

## **PUBLIC SAFETY COMMITTEE**

**March 2, 2022**

**Members Present:** J. Rumfelt, G. Barnes, K. Demick, B. Harris, D. Healy, P. Stockin, (Absent: S. Havey)

**Other Present:** T. Boyde, B. Budinger, J. Burdick, A. Carrow, S. Cicirello, P. Curran, K. Dirlam, G. Green, G. Hanchett, I. Jones, C. Knapp, S. Lamphier, T. Linn, J. Luckey, D. Marsh, B. Perkins, J. Ricci, J. Ricketts-Swales, B. Riehle, D. Root, T. Ross, R. Starks, R. Whitney

**Call to Order:** The meeting was called to order at 1:33 p.m. by Public Safety Committee Vice-Chairman James Rumfelt.

### **Approval of Minutes**

A motion was made by Legislator Demick, seconded by Legislator Harris, and carried to approve the minutes of February 2, 2022.

### **PUBLIC DEFENDER**

Public Defender J. R. Santana Carter attended the meeting and submitted his monthly report to the committee for review. Mr. Carter stated that there was nothing new to report, that numbers are still up, that people never stop getting into trouble, and we never stop accepting them. Legislator Harris asked if masks were still required in the courts. Mr. Carter replied that masks are still mandated in the courts, but no one is being reported or removed for not wearing them.

### **Request to Create and Fill Fifth Assistant Public Defender**

Public Defender J. R. Santana Carter requested permission to create and fill one part-time Fifth Assistant Public Defender (Section IV). This position is being requested to work towards reducing attorney's caseload, complying with caseload standards, and allowing the Public Defender more time to work on administrative tasks. The annual salary and benefits of this position will be determined at a later time. The amount in the 2022 Budget for this position is up to \$70,000, plus benefits as of April 1, 2022. This position is funded 100 percent with State funds. Legislator Harris asked if this position would be eligible for the same stipend as the full-time Public Defenders. Mr. Carter replied, "no." Legislator Burdick asked how long this part-time position was expected to be required. Mr. Carter replied that he does not believe it is going away any time soon. Legislator Barnes asked if Mr. Carter had an individual already lined up for the position. Mr. Carter replied, "yes," and that this individual has over 25 years of experience, and if all goes as planned the individual will be the first veteran to work in the Public Defender's Office. Legislator Barnes asked when the individual would begin employment once approved. County Administrator Knapp stated that once the position has been approved through the position creation process that they are hoping to have him/her on board by mid-April. Legislator Harris asked how this salary will compare to the full-time Public Defender salaries. Ms. Knapp stated that the position has been budgeted for up to \$70,000, but still requires review and recommendation from the Personnel Officer. Legislator Rumfelt added that he can attest to the excellent job the Public Defenders are doing, that they are overworked, and the creation of this position would help them very much. The request was approved on a motion made by Legislator Harris, seconded by Legislator Cyr, and carried. **Refer to Personnel and Ways and Means**

### **EMERGENCY MANAGEMENT & FIRE**

Emergency Management & Fire Director Jeff Luckey attended the meeting and submitted his monthly report to the committee for review. Mr. Luckey highlighted a few items from his monthly report.

**Genesee River at Wellsville February 18, 2022**

Mr. Luckey stated that the Genesee river never flooded much of its banks due to the recent snow melt and rain, and that there were a few swift water rescues that went very well.

**Jones Memorial Hospital**

Mr. Luckey stated that Jones Memorial Hospital had a small fire with their transfer switch during regular testing of their generator before the predicted storms. Mr. Luckey stated that there was no damage and they were never without power, and everything was brought back on line.

**DISTRICT ATTORNEY**

Allegany County Assistant District Attorney Ian Jones attended the meeting, and submitted his monthly report to the committee for review. Mr. Jones stated that last month was relatively quiet.

**STOP-DWI**

Stop-DWI Coordinator Brian Perkins attended the meeting and submitted his monthly report to the committee for review. Mr. Perkins briefly reviewed items from his report. Legislator Healy asked Mr. Perkins what number of Victim Impact Panel attendees are from other counties. Mr. Perkins stated that there are usually only three to five each month, and most of those are from Cattaraugus County, because Cattaraugus County does not have a Victim Impact Panel. Mr. Perkins stated that the \$25 fee required is based on the Court and not where the attendee resides.

**PROBATION DEPARTMENT**

Probation Director Robert Starks attended the meeting and submitted his monthly report to the committee for review. Mr. Starks stated that there was not much to highlight, but numbers are fairly low.

**Request to Fill Probation Officer Trainee**

Probation Director Robert Starks requested permission to fill one full-time Probation Officer Trainee (AFSCME Bargaining Unit, Grade: 16, Step: Base). The department has a current Probation Officer position which has been vacant since June 2020. In addition, another Probation Officer has requested a leave of absence which will be granted. It is also anticipated there will be additional vacancies in the department later in the year, so it will be beneficial to hire a new employee now in order to properly train the new officer. The amount in the current year's Budget is \$41,970 which was based on the 2021 hourly rate. There is also \$62,584 available for other vacant positions. The request was approved on a motion made by Legislator Cyr, seconded by Legislator Harris, and carried. **Refer to Ways and Means.**

**Resolution to Accept ATI Grant**

The NYS Division of Criminal Justice Services notified the Allegany County Probation Department on February 14, 2022, that the County has been awarded a renewal grant for an allocation to be used toward our Article 13-A Classification/ATI programs. The amount of the award is \$5,835. The grant period runs from July 1, 2022, through June 30, 2023. Mr. Starks requested a resolution to accept these funds. These funds will be included in the Probation Department 2023 Budget. The funds will be in the following budget line items:

Appropriations A3142.101 Probation ATI Personnel	\$5,835
Revenues A3142.3310.00 ATI-State aid	\$5,835

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

Legislator Healy asked for an update with the youth court. Mr. Perkins stated that they are in a transition period since COVID-19 shut it down. Mr. Perkins explained that the Youth Coordinator was hired prior to the pandemic, but took a different job elsewhere. Mr. Perkins stated that they tried to revive Youth Court last fall, but ACASA no longer wanted to be involved and needed a new entity to oversee the budgets. Mr. Perkins stated that ACCORD has agreed to do so, and a new MOE between Youth Court and ACCORD was approved last week. Mr. Perkins stated that as of yesterday, the new coordinator will be a part-time employee of ACCORD which will require a new interview process, and recruitment of new members. Legislator Healy stated that this brings the Youth Court back to square one from 20-years ago.

## **WEIGHTS & MEASURES**

Weights & Measures Director Gilbert Green attended the meeting and submitted his monthly report to the committee for review.

## **SHERIFF'S OFFICE**

Sheriff Rick Whitney attended the meeting and submitted his monthly reports to the committee for review. Legislator Harris stated that he was disappointed to read of Sheriff Whitney's announced retirement and thanked him for all that he has done for Allegany County.

### **Request for Contract with Indivior, Inc.**

The Sheriff's Office requested a resolution for approval to enter into a contract (if approved by the County Attorney) with Indivior, Inc. This contract will enable the Sheriff's Office to buy Sublocade directly from the manufacturer. Sublocade is a once a month injectable form of Buprenorphine. By using this product, we can comply with the new NYS MAT (Medical Assisted Treatment) rules and remove the daily administration of oral Buprenorphine. Having the office able to purchase directly from the manufacturer will reduce cost and allow more flexibility in administering the drug. The expenses for pharmaceuticals are included in the 2022 Budget. Legislator Harris asked for clarification with what they were approving. Mr. Whitney explained that they are requesting permission to sign a contract pending the approval of the contract by the County Attorney. County Attorney Alison Carrow explained that once they have reviewed the contract, her office will be bringing forth a resolution. The request was approved pending approval by the County Attorney on a motion made by Legislator Cyr, seconded by Legislator Healy, and carried. **Prepare Resolution pending County Attorney Approval of Contract**

### **Request to Fill Senior Account Clerk Typist**

Sheriff Rick Whitney requested permission to fill one full-time Senior Account Clerk Typist (AFSCME Bargaining Unit, Grade: 10, Step: Base to 7), in the Sheriff's Office. This position will be responsible for assisting the full-time Accountant with their workload by reducing overtime and ensuring completion of all accounting duties. The annual salary of this position is estimated to be between \$34,977.84 and \$42,084.22, with benefits estimated to be between \$13,665.84 and \$16,442.31. This position is funded with 100 percent County funds, and the current amount in the 2022 Budget for this position is \$34,977.84. The request was approved on a motion made by Legislator Harris, seconded by Legislator Cyr, and carried. **Refer to Ways and Means.**

### **Request to Fill Corrections Corporal**

Sheriff Rick Whitney requested permission to fill one full-time Corrections Corporal (Local Council 82 Bargaining Unit, Grade: 78, Step: Base to 7), in the Sheriff's Office. This position is required to meet minimum staffing requirements. The annual salary of this position is estimated to be between \$50,292.50

and \$61,853.38, with benefits estimated to be between \$19,649.84 and \$24,166.11. This position is funded with 100 percent County funds, and the current amount in the 2022 Budget for this position is \$60,051.88. The request was approved on a motion made by Legislator Harris, seconded by Legislator Cyr, and carried. **Refer to Ways and Means.**

### **Request Permission to Apply for NYS Office of Mental Health CARES Grant**

The Allegany County Sheriff's Office requested a resolution to apply for the CARES UP Initiative Grant (Changing the Conversation, Awareness, Resilience, Empower Peers, Skills Building/ Suicide Prevention for Uniformed Personnel). This was developed by Office of Mental Health's Suicide Prevention Center of NY (SPCNY). The program will utilize \$1,000,000 in funding annually from OMH to offer suicide prevention and resiliency trainings, create targeted media awareness campaigns, and provide grant opportunities for Uniformed Personnel Departments and Veteran Serving Organizations across the State with funding to improve suicide prevention efforts and bolster wellness and resiliency programming. This funding is important because first responders and uniformed personnel regularly face stress and trauma. This can lead to increased risk of significant issues, including marital/family strain, poor sleep, depression, Post-Traumatic Stress Disorder, substance misuse, and even suicide. Recent studies have indicated that first responders are more likely to die by suicide than in the line of duty. Identifying and understanding the growing mental health concerns within our uniformed personnel and Veteran communities highlights the critical need for initiatives like CARES UP. Clerk of the Board Brenda Rigby Riehle explained that this request will go to the Ways and Means Committee and come off the floor at the Legislative Board meeting on March 9. Mr. Whitney replied that they were given an extension to submit the application by March 9.

**FISCAL IMPACT:** If selected \$80,000 over 21 months.

Revenue: to be set up when grant is awarded and accepted

Grant Fiscal Year: January 1, 2022 – December 31, 2023

The request was approved on a motion made by Legislator Cyr, seconded by Legislator Demick, and carried. **Refer to Ways and Means and Prepare Resolution to Come Off the Floor March 9**

### **Appointments to Fire Advisory Board**

Clerk of the Board Brenda Rigby Riehle requested a resolution for the final three appointments to serve on the Fire Advisory Board from February 1 through December 31, 2022, as follows:

Scott O'Dell, Canaseraga

Matthew Cummins, Friendship

David Denhoff, Rexville

The request was approved on a motion made by Legislator Demick, seconded by Legislator Cyr, and carried. **Prepare Resolution**

### **Request for Contract with Joseph P. Miller**

A resolution is requested to approve a contract between Joseph P. Miller and Allegany County through the end of year 2022, to administer the Assigned Counsel Plan for Indigent Persons. Said plan allowing for Assigned Counsel has been set forth and approved by the County since 1965.

Mr. Miller has provided these services since December of 2018 and during that time has worked with the County and the New York State Office of Indigent Legal Services (ILS) to meet the requirements of an Assigned Counsel program. The last contract for this service was approved by Resolution 245-17 and the last request for proposal (RFP) was issued in September of 2016. Since that time, many changes have occurred to the criminal justice systems that have significantly impacted the County's plan of indigent defense. An agreement for Mr. Miller to provide his current services through 2022 will allow the

County time to reexamine its plan of indigent defense prior to issuing a new RFP for assigned counsel services in 2023.

**FISCAL IMPACT:** \$ 18,000 is budgeted in A1171.431 for 2022 for our local share plus additional funds.

**Attorney/Client**

A motion was made by Legislator Healy, seconded by Legislator Harris, and carried to enter into Attorney Client Session at 2:02 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation.

Immediately following discussion, a motion was made by Legislator Harris, seconded by Legislator Demick, and carried to come out of Attorney Client Session and return to the regular Public Safety Committee at 2:05 p.m.

The request to enter into contract with Joseph P. Miller was approved on a motion made by Legislator Healy, seconded by Legislator Demick, and carried. **Prepare Resolution**

**Adjournment**

There being no further business to come before the committee, the meeting was adjourned at 2:09 p.m. following a motion by Legislator Harris, seconded by Legislator Demick, and carried.

Respectfully submitted,

Tiffany Linn, Confidential Secretary  
Allegany County Board of Legislators