

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE & PUBLIC SAFETY

DATE: JULY 25, 2017

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS MONTESI  
GERAGHTY  
GIRARD  
SIMPSON  
BRAYMER  
SEEBER  
MACDONALD

COMMITTEE MEMBER ABSENT:

SUPERVISOR BROCK  
VANSELOW

OTHERS PRESENT:

JASON M. CARUSONE, DISTRICT ATTORNEY  
REPRESENTING THE OFFICE OF EMERGENCY SERVICES:  
BRIAN LAFLURE, FIRE COORDINATOR/DIRECTOR  
AMY HIRSCH, EMERGENCY SERVICES COORDINATOR  
PATTI MILLER, TRAFFIC SAFETY BOARD EXECUTIVE SECRETARY/STOP-DWI  
COORDINATOR  
REPRESENTING THE SHERIFF'S OFFICE:  
BUD YORK, SHERIFF  
SHAWN LAMOUREE, UNDERSHERIFF  
ALBERT MADAY, CORRECTIONS CAPTAIN  
MARCY FLORES, PUBLIC DEFENDER  
RONALD F. CONOVER, CHAIRMAN OF THE BOARD  
BRIAN REICHENBACH, COUNTY ATTORNEY  
AMANDA ALLEN, CLERK OF THE BOARD  
FRANK E. THOMAS, BUDGET OFFICER  
SUPERVISORS BEATY  
LEGGETT  
SOKOL  
STROUGH  
DON LEHMAN, *THE POST STAR*  
LESLIE LOVELACE, SECRETARY TO THE CLERK OF THE BOARD  
\*SEE SIGN IN SHEET FOR OTHER MEETING ATTENDEES

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*Please note, the following contains a summarization of the July 25, 2017 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/2017/criminal/>*

Mr. Montesi called the meeting of the Criminal Justice & Public Safety Committee to order at 9:02 a.m.

Motion was made by Mr. Simpson, seconded by Mr. Girard 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; *a copy of the agenda is on file with the minutes.*

Mr. Carusone presented the following requests:

- 1) To reclassify the position of Typist 1, *Grade 3, Annual Salary \$26,585 (currently budgeted at \$33,403 to include raises earned)*, to Secretary, *Grade 4, Base Annual Salary \$27,824*, and to fill same.

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

- 2) To reclassify the position of Crime Victim Specialist, *Base Annual Salary \$46,423*, to Senior Crime Victim Specialist, *Grade 16, Base Annual Salary \$41,158 (to be filled at the Step 10 Annual Salary of \$50,414).*

Motion was made by Mr. Girard, seconded by Mr. Simpson, 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. Geraghty inquired as to whether Mr. Carusone had consulted Patricia Neningen, *Personnel Officer*, on the reclassification. Mr. Carusone replied affirmatively, noting that Ms. Neningen had indicated she would continue to look at the position grade/description and if there was a need to change the grade request, he would bring that request before the Personnel & Higher Education Committee at their August 3<sup>rd</sup> meeting.

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; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Mr. LaFlure presented a request to approve the Warren County Continuity of Operations Plan (COOP).

Motion was made by Mr. Geraghty, seconded by Ms. Seeber and carried unanimously to approve the request and the necessary resolution was authorized for the August 18<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Mr. LaFlure presented a request to authorize a new contract with Frank & Derek Enterprises, Inc. in the total amount of \$91,720.10 to commence waterline installation at the Warren-Washington County Regional Emergency Services Training & Educational Center. He explained that half of the contract cost would be funded from Capital Project No. H254, *Fire Training Center Project*, with the remaining half to be provided by Washington County.

Ms. Braymer entered at 9:14 a.m.

Motion was made by Mr. Geraghty, seconded by Ms. Seeber 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.*

Mr. Geraghty apprised that while he supported the resolution approved, he was disappointed that neither the Warren or Washington County Department of Public Works had made time to do the excavation work on an in-house basis, rather than having to outsource the project. A brief discussion ensued.

Resuming the agenda review, Mr. LaFlure reported on recent travel for his staff, advising he had received authorization for himself to attend the Inter-Op Communications meeting in Buffalo, New York and for Amy Hirsch and Micki Guy to attend a one-day Leadership course. He noted that the reporting of travel was necessary in keeping with the revised Travel Policy.

Continuing, with the Information for Discussion portion of the agenda, Mr. LaFlure announced the recent receipt of two proposals regarding County-wide EMS services. He advised both Empire Ambulance and Johnsburg EMS had submitted proposals which required more review before they could be shared with the Committee. Ms. Seeber asked if the RFP (*request for proposals*) was sent out to all EMS providers and Mr. LaFlure replied affirmatively. Ms. Seeber then requested that copies of both proposals be e-mailed to the Committee members. Mr. LaFlure responded that the dollar amounts between the two proposals were very close and he said that once he had a chance to review both proposals he would ask Mr. Montesi to schedule a special meeting of the Criminal Justice & Public Safety Committee to discuss them. Kevin Fusco, *Captain, Johnsburg EMS*, requested that the meeting be made open to the public.

Mr. Simpson inquired about the status of the building designated to house OES vehicles and equipment;

Mr. LaFlure responded certain alterations were required to use the space, and those renovations were moving along. He advised he had recently met with County's electrician to review diagrams and determine where outlets should be placed within the space.

There being no further OES business to discuss, privilege of the floor was extended to Shawn Lamouree, *Undersheriff*, who distributed copies of the Sheriff's agenda to the Committee; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Undersheriff Lamouree presented the following requests:

- 1) To amend the 2017 County budget in the amount of \$1,556.70 to reflect the receipt of an insurance recovery payment.

Motion was made by Mr. MacDonald, seconded by Mr. Simpson, 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 fill the vacant position of Patrol Officer #12, *Base Salary \$40,390*, due to resignation.

Motion was made by Mr. MacDonald, seconded by Ms. Braymer, 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.*

- 3) To authorize a contract with Clear Repairs Inc., dba Smith's Garage for routine maintenance and repair of Sheriff's Office vehicles for a term commencing August 18, 2017 and terminating on December 31, 2017, with a provision to extend the contract through December 31, 2018.

Motion was made by Mr. Simpson, seconded by Mr. Geraghty and carried unanimously to approve the request and the necessary resolution was authorized for the August 18<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 4) To provide ratifying authorization of out-of-State travel for Patrol Officer James H. Banish who attended a Post Critical Incident Seminar in Lexington, SC on July 17 - July 19, 2017.

Motion was made by Mr. Geraghty, seconded by Mr. Simpson and carried unanimously to approve the request and the necessary resolution was authorized for the August 18<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

- 5) To authorize the transfer of a 2003 E-250 Cargo Van valued at \$1,000, which was involved in a crime and was subsequently forfeited to the Warren County Sheriff's Office, to the Warren County SPCA.

A discussion ensued with regard to this request, following which a motion was made by Mr. Geraghty, seconded by Mr. Simpson and carried unanimously to approve the request, contingent upon the findings of the County Attorney's Office relating to the transfer of forfeited property, and forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes*

- 6) To authorize the County Treasurer's Office to establish Budget Code No. TE923.06, Net Assets, which would be restricted for the purpose of accepting donations for the STOP BWI (*Boating While Intoxicated*) incentive.

A discussion was held relative to whether it was more appropriate for the Budget Code requested to be maintained by the Sheriff's Office or the STOP-DWI Coordinator, during which Patti Miller, *Traffic Safety Board Executive Secretary/STOP-DWI Coordinator*, explained that STOP- DWI legislation

guidelines stated the program only pertained to incidents of intoxication in vehicles and would not pertain to boating. She added that while she appreciated the efforts Ms. Braymer and Ms. Seeber were putting forth with regard to the STOP BWI Initiative, the Traffic Safety Program did not have funding, nor the salary budgeted, to participate and she recommended that the new budget code be assigned under the Sheriff's purview.

A motion was made by Mr. Geraghty, seconded by Ms. Seeber and carried unanimously to approve the request for the new budget code to be established within the Sheriff's Budget and forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

- 7) To authorize the transfer of \$125,000 from Budget Code A. 3150 110, *Sheriff's Correction Division, Salaries-Regular*, to Budget Code A.3150 120, *Sheriff's Correction Division, Salaries-Overtime*.

Motion was made by Mr. Geraghty, seconded by Mr. Simpson 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.*

Continuing, Undersheriff Lamouree reviewed the Topics for Discussion portion of the agenda, as follows:

- A) Vacancies - Undersheriff Lamouree apprised there were currently 10 vacant Corrections Officer positions, with another anticipated after tomorrow, and a total of 763 eight hour shifts needed to be covered. Sheriff York informed the vacancies were a direct result of employees laterally transferring to positions with New York State Corrections; he added there were two employees who had been out due to injuries for several years and they were working with lawyers to remove them from the County payroll and employee status. Albert Maday, *Corrections Captain*, stated he hadn't been able to hire in two months due to an issue with the Civil Service test administered in another County which resulted in the delay of Personnel receiving the list of eligible candidates.
- B) Corrections Overtime expenses to date - Undersheriff Lamouree informed of unfunded New York State "suicide watch" mandates which had resulted in nearly double the number of shifts required.

Mr. Geraghty noted that consideration also needed to be given to the mental health of the Corrections Officers who had been forced to work those extra shifts due to lack of coverage. Sheriff York thanked Mr. Geraghty for making this point, as it was often mandatory for staff to stay when there were no volunteers for overtime.

Undersheriff Lamouree apprised an RFP would be opened for a Clerk of the Works (*a contractor with radio experience*) to assist with the Radio Improvement Project; he noted to date they had received a low bid of \$40,000 and a high bid of \$75,000 for Phase 1.

Frank Thomas, *Budget Officer*, requested the Committee forward a referral to the Legislative & Rules Committee seeking action to make a strong statement with regard to the unfunded New York State mandate pertaining to "suicide watch" at the Corrections Facility and explaining the negative impact on the County Budget.

Motion was made by Ms. Seeber, seconded by Mr. MacDonald and carried unanimously to approve the referral, as outlined above.

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; *a copy of the agenda is on file*

*with the minutes.*

Brian Reichenbach, *County Attorney*, declared the need for executive session to discuss the employment history of a particular individual.

Motion was made by Ms. Braymer, seconded by Mr. Simpson and carried unanimously to enter into an executive session pursuant to Section 105(f) of the Public Officer's Law.

Executive session was held from 10:08 a.m. until 10:36 a.m.

Upon reconvening, Mr. Montesi announced that no action had been taken during the executive session.

Ms. Flores presented the following requests:

To authorize the reorganization of Salary Schedules due to resignations and promotions, as follows:

- ◆ To fill the position of the 1<sup>st</sup> Assistant Public Defender at the currently budgeted salary of \$82,620 effective September 4, 2017, due to retirement.
- ◆ To amend the Table of Organization and Salary Schedule to decrease the Salary of the 3<sup>rd</sup> Assistant Public Defender from \$59,353 to \$57,000 effective September 4, 2017 and to fill same due to promotion.
- ◆ To amend the Table of Organization and Salary Schedule to decrease the Salary of the 5<sup>th</sup> Assistant Public Defender from \$56,552 to \$55,000 effective September 4, 2017 and to fill same due to promotion.
- ◆ To amend the Table of Organization and Salary Schedule to increase the Salary of the 7<sup>th</sup> Assistant Public Defender from \$47,500 to \$52,405 effective September 4, 2017.

A motion was made by Ms. Braymer and seconded by Mr. Girard to approve the requests as outlined above.

A lengthy discussion ensued with regard to the salary requested for the 1<sup>st</sup> Assistant Public Defender position during which a suggestion was made to set the salary at \$72,600, which was a 22% increase from the employee's current salary. Mr. Montesi called the question and the aforementioned motion to approve the requests as presented the failed due to a lack of majority vote, with Supervisors Geraghty, MacDonald, Simpson and Seeber voting in opposition.

A motion was then made by Ms. Seeber and seconded by Mr. MacDonald to amend the Table of Organization and Salary Schedule to reduce the salary of the 1<sup>st</sup> Assistant Public Defender from \$82,620 to \$72,600 and to fill the position at that salary level. Following further discussion, Mr. Montesi called the question and the motion was carried by majority vote, with Ms. Braymer and Mr. Girard voting in opposition, and the matter was referred to the Personnel & Higher Education Committee. *Copies of the resolution request form and the Notice if Intent to Fill Vacant Position form are on file with the meeting minutes.*

Ms. Flores then requested Committee action to amend the Table of Organization and Salary Schedule for the 3<sup>rd</sup>, 5<sup>th</sup> and 7<sup>th</sup> Assistant Public Defender positions, as outlined above.

A motion was made by Mr. Girard and seconded by Ms. Braymer to approve the remaining requests, as outlined above. Further discussion was held, subsequent to which Mr. Montesi called the question and the motion was carried, with Ms. Seeber, Mr. Simpson and Ms. Braymer voting in opposition, to amend the Table of Organization and Salary Schedule for the 3<sup>rd</sup>, 5<sup>th</sup> and 7<sup>th</sup> Assistant Public Defender positions as outlined above and forward same to the Personnel & Higher Education Committee. *Copies of the resolution requests and Notice of Intent to Fill Position forms are on file with the minutes.*

Finally, Ms. Flores informed of her recent attendance at the Defenders Association State-wide meeting

and apprised of a future grant she would be eligible to apply for to fully fund the State-mandated morning and evening arraignments.

There being no further business to come before the Criminal Justice & Public Safety Committee, on motion made by Ms. Seeber and seconded by Mr. MacDonald, Mr. Montesi adjourned the meeting at 11:09 a.m.

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