leone; We'll do the same thing. We'll put it up for bid and dispose of it.

Chairman Wendel: Any other questions for Mr. Leone?

Unanimously Carried

Mr. Leone: The fly cars are in western New York so things are getting better. They are actually in Elma getting outfitted so things are looking good.

Proposed Resolution – Use of W911 Reserve for Purchase of Two New Servers

Sheriff Gerace: In this resolution we're asking to move \$14,500 to cover the cost of two computer services that will be used to support the 911 network and that will be from the reserve account which was part of this plan to upgrade the Next Generation 911.

Chairman Wendel: Any questions for the Sheriff? We tapped into this wireless reserve once, haven't we?

Sheriff Gerace: Yes. For the interoperable radio system. In fact, it was planned to do that but when we went to upgrade our 911 core, if you will, the entire backbone, some of that was anticipated and some of the expenses like this were unanticipated but we purposely built a reserve in order to fund that project. It's a work in progress. There will probably be a few more purchases that will come to you that will move money from that reserve.

Legislator Niebel: Not a question but a comment. I want to say that I appreciate the fact that the Sheriff and his department continue to identify surpluses in the reserve accounts. I think that is a lot better way to go Joe than try to move money within your account within the 2017 budget because you never know if you will run short or whatever. You've been doing that the last couple of months, for the last couple of transfers and I think that is the way to go. Thank you.

Sheriff Gerace: Just kind of on a related note. The State Legislature did approve a change in the law which we in public safety we're pushing for, which was to allow us to do a surcharge to these prepaid phones. So, as a forewarning, we'll be coming to you in the future to modify the County law or change the County law that will allow us to collect a surcharge because people are buying prepaid but they are not paying monthly surcharge. They are using 911 from the prepaid, we know that when we receive the call. We'll at least be able to recover some of that.

Chairman Wendel: Any other questions for the Sheriff?

Unanimously Carried

Proposed Resolution – Authorize Execution of Statewide Interoperability Communications (SICG) Formula Grant Award

Sheriff Gerace: I'm pleased to be a recipient or the County a recipient of \$657,306 from New York State through what they call the Statewide Interoperability Communications Formula Grant. This is based on a number of factors. We had to fill out an application, write a grant. Matt Trusso, again, singing his praises, wrote this grant which we'll be able to use for interoperable communications and we're asking you in this particular resolution to accept the grant award. There is no local match and also to allow the movement of \$362,000 into an appropriation account for us to make purchases in this calendar year and we anticipate the remaining money will be in 2018 so we'll come back at that time to ask that money be appropriated.

Chairman Wendel: Any questions for the Sheriff?

Legislator Bankoski: Sounds like some good stuff going on.

Sheriff Gerace: Just so you know what that money will be used for this year, we believe that we're going to be able to purchase additional subscriber equipment and then also put into place what are called, interoperable base stations. This is like one of the se Catch 22's because we did not have these interoperable base stations in play, we were actually eligible for less money in this grant. So, the interoperable base stations allow anyone from outside the County to come in and operate public safety radio system. They will listen to all kinds of frequencies and

different ranges. So now we have the funding, we're going to get those in place and hopefully the future formula block grants will be allowed to get more money.

Chairman Wendel: Any other questions for the Sheriff?

Unanimously Carried

Other

Sheriff Gerace: Do you have anything else under "other" Mr. Chairman?

Chairman Wendel: Not to my knowledge.

Sheriff Gerace: I would like, if it's o.k., with you, have you consider going into executive session so I can discuss an investigation with you?

Legislator Niebel: I so move.

Legislator Tarbrake: Second.

Unanimously Carried (In executive session at 4:45 p.m.)

MOVED by Legislator Niebel, SECONDED by Legislator Tarbrake to come out of executive session and back into regular session.

Chairman Wendel: Anything else to come before the committee?

MOVED by Legislator Tarbrake, SECONDED by Legislator Bankoski to adjourn.

Unanimously Carried (4:56 p.m.)

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