

Minutes

Public Safety Committee

August 19, 2020, 4:00 pm, Legislative Chambers

Gerace Office Building, Mayville, NY

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

Others: Tampio, Ames, DeAngelo, Chagnon, Braley, Swan, Griffith, Barone

Chairman Niebel called the meeting to order at 4:00 p.m.

Approval of Minutes (8/19/20)

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford.

Unanimously Carried

Privilege of the Floor

Chairman Niebel: Anyone here for the privilege of the floor? Doesn't look like anyone is here to speak. Do we have any communication regarding privilege of the floor?

Deputy Clerk Ames: No, we have not received any communications.

Proposed Resolution – Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2019 to December 31, 2021

Mr. Barone: I'm still mostly a dinosaur when it comes to these different things but in any regard, the resolution that has been submitted for the committee's consideration is one of the several different indigent legal service grants that the County was awarded. This particular one is in regard to the 18B, assigned counsel program. We were granted a sum of \$269,919 to be used for 18B or assigned counsel over a period of three years. This particular resolution, if approved by the Legislature, will allow the County to collect the funds of those particular funds to be distributed to the County. Because we have in fact, mostly the monies, I think – Kathy if you're there, I can't tell, but it's being worked on or has been worked on along with Chairman Chagnon, and Kathy, and myself, and the attorneys from ILS. Again, it's in consideration for effective assistance of counsel and those funds being used solely for 18B or assigned counsel fees.

Chairman Niebel: Ned, it's for a 3 year period and its all State monies.

Mr. Barone: Yes, that's correct. With no requirement on the part of the County to match funds, to contribute things, it's all purely State money.

Legislator Bankoski: Ned, since this says January 1, 2019, is this something that comes in from of us every year to continue to accept these monies?

Mr. Barone: No, it would just be this particular distribution. Again, we have a lag time on a lot of these distributions. We now have Madeline in our office here, PD office, that was required by Indigent Legal Services and she's the one that is putting together these distributions to get authorized by the County so that the State, they are prepared to give us those funds but again, there has been a lag on the part of the State, usually a year, sometimes as much as three years on some of these, so, no, it shouldn't come again in front of the committee. This would be it. Although I will say, I will just condition that, sometimes we do have amendments or we do have additional funds that sometimes become available, different grants and different things that they will sometimes amend the original distribution. So there is always a chance they do something like that.

Chairman Niebel: Any other questions of Mr. Barone?

Legislator Hemmer: Is then Madeline then paid out of these funds? Is that where she gets paid since she's required by it?

Mr. Barone: She's actually – yes, not this particular distribution but by one of the grants that was given to us by ILS. It was for the creation and hiring of what we considered to be a data base employee within our department. Indigent Legal Services required each agency that is receiving grants from them, they need to have a data base officer to collect all the figures that we accumulate, all the different case numbers, all the different positions that are created through the grants and put together those figures and provide them to ILS for audit and approval on things. Those grants are not actually in this distribution but in the larger distribution. The \$15 million over a 5 year period, that is where Madelyn gets paid out of.

Legislator Hemmer: Thank you.

Mr. Barone: Just so I'm clear, she's not actually part of the assigned counsel program. These particular funds deal only and exclusively with the 18B which is the assigned counsel program in Chautauqua County.

Legislator Pavlock: A question in regards to this account. Does this cover the salaries, benefits, or a particular person and supplies, mileage, that sort of thing? What does the \$269,000 cover?

Mr. Barone: No it doesn't and again, Kathy can correct me if I'm wrong but no, these are for the assigned counsel or 18B funds. Typically are submitted by private attorneys who are assigned to cases that our department gets conflicted out on. Now, that being said, in the past what you would find is that when private attorney submit their vouchers to the County for assigned counsel cases, it would also include mileage that they may travel. Expenses that might have been incurred either/or expert services, investigative services, things like that. So, any and all cost associated with the assigned counsel, would be included in that. Now, the big difference now is that the County is interested in hiring or creating an assigned counsel office that would

take care of conflicts. If that's the case, then more than likely, these funds yes, would be for an attorney that would be built into that position on a permanent or part time basis. So that would include their salaries and benefits and whatever else may be associated with a typical employee cost or office expenses. But at this point, there is nothing that's, again, that's something that I'm not involved in with any conflict defender or conflict office would be handed by the County directly because of the conflicts and I really can't become involved in anything like that.

Chairman Niebel: Any other questions of Mr. Barone?

Unanimously Carried

Mr. Barone: Terry, one final thing I want to make clear on this distribution. It's purely for criminal 18B costs. Nothing to do with Family Court assigned counsel cases. Thank you very much everyone.

Chairman Niebel: Members, we will not sign these resolutions at this time, they will be held until the end of the meeting and then all the resolutions will be signed at the conclusion of the meeting. Just so you know.

Proposed Resolution – Authorize Execution of New York State Office of Homeland Security FY20 State Law Enforcement Terrorism Prevention Program Grant

Under Sheriff Braley: This is a recurring grant that we've applied for in the past. This is a terrorism prevention grant and certain things are authorized under the purchase of it. One of the things is, payments to our interoperable communications coordinator including wage cost and fringe benefits. That accounts for roughly half of it. The other half is devoted, this year, to ordering in the course of this grant period, to obtaining a remotely operated vehicle. It's an underwater search type vehicle so that we can put it in hazardous situations to search for drowning victims or evidence of things like that without putting a diver in those situations. There is no local share involved.

Chairman Niebel: No local share and it has been included in the 2020 budget.

Under Sheriff Braley: Yes.

Chairman Niebel: Any questions for Darryl or Jennifer?

Unanimously Carried

Proposed Resolution – Authorize Acceptance and Use of Univera AED Grant Funding

Under Sheriff Braley: There is a little bit of history behind this one. During the past administration, Univera provided a certain amount of money to the Sheriff's office for the replacement of 14 AED's that were either in vehicles or mounted within the facility over across the street. Unfortunately, Univera did business with a company called SOS Technologies who

actually provided those AED units. So this was a little bit irregular and the fact that SOS had some sort of supply chain problem, they couldn't even deliver these units for a couple of years. They suddenly became available. We did a little digging, located the funding that had been provided, the \$11,000 and at this point – I'm sorry, I might have said, 14, it was 16 AED's, so at this point, we have Univera providing the money with a business associate that they have to supply the materials and we are looking for approval to just do a little bit of a unorthodox purchase to allow us to obtain these. Again, there is no other funding involved from County sources whatsoever.

Chairman Niebel: Committee, any questions?

Unanimously Carried

Legislator Hemmer: I was going to ask a question on a previous one. You were talking about buying a remotely operated diving vehicle and it's no cost now but I assume that it's going to break in the future. Is there continuing grant money to maintain the thing?

Under Sheriff Braley: There is additional funding anticipated under this particular grant stream that hopefully we can do maintenance for. There will be some sort of a warranty period on these and of course we'll explore this when we – we've got a rough dollar figure on a purchase of the vehicle that we do what we needed to do. It's about a \$24,000 unit. So, certainly I'm not going to tell you that there isn't going to be any maintenance. There certainly will be at some point and time but hopefully we can leverage some grant funds at that point to make those repairs.

Legislator Hemmer: And the training to use it and all that, that is all going to be included?

Under Sheriff Braley: A lot of that stuff will be self-taught if it's like the other equipment that we've got. We're operating side-scan sonar at this point for the most part. The manufacturer provides some basic training and a lot of it is just practicing and feel to sharpen people's skills on that equipment.

Legislator Pavlock: In regards to that, we have the equipment to haul it from place A to B too? We have a trailer to move it.

Under Sheriff Braley: They are actually really small. I mean you could pick them up and carrying them. It's a suitcase type of operation as opposed to like a boat type operation.

Mrs. Swan: It's essentially kind of like a drone but it goes underwater. It's the same concept.

Chairman Niebel: As a matter of fact, I think John would like to be the operator of this vehicle.

Legislator Hemmer: Maybe next year.

Legislator Pavlock: It will be utilized in the County for sure. Every year we have some stuff in the lake happening.

Under Sheriff Braley: Yea, we do and things that we can do with more developed technology really outweigh the - we exhaust divers really quickly. We have a limited number and the training and equipment cost and all that kind of thing that go into maintaining the dive team, if we can just use them after we've conducted the search, it really makes a lot more sense safety wise and economically.

Chairman Niebel: O.k., we have approved number three. So we'll go onto number four.

Proposed Resolution - Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Two School Resource Officers

Under Sheriff Braley: This is a recurring contract and this allows us to provide two officers for BOCES. They have three different facilities in the County. We assign one officer to one of those facilities and the other one splits time between the other two.

Chairman Niebel: O.k., and it's from July 1, 2020 to June 30, 2021.

Under Sheriff Braley: That's correct.

Chairman Niebel: No amendment to the 2020 budget.

Under Sheriff Braley: Right.

Chairman Niebel: Committee, any questions?

Unanimously Carried

Proposed Resolution – Authorize Agreement with Forestville Central School District for School Resource Officer

Under Sheriff Braley: Unfortunately we were notified by Forestville Central School that because of financial problems, they would like to withdrawal from their current contract.

Chairman Niebel: O.k. so we won't act on that proposed resolution. It's more or less withdrawn at this point.

Under Sheriff Braley: Right.

Proposed Resolution – Authorize Agreement with Silver Creek Central School District for School Resource Officer

Under Sheriff Braley: This again is a renewal of a contract that we've had in place for several years now. The cost has changed slightly and the term does run from July 2020 to June 2021.

Chairman Niebel: Again, included in the budget.

Under Sheriff Braley: Yes.

Legislator Pavlock: A little while back we talked about the price associated with the cost to the school districts. How much did that go up from what it was last year?

Under Sheriff Braley: That went up slightly for this year and another built in increase has already been discussed with the district for the beginning of next year. If you need more specifics, I think Jen has those.

Mrs. Swan: I believe it was about a 2% increase over the current years, the previous contract cost. Initially it truthfully would have been more but considering the financial hardship that everybody is facing right now, it made it very, very difficult for us to implement that drastic of a change so this year we just plugged in about a 2% increase.

Legislator Pavlock: I had spoken with Jim a while ago on this and by the time you calculate the expense of a car, fuel, and things like that, it was more of a cost than what we were charging the districts but if you raised it what it required to raise to make your cost coverage, all the districts would have dropped the resource officer. It looks like a good compromise.

Mrs. Swan: They have been notified to expect that increase in the coming years so they are aware that it will be happening and we're working toward that.

Chairman Niebel: Darryl, as we discussed earlier when you first came in, there are some schools that will not have school resources officers this year like Bemus Point, Chautauqua Lake, Frewsburg, Pine Valley, is that because of the cost increase?

Under Sheriff Braley: I think a lot of it has to do with the uncertainty of the State aid and the reductions.

Chairman Niebel: O.k., any other questions?

Unanimously Carried

Proposed Resolution – Emergency Management Performance Grant – S (COVID-19) Fiscal
Year 2020

Mr. Griffith: Thank you very much for considering this. This is a special grant strictly for COVID-19. It was announced through the Federal government, passed through the State government. This grant would include \$29,492 from Federal monies through the State and \$29,492 of in-kind or local share monies. We had already spent these monies for our half of the

\$29,000 through our FEMA grant but that would be allowed. So, pending everything working through the FEMA grant this would cost us 25% of \$29,492 because the rest of it would be covered under the FEMA grant for the total amount. A little complicated this year with grants and FEMA and the way this all works out but we have been assured that what we are doing is correct in the FEMA plan and this should work through. A big piece of that was for a specialized piece of equipment for deconning EMS equipment with an electrostatic type of sprayer. Any questions for me on that?

Legislator Hemmer: This is for killing the virus?

Mr. Griffith: Yes sir, it is for decontamination of contaminated services. The big piece of this is going to be used for is that and the rest of the funding on this is going to be used for planning for future pandemics and updating our pandemics and mass casualty plans. So two fold. Not all for the sprayer but also for the mass casualty and future pandemic plan, are both allowed through the Federal process.

Legislator Hemmer: You are spraying vehicles, or you're spraying – what is it that you spray?

Mr. Griffith: Well, we spray down the inside of ambulances, different equipment. We used it a lot during the COVID testing sites where we worked to decon equipment coming off of that. It's just part of what we do as far as decontamination. Working mostly through our Haz Matt team.

Chairman Niebel: Any other questions?

Unanimously Carried

Proposed Resolution – Emergency Management Performance Grant for Fiscal Year 2020

Mr. Griffith: This is the annual grant that we get through Homeland Security. This grant is 50% match. The other 50% offsets the salaries in our office. This is an annual grant and has been accepted and worked on several times. It is in the budget for this year. Again, has nothing to do with COVID, this is just a normal time type of grant request funds and it funds out of the budget and the local share is in the budget for 2020.

Chairman Niebel: And John, again, it is 50% local share but it's in-kind.

Mr. Griffith: This is not Terry. This is not in-kind, it's 50% but it is in the budget and 50% is used to offset salaries.

Chairman Niebel: Any questions of John?

Legislator Hemmer: It does say in-kind in the grant but that –

Mr. Griffith: Yea, it's an in-kind match but the in-kind match is cash.

Legislator Pavlock: We're kindly giving them half of it.

Chairman Hemmer: Any other questions?

Unanimously Carried

Proposed Resolution – State Homeland Security Program for Fiscal Year 2020

Mr. Griffith: That is our SHSP grant. That actually has all Federal funds. That is simply a matter of grant money in and grant money out. There is no local share to that. That's just accepting our normal SHSP grant.

Chairman Niebel: For this resolution, it's just accepting the grant.

Mr. Griffith: Yea, just accept and you will notice it says no local source of funds.

Chairman Niebel: Any other questions of John?

Legislator Hemmer: And this one goes for personnel?

Mr. Griffith: This one here, I believe, and I'm not – I should have broken this out a little better, I apologize, but this is going for personnel and I believe Haz Mat.

Legislator Hemmer: For equipment and what not and stuff like that.

Mr. Griffith: Yes.

Chairman Niebel: Any other questions?

Unanimously Carried

Other

Chairman Niebel: Does anybody have anything to bring up for the good of the committee? If not, I'll entertain a motion to adjourn.

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

Unanimously Carried (4:29 p.m.)

Respectfully submitted and transcribed,
Olivia Ames, Deputy Clerk/Lori J. Foster, Sr. Stenographer