

PUBLIC SAFETY COMMITTEE
February 7, 2018
AMENDED

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, B. Budinger, L. Edwards, M. Evans, D. Fanton, K. Graves, G. Green, S. Grusendorf, K. Hollis, R. Hollis, C. Ivers, B. Kelley, C. Knapp, J. Luckey, J. Ricci, B. Riehle, D. Root, T. Ross, D. Scholes, R. Starks, P. Stockin, M. Washer, R. Whitney

Call to Order: The meeting was called to order at 11:12 a.m. by Public Safety Committee Chairman Dwight "Mike" Healy.

Approval of Minutes

A motion was made by Legislator Hopkins, seconded by Legislator Harris, and carried to approve the Public Safety Committee minutes for January 3, 2018.

PUBLIC DEFENDER

Public Defender Barbara Kelley attended the meeting and submitted her monthly report to the committee for review. Ms. Kelley stated they had a slight increase in number of cases compared to this time last year. Ms. Kelley addressed her summary of the Counsel at First Appearance program stating overall it's been a big success. They are very busy, and were called out 49 times and appeared for every call out. Ms. Kelley thanked Dispatch for all of their help, adding that they have had great cooperation from police agencies and justice courts as well. Legislator Harris asked if we have a breakdown by court of the 67 arraignments. Ms. Kelley stated they do have the information, and she will send it out to the Board.

Request to Create and Fill Counsel at First Appearance Stipend

Public Defender Kelley requested permission to create and fill Counsel at First Appearance Stipend for Section IV employees. This stipend will be in the amount of \$5,000 per attorney and assigned up to three attorneys per year. The total annual salary for all three attorney's stipend is \$15,000 and is funded 100 percent with State funds. These stipends are needed to provide twenty-four hours, seven days per week Counsel at First Appearance coverage when the primary Counsel at First Appearance attorney is unavailable. Legislator Hopkins asked if the \$5,000 is paid for the full year, and have they thought about doing this on a per call out basis. Ms. Kelley stated the \$5,000 is paid for the full year, and they have given a lot of thought to a per call out basis; however, it was suggested for budgetary reasons to go with the \$5,000/year. Legislator Decker suggested with this being a new program, we start out paying a smaller amount and increase it with time, stating just because the money is coming from the state and already approved doesn't mean we have to spend it. It is still taxpayer money, and he would like to see the \$5,000 lowered and increased as necessary. Legislator Graves asked if there is a penalty for an attorney if they are paid the \$5,000, and leave their position before providing any work for the stipend. Ms. Kelley stated they only get paid the stipend if they do the work. County Administrator Timothy Boyde stated they have looked at both options of hourly call out versus a stipend, and this \$5,000 is also compensating them for the imposition and lifestyle change it will impose on them during the weekends because they need to be able to respond within a set period of time to the courts. Mr. Boyde continued that this is 100 percent state funded, and while he agrees that just because it's approved doesn't mean we need to spend it, at this point in time, after several discussions, a \$5,000 stipend is the fairest, most effective way to handle this. County Treasurer Terri Ross stated a stipend is also necessary because these are Section IV Salary Plan

employees, rather than hourly. Chairman Crandall asked if this just for one-year. Mr. Boyde stated this will be in effect for the life of the grant which is three years. Chairman Crandall then asked if they find this isn't the best route, are we able to get out of it before the three years is up. Ms. Kelley stated, yes, they modify grant money regularly. With the many changes going on with the state, for example, possibly no longer having authority to set bail on misdemeanors, we might be in a position to eliminate the need for this kind of coverage. Legislator Stockin stated an attorney getting called out four to five times in one weekend is going to cost roughly \$1,000. Legislator Hopkins and Committee Chairman Healy agreed with Legislator Stockin, and expressed their support as well. Legislator Decker requested to modify the current motion on the table from \$5,000 to \$2,500 per attorney. The motion to modify the amount from \$5,000 to \$2,500 was not seconded. The request to create and fill Counsel at First Appearance Stipend for Section IV employees at an amount of \$5,000 per attorney, per year was approved on a motion made by Legislator Dibble, seconded by Legislator Hopkins, and carried. (Opposed: D. Decker) **Refer to Personnel to create the Stipend and modify the Section IV Salary and refer to Ways and Means to fill**

EMERGENCY MANAGEMENT AND FIRE DIRECTOR

Emergency Management and Fire Director Jeff Luckey attended the meeting and submitted his monthly report to the committee for review. Mr. Luckey stated the January thaw did result in some minor flooding that affected Route 446 in Cuba. Mr. Luckey addressed the power line down in the Genesee River in Belmont stating they provided Swift Water equipment and Just-in-Time training. Mr. Luckey stated he responded from home to an overdose in Short Tract. The individual was unconscious, CPR was given for approximately 25 minutes, and two doses of Narcan were administered. The individual was revived, and they believe he is following up with rehab. Committee Chairman Healy asked if there were any children involved. Mr. Luckey stated, yes, the individual was a father, and his children were at the residence. Committee Chairman Healy then asked if the proper notifications were made to CPS. Mr. Luckey stated he is only required to report that they have administered Narcan; they do not provide any follow up with the individual and/or family. Legislator Hopkins stated she is glad to hear he was put into medical treatment because a big part of the problem is that there is no mandatory medical treatment. These individuals can receive Narcan and then choose to get up and leave.

STOP- DWI

STOP-DWI Coordinator Linda Edwards attended the meeting and submitted her monthly report to the committee for review. Ms. Edwards stated they have had a busy month working to fill the position of her retired secretary. Ms. Edwards stated the Dan Barkley Showcase went very well even with the weather and travel conditions they experienced. Two education exhibits were brought in, and both were well received. Ms. Edwards noted they have received the additional \$22,500 from the state for the STOP-DWI Program.

DISTRICT ATTORNEY

District Attorney Keith Slep was unable to attend the meeting but submitted his monthly report to the committee for review.

PROBATION DEPARTMENT

Probation Director Robert Starks attended the meeting and submitted his monthly report to the committee for review. Mr. Starks stated they have started the year with a large number of youth coming in and hopes it's not a prelude to what the year will bring. Mr. Starks stated Probation Officer Sara Mahoney did a wonderful job on her webinar presentation and had well

over 500 people nationwide listening in. Probation Supervisor Scott Grantier attended the second round of his APPA Leadership Institute in Houston, and came back with many great ideas that will be helpful to both the department and the County. The Youth Court has received some referrals, and court is scheduled for Monday, February 12, 2018.

Request to Accept Juvenile Justice Grant Funds

Probation Director Robert Starks requested a resolution to accept and appropriate funds in the amount of \$48,000 for the Juvenile Justice Grant as part of the Rural Community of Practice Initiative. This grant is provided through the appropriation of Federal Year 2015 Juvenile Justice Title II formula funds, with an expected funding lapse of September 30, 2019. These grant funds have to be shared with Cattaraugus and Chautauqua counties as the grant is intended for use by multi-jurisdictional entities in rural counties. The funds should be appropriated as follows:

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| <u>Appropriation:</u> | <u>Amount:</u> |
| A3146.447 (Public Safety Contract) | \$48,000 |
| <u>Revenue:</u> | <u>Amount:</u> |
| A3146.4389.00 (Federal Aid Probation Juvenile Justice DCJS Grant) | \$48,000 |

Legislator Decker asked if we are required to provide documentation to the state of our use of funds, and how long before we will get reimbursed. Mr. Starks stated, yes, we are required to provide documentation. Ms. Ross stated reimbursement typically takes 30 days from the date of claim. Legislator Hopkins asked if they have thought about working with youth who experience trauma in their home. Mr. Starks stated they have not decided where they are dedicating the funds to, but will keep that in mind. This request was approved on a motion made by Legislator Hopkins, seconded by Legislator Decker, and carried. **Refer to Ways and Means**

WEIGHTS AND MEASURES

Weights and Measures Director Gilbert Green attended the meeting and submitted his monthly report to the committee for review. Mr. Green stated they did experience a problem with the diesel fuel sample at the Landfill. We were given biofuel instead of winter fuel, and Public Works Deputy Superintendent Dean Scholes is working to correct it.

SHERIFF'S OFFICE

Sheriff Rick Whitney attended the meeting and submitted his monthly reports to the committee for review. Legislator Decker congratulated Sheriff Whitney for being selected Sergeant in Arms to the State Sheriff's Association. Sheriff Whitney stated on January 16, their CERT Team conducted a facility shakedown. Fifty-seven inmates were double-locked for minor rule violations, and two inmates were arrested; one for damaging County property, and one for contraband. Sheriff Whitney noted the damage to County property was nothing major. Legislator Hopkins asked what the contraband was. Sheriff Whitney stated marijuana. Committee Chairman Healy asked how the lack of Immigration and Customs Enforcement (ICE) inmates is affecting their overtime hours. Sheriff Whitney stated it doesn't affect it a lot because they are still required to have a certain amount of employees at the facility no matter what the population is. Committee Chairman Healy asked if these numbers are set by the state. Sheriff Whitney stated, yes, they are set by the Commission of Corrections. Committee Chairman Healy then asked how often they come to evaluate our population. Sheriff Whitney stated they haven't been here in over seven years. We either go based on their cycle of evaluations, or request that they come. Legislator Decker asked Sheriff Whitney to explain the \$197,000 generated in revenue. Sheriff Whitney

stated it is the total amount billed last month for housing federal inmates and/or out of County inmates. Legislator Decker asked if the state has extended the period of time to recertify pistols. Sheriff Whitney stated they have not; however, they will still accept them after the deadline as they are far behind in processing and don't anticipate enforcement action until 2019. Legislator Harris suggested a press release apprising County residents of that information so they can come in without the fear of penalty. Sheriff Whitney stated he has sent out several notifications but will send another one.

Request to Re-Appropriate Unspent 2017 NYSDJS Narcotics Grant Funds

The Sheriff's Office requested a resolution re-appropriating unspent funds from the 2017 New York State Division of Criminal Justice Narcotics Grant in the amount of \$34,636. The funds should be re-appropriated as follows:

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| <u>Appropriation:</u> | <u>Amount:</u> |
| A3111.208 (Sheriff Drug Program – Equipment/Police) | \$34,636 |
| <u>Revenue:</u> | <u>Amount:</u> |
| A3111.3324.DCJS (Sheriff Narcotics Grant) | \$34,636 |

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

Deputy Sheriff Positions

The Sheriff's Office requested permission to fill two full-time Deputy Sheriff positions (Local 3989 Council 82 Bargaining Unit) and all subsequent vacancies created by the promotion of two Corrections Officers. These positions are needed to replace a Deputy Sheriff who retired, and a Deputy Sheriff who resigned. The total annual salary of these positions is \$85,822.88 (\$42,911.44 x2) with benefits estimated at \$38,362.84 (\$19,181.42 x2). These positions are funded 100 percent with County dollars. This request was approved on a motion made by Legislator Dibble, seconded by Legislator Havey, and carried. **Refer to Ways and Means**

Correction Corporal Positions

The Sheriff's Office requested permission to fill two full-time Correction Corporal (Local 3989 Council 82 Bargaining Unit) positions. These positions are needed to fulfill the New York State Commission of Correction Minimum Staffing requirement. The total annual salary of these positions is \$88,179.12 (\$44,089.56 x2) with benefits estimated at \$39,416.08 (\$19,708.04 x2). These positions are funded 100 percent with County dollars. Committee Chairman Healy asked if all positions being requested by the Sheriff's Office meet our County Administrators approval. Administrator Boyde stated these positions have been discussed, and they do meet his approval. This request was approved on a motion made by Legislator Dibble, seconded by Legislator Harris, and carried. **Refer to Ways and Means**

NYSAC Conference

Committee Chairman Healy noted that Legislator Dibble, Legislator Harris, and Legislator Hopkins all attended the NYSAC Conference and asked if they have anything to share that may affect the Public Safety Committee. All Legislators concurred that it was an excellent conference. Chairman Crandall stated all resolutions brought from the NYSAC Conference are available at any time in the Clerk of the Board's Office.

Adjournment

There being no further business to come before the committee, the meeting was adjourned at 12:07 p.m. following a motion by Legislator Havey, seconded by Legislator Decker, and carried.

Respectfully submitted,

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