

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE & PUBLIC SAFETY

DATE: JULY 29, 2019

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBER ABSENT:

SUPERVISOR: MAGOWAN

OTHERS PRESENT:

AMY DREXEL, EMERGENCY SERVICES COORDINATOR
JOY LAFOUNTAIN, ASSIGNED COUNCIL ADMINISTRATOR
REPRESENTING THE DISTRICT ATTORNEY'S OFFICE:
JASON CARUSONE, DISTRICT ATTORNEY
MANON AFFINITO, DIRECTOR, VICTIM ASSISTANTS PROGRAM
PAULETTE McDONALD, ASSISTANT TO THE DISTRICT ATTORNEY
SHAWN LAMOUREE, UNDERSHERIFF
ROBERT IUSI, PROBATION DIRECTOR
CHARLES WALLACE, ADMINISTRATOR, FIRE PREVENTION & BUILDING
CODE ENFORCEMENT
REPRESENTING THE PUBLIC DEFENDER'S OFFICE:
MARCY FLORES, PUBLIC DEFENDER
ERIN BROTHERS, ASSISTANT TO THE PUBLIC DEFENDER
RONALD F. CONOVER, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
RYAN DICKEY, FIRST ASSISTANT COUNTY ATTORNEY
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS LOEB
MCDEVITT
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
JAMES LAFARR, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

Please note, the following contains a summarization of the July 29, 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 11:12 a.m.

Motion was made by Mr. Simpson, seconded by Mr. Wild 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 Amy Drexel, *Emergency Services Coordinator*, who distributed copies of the Office of Emergency Services (OES) agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing her agenda review, Ms. Drexel presented a request to authorize a contract with the United States Geological Survey for continued use of the river gauge on the Schroon River for a term commencing October 1, 2019 and terminating September 30, 2025, at an initial rate of \$7,570 per year with a 3% annual increase.

Motion was made by Mr. Simpson, seconded by Ms. Hogan and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the August 16, 2019 Board Meeting. *A copy of the*

resolution request form is on file with the minutes.

Concluding the agenda review, Ms. Drexel reviewed the Information for Discussion/Review portion of the agenda, providing an update on the travel authorizations approved for the prior month, copies of which were included in the agenda packet.

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

Commencing her agenda review, Ms. LaFountain introduced a request to amend the County Budget in the amount of \$51,710.50 to reflect the receipt of funding from Legal Aid Society of Northeastern New York (*LASNYY*) for NYS OILS (*New York State Office of Indigent Legal Services*) Distribution No. 7, Contract No. C700052.

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

Next, Ms. LaFountain presented a request to authorize a new contract with the Legal Aid Society of Northeastern New York, Inc. for paralegal/case management support services for indigent individuals in the Warren County Family Court for a term to commence July 1, 2017 and terminate upon termination of grant funds.

Motion was made by Mr. Geraghty, seconded by Mr. Sokol and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the August 16, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Finally, Ms. LaFountain requested to authorize a new contract with General Code for case management services over a term to be determined at a cost not to exceed \$42,228.17 in year one, with an annual support fee of \$8,380.72 commencing in year two and continuing through the life of the contract.

Mr. Leggett inquired if this was a new system and Ms. LaFountain confirmed that it was. He asked if funds were budgeted for this contract and Ms. LaFountain replied in the negative. Tammie DeLorenzo, *Assistant to the County Administrator*, explained the funding originated from NYS OILS Distribution No. 7, Contract No. C700052, which provided five years of funding. Ryan Moore, *County Administrator*, advised the system would be installed after the August 16, 2019 Board Meeting. Ms. LaFountain noted the entire County had the ability to use the program. Mr. Moore advised the funds would not be added to the budget until there was a signed grant agreement.

Motion was made by Mr. Wild, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the August 16, 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 discussed Bail Reform and Discovery Reform, he explained they had radically changed, indicating with Bail Reform he expected that 90% of those arrested would not be incarcerated. He remarked courts would not be able to set bail unless there was a qualifying offense; as an example, he indicated a charge of burglary in the 2nd degree which included breaking and entering would qualify for bail being set. He

advised that notifications regarding court appearances had changed as well, but noted an agency had not yet been appointed to provide this service. He reported the District Attorney, Sheriff, Victim Services and Probation divisions would all be affected by these changes which would lead to more warrants being issued, resulting in cost increases to the County.

Regarding Discovery Reform, Mr. Carusone explained each case discovery would now have to be turned in within fifteen days; he explained the current discovery process required providing a list of evidence to a judge, but within no defined time frame. He reported as of January 2020, discovery would include old evidence, witness lists with contact information, 911 calls as well as general phone calls if there was one. He apprised currently they could introduce a case when they were ready, indicating in January they would only have fifteen days. He indicated this would be difficult to accomplish and they were trying to prepare by re-organizing information; he commented he had spoken to many law enforcement agencies seeking assistance. Mr. Wild inquired if there would be any modifications after the law was implemented and Mr. Carusone replied he did not expect any such changes.

Regarding Action Agenda/New Business Item 2, Mr. Carusone informed they had received a grant from the Office of Victim Services in the amount of \$452,000 for three years. He advised the funds would not support his current staff, indicating a part-time position was only supported until September 31, 2019. Mr. Driscoll asked if they were able to share positions, and Mr. Carusone replied they had internal positions that worked with outside agencies. Manon Affinito, *Director, Victim Assistants Program*, added victims would often get assistance from not-for-profit agencies. Mr. Carusone reported they would have to switch to a digital process, noting he had started this on a small scale with legal clerks.

Mr. Carusone then presented the following requests:

- 1) Request to create and fill Legal Clerk #1 position, *Grade 5, Base Annual Salary \$30,520, (to be filled at the Grade 5, Step 1 salary of \$31,100)*, and delete the position of Secretary, *Grade 4, Annual Salary \$30,426*, effective August 19, 2019;
- 2) Request to create and fill Legal Clerk #2 position, *Grade 5, Base Annual Salary \$30,520, (to be filled at the Grade 5, Step 16 salary of \$39,038)*, and defund the salary of Clerk, *Grade 2, Annual Salary \$28,495*, effective August 19, 2019;
- 3) Request to create and fill Legal Clerk #3 position, *Grade 5, Base Annual Salary \$30,520, (to be filled at the Grade 5, Step 3 salary of \$32,177)*, and defund the salary of Word Processing Operator, *Grade 4, Annual Salary \$37,694*, effective August 19, 2019; and
- 4) Request to create and fill Legal Clerk #4 position, *Grade 5, Base Annual Salary \$30,520, (to be filled at the Grade 5, Step 2 salary of \$31,635)*, and defund the salary of the Keyboard Specialist, *Grade 3, Annual Salary \$29,595*, effective August 19, 2019.

Mr. Carusone noted that the agenda included a request for a transfer of funds in the amount of \$2,712.01 from a source to be determined to cover what he estimated would be the amount of funding required to fund the positions he had requested; however, he advised he believed this amount was available within the existing budget to cover the cost.

Motion was made by Mr. Geraghty, seconded by Mr. Driscoll and carried unanimously amend the Table of Organization and Salary Schedule as outlined above and refer same to the Personnel & Higher Education Committee. *Copies of the resolution request forms and 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 Shawn Lamouree, *Undersheriff*, who distributed copies of the Sheriff's agenda to the Committee members; *a copy of the agenda is on*

file with the minutes.

Commencing his agenda review, Undersheriff Lamouree introduced a request to amend the County Budget in the amount of \$33,138.44 to reflect receipt of revenue from the Hadley-Luzerne School District to cover the cost of the School Resource Officer within the school district.

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

Next, Undersheriff Lamouree presented a request for a transfer of funds amongst various budget codes totaling \$995,697.12 in order to move funds to the correct revenue codes.

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

Undersheriff Lamouree then introduced a request to authorize a grant agreement with New York State Governor's Traffic Safety Committee to authorize acceptance of funding in the amount of \$18,000 for police traffic services.

Motion was made by Mr. Sokol, seconded by Mr. Simpson and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the August 16, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Addressing the Topics for Discussion portion of the agenda, Undersheriff Lamouree informed there were currently five vacant Correction Officer positions.

Speaking to Bail Reform, Undersheriff Lamouree explained there were currently 98 individuals incarcerated at the Warren County Jail and he anticipated a decrease in the jail population. Mr. Geraghty inquired if the Department of Corrections had released any comments on the reforms and Undersheriff Lamouree replied in the negative. Mr. Leggett asked how reforms would affect the Sheriff's budget and Undersheriff Lamouree replied medical pricing would decrease, along with food, housing and overtime. Mr. Moore suggested taking time to see where the population settled, adding if a pod was empty there was no need for personnel there. Mr. McDevitt suggested they invite representatives of the Department of Corrections to a future Committee meeting to provide their perspective. Undersheriff Lamouree indicated these changes would require the Sheriff's Office to provide all radio communications, 911 calls and video, if applicable to a certain case, within fifteen days. Mr. Carusone indicated individuals did not always call 911, they also called the Sheriff's Office, but did leave a name in every case which would require additional work to try and figure out who the caller was and how to file that communication, all while keeping within the time frame specified by the reform requirements; Mr. Carusone indicated this was another facet of the reform they were still trying to work out.

There being no further Sheriff 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 out-of-State travel for himself to attend the American Probation and Parole Association 44th Annual Training Institute Conference in San Francisco, California on August 17-21, 2019.

Motion was made by Mr. Geraghty, seconded by Mr. Merlino and carried unanimously to approve the request as

outlined above and the necessary resolution was authorized for the August 16, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Regarding Bail Reform, Mr. Iusi distributed a Power Point Presentation entitled "*Bail Reform 101*", *a copy of which is on file with the minutes.* He remarked the Power Point explained the process and annuities to the law. He informed he focused on the implementation of the law and how they were going to get where they need to get by January. He advised bail was eliminated for misdemeanor charges, non violent felonies and Class A drug felonies, adding the County had many drug dealers from New York City with no ties to the area that would be released. He remarked there were many changes at this point and they had no regulations or guidance, reporting he thought the OCA (*Office of Court Administration*) would be the regulatory agency for Bail Reform and pre-trial services agencies within the counties. He stated Bail Reform and pre-trial service agencies were handled by the DCJS (*Division of Criminal Justice Services*). He advised a work group that was made up of OCA, DCJS and New York State Pre-Trial Association personnel along with the not-for-profit Criminal Justice Agency were working on developing regulations and guidelines that would be available in either September or October.

Ms. Braymer entered the meeting at 12:00 p.m. and Mr. Moore exited the meeting at 12:02 p.m

Mr. Iusi informed they had no regulations or guidelines and they were only aware of what was included in the law, advising the regulations and/or guidelines differed from what the law prescribed. He informed the OCA allowed the counties to designate their own pre-trial agency, adding Warren County operated their own pre-trial agency. He said after OCA developed the regulation they would send a plan to the County to designate a pre-trial agency. Mr. Leggett inquired what group would serve as the pre-trial agency and Mr. Iusi replied it could be the County or an outside agency. He notified a large part of the process would be notifying an individual of their court date either by phone, text or 1st class mail, but stated they were not prepared to notify a large number of individuals. He advised electronic monitoring was required to be done in-house or have a contract in place with a not-for-profit organization. He apprised the cost for the equipment was \$25,000, along with the manpower to monitor the transactions. A brief discussion ensued.

Mr. Merlino exited the meeting at 12:27 p.m.

There being no further Probation business to discuss, privilege of the floor was extended to Charles Wallace, *Administrator, Fire Prevention & Building Code Enforcement*, who distributed copies of the Fire Prevention & Building Code Enforcement agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing his agenda review, Mr. Wallace discussed the revised fee schedule provided in the agenda packet, informing there was an increase for the remaining year and a new fee schedule commencing in January 2020. He said the reason there were two fee schedules was to gradually increase the fees and ensure those seeking permits in January would not be surprised about the increase. Mr. Simpson apprised each year there were more and more regulations and he suggested they take a step back and look at the fees. Mr. Wallace informed he did not change the amount of the minimum fees, adding he changed the rate of the square feet fees. Mr. Wild explained the increase was State mandated.

A motion was made by Mr. Sokol and seconded by Mr. Wild to approve the Fire Prevention & Building Codes fee schedules, as provided; however, upon further discussion, Mr. Sokol amended his motion and Mr. Wild amended his second to approve and adopt the revised Fire Prevention & Building Code Enforcement 2020 Fee Schedule with a January 2020 commencement date and the necessary resolution was authorized for the August 16, 2019 Board Meeting.

Concluding his agenda review, Mr. Wallace presented a request to authorize out-of-State travel for Thomas McKinney to attend the 2019 International Codes Council Annual Conference and Expo, in Las Vegas, Nevada on October 21-23, 2019.

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 August 16, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

There being no further Fire Prevention & Building Code Enforcement business to discuss, privilege of the floor was extended to Marcy Flores, *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 her agenda review, Ms. Flores presented a request to authorize out-of-State travel for herself to attend the Executive Leadership Institute/National Association for Public Defense in either Austin, Texas on October 14-17, 2019 or in Los Angeles, California on December 8-11, 2019.

Motion was made by Ms. Braymer, seconded by Mr. Geraghty and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the August 16, 2019 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

As there was no further business to come before the Criminal Justice & Public Safety Committee, on motion made by Mr. Geraghty and seconded by Mr. Simpson, Mr. Leggett adjourned the meeting at 12:44 p.m.

Respectfully submitted,
Molly Ganotes-Gleason, Legislative Office Specialist