

PUBLIC SAFETY COMMITTEE
February 6, 2019

ALLEGANY COUNTY
BOARD OF LEGISLATORS

Members Present: D. Healy, W. Dibble, D. Decker, B. Harris, S. Havey, J. Hopkins, C. Crandall

Others Present: L. Ballengee, G. Barnes, T. Boyde, J. Burdick, P. Curran, M. Evans, D. Fanton, K. Graves, G. Green, S. Grusendorf, C. Ivers, B. Kelley, C. Knapp, S. Lanphier, J. Luckey, D. Marsh, K. Monroe, B. Perkins, B. Reynolds, J. Ricci, B. Riehle, D. Root, T. Ross, K. Slep, T. Shaw, R. Starks, P. Stockin, M. Washer, R. Whitney

Media Present: C. Potter, *The Spectator*

Call to Order: The meeting was called to order at 1:53 p.m. by Public Safety Committee Chairman Dwight "Mike" Healy.

Approval of Minutes

A motion was made by Legislator Decker, seconded by Legislator Dibble, and carried to approve the Public Safety Committee minutes for January 3, 2019.

PUBLIC DEFENDER

Public Defender Barbara Kelley attended the meeting and submitted her monthly report to the committee for review. Legislator Harris asked if there is anything worth noting regarding Counsel at First Appearance being included in the Governor's Budget. Ms. Kelley stated there is a significant amount of funding included, and they are working to get their hands on some of it.

EMERGENCY MANAGEMENT & FIRE

Emergency Management & Fire Director Jeff Luckey attended the meeting and submitted his monthly report to the committee for review. Mr. Luckey briefly highlighted some events he attended in the month of January, and noted that they are two towns away from the Hazard Mitigation Plan being complete.

Acceptance of Emergency Performance Grant Funds

Mr. Luckey requested a resolution accepting the funds for the FY2017 Emergency Management Performance Grant in the amount of \$23,177 for the period October 2017 through September 30, 2019. This grant will be used to offset salary costs in the amount of \$15,177 within the Office of Emergency Management in regards to mitigation, preparing, planning, and recovery from man-made and natural disasters. Three-thousand dollars will be used to purchase Personal Protective Equipment, \$4,000 will be used to offset the cost of rent, and \$1,000 will be used for training of the Office of Emergency Services staff. These funds have been included in the 2019 Budget. This request was approved on a motion made by Legislator Dibble, seconded by Legislator Havey, and carried. **Prepare Resolution**

STOP- DWI

STOP-DWI Coordinator Brian Perkins attended the meeting and submitted his monthly report to the committee for review. Mr. Perkins briefly highlighted events he has recently attended noting the most significant being the Western New York STOP-DWI meeting in Mount Morris where he met with coordinators from all over the Western New York region and gained new perspectives on the programs.

Legalization of Marijuana

Legislator Harris stated that after visiting the New York State STOP-DWI website, it appears to him they have come out strongly in favor of adult use marijuana regulation. Mr. Perkins stated that he believes that is their position at this point in time; however, it certainly has its own hazards involved as well. Mr. Perkins noted they are leaning more towards impairment and how they can incorporate that into driving incidents, adding that DWI is not just alcohol anymore. Committee Chairman Healy noted that the individuals Legislator Harris is referring to are appointed by the Governor.

Leadership Allegany

Legislator Hopkins congratulated Mr. Perkins on graduating from Leadership Allegany. Mr. Perkins expressed his gratitude for being allowed to complete the program stating it was a wide variety of up and coming leaders throughout the County, and was a very valuable program that opens a lot of doors to those participating to be more involved with their community.

DISTRICT ATTORNEY

District Attorney Keith Slep attended the meeting and submitted his monthly report to the committee for review.

No Cash Bail

Mr. Slep stated it may very well be if proposals are passed in their present form, they will literally have no jurisdiction to prosecute any single crime in New York State due to barriers and time constraints that will be put on them. If Mr. Slep wants to detain someone for anything other than a misdemeanor, felony, etc., he has to provide a four-day notice and show why the individual should be detained, adding that during that time, the person is free to go. Mr. Slep noted that even the Liberals in their group term it as "irresponsible." Legislator Harris asked in Mr. Slep's experience, is there is a large instance of people skipping bail. Mr. Slep stated its getting greater and greater all the time, adding why would they stay when there is no consequence. Committee Chairman Healy stated if you don't have any negative reinforcement for negative acts, all we're doing is enabling people to commit these crimes. Mr. Slep stated "at some point you have to face the music and take responsibility. When you fail 15 times, and we've spent thousands of dollars on rehab and community release conditions, it's time to make the rest of the community safe and put you away."

Legalization of Marijuana

Mr. Slep stated he received the briefing from Arnold Hanuman, Deputy Director at Colorado District Attorneys' Council and Jennifer Tibbitts Knudsen, Traffic Safety Resource Prosecutor, regarding the issues Colorado is facing since the legalization of marijuana, adding it is an utter disaster. Their electrical grid is being compromised because they are allowed to home grow, people are circumventing the meters, and it is taxing the entire grid because it requires 24/7 electricity and lighting. Mr. Slep noted that the black market has doubled and violent crimes have tripled. Legislator Barnes asked if the District Attorney Organization is going to fight this. Mr. Slep stated that those who originally were in support of not prosecuting were shocked by this information and the host of issues Colorado is facing. Legislator Decker stated the media continues to paint a rosy picture indicating that everything is just fine with marijuana. Mr. Slep stated the only thing they think is rosy is the revenue that went up from \$600,000 to \$1.8 billion in three years. Committee Chairman Healy asked if there has been an increase in Child Protective Services cases. Mr. Slep stated, yes, and referenced a picture of a child's bedroom being used

to grow marijuana. Legislator Harris stated there is no provision in New York State's proposed legislation for growing your own marijuana, so we don't need to worry about health concerns at this time, adding that it is his understanding if taxed appropriately, it reduces the black market. Legislator Harris continued that this is a contentious issue and because this Board is going to have the opportunity to either opt in or out of receiving those revenues, he thinks it would be appropriate to ask relevant department heads to provide emotional testimony as well as data and statistics that back up the claims coming from both sides. Committee Chairman Healy asked if Legislator Harris knows of any jurisdictions where it has had a positive result. Legislator Harris stated it would depend on who you ask, adding there are a lot of people in Colorado who feel it's yielded a positive result. Legislator Graves stated he has done some research on this topic and the state of Washington has had legal marijuana longer than Colorado, and they aren't experiencing the same kind of problems. Legislator Graves noted there isn't as big a population, but it might behoove them to pay attention to Washington state. Legislator Stockin referenced an article, "Tell Your Children: The Truth About Marijuana, Mental Illness, and Violence" by Alex Berenson, that he distributed to the Board noting that Colorado and Washington legalized marijuana in 2014 followed by Oregon and Alaska in 2015, and combined in those four states, murders have increased 37 percent and aggravated assaults have increased 25 percent. Committee Chairman Healy stated that he read nothing positive in the article. Chairman Crandall stated that the question is whether or not Allegany County wants to opt in or out of the final language in the proposed legislation, and he feels that setting aside time for the Board to meet and discuss the information provided by relevant department heads needs to be done so they aren't continuing to have this same argument.

PROBATION DEPARTMENT

Probation Director Robert Starks attended the meeting and submitted his monthly report to the committee for review. Mr. Starks indicated that they are starting out the year similar to 2018.

Pre-Trial Justice Reform Act

Mr. Starks referenced the Pre-Trial Justice Reform Act that was submitted with his monthly report stating the main thing to point out is how this will affect Allegany County. Mr. Starks briefly read through Section B of the Reform Act noting that if electronic monitoring is one of the conditions imposed by the Court, the defendant is not required to pay for any part of the cost. Legislator Harris asked what costs, other than equipment, are associated with Electronic Home Monitoring. Mr. Starks indicated that if the individual needs to have a landline installed, the County will now have to incur that cost. Legislator Harris asked if they anticipate requesting more Electronic Home Monitoring if this new law goes into effect. District Attorney Slep indicated it's their only option. Mr. Starks stated that while it may decrease our inmate number, it will increase our pre-trial supervisory numbers. Legislator Barnes asked what the consequence is if a parolee does not show up. Mr. Starks stated that currently, they can go to jail. If the parolee leaves the state, they notify the Court who decides if a warrant will be issued, and they then work with the District Attorney to extradite them back to New York.

WEIGHTS AND MEASURES

Weights and Measures Director Gilbert Green attended the meeting and submitted his monthly report to the committee for review. Mr. Green noted that he is preparing for the luncheon in Houghton on February 14 where he will be presenting.

SHERIFF'S OFFICE

Sheriff Whitney attended the meeting and submitted his monthly reports to the committee for review. Sheriff Whitney stated that a lot of these proposals coming from the Governor are going to affect the Jail as well. If no one is eligible for bail, they could turn into a facility that only holds federal inmates which also affects the garden and pheasant program as federal inmates are not allowed to be a part of either program. Legislator Decker asked why there was an increase in inmates from 9 to 19 on January 18. Sheriff Whitney indicated they had an influx from Cattaraugus County to house inmates.

Revocable Permit with SUNY Alfred

Sheriff Whitney requested a resolution authorizing the Chairman to sign the revocable permit with SUNY Alfred. This permit gives the County permission to build the Alfred 911 tower on SUNY property and also gives the County access to and from the tower sight. This request was approved on a motion made by Legislator Dibble, seconded by Legislator Havey, and carried.

Prepare Resolution

Farm to School Memorandum Agreement

Sheriff Whitney requested a resolution approving the Memorandum of Agreement for the "Farm to School" program. This program will allow local school districts to purchase fresh produce from local farms to serve to the students. The Sheriff's Office will assist with the processing and storage of the produce. Legislator Hopkins asked for some background on the local produce connections. Jail Administrator Chris Ivers stated that Your Local Produce Connection, LLC, located in Cuba, NY, and New York Sustainable Agriculture Working Group located in Salamanca, NY, will be working together along with the Sheriff's Office and the Cornell Cooperative Extension Farm to School Coordinator to purchase and transport produce to the Sheriff's Office. The Sheriff's Office will then process the produce as well as package, freeze, and store any that the New York Sustainable Agriculture Working Group directs them to. Legislator Root stated that she sits on the committee through Cornell Cooperative Extension, and not only is it a great program, the schools receive revenue for using local produce, adding without the resources in this program, it would not be as far along as it is. Legislator Decker asked if the Jail is utilizing everything from their garden, and if not, do any of those vegetables go to the schools. Sheriff Whitney stated, yes, they utilize everything they grow, adding that any vegetables going to the schools cannot come from the Jail garden. Legislator Decker asked if the Farm to School Program will require more staffing. Sheriff Whitney stated, no, it will be the same staff that currently works in the kitchen. This request was approved on a motion made by Legislator Dibble, seconded by Legislator Hopkins, and carried. **Prepare Resolution**

Motorola Solutions Proposal

Sheriff Whitney requested a resolution approving the Motorola Solutions proposal for Fire A and Fire B Radio Channel Expansion of the Allegany County 911 Radio Project. The total cost is \$1,480,000.62, and the project will be purchased off NYS Bid – OGS Contract #PT67405. The project is funded 100 percent through SICG/Statewide Interoperable Communications Grants as follows:

H3026.200 (SICG-911 FY16 #C198626 – Approved by Res # 97-17)	\$ 80,968.10
H3027.200 (SICG-911 FY17 #C198786 – Approved by Res # 65-18)	\$ 848,841.00
H3028.200 (SICG-911 FY18 #C198168 – Approved by Res # 243-18)	\$ 550,191.52
	Total: \$1,480,000.62

This request was approved on a motion made by Legislator Dibble, seconded by Legislator Harris, and carried. **Refer to Ways and Means**

Radio/Tower and 911 Enumeration Project Updates

Sheriff Whitney indicated that they are close to completing the proposal that was requested by the Committee.

D.I. Jacobs Municipal Management Consulting Service Agreement

County Administrator Timothy Boyde stated the consultants have received the information on staffing overtime at the Jail and are currently in the process of putting together a report. They will be back to present their findings and recommendations on Wednesday, February 13. Committee Chairman Healy asked if it has been a positive exercise. Mr. Boyde stated, yes, and there will be a positive outcome.

Adjournment

There being no further business to come before the committee, the meeting was adjourned at 2:44 p.m. following a motion by Legislator Decker, seconded by Legislator Harris, and carried.

Respectfully submitted,

Meghan Washer, Confidential Secretary to the Clerk of the Board
Allegany County Board of Legislators