

FEBRUARY 28, 2008

PUBLIC SAFETY COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 3D-4 (2008)

STOP-DWI OFFICE: Probation/STOP-DWI – Home Visitation Project
(6-0)

b. COMM. 4M-9 (2008)

TOWN OF ELMA: Copy of Resolution to Retain School Resource Officer
Assignments of NYS Police.
(6-0)

2. INTRO 3-5 (2008)

IANNELLO

WHEREAS, Section 246 of the New York State Executive Law stipulates, “State aid shall be granted to the City of New York and the respective counties outside the City of New York only to the extent of reimbursing fifty per centum of the approved expenditures incurred by the county or City in maintaining and improving local probation services: and

WHEREAS, over the past two decades, local reimbursement for probation services has decreased from 46.5% to lower than 20%; and

WHEREAS, this deficiency was not addressed by Governor Spitzer in his 2008-09 budget proposal; and

WHEREAS, while reimbursement has diminished, state mandates on probation have increased to include interim supervision, DNA collections, Sex Offender registration, ignition interlock, and community service for DWI; and

WHEREAS, counties have been forced to assume a greater proportion of probation costs as the scope of probation services expands and new technologies arise for tracking and monitoring the activities of probationers; and

WHEREAS, in recent years, these costs have escalated sharply and dwindling state reimbursement and dedicated local funds are not enough to meet the demands placed on local probation departments; and

WHEREAS, probation officers typically travel great distances to meet with probationers at home or work, incurring additional non-reimbursed expenses; and

WHEREAS, the high costs associated with quality probation services has forced counties to assume a greater proportion of probation expenses, resulting in layoffs, reductions in services and increases in property taxes; and

WHEREAS, Erie County realizes that effective probation services provide substantial savings for the State by reducing the reliance on incarceration and placements, as evidenced by the 63,000 felons and the 43,000 juveniles currently receiving probation services.

NOW, THEREFORE, BE IT

RESOLVED, Erie County, in conjunction with Chief Judge Judith Kaye, the office of Court Administration (OCA) and the New York State Council of Probation Administrators (COPA) urges the Governor and the State Legislature to support the restoration of State Aid to local probation departments to a full 50% of approved expenditures incurred by the Counties in maintaining and improving local probation services; and be it further

RESOLVED, that any new public safety mandate imposed pursuant to State law, regulation, or Executive Order that imposes additional duties upon local probation departments, or directly increases the population of offenders subject to the jurisdiction of any such department, be fully funded by the State; and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall forward copies of this Resolution to Governor Spitzer, the Western New York State delegation, the Mayors and Supervisors of the municipalities of Erie County, and Legislator Timothy Wroblewski, Chairman of the Public Safety Committee of the Erie County Legislature.
(6-0)

3. INTRO 3-6 (2008)

IANNELLO

WHEREAS, forty-three counties around the State have the authority to receive and respond to wireless 911 calls made from within their county; and

WHEREAS, these counties depend on wireless surcharge revenues to update and maintain the state of the art equipment their Public Safety Answering Points (PSAPs) required to keep our communities safe; and

WHEREAS, without wireless surcharge revenues, the cost to implement, maintain & administer local enhanced wireless 911 systems can be overwhelming for counties; and

WHEREAS, legislation passed in 2002 gave the authority to nineteen counties and the City of New York to use local wireless surcharge revenues for “costs associated with the design, construction, operation, maintenance and administration of public safety communications networks;” and

WHEREAS, since then, the remaining twenty-four counties that have been granted the authority to receive wireless 911 calls have been limited to using their surcharge revenues solely for the payment of “eligible wireless 911 service costs;” and

WHEREAS, this proposal would permit the second group of counties the same broader, public safety communications related uses as the first group once they have complied with enhanced wireless 911 standards governing the ability to locate wireless 911 callers geographically, loosely referred to as “Phase II” compliance; and

WHEREAS, Erie County respectfully requests the Senate and Assembly to include language in their respective budgets providing a dedicated portion the State Wireless 911 surcharge revenues to the counties who actually receive the calls and dispatch police, fire and/or emergency medical services to those in distress as local wireless surcharges alone cannot keep pace with rapidly evolving wireless 911 technologies.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County joins with the New York State Association of Counties to urge the State of New York to equitably share a portion of the Wireless 911 Surcharge revenue with counties that receive and respond to wireless 911 calls; and be it further

RESOLVED, that Erie County supports Governor Spitzer’s proposal to expand the list of eligible expenditures for county PSAPs to include costs associated with the design, construction, operation, maintenance and administration of public safety communications networks and to consolidate the forty-three subdivisions of section 308 of Article 6 of the county Law; and be it further

RESOLVED, that the Clerk of the Erie County Legislature will forward copies of this resolution to Governor Spitzer, the Western New York delegation, and Erie County Legislator Timothy Wroblewski, Chairman of the Public Safety Committee.

(6-0)

4. INTRO 3-7 (2008)

IANNELLO

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$1,425,066.00 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Executive Budget proposes \$3 million for the creation of an office of Indigent Defense Services to oversee and monitor the provision of criminal defense services statewide, make recommendations for reform and provide attorney training and administration services; and

WHEREAS, the office will examine, evaluate and collect information on the existing public defense system in the counties and develop a case management system to facilitate the collection and reporting of such information; and

WHEREAS, the proposal also amends section 98-b of the State Finance Law to cap the amount of funding to counties from the Indigent Legal Services Fund under the current distribution formula to \$72 million; and

WHEREAS, Erie County is concerned this Office will eventually impose additional duties and responsibilities upon counties while capping state assistance for this program, thereby placing an increasing fiscal strain on county governments and the property tax payers of this County; and

WHEREAS, in June of 2006, a report to the Chief Judge of the State of New York, on the Future of Indigent Defense Services, highlights numerous shortcomings and inequities of the current public defense system, citing the lack of a single, independent body responsible for statewide public defense oversight and administration; and

WHEREAS, the report also states that New York’s public defense system is in a state of crisis and suffers from a chronic and acute lack of funding and a more coordinated, state funded public defense system will provide improved services, while alleviating other costly strains on local justice systems and property tax payers; and

WHEREAS, significant reform of the current system cannot happen without a full state takeover of the public defense program as counties have only limited resources available and must fund an array of other state mandated programs; and

WHEREAS, while the creation of this Office may be viewed as a first step, Erie County along with other counties are concerned that Chief Judge Kaye’s recommendations to provide a fully-funded State takeover will fall by the wayside; and

WHEREAS, the State continues to increase the compensation and workload of public defense attorneys by criminalizing more behavior without increasing funding to meet those defense responsibilities; and

WHEREAS, a cap on the amount of funding to counties from the Indigent Legal Services fund will only further exacerbate the funding issues Erie County and other counties continue to experience in relation to this public defense program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges Governor Spitzer and the Legislature to work with Erie County and the New York State Association of Counties (NYSAC) and the Office of Court Administration to develop budgetary language authorizing a full state takeover of all public defense services and expenses in New York State; and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall forward copies of this Resolution to Governor Spitzer, the Western New York delegation, the Mayors and Supervisors of the municipalities of Erie County, and Erie County Legislator Timothy Wroblewski, Chairman of the Public Safety Committee.
(6-0)

5. INTRO 3-22 (2008)
KENNEDY, WROBLEWSKI, KOZUB, REYNOLDS, IANNELLO, KONST, GRANT, LOUGHRAN & WHYTE

WHEREAS, A Preliminary Partnership Agreement was executed between the New York State Office for Technology (OFT) and Erie County on April 28, 2005. Which agreement provided that Erie County would work with OFT to participate in the SWN as a Full System Partner; and

WHEREAS, Erie County, at the recommendation of New York State, did not improve any first responder communications and waited for the SWN system to materialize; and

WHEREAS, As a Full System Partner Erie County participated in the SWN Primary Region build out, scheduled for completion and local operation in Erie County by December 2006; and

WHEREAS, as a Full System Partner Erie County participated in the Primary Region Build Out testing in the Fall of 2007; and

WHEREAS, the results of the Primary Region Build Out testing were not optimal for local Erie County first responders and have been publicly described by several members of the public safety community who partook in the testing as “an absolute failure”; and

WHEREAS, the final price quote for the Full System SWN partnership was significantly more expensive than Erie County could afford; and

WHEREAS, Erie County ended their Full System Partnership Agreement with OFT in January 2008 due to equipment and tie in cost, timing, sole source contract and technology issues; and

WHEREAS, the entire system build out in New York State is based on the results of testing Erie County/Primary Region Build Out; and

WHEREAS, the entire system build out in New York State will utilize all of the E-911 funds that local counties, including Erie County, require to purchase equipment for first responders; and

WHEREAS, the cost of the entire system is estimated at nearly 3 billion dollars in taxpayer funds; and

WHEREAS, Erie County has not received adequate response and assistance from the New York State Office For Technology regarding concerns with the system.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County requests the Office of New York State Comptroller to conduct a full scale audit and inquiry into the failed implementation of the New York State Statewide Wireless Network in Erie County and the Primary Region Build Out, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Governor Eliot Spitzer, New York State Attorney General Andrew Cuomo, New York State Comptroller Thomas Dinapoli, New York State Office of Technology, New York State Senator Dale Volker, New York State Senator Liebell, New York State Senator Defrancisco, New State Assemblyman Richard Brodsky, New York State Assemblyman Joseph Lentol, New York State Assemblywoman RoAnn Destito, Western New York Delegation, Congressman Brian Higgins, Congressman Joseph Crowley, Congresswoman Nita Lowey, Sheriff Tim Howard, Erie County Executive Chris Collins, Erie County Central Police Services Commissioner Greg Skibitsky, Erie County Fire Advisory Board, City of Buffalo Mayor Byron Brown. (5-1) Chair Marinelli in the negative.

6. COMM. 3E-23 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County CPS Forensic Lab has been awarded a Consolidated Aid-To-Crime Laboratories Grant to be administered by the New York State Division of Criminal Justice Services, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to maintain current staffing levels and improve laboratory services.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$751,982 with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-SAP#: 165AIDCRLAB0708
Central Police Services
04/01/2007 to 06/30/2008

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$751,982
<u>Appropriation</u>	<u>Increase</u>
Acct. 500000 Personnel	\$430,555
Acct. 502000 Fringe Benefits	\$ 98,682
Acct. 505800 Medical Supplied	\$ 1,445
Acct. 510100 Travel	\$ 4,800
Acct. 516020 Prof. Services Contracts & Fees	<u>\$ 13,000</u>
Acct. 561410 Lab & Tech Equipment	\$203,500
Total Appropriation	\$751,982

And be it further

RESOLVED, that the six (6) existing staff positions in the Aid to Localities – Lab grant, SAP #165AIDLOCALLAB0708, be transferred to this new consolidated grant, effective 4/1/08, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Division of Budget and Management, Office of the Comptroller and the Department of Central Police Services.
(6-0)

7. COMM. 3E-25 (2008)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body has previously agreed to fund a \$5,000,000 Capital Improvements program to upgrade the fire training facilities located at the Fire Training Academy in Cheektowaga, NY; and

WHEREAS, the approved 2007 Capital budget funds the first \$1,000,000 in Capital Improvements; and

WHEREAS, the Commissioner of Emergency Services has requested that we proceed with the first phase of Capital Improvements by replacing the existing Live Burn Tower that shows significant signs of deterioration and is well beyond its useful life; and as such has been closed due to safety concerns for training fire fighters; and

WHEREAS, Fire Facilities, Inc. is the only manufacturer of Live Burn Building structures to employ the technologically advanced WestTec Insulation system. This system is a proprietary design of Fire Facilities, Inc. and is designed to provide, industry-wide, the strongest insulation of the the structure, up to 1800 degrees F. Several Municipalities and fire agencies in and around Erie County have successfully used Fire Facilities, Inc. Live Burn Buildings; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Agreement with DiDonato Associates for providing Professional Design Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to negotiate a contract as a sole source with Fire Fighters, Inc. for providing a pre-engineered Live Burn Building to replace the old antiquated fire training structure for an amount not to exceed \$400,000.00, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to issue a supplemental agreement to DiDonato Associates General Architectural/Engineering Agreement for an amount not to exceed \$100,000.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00311 – 2007 – Renovations to Training Center Complex for an amount not to exceed \$500,000.00, and be it further

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
(6-0)

8. COMM. 3E-26 (2008)
COUNTY EXECUTIVE

WHEREAS, the Department of Emergency Services needs to have their Comprehensive Emergency Management Plan (CEMP), Annexes and Addendums reviewed, and

WHEREAS, the Department of Emergency Services needs to have this completed in order to comply with the requirements of the Local Emergency Management Planning Grant, and

WHEREAS, James Lee Witt and Associates has a tremendous reputation in reviewing plans across the country, and

WHEREAS, Erie County utilized James Lee Witt and Associates during the October 2006 Disaster with tremendous success.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to sign a contract with James Lee Witt and Associates on behalf of the Department of Emergency Services, and be it further

RESOLVED, that the Erie County Department of Emergency Services will work with, and supply James Lee Witt and Associates their Comprehensive Emergency Management Plan (CEMP), Annexes and Addendums for review and updates, and be it further

RESOLVED, that all additions, changes and modifications to the plan will be reviewed by staff of the Department of Emergency Services for implementation, and be it further

RESOLVED, that the revised copies of the Comprehensive Emergency Management Plan (CEMP), Annexes and Addendums will be submitted to the County Executive and the Erie County Legislature for approval, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law, and the Department of Emergency Services.
(6-0)

TIMOTHY M. WROBLEWSKI
CHAIR