

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE & PUBLIC SAFETY

DATE: OCTOBER 22, 2019

COMMITTEE MEMBERS PRESENT:

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

OTHERS PRESENT:

JASON CARUSONE, DISTRICT ATTORNEY
BRIAN LAFLURE, FIRE COORDINATOR/DIRECTOR OF THE OFFICE OF
EMERGENCY SERVICES
ROBERT IUSI, PROBATION DIRECTOR
MARCY FLORES, PUBLIC DEFENDER
REPRESENTING THE WARREN COUNTY SHERIFF'S OFFICE:
BUD YORK, SHERIFF
JIM LAFARR, MAJOR
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
DIAMOND
DICKINSON
FRASIER
MCDEVITT
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
PAULETTE McDONALD, ASSISTANT TO THE DISTRICT ATTORNEY
TERRY COMEAU, COUNTY CORONER
ERIN BROTHERS, ASSISTANT TO THE PUBLIC DEFENDER
DON LEHMAN, *THE POST STAR*
LESLIE LOVELACE, SECRETARY TO THE CLERK OF THE BOARD

Please note, the following contains a summarization of the October 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 11:00 a.m.

Motion was made by Mr. Magowan, seconded by Mr. Sokol and carried unanimously to approve the minutes from the previous Criminal Justice & Public Safety Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jason Carusone, *District Attorney*, who distributed copies of his agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Mr. Carusone explained the 3rd Assistant District Attorney had been offered a job as an Administrative Law Judge, which he had accepted, resulting in the following requests:

- 1) To fill the vacant position of 3rd Assistant District Attorney, *Annual Salary \$82,078*, due to resignation.
- 2) To fill the vacant position of 4th Assistant District Attorney, *Annual Salary \$69,275*, due to promotion.
- 3) To fill the vacant position of 5th Assistant District Attorney, *Grade 3, Annual Base Salary \$70,520*, due to promotion.
- 4) To fill the vacant position of 6th Assistant District Attorney, *Annual Salary \$65,258*, due to promotion.
- 5) To fill the vacant position of 7th Assistant District Attorney, *Annual Salary \$65,258*, due to promotion.

Motion was made by Mr. Geraghty, seconded by Mr. Simpson and carried unanimously to approve the requests as outlined above and forward 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.*

Ryan Moore, *County Administrator*, noted the attorney grid in place saved the County money. He explained the old system used would have resulted in the attorneys' salaries remaining the same, where as this way the employees were given additional duties along with a pay increase, which everyone benefitted from.

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

Commencing the agenda review, Mr. LaFlure presented the following requests:

- 1) To authorize a new contract with Capital Digitronics, Inc. in an amount not to exceed \$5,000 per year to provide vehicle equipment installation services.

Motion was made by Mr. Simpson, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 2) To extend the contract with Glens Falls Fire Department for fire investigation services at the established rate for a term commencing January 1, 2020 and terminating December 31, 2020.

Motion was made by Ms. Braymer, seconded by Mr. Wild and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 3) To authorize an application to the NYS Division of Homeland Security and Emergency Services for FY2019 Pre-Disaster Mitigation Program grant funds in an amount not to exceed \$150,000.

Motion was made by Mr. Merlino, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 4) To increase Capital Project No. H358 *Hazard Mitigation Grant Program-Hazard Mitigation*, in the amount of \$150,00.

Motion was made by Mr. Simpson, seconded by Ms. Hogan and carried unanimously to approve the request and forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Hogan extended her appreciation to Mr. LaFlure for his help the previous day explaining funding sources for the Town of Johnsburg Fire Department.

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

Commencing the agenda review, Mr. Iusi presented the following requests:

- 1) To authorize a service provider agreement with Baywood Center for group sessions regarding addictive thinking patterns for DWI Offenders and Treatment Court participants for a term commencing November 1, 2019 and terminating November 1, 2020.

Motion was made by Mr. Geraghty, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 2) To authorize a new contract with Mediation Matters for Restorative Practice Services for Raise the Age Youth in an amount not to exceed \$10,000 for a term commencing retroactive to October 1, 2019 and terminating March 31, 2019.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 3) To authorize an agreement with the Warren County Employment and Training Administration for Raise the Age Employment & Training Program in the amount of \$114,464 to provide training to youth for a term commencing retroactive October 1, 2019 and terminating March 31, 2020.

Motion was made by Mr. Sokol, seconded by Mr. Geraghty and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 4) To amend the service provider agreement with Big Brothers and Big Sisters of the Southern Adirondacks to include Raise the Age funding in an amount not to exceed \$7,500 for a term commencing retroactive October 1, 2019 and terminating March 31, 2020.

Motion was made by Mr. Driscoll, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

There being no further Probation business to discuss, privilege of the floor was extended to Jim LaFarr, *Major, Warren County Sheriff's Office*, who distributed copies of the Sheriff's agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Major LaFarr presented the following requests:

- 1) To authorize the appropriation of funds in the amount of \$62,330.50 from the General Fund Unappropriated Surplus to Budget Code A.3110 455, *Sheriff's Law Enforcement, Safety Equipment*, to return funds from 2018 purchase orders which were not carried over to the 2019 Budget.

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

- 2) To authorize a new contract with FirstLight in an amount not to exceed \$25,200 to provide fiber service for a term commencing upon execution and terminating 36 months from the date of execution.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 3) To fill the vacant position of Communications Officer #11, *Annual Base Salary \$41,740.24*, due to retirement.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request and forward same to the Personnel & Higher Education Committee for reporting purposes. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

Continuing with the Referral/Pending Items portion of the agenda, Major LaFarr noted a previous request to replace a camera switch in the Jail and purchase LiveScan software for the Chester substation was referred to the Budget Committee. Mr. Moore stated the funding for these purchases was discussed at a previous Budget meeting following which it was the consensus of the Committee to determine whether remaining funding set aside for labor negotiations could be used to cover this expense.

Proceeding to the Topics for Discussion portion of the agenda, Major LaFarr informed his Office had discovered State Aid Claims which had previously gone unreported. He said he had worked with Derek Helms, *Senior Communication Officer*, to report all delinquent grants to New York State, apprising he was expecting reimbursement from them.

There being no further Sheriff's business to discuss, privilege of the floor was extended to Marcy Flores, *Public Defender*, who distributed copies of her agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Ms. Flores presented the following requests:

- 1) To authorize the Chairman to enter into an agreement with NYS Office Of Indigent Legal Services to accept grant funding in the amount of \$320,436 (*Contract C800052-Distribution #8*).

Motion was made by Mr. Simpson, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the November 15th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 2) To amend the Table of Organization and Salary Schedule to create and fill the new position of Data Officer - Indigent Legal Services, *Annual Salary \$55,930*, effective January 1, 2020.

Motion was made by Mr. Simpson, seconded by Ms. Braymer, and carried unanimously to approve the requests and forward same to the Personnel & Higher Education Committee. *Copies of the resolution request form and Notice of Intent to Fill Vacant Position form are on file with the minutes.*

- 4) To extend the Public Defender's appointment beyond the current expiration date of December 31, 2019 until the Board of Supervisors makes a formal appointment at their Organization Meeting in January of 2020.

Motion was made by Ms. Braymer, seconded by Ms. Hogan and carried unanimously to approve the request and forward same to the Personnel & Higher Education Committee. *A copy of the resolution request form is on file with the minutes.*

Mr. Leggett stated as a result of the Bail Reform and Discovery Laws discussion at the October 18th Board meeting, he was opening the floor for discussion on the impact the new law would have from each affected department.

Ms. Flores stated most of her clients were not able to afford bail and were being held in jail which caused trauma to not only the client, but their family, as well, due to absence of work, loss of income/job, housing, child support, and loss of services. She advised how Warren County was rural and County-wide transportation did not exist which could lead to failures to appear in court. Ms. Flores apprised the new law would provide her the evidence for discovery far in advance of the trial for her client as compared to just a few days ahead of the trial. She proceeded to explain the benefits the new law would provide both her office and clients.

Mr. Carusone said he agreed with Ms. Flores that the new law would provide the ability for all perspectives to be heard; however, he noted neither he nor Ms. Flores or any other Public Defenders or District Attorneys had a voice on the new law going into effect because only lawmakers were instrumental in the change. Mr. Carusone explained the fifteen day deadline for the discovery evidence was nearly impossible for his office, as well as the Sheriff's Office to meet. He stated the new law had created unbelievable demands on the Counties, adding it took the power to set bail away from Judges which removed too much discretion from the Justices.

Mr. Iusi stated his office had less of an impact as it would have if his office were to be the Pre Trial Agency. He said if his office were tasked with being the Pre Trial Agency it would be a work load of four to five hundred people needing to be notified of trial dates which would be overwhelming, as the office was not equipped to handle that work load and was a concern until the Office of Court Administration indicated they would take responsibility for notification. Mr. Iusi added the Bail Reform and Discovery Law had been introduced with much less notice than the Raise the Age Law which gave far less time for departments to prepare for it. He noted his office would be the supervising agency and the pre trial standards and guidelines had yet to be released to allow for dissection.

Sheriff York stated the new jail was built fourteen years ago to accommodate a larger population of 120 - 170 inmates due to a State mandate; however, he noted, the population of inmates had decreased since then (*104 in 2019*) and with the projected decrease of fifty percent due to the new law that would lower the population to 50. He said when the new jail was built his office was mandated to hire an extra thirteen Correctional Officers and that number still had to be employed regardless of a decrease in the population which was a concern.

Major LaFarr stated from a public safety standpoint, the new law was very alarming as it placed a five day deadline on Sheriff Officers gathering and providing information to the District Attorney's office which would be difficult given the Officers scheduled days off. He said the new requirements would cause a strain and added expense to his office. Major LaFarr apprised many store thefts occurred from individuals who lived down state at the Factory Outlets and without bail being set once those individuals learn the new law the theft issue would become a larger problem.

A brief discussion ensued amongst the Committee members regarding opposition to the law following which it was the consensus of the Committee that Mr. Moore would work with Supervisors Braymer, Hogan and Magowan to draft a resolution expressing the Committee's concerns which would be brought to a future meeting for consideration.

There being no further business to come before the Criminal Justice & Public Safety Committee, on motion made by Mr. Wild and seconded by Ms. Braymer, Mr. Leggett adjourned the meeting at 12:15 p.m.

Respectfully submitted,
Leslie Lovelace, Secretary to the Clerk of the Board