

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE & PUBLIC SAFETY

DATE: JANUARY 22, 2019

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: LEGGETT
GERAGHTY
SIMPSON
WILD
MAGOWAN
SOKOL
HOGAN
DRISCOLL
MERLINO
VACANT

COMMITTEE MEMBER ABSENT:

SUPERVISOR: BRAYMER

OTHERS PRESENT:

REPRESENTING THE WARREN COUNTY SHERIFF'S OFFICE:
BUD YORK, SHERIFF
SHAWN LAMOUREE, UNDERSHERIFF
ATTORNEY GREG JOHNSON, JOHNSON & LAWS
JOY LAFOUNTAIN, ASSIGNED COUNSEL ADMINISTRATOR
REPRESENTING THE DISTRICT ATTORNEY'S OFFICE:
JASON CARUSONE, DISTRICT ATTORNEY
PAULETTE McDONALD, SECRETARY TO THE DISTRICT ATTORNEY
ROBERT IUSI, PROBATION DIRECTOR
REPRESENTING THE PUBLIC DEFENDER'S OFFICE:
ROBERT GREGOR, 5TH ASSISTANT PUBLIC DEFENDER
ERIN BROTHERS, ASSISTANT TO THE PUBLIC DEFENDER
BRIAN LAFLORE, FIRE COORDINATOR/DIRECTOR, OFFICE OF EMERGENCY SERVICES
RONALD F. CONOVER, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
LOEB
MCDEVITT
AMY LAVINE, FIRST ASSISTANT COUNTY ATTORNEY
FRED AUSTIN, WARREN COUNTY RESIDENT
DON LEHMAN, *THE POST STAR*
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

Please note, the following contains a summarization of the January 22, 2019 meeting of the Criminal Justice & Public Safety Committee; the meeting in its entirety can be viewed on the Warren County website using the following link:
<http://www.warrencountyny.gov/gov/comm/Archive/2019/criminal/>

Mr. Leggett called the meeting of the Criminal Justice & Public Safety Committee to order at 12:44 p.m.

Motion was made by Mr. Simpson, seconded by Mr. Geraghty and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Shawn Lamouree, *Undersheriff*, who distributed copies of the Sheriff's agenda to the Committee members, a copy of which is on file with the meeting minutes.

Commencing his agenda review, Undersheriff Lamouree presented the following requests;

- A) To amend the County Budget in the amount of \$17,550 to reflect receipt of grant funding from the New York State Governor's Traffic Safety Committee.

Motion was made by Mr. Sokol, seconded by Mr. Magowan and carried unanimously to approve the request to amend the County Budget as outlined above and refer same to the Finance Committee. *A copy of the resolution request form is*

on file with the minutes.

- B) To appropriate funding in the amount of \$159,200 from the General Fund Unappropriated Fund Balance to the Sheriff's Law Enforcement budget to cover the cost of the PBA Settlement.
- C) To appropriate funds in the amount of \$306,376 from the General Fund Unappropriated Fund Balance to cover the cost of 2019 fleet purchases and the associated upfitting cost.

Note: subsequent to the meeting it was determined that \$106,776 of this total would be appropriated from the Fund Balance and the remaining \$199,600 would be appropriated from the Vehicle Reserve; the referral to the Finance Committee was revised to reflect this change on the January 31, 2019 Finance Committee meeting agenda.

- D) To appropriate funds in the amount of \$34,600 from the General Fund Unappropriated Fund Balance to cover the cost of the 2019 equipment purchases for the Law Enforcement Division.
- E) To appropriate funds in the amount of \$32,050 from the General Fund Unappropriated Fund Balance to cover the cost of the 2019 purchases of furniture, technical and other equipment for the Corrections Division.

Mr. Thomas reviewed the amount requested for each appropriation and indicated he agreed with them as they were planned in the 2019 Budget to be one-time cash purchases from the general fund.

Motion was made by Mr. Sokol, seconded by Mr. Magowan and carried unanimously to approve the requests as outlined above and refer same to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

- F) To amend the County Budget in the amount of \$71,448.96 to carryover unused funds from the 2016 Statewide Interoperability Communications Grant Program.

Motion was made by Mr. Geraghty, seconded by Mr. Simpson and carried unanimously to approve the request to amend the County Budget as outlined above and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

- G) To amend the County Budget in the amount of \$58,551.53 to carryover unused funds from the 2017 Statewide Interoperability Communications Grant Program

Motion was made by Mr. Magowan, seconded by Ms. Hogan and carried unanimously to approve the request to amend the County Budget as outlined above and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

- H) To amend the County Budget in the amount of \$19,994 to carryover funds from the unused FY18 State Law Enforcement Terrorism Grant Program.

Motion was made by Mr. Sokol, seconded by Mr. Simpson and carried unanimously to approve the request to amend the County Budget as outlined above and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Continuing to the Referral/Pending Items portion of the agenda review, Bud York, *Warren County Sheriff*, indicated in light of concerns regarding medical issues and lawsuits related to the medical provider contract at the Warren County Jail, he was asked to have someone present at this Committee meeting to speak to those issues. He introduced Attorney Greg Johnson, *of Johnson & Laws*, who had a long history of representing the County and could speak to the medical provider contract from a historical perspective. Attorney Johnson indicated he served as the outside litigation counsel acting upon civil rights claims involving the County Jail and its inmates for the past fifteen years. He provided an overview of the history of medical provider scenarios employed by the County in the past which included a term with no medical provided, one with a medical provider that did not offer any contractual indemnification, and finally the current scenario where the contractor provided contractual indemnification. Attorney Johnson advised over the past ten years, ten cases had arisen which went before a court, seven of which were resolved without any indemnity payments,

one was still pending and two were resolved. He advised the current medical provider had been involved, cooperating with the defense and assuming a portion of the defense. He mentioned there were medical claims and non-medical claims, informing the current medical provider had insurance and worked with the County's insurance to defend themselves.

Ms. Braymer thanked Attorney Johnson for his attendance and she inquired if he worked with other counties that had a different medical contractor for corrections services. Attorney Johnson replied in the affirmative, clarifying he worked with their insurance companies, not the medical providers. Ms. Braymer asked if there were more or less cases with the current medical provider and Attorney Johnson answered there was no increase over the past fifteen years. Mr. Conover inquired if there was a corporate indemnification and Attorney Johnson replied when he received a claim he put the provider on notice and their insurance company contacted him, making this what had been a seamless process.

Concluding the agenda review, Undersheriff Lamouree addressed the Topics for Discussion portion of the agenda, informing there were currently nine Correction Officer vacancies and one Correction Sergeant vacancy. He advised there were two exams that provided a list that he could hire from. Mr. Wild inquired if they were losing individuals to the State and Undersheriff Lamouree replied they lost individuals for a variety of reasons, one of which was the difference in salary for New York State Department of Corrections positions.

There being no further Sheriff business to discuss, privilege of the floor was extended to Joy LaFountain, *Assigned Counsel Administrator*, who presented a request to accept and approve a new Assigned Counsel Plan which was Hurrell Haring compliant and authorizing same to be submitted to the Warren County Bar Association and the State of New York Office of Indigent Legal Services for approval. She indicated for the past twelve years she had been working to finalize this plan, but noted Warren County was not one of those being sued because they had always provided assigned counsel correctly. Mr. Leggett mentioned Ms. LaFountain had hired private attorneys and she referred to them as vendors; Ms. LaFountain explained the plan would allow her to contract with a law firm that would save the County money. Mr. Leggett inquired if the plan had been reviewed by the County Attorney's Office and Amy Lavine, *Assistant County Attorney*, confirmed that it had.

Motion was made by Ms. Braymer, seconded by Mr. Magowan and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 15, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

There being no further Assigned Counsel business to discuss, privilege of the floor was extended to Jason Carusone, *District Attorney*, who distributed copies of the District Attorney agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing his agenda review, Mr. Carusone presented the following requests;

- 1) To fill the vacant position of 5th Assistant District Attorney, *Annual Salary \$60,178*, due to resignation;
- 2) To fill the vacant position of 6th Assistant District Attorney, *Annual Salary \$54,371*, due to promotion; and
- 3) To fill the vacant position of 7th Assistant District Attorney, *Annual Salary \$52,260*, due to promotion.

Mr. Leggett inquired if there was a hierarchy associated with these positions and Mr. Carusone replied affirmatively, informing the positions were filled based on internal experience. Mr. Wild asked about salaries and Mr. Carusone replied individuals would experience a salary change when they were advanced. Ms. Hogan mentioned she was aware of impending discussions regarding the salaries in this Department and Mr. Geraghty notified he was working with Mr. Carusone on a salary structure. Ms. Braymer asked what would happen if there was a more qualified person with more experience for the position and the position was already filled and Mr. Carusone explained other counties had higher salaries and he was at risk of losing individuals, making it imperative that he filled the vacancies as quickly as possible. Mr. Simpson inquired what was creating the stress and Mr. Carusone replied in Warren County everyone was working days, nights and weekends, at times working up to 70 hours a week, for lower salaries that they could get in other counties which made it difficult to retain staff. Ms. Hogan asked if the Personnel Department was working on the salary schedule

and Mr. Geraghty replied affirmatively, adding they were working towards bringing this issue to Committee once a solution had been determined.

Motion was made by Mr. Geraghty, seconded by Mr. Merlino and carried unanimously to approve the requests to fill the vacant positions, as outlined above, and refer same to the Personnel & Higher Education Committee for reporting purposes. *Copies of the Notice of Intent to Fill Vacant Position forms are on file with the minutes.*

There being no further District Attorney business to discuss, privilege of the floor was extended to Robert Iusi, *Probation Director*, who distributed copies of the Probation agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing his agenda review, Mr. Iusi presented a request to authorize a new contract with Big Brothers and Big Sisters of the Southern Adirondacks to provide mentoring services for youth under the age of 18. He mentioned there was no funding for mentoring in his budget and he had not received notification from the State that any would be provided; however, he stated, Big Brothers and Big Sisters of Southern Adirondacks would still provide the services.

Motion was made by Mr. Driscoll, seconded by Mr. Merlino and carried by majority vote, with Mr. Magowan abstaining, to approve the request as outlined above and the necessary resolution was authorized for the February 15, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Mr. Iusi introduced a request to authorize out-of-State travel for himself to attend the American Probation and Patrol Association 2019 Winter Training Institute on March 9 -13, 2019 in Miami, Florida, at no cost to the County.

Motion was made by Mr. Geraghty, seconded by Mr. Sokol and carried by majority vote, with Mr. Magowan abstaining, to approve the request as outlined above and the necessary resolution was authorized for the February 15, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Regarding Raise the Age, Mr Iusi indicated the numbers were coming in slowly and they were manageable. He said he had not heard about the financial plan, adding he anticipated hearing something in the next few months.

Concluding his agenda review, Mr. Iusi indicated in the Governor's Executive Budget and during his State of the State Address, Governor Cuomo had discussed Bail Reform and cashless bail. He notified the Governor would like to remove bail for misdemeanor and non-violent felons, advising to accomplish this there would need to be more appearance tickets from Police Officers and Judges had the ability to release on recognizance. He informed many individuals would be reporting to a pretrial agency within a County, indicating his Probation Department ran a pretrial agency and had a Release Under Supervision Program, where individuals reported through phone conversations. He pointed out with the potential of new legislation, more individuals would be reporting to Probation. He mentioned the bill would not go into effect until 2020, which gave him time to prepare. Mr. Leggett inquired if the County should advocate and Mr. Iusi replied it was an issue for NYSAC (*New York State Association of Counties*). He commented he hoped for any cost reimbursement. Mr. Wild stated with the removal of bail reform, the Probation Department could have fewer individuals in jail and it could affect Raise the Age.

There being no further Probation business to discuss privilege of the floor was extended to Robert Gregor, *5th Assistant Public Defender*, who distributed copies of the Public Defender agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing his agenda review, Mr. Gregor presented the following requests;

- 1) To authorize an application for Indigent Legal Services Distribution #9 (*continuation of Distribution #3 and #6*) in an amount not to exceed \$160,218 to fund the Confidential Secretary position within the Public Defender's Office.

- 2) Extending the current contract with the NYS Office of Indigent Legal Services (*approved by Resolution No. 52 of 2015 and amended by Resolution No. 109 of 2018*) through December 31, 2019 to all the expenditure of remaining funds.

Motion was made by Mr. Simpson, seconded by Ms. Braymer and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the February 15, 2019 Board Meeting. *Copies of the resolution request forms are on file with the minutes.*

There being no further Public Defender business to discuss privilege of the floor was extended to Brian LaFlure, *Fire Coordinator/Director, Office of Emergency Services*, who distributed copies of the Office of Emergency Services agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing his agenda review, Mr. LaFlure presented the following requests;

- 1) To amend the County Budget in the amount of \$18,270.33 to allow for carryover of unused FY16 State Homeland Security Program grant funds.
- 2) To amend the County Budget in the amount of \$112,701.82 to allow for carryover of unused FY16 Hazmat Program grant funds.

Motion was made by Mr. Geraghty, seconded by Mr. Wild and carried unanimously to approve both requests to amend the County Budget as outlined above and refer same to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

- 3) To authorize out-of-state travel for Micki Guy, Travis Howe and Jack Tims to attend the EMS Today Conference & Exposition on February 19-23, 2019, in National Harbor, Maryland at the cost of \$1,689.50.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 15, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

- 4) To authorize application for FY19 State Homeland Security Program grant, in an amount not to exceed \$100,000.
- 5) To authorize application for FY19 Local Emergency Management Performance in an amount not to exceed \$35,000.

Motion was made by Mr. Simpson, seconded by Mr. Merlino and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the February 15, 2019 Board Meeting. *Copies of the resolution request forms are on file with the minutes.*

- 6) To authorize application for FY19 Hazardous Materials Emergency Preparedness grant in an amount not to exceed \$50,000.

Mr. Wild inquired if the individual Towns were required to do hazardous materials training and Mr. LaFlure replied in the negative, adding the training was done through the County.

Motion was made by Mr. Sokol, seconded by Ms. Braymer and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 15, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

- 7) To authorize out-of-State travel for Amy Drexel to attend the Homeland Security Exercise and Evaluation Program course and the Public Information and Warning course at the Emergency Management Institute on March 24-29, 2019 in Emmitsburg, Maryland.

Motion was made by Mr. Simpson, seconded by Mrs. Hogan and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 15, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

- 8) To increase Capital Project H254, *Fire Training Center Project-Projects*, in the amount of \$11,426.72 to reflect receipt of reimbursements from Washington County in the amount of \$3,926.72 and \$7,500 for 50% of the cost of engineering consulting services performed by Clark Patterson Lee.

Motion was made by Mr. Simpson, seconded by Mr. Magowan and carried unanimously to approve the request as outlined above and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Reporting travel authorizations previously approved by Committee Chair Leggett, Mr. LaFlure informed that last month his staff had attended the Hazmat Leadership Forum, the Communication Consortium Chair Meeting and the Regional Fire Administrators Conference.

Concluding his agenda review, Mr. LaFlure spoke regarding an ice jam in Raparius where they were monitoring and recording the situation using a drone; he added he had not seen a jam similar to this since the 1970's. He informed there was one residence which could potentially be in danger if the ice jam progressed and those living there were packed and ready to leave if necessary. He advised they had never dealt with an ice jam that severe, commenting the potential rain would cause a problem. He informed the water gauge in North Creek, which provided important information to his Office, had been broken for three weeks which added to their concerns. He reported the ice jams were inspected twice a day.

Mr. Leggett notified that there would be a EMS Task Force meeting on Thursday, January 31, 2019, following the Legislative & Rules Committee meeting.

As there was no further business to come before the Criminal Justice & Public Safety Committee, on motion made by Mr. Simpson and seconded by Mr. Geraghty, Mr. Leggett adjourned the meeting at 1:41 p.m.

Respectfully submitted,
Molly Ganotes-Gleason, Legislative Office Specialist