

Minutes

Public Safety Committee

Wednesday, April 19, 2017, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Wendel, Tarbrake, Whitford

Members Absent: Bankoski, Niebel

Others: Tampio, Himelein, Horrigan, Abdella, Sheriff, Dennison, J. Pelletter, K. Peebles, J. Leone, M. Volpe, A. Toda

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

Approval of Minutes (3/15/17)

MOVED by Legislator Whitford, SECONDED by Legislator Tarbrake.

Unanimously Carried

Privilege of the Floor

Mr. Toda: Are you Mr. Wendel?

Chairman Wendel: Correct sir.

My name is Anthony Toda, I think that I have spoken to you a few times on the phone. I've been to several City Council meetings and my concern is the problem I'm having with the dispatcher and Sheriff Gerace. The reason I am here at the meeting, I spoke to you, I believe, a couple of months ago and said that I was coming and I couldn't make the first meeting but I'm still having trouble with the dispatchers. Now, over a period of year, I've talked to both the Sheriff personally at least three or four years in a row. He's aware of that. He stated that he would help me with my issues as far as the dispatchers, he has not and when those issues continue, I try to reach the Sheriff. I've tried to reach him several times by telephone without a response in the last year or even the last two years. I'm getting some pretty serious issues and I have evidence enough to show that they are deliberate. I believe that the Sheriff is deliberately telling the dispatchers to harass me, not take my calls. The latest thing that has happened is the dispatchers are directing the police to the location from where I am calling from to talk to me personally. The police are getting to my house or the house where I am staying at, it's not my house, but I do call from the location, that the dispatchers have stated that I want to speak to the Jamestown police personally over these traffic issues. That is not the case. This has happened twice in the last two or three months where the dispatchers are directing the police to talk to me personally rather than addressing the area, surveilling the area and I believe it's for purposes of

a trap(?). Now, I'd like to have the Sheriff respond to me to some of these issues including what I have just stated and the Sheriff, coming from a long line of people that have a great reputation in Chautauqua County, why is the Sheriff stooping so low in my case. If the Sheriff is being directed or being told to do this by somebody else, I'd like to know that. I'd like to know his response positive or negative, what is motivating the Sheriff over a period of four or five years for this to happen and to continue and destroy my life. The Sheriff knows who my family is. My family has been quite influential in the City Council and also with Rowley Kidder in the State. I have no reason why this is happening to me. I know that law enforcement is behind it and I want a response from the Sheriff to find out why, what is motivating him and who is the source of this issue.

Chairman Wendel: I can tell you at this time the Sheriff is here. He is made aware of those. This is not a forum for that and at this time I would, I'm guessing but I can't speak for him but the Sheriff would contact you. Your point has been made but this is not going to be the venue for discussion with you or the Sheriff at Public Safety. He is here, I am sure he is duly noted with all the information and will follow up with you at a time.

Mr. Toda: Could I continue this in another venue as far as trying to get a response.

Chairman Wendel: You are more than welcome to speak at the general meeting of the Legislature next week.

Mr. Toda: Thank you for your time.

Proposed Resolution – Close Accounts for Completed Jail Capital Project

Sheriff Gerace: This is a capital account that we had project to put security barriers around the 911 center. That has been completed and we are asking that that account be closed.

Chairman Wendel: Any questions for the Sheriff?

Unanimously Carried

Proposed Resolution – Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant for Explosive Detection Canine Team

Sheriff Gerace: This is a grant that we receive from the Department of Homeland Security through New York State and it is utilized for support of our canine. It will probably not be expended until 2018 but this provides reimbursement for training and we have used these funds in the past to acquire a dog. But it is our intent is - it will not impact the current budget but we'll have another resolution in 2018. This is to accept the money.

Chairman Wendel: Just out of curiosity, we have an explosive dog, is there another type of dog we have?

Sheriff Gerace: We actually have a dog that is dual function patrol and explosive. We have a patrol dog which is for tracking and then we also have a drug dog separate from that.

Chairman Wendel: So three total?

Sheriff Gerace: Three total. We are adding a fourth because we're retiring a dog probably by the end of the year so we'll be at three again.

Chairman Wendel: O.k., any questions for the Sheriff?

Unanimously Carried

Proposed Resolution – Transfer Designated Fund Balance for Helicopter Operations to General Fund

Sheriff Gerace: This funding has been set aside for the use of our law enforcement helicopter. We have been granted, donated, a TH67 helicopter which in the commercial world, we have Bell Jet Ranger. We have been on the waiting list for 2 years from the military and we need to transfer \$1,750 from that account for the transportation cost of bringing that helicopter to us.

Chairman Wendel: So this will be a second one for law enforcement?

Sheriff Gerace: That other one we're going to look at it either making it a parts machine or resale to support the program. What we have to do is get it appraised first and see if there is an offer for it and then determine whether it's worth more to parts. We are in line for another one just for parts to use. They're millions of dollars' worth of investment for the cost of transporting.

Chairman Wendel: O.k., any questions for the Sheriff?

Unanimously Carried

Proposed Resolution – Adjust Budget for Building Maintenance Expenditures for Sheriff and Building & Grounds

Mrs. Dennison: This resolution pertains to a .5 FTE individual who, in the budget, is allocated from Buildings & Grounds to the Jail for the purpose of maintenance. The Jail does not need that person anymore because it now has one full time and one half time completely dedicated to the Jail. So this resolution will transfer that budget out of the Jail and send it back to Buildings & Grounds. There is also a component in the resolution, there was an agreement between the Sheriff's office and Buildings & Grounds that the Jail does have sufficient funds to pay Buildings & Grounds \$10,000 fee for (*inaudible*) and repairs rather than having the half person dedicated to the Jail.

Chairman Wendel: You guys are comfortable with that? I know that maintenance has been an issue there.

Sheriff Gerace: We did not have that budgeted. Well, what happened is, there was a little bit of a misunderstanding. When we looked for the full time position which was granted by you and the rest of the Legislature, we had a half time position with DPF that George had planned on and that kind of threw a monkey wrench into the works so this is the best way to resolve that and make each agency whole.

Chairman Wendel: O.k., any questions for the Sheriff?

Unanimously Carried

Proposed Resolution – Adjust Sheriff Revenue Accounts Associated with Jamestown Community College

Mrs. Dennison: In the 2017 budget, I should say in the past there was a sub-department for JCC in the 17' budget. That sub-department was rolled into the main department within the Sheriff's organization. There was one revenue account that should have – well, we had a separate department for JCC and we had a separate revenue account. We combined the departments in the 17' budget but some of the revenue kind of got left in where it has been in the past and it's was more appropriate that all the JCC revenue be in one account. So this resolution just moves it into the sub-account, R226.0001 and so everything in that sub-account will be relative to JCC. That will also kind of clean up the main account, public safety revenue account because everything else in that account pertains to enhanced police protection contracts so it's a little bit cleaner to put all the JCC items in one place.

Chairman Wendel: O.k., any questions for the Sheriff?

Unanimously Carried

Proposed Resolution – Adjust Capital Project Budgets for Burn Building and Training Center Capital Projects

Mr. Leone: We built a new burn building at the Taylor Training Center in Jamestown and this is to cover part of the second floor fire proofing. We were a little bit short in that account so we had extra money in another capital account so we'll be able to transfer that over.

Chairman Wendel: Very nice.

Mr. Leone: It's coming great.

Chairman Wendel: It had its fair of use.

Mr. Leone: Without a doubt.

Chairman Wendel: O.k., any questions for Mr. Leone?

Legislator Whitford: Who has access and how do you schedule (*inaudible*)?

Mr. Leone: They schedule through our office. It is available to all our fire departments in the County. We have a form that they fill out if they want to be trained. In fact, to give you an example, have Sinclairville Fire Department who is going to be training there two weeks from now. So, its accessible to anybody and it's pretty much an open schedule so whatever works for the fire department. We have a lot of fire departments who use the facilities particularly over the summer with live fire burns. The City of Jamestown uses it quite extensively during the day and then the rest of the time or most of the time, evening and weekends, it's volunteers.

Chairman Wendel: O.k., any questions for Mr. Leone?

Unanimously Carried

Proposed Resolution – Adjust Capital Project Budget for County-Wide Radio Capital Program

Sheriff Gerace: This is actually good news.

Mrs. Dennison: Last month we had a version of this resolution and then we modified it waiting for final information on the County-wide radio project. Between myself and Todd Button we did some additional reconciliation and work on the County-wide radio project with the assistance of project coordinator Matt Trusso and we now have a comprehensive and reconciled expenditure for the project and the total project expenditure is \$6,373,227. The project is funded by multiple revenue streams so what this resolution will do is, pull from two additional revenue streams to cover all the expenditures for the project. Six million dollars of the project was funded by a grant from New York State. We have \$336,196 that is funded from a capital project that had a surplus and the balance of the project will be funded from the Wireless 911 reserve. So, this resolution will access those other two funding sources. The project is not scheduled, with this resolution, to be closed at this time because we are still anticipating – there are a couple of invoices that are still outstanding.

Chairman Wendel: Do you feel that this transfer is going to cover those?

Mrs. Dennison: Yes. There are some outside invoices from the engineering firm but those are all scheduled and identified so we believe that this will cover all of the current and future expenditures.

Sheriff Gerace: if you were confused as I was, there was an invoice that was identified by Mr. Button that had a panicking –

Legislator Whitford: We discussed that last month.

Sheriff Gerace: That has already been incorporated in the contract so we're not moving that sum of money.

Chairman Wendel: I think one of the concerns and I know Mr. Niebel had is not going to touch the capital fund at all as it was proposed last month.

Mrs. Dennison: Well, last month we were still – we put money back into the capital account – what we put in we’re taking back, so the capital fund is –

Sheriff Gerace: The old Jail capital fund. (*cross talk*)

Mrs. Dennison: Right (*cross talk*) we needed extra funds those were going to come from the Wireless 911 reserve. So the difference now is that we need to pull much less from the Wireless 911 reserve.

Chairman Wendel: But I mean originally I think it was the County’s capital general fund, if I’m not mistaken. Am I incorrect on that? (*Cross talk*) but then it was discussed that it could have been done this way.

Sheriff Gerace: When we planned this radio system, we had already identified that \$337,000 or whatever the exact amount was. It was in a former capital account for radio upgrade. That was already planned in this whole thing and then there was this panic that there was an additional \$300 and some thousand that was due that wasn’t anticipated. So what we are doing here is moving the old, if I’m correct, the money that was in former radio project account to move it into this account. We’re not hitting the wireless reserve to the level that we thought we were.

Mrs. Dennison: Yes, Mr. Chairman, your statement is correct. There is no effect on the capital reserve. We put it in last month and taking it out this month, net effect is zero.

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

Unanimously Carried

Proposed Resolution – Confirming 2017 Salary of Public Defender

Mr. Pelletter: I’m the 1st Assistant Public Defender and I’m here to address and answer any questions regarding the resolution concerning the adjustment to the salary of the Public Defender’s office. This is fully funded through a grant from Indigent Legal Services which has been pursued by our office in part in connection with the final shifting of the financial responsibilities for the defense of indigent clients. I’m sure that the committee is aware that the Supreme Court case said that States would bear that expense and New York State 50 years ago said, well, we’ll just pass it onto the counties and there have been a great deal of action by individual public defenders including a lawsuit that was filed against the State. That lawsuit was then settled on the eve of trial with the State agreeing to take over the cost of the defense of indigent defendants. And as a part of that, we’ve been able to secure these grants from Indigent Legal Services. I think that this is only one of the grants. At the present time, roughly a third of our total budget is from grants through the State. In the coming years that will be shifted to be a 100% of it. So, this is through a grant that provides for an increased level of representation for indigent legal clients. It is at no cost to the County. This portion of the grant is \$50,000 a year. It would be paid through 2017, 2018, and 2019 and there would be \$41,287.85 of that would be in the form of increased supplement to the County’s share of the salary and an increase for the

Public Defender and \$8,712.15 will be taken out of that grant to pay all of the associated costs to the County for fringe benefits and that was calculated, not by us, but through the County. Mr. Abdella is here and I don't know if he wanted to speak to that or not but that is the – I can answer any questions.

Legislator Tarbrake: So this is totally for the Public Defender, not the assistant Public Defender?

Mr. Pelletter: That's right.

Legislator Tarbrake: Not (*inaudible*) spread out at all?

Mr. Pelletter: That's right.

Chairman Wendel: One of the questions that happened is, could that money be spread out amongst the others?

Mr. Pelletter: No. The rationale behind the grant is to try to bring closer parity between the salaries of the people who are prosecuting indigent defendants, the District Attorney's office, and the Public Defender's. Based on the need for capable experienced trial attorneys to head an office such as ours, that's a basis for the grant and so that is what specifically what the grant is for. No, it could not be used as a general, to spread out over the rest of the staff.

Clerk Tampio: Mr. Chairman, there was some communication from Kim Taylor in the office. Isn't there other funds within the grant that goes to some clerical costs?

Mr. Pelletter: This portion of the grant is \$269,919. Of that money, a considerable amount of that is for other positions. As I said, about a third of our total budget is being reimbursed through Indigent Legal Services at the present time and in the coming years, that will be moved up to 100%. So, yes, there are other funds for other things if that is what your question is from that two sixty nine. That is only one of the grants. The grants are segregated into specific allocations and that is one of them and there is money in there for other positions, yes.

Legislator Whitford: So the \$41,287.85, is dedicated for those three years to the Public Defender, right?

Mr. Pelletter: Each year.

Legislator Whitford: You said it runs through 2019.

Mr. Pelletter: Right, there is \$50,000 per year and it's allocated \$41,287.85 to the salary of the Public Defender and then \$8,712.15 is allocated to the County's fringe benefit cost for lack of another term.

Legislator Whitford: And then you have the money that is going to be used other than those two that you indicated. But, is that discretionary or is that -

Mr. Pelletter: It's not discretionary in the sense that it cannot be used to replace the existing services that are being provided by the County. These grants are specifically – have to enhance the legal services to be provided for the indigent. So, it can't just be going into the general fund and then someone else deciding where it goes. These are specific grants for specific purposes and the grants are underwritten – we have to prove that we were able to enhance the services through the use of these grants.

Chairman Wendel: Any other questions?

Mrs. Dennison: I just want to clarify that the dollars figures, those would be payments to Mr. Barone for 2017 only. That \$50,000 is the 2017 portion.

Legislator Whitford: This is reoccurring, this amount?

Mr. Pelletter: Yes. But, the resolution is to supplement the salary for 2017. The grants are continuing. The grant has been written and it's renewable but I think this is the point that you were getting to. Each year, the County would have to say they are going to do it again.

Mrs. Dennison: What I was going to add is that the Public Defender's office gave me the total amount, asked me to split it between salary and fringe because the fringe portion, variable to the rates change every year so the grant, as I understand it, is a three year grant, there is a portion that is dedicated to this calendar year but the resolution is only affecting the salary of Mr. Barone in 2017. In the future, we have to re-evaluate the amount and the split between wages and fringe every year.

Mr. Abdella; The Public Defender's term, current term, ends at the end of this year so there will need to be another appointment resolution at the start of 2018 where you can then reestablish the salary for 2018 and 2019 or whatever term you grant.

Mr. Pelletter: My reference to the future years is and I apologize if I wasn't clear. I only meant to say that the grant has been written and is funded for those years but it would be subject to the County agreeing to take it for those purposes.

Chairman Wendel: Any further questions?

Unanimously Carried

Mr. Pelletter: One further point, Mr. Barone wanted to relay that he had hoped to be here today but - well, I guess Sheriff Gerace is gone now, but Sheriff Gerace keeps us very, very busy with preparing for trials. Unfortunately he had some things come up that he had to do at that time. So that is why I am here but he wanted to express his sincere thanks to the Public Safety Committee for all their work.

Chairman Wendel: Thank you. I'm going to have to add something that I promised Mr. Tarbrake it will not exceed. Mr. Leone contacted me in the last couple of days and asked to give an update to the fly car program so if you all want to come up. Before we get started and I'm

sure that most of you have seen it but I think that this is a perfect time and I'll speak to Mrs. Vanstrom at a later time but I think a commendation is in order. The major fire that took place unfortunately while you were out, but what took place in Falconer was nothing short of spectacular in my opinion just because you had 20 departments, hundreds of men and I don't think we had so much of a cut or stub toe and when you look at that many people with that massive of a fire, with the weather, with the building conditions to get through and with Mr. Piazza, Mr. Rensel was running around at one point, rather two tail cat in a room full of opera chairs when I saw him but everything worked together. The County system came into play, the City, you couldn't have asked for a better chain of events, unfortunately tragic but we did have some resolution for it. I just want to commend you guys and everything that has gone on.

Mr. Leone: It was tough sitting home and listening to that.

Legislator Whitford: And with that, I would say, it really engaged the public. That was such a domino effect mainly because – I mean, it spread. The mutual and the hard work and the details for safety for everyone and then the whole community. I don't just mean Falconer but the outlining communities came together to help the families and support the first responders, the fireman and the taste of pizza.

Mr. Leone: It was amazing how much food appeared. (*Cross talk*)

Legislator Whitford: You're right, it was spectacular.

Mr. Leone: I have to tell you, one of the first things, as I listened to the radio at home, one of the first things that came to mind is, and you have followed a lot of incidents with yours, the first complaint is communication. It worked and the Sheriff is not here to hear this but it worked well. Once everybody flopped over to a (*inaudible*) channel, it was seamless. We didn't hear any complaints about the failure of communication. It just didn't exist.

Chairman Wendel: I wished that I could have stayed but I had to go back to work. I couldn't say enough. I stood there and watching, the City came in and it was a phenomenal job. O.k., so fill us in.

Update – Fly Car Project.

Other

Chairman Wendel: Anything else to come before the committee?

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

Unanimously Carried (4:51 p.m.)

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