



# Onondaga County Legislature

**JAMIE McNAMARA**  
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**JAMES J. ROWLEY**  
Chairman

**TAMMY BARBER**  
Deputy Clerk

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## **PUBLIC SAFETY COMMITTEE MINUTES – FEBRUARY 21, 2023 MARK A. OLSON, CHAIR**

**MEMBERS PRESENT: Mr. Knapp, Mr. Ryan, Mr. Bush, Mr. Kinne**

**ALSO ATTENDING: Ms. Kuhn, Dr. Chase, Mrs. Ervin; also see attached**

Chair Olson called the meeting to order at 9:01 a.m. *The minutes of the previous meeting had been distributed, and there were no objections to waiving the reading. There were no corrections to the minutes, and the minutes were approved.*

### **1. EMERGENCY MANAGEMENT: Gerald Payne, Director** **a. 2022 Transfer Resolution**

#### Blockade Vehicles

- Purchase blockade vehicle barriers for various events
  - Trailers with barriers are portable; allowed to deploy throughout the county
  - Loaned to various jurisdictions
    - Currently loan camera trailers, light trailers, radios
  - Vehicle barriers would be additional safety item for various events (i.e. accidental/purposeful ramming incidents)

#### **Questions/Comments from Committee:**

Example: Memorial Day Parade, Fayetteville

- Every DPW truck blocks exits and entrances in village
- Cameras are in the center of the village
- Command center set up solely for Memorial Day crew
- Borrowing blockades would assist in not having to bring in additional staff due to every truck being used

#### Portable X-ray Machine

- Assist fire investigators with origin and cause of fires
  - X-ray small appliances, behind walls, other non-accessible areas
- County investigated 179 incidents in 2022
- Current X-ray machine is over 15 years old
  - Not being used; no longer compatible with software required to operate

#### **Questions/Comments from Committee:**

- How long has the x-ray machine not been in use?
  - 3-4 years
  - Working with vendor getting it up to speed
  - Not compatible with software anymore because it is old
- Why wait until x-ray machine is broke down to get it replaced?
  - Current machine was made in Netherlands
  - IT initially had a 9 month delay in getting response from vendor
  - It took time to get answers from vendor that the machine does not work
  - If needed, can borrow x-ray machine from postal office, however, it can only be used for packages
  - Not a lot of opportunity to have a portable x-ray machine available

Software Platform

- \$10k additional to enhance WebEOC (Web based incident management and information sharing platform)
- Started in 2022
- Platform used daily to track available resources and manage incidents around the county
- Currently partnering with the City of Syracuse; Upstate Medical Center, Syracuse University, Oswego County to utilize WebEOC

Personal Protective Gear:

- \$7,500 for turnout gear used for Fire Investigation Unit and Deputy Coordinators on scene doing fire investigations
- Deputy Coordinator helps coordinate incident command on structural fires and other incidents in the county
- The PPE (personal protective equipment)/turnout gear has lifespan of 10 years
- Looking to purchase up to 10 sets of PPE for members used during incidents

**Questions/Comments from Committee:**

- When you say “turnout”, you are looking at exterior, not interior?
  - Correct, Deputy Coordinator and fire investigators go in after fire is put out
  - Deputy Coordinator assists the Incident Commander; they are not near an incident
  - Turnout gear looking to purchase does not have thermal layer for firefighting
    - Non-thermal turnout gear has 10 year lifespan
- Structural gear (used for firefighting) is \$2,500 per set
- Per NFPA (National Fire Protection Association), turnout gear must be replaced every 10 years
- Over 10 years old can be used as a spare or for training
- Budget for 10 sets each year

**Questions from Committee to Finance:**

- Are these excess 2022 funds that were transferred?
  - Yes, we are close to finalizing the 2022 books and will be in the black
- Using cash to pay for capital?
  - Yes
  - Items in Public Safety, Health & Human Services, Planning, and Facilities
    - In total, asking for \$3.5M for one transfer to departments
    - Anticipate using additional \$3M cash for capital projects instead of borrowing

*A motion was made by Mr. Knapp to approve this item.*

**Additional Questions from Committee to Finance:**

- Not just cash up front, it is for DSS, correct?
  - Identifying surplus in Medicaid account for Social Services
- That is above and beyond fund balance?
  - Identifying one-time expenses that departments are in need of
  - Eventually will become fund balance
- Cash on top of cash?
  - Kind of
- X-Ray Machine, how long has it not been in use?
  - 3-4 years, working with vendors
  - Not compatible with software
- Why wait?
  - Need it, why not replace it
  - Working with IT, having 9 months delay in working with vendor
  - If need to utilize x-ray machine; reach out to Postal service; only allows it if regarding US Postal package, if

package was at fire scene

- Not a lot of opportunity to have portable x-ray machine available

***Mr. Ryan seconded the motion. Passed unanimously; MOTION CARRIED.***

## **2. DISTRICT ATTORNEY: William Fitzpatrick, District Attorney**

### **a. Informational: Staffing Update**

- Currently have 22 vacancies; 22 ADAs left in last calendar year
  - Most have gone to other public service jobs; many to do less work for more money
- 2 major reasons for leaving – money and discovery
  - Money
    - To make the position more attractive, suggest eliminating 8-9 positions and redistribute savings to ADAs that remain on staff
  - Discovery
    - For 30 years DA had open file policy (shared information with defense lawyers)
    - Judge would regulate discovery
    - In 32 years, never had a case reversed or come back for a critical Appellate Court decision because evidence was withheld

Example:

- January 2023 had a case of resisting arrest (misdemeanor)
    - 13 Syracuse police officers responded with body cameras
    - Took hours for one ADA to collate, analyze, and look at 13 tapes
    - On eve of trial, discovered a 14<sup>th</sup> officer responded and had a body camera, did not catalog it; evidence to discovery system; immediately turned over to defense; case was dismissed
  - Would like the support of County Executive and Legislature to be more competitive in the job market
    - Not competitive with other DA offices in similar situations
      - Operate with less staff than similar size offices
      - Richmond County has similar population and crime rate to Onondaga County with 80 ADAs
        - Onondaga County is budgeted for 50 ADAs
      - Orange County is approximately 80% of Onondaga County size
        - Budgeted for the same number of ADAs as Onondaga County; pay more money for less work
  - Scholarly paper on Discovery (*On file with the Clerk*)
  - <https://www.manhattan-institute.org/how-new-york-discovery-law-destabilizes-criminal-justice-system>
    - Insidious effect of Discovery is that we are now operating at a skeletal range of where we were at boutique courts
- Example:
- John Doe gets arrested with small amount of illegal narcotics; may be felony or misdemeanor level
    - In the past, as a non-violent criminal, John Doe would be given an option of getting treatment and having case dismissed
    - These options are no longer available because there is no bail to be set; discovery will take months
    - Cannot announce ready to trial until lab analyzes the drugs and have lab report in hand; even if suspect acknowledges narcotic type

### **Questions/Comments from Committee:**

- Not only are we not competitive with other counties, we are not even in “Yankee Stadium” with the private sector
- Not saying we should be close with the private sector but we have to be paying less than twice the private sector
  - Would never ask that starting attorneys get what Bond, Schoeneck & King are paying
  - There are benefits to working in public service
    - Pension, good health insurance, do not pay mal practice insurance
  - Currently have ADAs with 120 indicted cases pending; far from the normal standard set by the National DAs Association

- Plus town courts at night?
  - Town courts generate almost \$1M throughout the county in revenue from fines on tickets, DWI's
  - Need to do CAP courses on the weekend
    - Promised that a massive pot of money would take care of ADAs, defense bar, judges, and overtime
    - Have not received a dime on CAP
    - Defense bar only has to read the discovery at \$75/hour, soon to be \$150/hour
    - ADAs spend hours, sometimes days cataloging discovery and then turning it over
- From a structure standpoint, are you looking at using money to raise pay rate for remaining staff or a bonus?
  - Increase pay without increasing tax burden or overall budget; bonuses have not worked in the past
- If money for 8 or 9 authorized vacancies is rolled, would that be redistributed to remaining ADAs currently on staff?
  - Yes
- 40 positions left, have 30 currently on staff, leaving 10 that can hopefully be filled at some point
  - 2 years from now if there is a resurgence in job market and salaries are competitive, might ask to increase 101 line in budget
  - Not looking to increase the 101 line now
  - Not sure on exact number of positions, somewhere in the ballpark of eliminating salaries of 8-9 positions

### **Question to Finance**

- Would these 8-9 positions be abolished?
  - No, just a shift in the money

### **Additional Questions/comments from Committee**

- Would keep positions vacant and unfunded, not abolish
- Hypothetically speaking, in September there will be a new salary on the 101 line to reflect the redistribution of these 8-9 ADAs?
  - Correct
- Enter on 2023 budget and will figure out 2024
- Boutique courses; i.e. drug and veteran; what is the impact?
  - Number of defendants dropped from 73% to 50%
  - Extraordinary remedy for what was a bad problem
    - 15 years pre-pandemic, prison population in NYS dropped almost 2/3; crime rate went down 2/3 as well
      - Criminal justice system went from working to something not recognizable
- If things change on state level with bail reform and judges are given more discretion with least restrictive measures, how will that impact your department?
  - Anything that effects the DAs office is looked at in terms of public safety
  - There is a very small universe of offenders
 Example:
  - A shoplifter sitting in the Public Safety Building for months because they cannot afford to pay \$100 bail
    - To correct that perceived wrong, people like Victoria Afet who had 5 pending felonies, was let out on felony number 6 because of new bail law, then tortures and murders a 93 year old woman
  - A shoplifter can be let out and then become a serial killer or school shooter
  - Difference is that people like Victoria have multiple prior felonies and still let out because of the new bail law
  - The impact is not less work but greater attention to public safety; which is primary goal
- The bail program was funded for several reasons and was very helpful to the shoplifter who could not make bail and was not a risk to society or flight risk

### **Question from Committee to Finance:**

- From logistical stand point, what is the plan and timeline?

- Put a plan together with Personnel to present at March or April Public Safety Committee meeting; need to expedite

#### **Additional Comments from DA: (MC- 2 positions)**

- Looking to create a Video Forensic Coordinator position; \$65k salary
- Looking to increase salary for Victim Witness Advocate who has been offered jobs at McMahon Ryan Child Advocacy Center and Vera House at significantly higher pay

#### **Questions/comments from Committee:**

- Governor's Executive budget had an increase regarding discovery money
  - DCJS (Division of Criminal Justice Services) gave Onondaga County \$2.1M
    - The money is promised and available; but not yet released
    - Money gets distributed amongst DA, Probation, Police Agencies, etc.
    - Not suggesting someone is trying to bury the money; DA has not seen it
  - Talk in the future of making grants unconditional and go right to DA's office; no control over that
- Currently 120 cases pending per ADA?
  - Yes, approximately
- Will not filling the 8-9 positions and increasing salary for current staff mean they will continue the high work load?
  - No, department will be ok if half of remaining vacancies are filled
  - It will still be cumbersome and much more than normal
- If you hire someone new will they get the increased rate?
  - Yes

#### **Comment from Personnel:**

- Would be a brand new salary schedule, set with grades and steps

#### **Question from Committee to Chair:**

- Is it the goal to get this done as soon as possible?
  - Yes, will have the topic back in March or April Public Safety Committee meeting with the DA and Administration together

#### **Request: Can we get a written document for review prior to the meeting?**

### **3. PROBATION: Phil Galuppi, Commissioner**

- Update on staffing
  - In good shape overall
  - Able to fill vacancies and retain employees
  - Main reason for separation is retirement

#### **Questions/Comments from Committee:**

- What is the case load per Probation Officer
  - Depends on type of case
    - General Probation Officer – currently has 70-75 cases; which is lower than normal
    - Intensive or specialized cases can be as low as 30-35
    - Sex offender and DWI case load is lower
- What is the recommended standard?
  - Set standard with each supervisor; always a shuffleboard trying to keep under state regulations
  - General state recommendations; no state requirements
- How many authorized positions do you have for regular probation officers?
  - ~ 62

- Inspired leadership; appreciate responsiveness and outreach in the community

#### 4. **SHERIFF'S OFFICE:** Toby Shelley, Sheriff

- AirOne Helicopter
  - Received \$115k bill for environmental study
  - Helicopter has been at the military base for 6 years
    - If environmental study worked out, want another \$48k to keep it where it is
    - In the past has run approximately \$2,500 per year
    - Intend to bring helicopter back to Camillus
    - Made deal to keep at the base until June; then have to move it
    - This move will displace bomb trailer and dive trailer
      - Currently have temporary solutions; no long term
      - Climate sensitive trailers, cannot be out in the cold
- Command Trailer
  - Old with rusted frame, would like a new one
  - Talked to Mr. Wears from Emergency Management about joint use of their command vehicle
    - In the works, need to make sure SWAT trailer would fit
- USDA may have money to help purchase a new helicopter for about \$2M
  - Newer model of 407C with bigger engine, upgraded avionics would be ~ \$4M
  - Current helicopter valued at about \$1M
  - Would like to work out a 3 year plan, where County could benefit from money put into maintenance and then try to make the swap
  - Will update with progress
- Staffing
  - Additions and deletions have shorted 103 positions
    - Talked to Mr. Hummel concerning positions
  - Found file folder with prospective hires; background checks completed
    - Applicants received letters stating to wait for a phone call to be hired
    - If these people are hired, will be short positions
    - Need to get back to 103 positions if trying to get ahead with corrections
  - People that can work those jobs are in high demand; need to grab whenever you can find them
  - There is a rumor that we can take inmates to surrounding jails
    - Talked to all surrounding Sheriffs, including Oneida County, and they are full
    - We cannot take our people to surrounding jails and need permission from Sheriff
    - If we get into an overage, not sure where we will go
    - Extra manpower and transport will become an issue
- DCJS (Department of Criminal Justice Services) froze all grants
  - DCJS was in last week to do an audit
  - Told audit went well but don't have exact results
  - Hopefully grants will be opened back up soon

#### **Questions/Comments from Committee:**

- Helicopter is important and expensive to maintain and keep in the air
  - Helicopter has done great work; within the last week, rescued fishermen out on thin ice
- NYS Police helicopter no longer in Syracuse, now in Rochester
  - Current ship is 25 years old
  - Goal is to push aviation program 25 years in the future
  - It is a good ship but should trade while its worth good money
  - Have 407C switching to same model will enable us to move all equipment over without a lot of additional cost
  - Gain more powerful engine and avionics

- Are you working with Personnel on the 103 positions?
  - Had one discussion but need to get more meetings set up
  - Going to grab these guys and be short positions right away, before April 1<sup>st</sup>
- If all 103 positions were not created, what would be the immediate need?
  - ~ 39 people a year to take care of average retirements per year
- Are you saying you need at least 40 positions right now to keep your head above water?
  - 40 would keep us even; but need 103 to be safe
  - There will be a manning study when the Commissioner of Corrections comes
- Is there a way to charge people who went out on thin ice and should not have?
  - Not sure if County can, because, in theory, taxpayer paid for the helicopter
  - En Con gives hefty fines for polluting the water; \$1,000's
- Sheriff hired 2 people who opted for the VRIP (Voluntary Retirement Incentive Plan); would like to move them from 103 (Other Employee Wages) line to 101 (Salaries & Wages) line
  - Potential challenges:
    - Undo VRIP to a certain extent
    - \$5,000 incentive
    - Health Insurance contribution rate
    - Possible 30 day sunset clause
    - Time sensitive

#### **Comment from Law Department:**

- Potential challenges:
  - Negotiate new agreement with unions
  - No full time employment is what was signed to upon accepting VRIP
  - To avoid discrimination issues, would need to reopen to everyone
  - Health Insurance contribution rate
  - \$5,000 incentive
  - Ancillary retirement system issues:
    - Do they pay retirement back; if not, there is a \$35k annual cap
    - \$35k cap was waived until February 2023; unclear if it will be suspended again

#### **Questions from Committee to Law Department:**

- Logistically does it need to be an executive initiative to bring to the Legislature because it is effecting the budget?
  - Would be Personnel that dealt with the unions to do the discussions
  - Imagine it would be in the form of an executive initiative
  - Since VRIP was a Legislative initiative, there may be a way for the Legislature to reopen
  - It is a hand in hand process, one will need to come up with terms and conditions
  - Everybody waived their right to sue when they took VRIP, will need to think about how to address that
  - Possibly signing something that they still have that waiver
  - Executive component, will need to be coordinated with Executive's office and Personnel

#### **Question from Chair to Committee**

- How does this continue to move forward to get resolved?
  - Hopefully getting some questions answered from outside legal counsel in conjunction with County Executive & Personnel office

#### **Comment from Sheriff**

- Do not believe it will affect the budget because those positions are already funded
  - If willing to pay \$5,000 back
  - Are aware of their health insurance issues, accepting the 22%, one is locked into the 15% by union contract
  - Civil and Personnel positions are challenging to fill

**Questions/Comments from Committee to Personnel**

- Is there a legal impediment that makes it a fatal flaw in the request?
  - There is risk involved; being evaluated
  - Opening back up involves certain risk, people who took the VRIP signed a contract agreeing to the terms and consulted an attorney
  - All various federal statutes in the agreement would be in violation by reversing that
  - The goal is to mitigate risk to protect the county
  - There will be zero risk whichever way this ends up going
- Cannot narrow the scope to just the Sheriff
- Discrimination risk if not opened back up to everybody
- Also negotiations with unions to undo what was done, each union would need to agree

**Request: Invite Volunteer Fire Association members to get a better understanding of what is going on concerning lack of fire fighters in all departments.**

***A Motion was made by Mr. Knapp, seconded by Mr. Ryan, to adjourn the meeting. Passed unanimously; MOTION CARRIED.***

The meeting was adjourned at 9:52 a.m.

Respectfully submitted,



TAMMY BARBER, Deputy Clerk  
Onondaga County Legislature

ATTENDANCE

COMMITTEE: PUBLIC SAFETY  
DATE: FEBRUARY 21, 2023

NAME (Please Print)	DEPARTMENT/AGENCY
Kristi Smiley	Finance
TOBY SHEUCN	SHERIFF
JOHN DRAPAKOWSKI	SHERIFF
BILL FITZPATRICK	DA
Jerry Payne	Emergency Management
Carl Hummel	Personnel
Phil Galupp	Probation
Darcie Lesniak	Leg
Jim Beebe	Leg
Tammy Barber	Leg.
Stev Morgan	Finance
Ben Yaus	Law