

Minutes

Public Safety Committee

Wednesday, September 20, 2017, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Wendel, Whitford, Bankoski, Niebel

Others: Tampio, Dennison, Peebles, Sheriff, Narroway, D. Gregory, Horrigan, Volpe, Griffith

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

Approval of Minutes (8/16/17)

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford.

*Unanimously Carried*

Privilege of the Floor

No one chose to speak at this time.

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Proposed Resolution - Amend 2017 Budget for the Medical Examiners & Coroners and Clerk, Legislative Board

Clerk Tampio: If I could speak to that Mr. Chairman.

Chairman Wendel: Certainly.

Clerk Tampio: As you can see from the resolution we are nearing the budgetary limit for the Coroners budget for 2017. We're at probably about 95% at this point and we still have four months left in the year. Last year the Coroner's budget was at 93% at the end of the year. There were some unexpended funds in there. It's primarily due to the increased expenses in the medial and health services line of our budget. The increased cost in the number of autopsies and those related, toxicology, supplies, etc.. So we made an estimate based on the next four months of what we expect to see and we have funds available to transfer from the Clerk of the Legislature budget. Twenty thousand from the personnel services, point one and \$20,000 from the point eight being employee benefits. That money exists still and will not be expended because the Legislature did not fill the position of the Senior Stenographer this year.

Chairman Wendel: Any questions?

*Unanimously Carried*

Proposed Resolution – Authorize Acceptance of 2017 Crimes Against Revenue Program (“CARP”) Funds

Mr. Gregory: I’m the Assistant District Attorney for the District Attorney’s office. Appearing on resolution and we’re just asking that the Legislature continue acceptance of the Crime Against Revenue grant. There are no matching funds. We have one ADA assigned to the program and one Senior Investigator. The program is designed to investigate crimes against revenue. That would be unemployment insurance fraud, cigarettes tax evasion etc..

Chairman Wendel: What is the return on that? Have you seen an increase? We really don’t see a return on that, do we? While the money would go to the State as opposed to us.

Mr. Gregory: We don’t get any direct return necessarily. If there is sales tax, of course, the County gets a portion of the sales tax. I believe it’s 4% maybe but the program does, in the context of drug cases etc., sometimes the easiest way to target somebody is not necessarily- the revenue grant is sometimes easier to prove depending on the circumstances than the actual crime.

Chairman Wendel: Any questions?

Legislator Bankoski: You said we had two people there (*inaudible*)?

Mr. Gregory: Yes, a Senior Investigator, John Crossley is assigned to it and Josh Ciliano(?), one of the Assistant District Attorney is assigned to it. They are both part time and then Josh is partially funded. His position is partially funded by the County to make it full time so that he can do other things besides jus the Crimes Against Revenue program. So, this helps to pay some –

Legislator Bankoski: It pays some salary.

Mr. Gregory: Yes and some fringe benefits.

Chairman Wendel: Any other questions?

*Unanimously Carried*

Proposed Resolution - State Homeland Security Program for Fiscal Year 2017

Mr. Peebles: This here is for approval for a grant that we got from Homeland Security for monies allocated to both Emergency Services and the Sheriff’s Department. A \$149,956 for Emergency Services and \$49,986 towards the Sheriff’s for terrorism prevention.

Chairman Wendel: No matching funds. Always nice. It says more regionalization. Is there something that this is earmarked for or going towards?

Mr. Peebles: I don't have the specifics on it. The \$49,000 I believe from what the Sheriff says is toward Matt Trusso's salary and I believe it's broken down into different salaries for some personnel in Emergency Services.

Chairman Wendel: Any questions?

*Unanimously Carried*

Proposed Resolution – NYS Executive Law 13-A Classification/ATI Program Grant

Mr. Narroway: New York State Executive Law 13-A requires the County's to submit an ATI plan, Alternatives to Incarceration plan, to New York State. With approval of that plan, the State provides funds to local jurisdictions for their ATI programs and allows the jail to maintain a reduced classification system. With these funds, we intend to establish a pre-trial services program primarily in Jamestown City Court to supply the judges in that court with additional information regarding whether or not the offender should be released on their own recognizance on supervision of probation and hopefully reduce some of the burden on the jail. And this is to accept those grant funds from that program.

Chairman Wendel: Any questions?

Legislator Niebel: Is this a new grant or is it something you've had in the past?

Mr. Narroway: This is an existing program that was formally done through the Public Defender's office and shifted it to us this year.

Chairman Wendel: Any other questions?

*Unanimously Carried*

Proposed Resolution – Authorize Agreement with Pine Valley Central School District for Purchase of Fuel for Sheriff's Office

Sheriff Gerace: We would like to enter into an agreement with Pine Valley School to use their fuel depot and it's a twofold purpose. It prevents us from going further distances to fuel and we're going to set up a sub-station at Pine Valley School at their request, an office to be used by Deputies that might be in the area to prevent them from driving further if they need to. They are looking for the presence of the patrol vehicles and this is a win/win. The fly cars will also be able to fuel there if necessary. Maybe some of you don't know but we used to maintain our own fuel farms and we saw a potential of cost reduction by partnering the school districts. We have several school districts that we use their fuel depots and we have since eliminated all the ones that we used to own and maintain. It's definitely a cost savings of the County.

Legislator Bankoski: Where do we fuel for this area now?

Sheriff Gerace: We fuel at Chautauqua Lake School, we fuel the two BOCES, Frewsburg School, Cassadaga and then we share the fuel depots at the County highway and in Hanover at the school.

Legislator Bankoski: There is nothing really over there?

Sheriff Gerace: Nothing right now. The closest would be Silver Creek School.

Legislator Bankoski: Closer for us when we're out that way.

Sheriff Gerace: Yes.

Legislator Niebel: Joe, you could do the same thing with town highway departments?

Sheriff Gerace: Correct.

Legislator Niebel: But you think the school districts would be better for you?

Sheriff Gerace: Well, they want the presence at the school. It's a real win/win for that and they like to see the marked patrols coming in and out of the schools and the fact that Pine Valley is donating an office area for us is also advantageous.

Legislator Niebel: It's free, take advantage of it.

Sheriff Gerace: Free is good.

Chairman Wendel: Any other questions for the Sheriff?

*Unanimously Carried*

Sheriff Gerace: Mr. Chairman, if I may, at the end of the meeting under "other" if you would like an update on the jail and the population situation, I would be more than happy to provide that for you.

Chairman Wendel: You can do that now because there is another "other". Present now while you are here.

Sheriff Gerace: O.k., I have been trying to keep you up to date through email on our population but we have been at a record high number. We've had 23 inmates boarded out into other jails as far away as Wyoming County. We also utilize Steuben, Allegheny, and Cattaraugus. You've seen a modest dip in the local population in our jail so we are bringing a few of those people back because it's expensive. We pay per day. I want to just vent a little bit. We've had 22 parole violators, technical violators in jail. Just for your information, a technical violator was let out of State prison, on parole, they've already been sentenced to State prison but during their release they violated the terms of their parole. So, under New York State ruling by the Appellate Courts, the Sheriff of the County in which they are arrested, has to hold them. We

hold them sometimes for extended periods of time at local expense. If you look at the number of people boarded versus the number of parole violators that we are housing, it's off by one. So it's no coincidence. I have reached out to parole and to the highest levels in Albany trying to get them to (*inaudible*). What they are awaiting is a parole hearing and then a decision is made to either release them based on time served, to return them to prison or continue their parole. I've been assured by the Deputy Commissioner, I believe his title is, that they are going to focus more attention on County. There are other factors but it is definitely a concern as we - if you look at the math, \$85.00 a day board out fee times 23, we're talking about \$13,000 a week in costs that is unbudgeted to us. So, getting this population down is essential and the parole violator is just one piece of a bigger puzzle. We have a meeting scheduled Friday morning with Judge Foley, the District Attorney's office, the Public Defender's office, I believe Probation to start looking at the list of people that are in jail, which is frustrating. One example, I have a person who has been in jail 659 days un-sentenced. He's waiting for a trial. So we have to look at some of these case by case to see if we can bring the population down. It's definitely a concern.

Chairman Wendel: The saving grace is we still have Federal inmates, right?

Sheriff Gerace: Correct but again, if you look at the math, if we release them and probably won't get them back, we're still on the plus keeping them and boarding out.

Legislator Bankoski: How many Federal inmates do we have?

Sheriff Gerace: Right now I think that we have 28. We're budgeted for 30. So I have to look at those cells as committed because it's part of our budget.

Legislator Niebel: It's not just the space that these guys take up. If these parole violators have medical concerns, the County is on the hook for those.

Sheriff Gerace: Absolutely. What I have done is, I have written to Senator Young asking for relief from the State. The only way that this problem is going to be resolved is with State legislation because the Court of Appeals made the ruling and there is no appealing. We can't go to the Supreme Court because it's not a Federal issue. You have to change the law. What I am told by the New York State Sheriff's Association of Council, they said good luck with that because the State Assembly is not likely to make that adjustment. If you did the math at \$70 a day cost of housing, there are 1,669 technical parole violators being held in New York State Jails, that equates to \$42 million dollars a year in cost to the local taxpayers that the State should be bearing.

Chairman Wendel: It's tough to the fact that they are on public assistance when they are not in jail and they come to jail and then it stops. It makes no sense to me at all.

Legislator Bankoski: They are still on assistance.

Chairman Wendel: Well, yeah, our assistance (*cross talk*)...

Sheriff Gerace: Medical is what you are referring to.

Chairman Wendel: Right, exactly. It makes no sense that you go from paying partial burden to everything.

Legislator Bankoski: Have you ever thought of the idea of reaching out to the State and utilizing the annex at Lakeview?

Sheriff Gerace: We have. We've talked about that. In fact we talked about the potential of that for this Raise the Age initiative. But, it's very clear to us that that is out. They are not going to be let it housed on a campus of the State prison period and it looks like, when I say, Raise the Age of 16 and 17 year olds that are now no longer going to be able to be held in jails as of October of 2018 and then October of 2019 for the 17 year olds and the answer was pretty straight forward that they are looking at the youth facilities as acceptable but not prison space. The issue with us is getting the State to agree to do something. I have reached out to the DOCS Commissioner but he has not gotten back to me.

Legislator Bankoski: I know that when I retired three years ago we were still heating that building, there is electricity, there are beds in there. There are just no people in there.

Sheriff Gerace: It makes too much sense. You could use it for youth but it is not within the accepted -

Chairman Wendel: If you set up boarding now, they should be boarding.

Legislator Bankoski: If we were able to get such a facility that we would be able to help other counties out and bring them here and then you could pay us.

Sheriff Gerace: Exactly but they are not going to allow them to be contingent or connected to any jail, prison. It's going to be yes, the approval - this is a work in progress. The County Executive knows more about it than probably anybody in the County that they are looking at the youth facilities expanding them to hold the 16 and 17 year olds. Like for us, it would be Ferry Street in Buffalo. I don't know how they are going to maintain the capacity for the whole Western New York region but, that will be yet to be determined.

County Executive Horrigan: The plan is forthcoming.

Chairman Wendel: Thank you.

County Executive Horrigan: I just want to introduce John Griffith. John has been selected by a search committee. Bob was on that search committee as a new EMS Coordinator replacing Julius Leone. Huge amount of experience, passion for the fire services and emergency services along with the private background running (*inaudible*) Sam & Matson so he has the financial piece as well. He'll be coming on board. I think that he just came from training -

Mr. Griffith: I was with the Department of Home Security in Buffalo today.

County Executive Horrigan: He'll be starting October 2<sup>nd</sup> so he'll go through the budget hearings with Julius to see how you all operate in that venue and then Julius will be retiring towards the end of October. We'll say good-bye to him at the October Legislature meeting. I just wanted everyone to meet John and we're excited about that. Julius has big feet to fill but this is the big guy with big shoes.

Legislator Niebel: You were a Town Supervisor right?

Mr. Griffith: I was a Town Supervisor in Ellington in the 90's, yes.

Chairman Wendel: Welcome aboard.

County Executive Horrigan: Just one other question. Katrina Fuller is our new Post Journal reporter replacing Jim McCarthy who's headed up to the Observer. So she'll be covering government. Thank you.

Chairman Wendel: We do have request for the update on the fly car system. Gentleman if you would like to keep us abreast.

Discussion – Fly Car Update – Mike Volpe and Kevin Peebles

Other

Chairman Wendel: Anything else under "other"?

Legislator Bankoski: Motion to adjourn.

Legislator Niebel: Second.

*Unanimously Carried (4:43p.m.)*

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