

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE & PUBLIC SAFETY

DATE: MARCH 20, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: LEGGETT
GERAGHTY
SIMPSON
MAGOWAN
DIAMOND
SOKOL
HOGAN
BRAYMER
DRISCOLL
VACANT

OTHERS PRESENT:

JOY LAFOUNTAIN, ASSIGNED COUNCIL ADMINISTRATOR
REPRESENTING THE DISTRICT ATTORNEY'S OFFICE:
JASON CARUSONE, DISTRICT ATTORNEY
MANON AFFINITO, DIRECTOR VICTIM ASSISTANTS PROGRAM
MARCY FLORES, PUBLIC DEFENDER
ROBERT IUSI, PROBATION DIRECTOR
AMY HIRSCH, EMERGENCY SERVICES COORDINATOR
REPRESENTING THE SHERIFF'S DEPARTMENT
BUD YORK, SHERIFF
SHAWN LAMOUREE, UNDERSHERIFF
RONALD F. CONOVER, CHAIRMAN OF THE BOARD
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
GARY C. HOBBS, GLENS FALLS CITY COURT JUDGE
ANTHONY P. LYDON, CHIEF, GLENS FALLS POLICE DEPARTMENT
SUPERVISORS BEATY
FRASIER
LOEB
MERLINO
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR: WILD

Please note, the following contains a summarization of the March 20, 2018 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/2018/criminal/>

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

Motion was made by Mr. Magowan, 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.

Mr. Diamond, Mrs. Hogan and Ms. Braymer entered the meeting at 9:03 a.m.

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, Mrs. LaFountain presented a request to authorize a new contract with the Legal Aid Society of Northeastern New York, Inc. in the amount of \$45,000 for a term commencing January 1, 2016 and terminating December 31, 2018.

Motion was made by Mr. Simpson, seconded by Mr. Driscoll and carried unanimously to approve the request as presented and the necessary resolution was authorized for the April 20th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Concluding her agenda review, Mrs. LaFountain introduced a request to authorize a new contract with the Legal Aid Society of Northeastern New York, Inc. for Paralegal/Case Management Support Services in the amount of \$86,463 for a term commencing January 1, 2016 and terminating December 31, 2018.

Motion was made by Mr. Simpson, and seconded by Mrs. Hogan and carried unanimously to approve the request as presented and the necessary resolution was authorized for the April 20th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

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

Commencing his agenda review, Mr. Carusone presented a request to create and fill the position of Part-time Crime Victim Specialist, *Grade 14, Annual Base Salary \$27,940*, effective April 23, 2018, to be fully funded through grant monies. Mr. Geraghty explained that positions funded by grants only existed as long as the grant funds continued. Mr. Carusone indicated Manon Affinito, *Director Victim Assistants Program*, attended to all Care Center interviews along with one other attorney; he added that all of the Assistant District Attorneys were constantly on the move and so the office was often left un-manned. He said the Part-time Crime Victim Specialist would remain in the office providing coverage.

Motion was made by Mr. Magowan, seconded by Mr. Sokol and carried unanimously to amend the Table of Organization and Salary Schedule to create and fill the new position of Part-time Crime Victim Specialist effective April 23, 2018, and refer same to the Personnel & Higher Education Committee. *A copy of the resolution request form and the Notice of Intent to Fill Vacant Position form are on file with the minutes.*

Next, Mr. Carusone introduced a request to increase the salary of the District from \$183,400 to \$197,600. He indicated the State had increased the salary of judges in New York State and he notified the DA salary was based on a percentage of the judges salary. He advised the DA salary in Warren County was 95% of the salary of the Supreme Court Justice, which was \$208,000. He apprised it was a State mandate that the County was responsible for funding. Mr. Diamond asked if the funds were budgeted, and Mr. Geraghty explained this would be referred to the Finance Committee to determine a source of funding which would likely be the contingent account. A discussion ensued.

Motion was made by Mr. Simpson, seconded by Ms. Braymer and carried unanimously to amend the Table of Organization and Salary Schedule to increase the salary of the District Attorney and refer same to the Personnel & Higher Education Committee. *A copy of the resolution request form is on file with the minutes.*

Mr. Leggett pointed out that the agenda included two requests for transfers of funds, the first being from Budget Code A.1990 469, *Contingent Account-Other Payments/Contributions*, to Budget Code A.1165 110, *District Attorney, Salaries-Regular*, in the amount of \$14,200 to cover the cost of the aforementioned increase in the DA salary.

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

The second transfer, Mr. Leggett stated, was in the amount of \$32,643.52 from Budget Code A.1168 210, *Crime Victims-Assist. DA, Furniture/Furnishings*, to Budget Code A.1168 110, *Crime Victims-Assist. DA, Salaries-Regular*,

to offset the salary of the newly created Part-Time Crime Victims Specialist position and refer same to the Finance Committee.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request for transfer of funds and refer same to the Finance Committee. *A copy of the Transfer of Funds form is on file with the minutes.*

There being no further District Attorney 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 introduced Gary C. Hobbs, *Glens Falls City Court Judge*, to discuss the CAP (*Centralized Arraignment Plan*). Judge Hobbs informed he'd held constructive discussions regarding the City of Glens Falls and holding cells with Warren County Sheriff Bud York, Warren County Undersheriff Shawn Lamouree, City of Glens Falls Police Chief Anthony P. Lydon, City of Glens Falls Lieutenant Shawn Lovelace, and New York State Police Captain Temple. He indicated the plan would resolve the issue of liability for the City. He advised the agreement the City had with the jail for holding defendants was that they could bring in individuals until 8:00 p.m. and hold them until 8:00 a.m. under certain conditions. He reported they would not take in individuals that did not pass suicide, drug or alcohol screening so they held them at the police department where they did not have an approved holding area until arraignments could be done. He said not having an approved holding area could lead to liability. He informed during his discussion with Sheriff York it was decided that the individuals could be held at the Sheriff's Office regardless of whether they passed the screening any time of the day as needed. He advised the current agreement with the Sheriff would have to be amended to remove time constraints. He apprised he had spoken to Dan Hall, *Mayor, City of Glens Falls*, who informed the City was ready to move forward with the plan. He reminded the Committee the reason for wanting centralized arraignments was due to legislation that required an attorney to be present at all of them. He indicated this meant travel time was involved any time of the day or night and that the Public Defender, DA and Police agencies had to wait around for a substantial amount of time thereby placing a burden on County resources. He advised centralized arraignments would alleviate these issues. He noted last week he had a meeting with Washington County stake holders noting they were delighted at how well the plan worked for them and how the number of man hours needed were substantially less and there had been no increase in personnel.

Next, Judge Hobbs spoke of funding and he advised New York County Law 722-e provided that any additional cost to the County for implementation of an approved plan was to be reimbursed by the State. He informed the process for doing that included a County approved plan that would be submitted to the Office of Indigent Legal Defense, following which a budget for the plan would be submitted to the New York Division of Budget and then if it was approved, the State would reimburse the funds for the implementation of a centralized arraignment location. Ms. Flores distributed a copy of New York County Law 722-e to the Committee members. A brief conversation ensued, following which Judge Hobbs informed the funding was available on a first come, first served basis.

Mr. Leggett inquired if the matter had been discussed within the Shared Services Committee and Mr. Beaty replied in the negative.

Ms. Flores provided a copy of the breakdown of total County-wide arraignments that were attended to after hours and weekends through 2017, which she noted totaled 810. She indicated there was a significant amount of man hours worked by her office, the DA's office, as well as the area police agencies that all had to appear at arraignments. She apprised centralized arraignments would reduce man hours and she stated this was a matter of justice and not

unfunded mandates. Judge Hobbs inquired if Chief Lydon was satisfied with the plan and he responded affirmatively. Mrs. Hogan inquired what the plan meant to outlying areas that only had court one day a week and Judge Hobbs replied the judges would participate with the plan and they would have a scheduled time when they would be in court. He added many area judges volunteered to participate. She asked under what circumstance would they be paid and Judge Hobbs answered they were compensated when they carried out an arraignment. She inquired if there was a location for them to wait between arraignments and Judge Hobbs responded there were judges chambers with an office and restroom. She then asked if there would be clerks available during off-hours arraignments and Judge Hobbs replied in the negative, explaining the judges would be trained by OCA (*Office of Court Administration*) to use the computer system instead of requiring a clerk. He added they were also responsible for inputting orders of protection that were instantly sent to the original town the order was generated from and he said the original paperwork was also mailed to the town of origin. Mrs. Hogan inquired how that could occur and Judge Hobbs answered the judge covering at the time could rule in place of the original judge who served the order of protection.

Mr. Leggett inquired if Ms. Flores had anything further and she advised they had expended two years compiling a plan which had significant amount of discussions took place regarding moving forward with a CAP. She added she would like to see a resolution approved to move the process forward and Mr. Leggett concurred. Ms. Braymer informed she had spoken to Mayor Hall and he approved the plan contingent on approval by Chief Lydon who had also approved it.

Motion was made by Mr. Magowan, and seconded by Mr. Diamond and carried unanimously to support the Council at Arraignment Plan, contingent upon State funding and a resolution of support from the City of Glens Falls, and the necessary resolution was authorized for the April 20th Board Meeting.

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

Before Mr. Iusi began his agenda review, Mr. Magowan announced he had a conflict of interest with the Probation Department, and therefore would be abstaining from voting on all of Mr. Iusi's requests.

Commencing his agenda review, Mr. Iusi presented a request to fill the vacant position of Probation Office Trainee #2, *Grade 16, Annual Base Salary \$42,290*, due to retirement. Mr. Sokol inquired if he knew of anyone who could fill the position and Mr. Iusi replied they were canvassing a Civil Service list that they had previously hired from and he said if the list was no longer viable there would be a test in June that would reveal additional candidates. He added there were less individuals taking the test now than in the past, which, he said led to the test being given every two years rather than four.

Next, Mr. Leggett asked Mr. Iusi to explain PINS (*Person in Need of Supervision*). He explained PINS were ten to eighteen year old youth that had behavioral issues at home and school. He added it was a status offense with the option to attend Family Court where the offender could potentially be removed from the home. He informed the difference between PINS and JD (*Juvenile Delinquent*) was that a JD was an individual under the age of sixteen who had committed a crime.

Motion was made by Mr. Simpson, seconded by Mr. Sokol and carried by majority vote, with Mr. Magowan abstaining, to approve the request and refer same to 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.*

Mr. Iusi spoke briefly about the Raise the Age initiative, opining that it would be better funded through the DSS (*Department of Social Services*). He commented that the State reimbursement to the Probation Department was \$.08 on the dollar, but was \$.60 on the dollar for DSS. He advised with the implementation of Raise the Age his department's workload would increase, but it was 100% reimbursable to the County.

Continuing, Mr. Iusi introduced a request to authorizing a Memorandum of Understanding with Leigh Anne Dorman, *Victim Services Coordinator, Sexual Assault and Crime Victims Services of Planned Parenthood Mohawk-Hudson*, to facilitate a "Girls Circle" evidence based program intended to reduce recidivism for girls under probation supervision at no cost to the County. Mr. Leggett inquired if the agreement was open ended and Mr. Iusi replied affirmatively.

Motion was made by Mr. Driscoll, seconded by Ms. Braymer and carried by majority vote, with Mr. Magowan abstaining, to approve the request as presented and the necessary resolution was authorized for the April 20th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Concluding his agenda review, Mr. Iusi continued the discussion regarding Raise the Age. He informed in October of this year the age of offenders would change from sixteen to seventeen and next year change from seventeen to eighteen. He apprised the State-wide concern pertained to detention. He mentioned the old jail was a location for consideration that would cost \$12 million to bring to fruition. He explained there was a thirty day amendment from the Governor that stated Counties and non-for-profit organizations could apply to DASNY (*Dormitory Authority of New York State*) to build detention facilities for Raise the Age. Mr. Iusi informed he had been invited to the Summit for Secured Detention on March 28th and he planned to attend.

Mr. Iusi informed once the Governor's budget was passed in April, the State would send financial plans to the counties regarding those impacted by Raise the Age. He advised in return the State required a financial breakdown from the departments impacted by Raise the Age to be reviewed. He remarked he did not know what to expect. He informed Warren County Family Court Judge Paulette Kershko, had been selected to oversee the youth portion of Raise the Age. Ms. Braymer asked what would happen to those placed in detention by Judge Kershko and Mr. Iusi replied there were options that could be discussed with the Judge or they could be temporarily placed in a detention center. He added the State has started to recognize there would be potential issues and they would provide solutions on where to temporarily place individuals. He advised NYSAC (*New York Association of Counties*) had argued that the State had implemented a piece of complex legislation with an unreasonable start date to match that could lead to issues for both small and large jurisdictions. He said at this time the best solution would be to educate the Judge on what was available for secure detention and indicated what was available for alternatives. Sheriff York mentioned the Sheriff's office would be responsible for transporting individuals to detention facilities. He added it was more cost effective to drive than to expend \$12-15 million to construct a facility. A discussion ensued.

There being no further Probation business to discuss, privilege of the floor was extended to Amy Hirsch, *Emergency Services Coordinator/Deputy 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 her agenda review, Mrs. Hirsch presented a request to amend the existing contract with USGS (*United States Geological Survey*) for continued use of the Schroon River gauge and to increase the cost to \$7,140 for the period of October 1, 2017 - September 30, 2018 and to \$7,350 for October 1, 2018 - September 30, 2019. She explained USGS only held information for one hundred-fifteen days and they would like them to hold information indefinitely for historical purposes. Mr. Simpson mentioned in the past USGS wanted to discontinue funding the gauge and Mrs. Hirsch responded that was the reason the County was funding part of the gauge. Mr. Simpson inquired if the County could purchase their own equipment rather than work with USGS and Mrs. Hirsch responded

technology was available; however, she said, it would not provide the same service and would have to be maintained. Mrs. Hirsch mentioned there were various locations that needed a gauge and she agreed to research and determine what options were available.

Motion was made by Ms. Hogan, seconded by Mr. Driscoll and carried unanimously, to approve the request as presented and the necessary resolution was authorized for the April 20th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Mrs. Hirsch introduced a request for a transfer of funds in the amount of \$1,000 from a source of funding to be determined, to Budget Code A.3640 470, *Civil Defense-Contract*, to fund the aforementioned contract with USGS for the remainder of the year.

Motion was made by Mr. Simpson, seconded by Mr. Magowan and carried unanimously to approve the request for a transfer of funds as outlined above and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Mrs. Hirsch presented a request for a new contract with New York Fire & Signal Corp. to provide hydrostatic testing for scuba cylinders at a cost of \$19.95 per cylinder, in an amount not to exceed \$5,000 per year, for a term commencing upon execution by both parties and terminating December 31, 2018 with the option to extend up to two additional one year terms. Mr. Geraghty inquired if the tanks required testing every five years and Mrs. Hirsch replied she believed so, but was unsure. Mr. Magowan confirmed they required a visual test yearly and a hydrostatic test every five years.

Motion was made by Mr. Sokol, seconded by Mr. Simpson and carried unanimously, to approve the request as presented and the necessary resolution was authorized for the April 20th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Continuing, Mrs. Hirsch apprised Agenda Items 4, 5 and 6 pertained to the submission of grant application, as follows:

- Item 4 - Request to authorize submission of a grant application to the New York State Division of Homeland Security and Emergency Services for the FY18 Local Emergency Management Performance Grant funds in an amount not to exceed \$35,000;
- Item 5 - Request to authorize submission of a grant application to the New York State Division of Homeland Security and Emergency Services for FY18 Hazardous Materials Emergency Preparedness Planning Grant funds for the Local Emergency Planning Committee in an amount not to exceed \$50,000; and
- Item 6 - Request to authorize submission of a grant application to the New York State Division of Homeland Security and Emergency Services for FY18 State Homeland Security Program Grant funds in an amount not to exceed \$100,000.

Motion was made by Mr. Simpson, and seconded by Mr. Magowan and carried unanimously, to approve all three of the requests as outlined above and the necessary resolutions were authorized for the April 20th Board Meeting. *Copies of the resolution request forms are on file with the minutes.*

Concluding her agenda review, Mrs. Hirsch informed she had been asked to provide a presentation regarding the collaboration between Emergency Management offices and Soil & Water Districts at the Water Quality Symposium

being held in Syracuse, NY. She said she was invited to promote the collaboration that was between the Office of Emergency Services and Warren County Soil & Water Conservation District. She indicated there were other counties which had a robust rating system that would help constituents with the cost of their flood insurance and she apprised it could be done in Warren County.

There being no further OES business to discuss, privilege of the floor was extended to Undersheriff Lamouree 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 presented a request to amend the County Budget in the amount of \$33,018.86 to reflect the receipt of insurance recovery funds.

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

Next, Undersheriff Lamouree presented Action Agenda Items B and C, as follows:

- Item B - Request to amend the County Budget in the amount of \$20,000, to carry over unused funds from FY16 State Law Enforcement Terrorism Program grant; and
- Item C - Request to amend the County Budget in the amount of \$19,994, to carry over unused funds from FY17 State Law Enforcement Terrorism Program grant.

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

Undersheriff Lamouree apprised he had one additional item to present which was not listed on the agenda, that being to fill the vacant position of Patrol Officer #19, *Annual Base Salary \$40,309*, due to retirement.

Motion was made by Mr. Sokol, seconded by Mr. Magowan and carried unanimously to approve the request and refer 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.*

Concluding the agenda review, Undersheriff Lamouree addressed the Topics For Discussion section, informing there were currently two vacant Corrections Officer positions, one of which was due to a promotion and a the other due to resignation.

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. Sokol, Mr. Leggett adjourned the meeting at 10:29 a.m.

Respectfully submitted,
Molly Ganotes-Gleason, Legislative Office Specialist

