

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **CRIMINAL JUSTICE**

DATE: SEPTEMBER 27, 2007

Committee Members Present:

Supervisors Tessier
Bentley
O'Connor
Stec
Kenny
Mason
VanNess

Others Present:

Kathleen B. Hogan, District Attorney
Amy Bartlett, First Assistant, County Attorney
Joy LaFountain, Administrator, Assigned Counsel
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Joan Sady, Clerk of the Board
Todd Lunt, Director, Human Resources
Supervisor Geraghty
Supervisor Sokol
Debra L. Schreiber, Legislative Office Specialist

Mr. Tessier called the meeting to order at 10:16 a.m.

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

Privilege of the floor was extended to Kathleen Hogan, District Attorney, who distributed copies of her agenda, *a copy of which is on file with the minutes.*

Ms. Hogan began the meeting by thanking William Lamy, Superintendent, Department of Public Works (DPW), for his assistance with the Child Advocacy Center (CAC) renovations. She explained that according to Resolution No. 89 of 2007, Rist-Frost Associates agreed to perform engineering services and provide structural recommendations for the County. She noted that Mr. Lamy advised that the renovations of the CAC could be included in this agreement; however, she said, when the contract was renewed, the Office of Children and Family Services (OCFS) fiscal year had been changed from June 30th to September 30th. Ms. Hogan advised that eventually she would request to amend the contract with the Office of Children and Family Services to reflect the change in fiscal year; however, she added, that was not necessary at this time. She said she anticipated the building would be completely renovated and a self-sustaining facility by October 1, 2008.

Ms. Hogan advised Agenda Item 2 was a request for permission to Fill the Vacant Position of 6th Assistant District Attorney, due to resignation.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously approving the request to Fill the Vacant Position of 6th Assistant District Attorney, and refer same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Continuing on with Item 3 of the Agenda, Local Law Underage Drinking, Ms. Hogan stated there

had been previous discussions relative to creating a local law that allowed a prosecutor some culpability for those individuals who permitted an underage drinking party on their premises. She said the current laws allowed the District Attorney to prosecute the individuals who supplied the alcoholic beverages, as well as charging the minors who were in possession of alcohol. In addition, she said, an individual who hosted a party could be charged with endangering the welfare of a child; however, she added, there must be a connection between the "alcohol" to the "endangerment." Ms. Hogan asked the Committee to review the proposed Local Law regarding the consumption of alcoholic beverages and/or illegal drugs by minors on private property, noting she would recommend an educational component be included in Section 6 entitled Penalties. Mr. Kenny asked whether stiffer penalties could be assessed. Amy Bartlett, First Assistant County Attorney, responded that the penalties imposed by this Local Law were significantly more stringent than those adopted by other states or townships. Ms. Hogan explained the intent of the Local Law was to cease the conduct of underage drinking and it was her opinion that attending educational classes was a better form of punishment than incarceration. Mr. Geraghty added that he would encourage strict enforcement of the underage drinking laws. Furthermore, Ms. Hogan commented, the purpose of this Local Law would deter the consumption of alcoholic beverages by minors by holding those persons responsible when these beverages or illegal drugs were consumed at their residence or on their property.

Mr. Tessier suggested that Ms. Hogan make the necessary modifications to the proposed Local Law and bring it before the Committee at the next meeting.

A discussion ensued.

Relative to Item 4, Ms. Hogan expounded that she was working with the New York State Board of Education, the Board of Supervisors and school representatives about how the County Local Law No. 8 of 2006, (Establishing Residency and Employment Restrictions for Sex Offenders Who Have Committed Criminal Offenses Against Minors), interfaced with Megan's Law registration and the requirements by schools that granted a parent constitutional access to their building.

With respect to the last item on the agenda, Ms. Hogan stated her office was compiling a list of all outstanding grant funds so she could make an inquiry as to when they could anticipate receiving these monies.

Concluding the Agenda review, Ms. Hogan requested a new contract with Grasshopper Gardens, Inc. to complete yard clean up and maintenance of the CARE Center property at 24 Dix Avenue and One Division Street, Glens Falls, New York, commencing September 2007 and terminating September 2008, per the proposal attached..

Motion was made by Mr. Kenny, seconded by Mr. Mason and carried unanimously authorizing the request as outlined above; and the necessary resolution was authorized for the October 19, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. O'Connor commended Ms. Hogan for her bravery in discussing her recent surgery. Mr. VanNess said he was hopeful that other women would be encouraged to take the early stage

initiatives to prevent this disease. In response, Ms. Hogan said her parents deserved all the credit as they were the excellent role models who provided her with the necessary training to help her through this process.

Ms. Hogan exited the meeting at 10:35 a.m.

Privilege of the floor was extended to Joy LaFountain, Administrator, Assigned Counsel, who requested a transfer of funds in the amount of \$75,000 for the payment of outstanding invoices. In 2005 when the Committee decided to separate the Public Defender and Assigned Counsel Offices, Mr. VanNess said a precise budget for this Department was never established. Therefore, he said, he would recommend to the Finance Committee a transfer of funds in the amount of \$50,000, with the source of funding to be determined. He further stated that should she encounter an additional shortfall, that she bring the matter before the Committee.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously authorizing the transfer of funds in the amount of \$50,000, with the source of funding to be determined; and refer same to the Finance Committee for consideration. A copy of the resolution request form is on file with the minutes.

There being no further business to come before the Committee, on motion by Mr. VanNess and seconded by Mr. Bentley, Mr. Tessier adjourned the meeting at 10:40 a.m.

Respectfully submitted,

Debra L. Schreiber, Legislative Office Specialist