

PUBLIC SAFETY COMMITTEE

Monday, May 14, 2018 - 10:00 PM

Stephen McNally, Chairperson
Gerald Morrow, Vice-Chairperson

Chairman McNally called this Public Safety Meeting to order at 10:40 am with the following Supervisors in attendance: Robin DeLoria, Archie Depo, Shaun Gilliland, Joseph Giordano, Charles Harrington, Ronald Jackson, Mike Marnell, Stephen McNally, Noel Merrihew, James Monty, Ron Moore, Gerald Morrow, Roby Politi, Randy Preston, Tom Scozzafava, Michael Tyler, and Joe Pete Wilson. Dean Montroy had been previously excused.

Department Heads present: Patty Bashaw, Judith Garrison, and Sue Montgomery-Corey. Juliann Beatty, Daniel Palmer and Dan Manning were absent. Kristy Sprague was excused.

Also Present: Jim Dougan

News Media present: Keith Lobdell - Sun News

MCNALLY: I call the Public Safety Committee meeting to order, Veteran's Office, Noel.

The first item on the agenda was the Veterans Office with Noel Merrihew reporting as follows:

MERRIHEW: Good morning, Mr. Chairman, yes I have a request for a motion to consider the resolution that's on the desks for the Veteran's Committee. I need a resolution of appointment. This is self-explanatory.

MCNALLY: Do we have a second on that?

MERRIHEW: I can't move that.

MCNALLY: Okay, Mr. Monty. Second?

RESOLUTION AUTHORIZING THE APPOINTMENT OF MEMBERS TO THE ESSEX COUNTY VETERAN'S CEMETERY COMMITTEE

Moved by Mr. Monty, seconded by Mr. Moore

MCNALLY: Questions, concerns? All in favor? Opposed? Carried anything else?

MERRIHEW: That's it, thank you.

The next item on the agenda was the County Sealer, Wayne Taylor reporting as follows:

TAYLOR: I submitted a report, I can answer any questions?

MCNALLY: Anything for Mr. Taylor?

TAYLOR: Good morning, I am here to answer any question you might have of my report, as part of your package.

POLITI: Wayne, any news on the vacation rental program?

TAYLOR: We, there is a grant application that's being prepared right now, Supervisor Politi to go to the New York State Department of State, Occupancy Enhancement Program and they wanted a title and they wanted a projection as to what the long term benefit was going to be and how many jobs it would produce and retain. We just, Russ Kinyon and I have been working on two letters of support that have just come down this past week for Dan Palmer to fill out, where we would be in support of the grant application and then it would go in and again this STR software would provide a whole litany of services, depending on which you want to program into it, on-line registration, lots of different things, GIS coordinate type information for people who are working in the field to find the places, elimination of redundancy, because a lot of these rentals are offered on multiple venues.

POLITI: Yeah, just the issues?

TAYLOR: We've slowed down in terms of what we've, there's 465 that we've registered to date, as of the end of last month.

POLITI: When is the decision on the grant?

TAYLOR: As soon as we get the draft letter of support to Russ Kinyon at Franklin County and Dan has it, Dan has the language. We've just got to pop in the header and send it, provided that it's agreeable to him, but like I said we're 465 and there was a net gain of 3 from last month, which again.

POLITI: Thank you

MCNALLY: Anybody else? All right, thank you.

TAYLOR: Yup

The next item on the agenda was the Board of Elections with Sue Montgomery-Corey reporting as follows:

MONTGOMERY-COREY: We have no report today.

The next item on the agenda was the District Attorney's Office with Kristy Sprague having been previously excused.

The next item on the agenda was Emergency Service/E911 with Patty Bashaw reporting as follows:

BASHAW: Good morning everyone, I don't think we have any requests for resolutions or anything and our report has been submitted.

MCNALLY: Does anybody have any questions? I do have a question, as we're moving along with this possible taxing district for the EMS, when will there be some presentations on what you plan on for that program?

BASHAW: So, I got the message that we need to update the presentation from your last meeting, last Monday I think it was and I have a presentation ready to go. I can do it at the next meeting if you would like, the next Public Safety meeting or I can actually do it, Ways and Means, but it's up to you guys.

SCOZZAFAVA: So, this is a presentation of the plan that you're proposing we do countywide; correct?

BASHAW: Correct

SCOZZAFAVA: Which would be running under different scenarios?

BASHAW: When we submitted the grant, months and months ago, it seems like, there were numbers in that submission.

SCOZZAFAVA: Alright, so I agree you have to make a first step, obviously to see where we are. We had our annual squad members present to the Town Board last week and you know there's obviously a lot of concerns to who's going to pay what here and how it's all going to work and if we have towns dropping out, as I am sure there will be, some of the southern towns, such as Minerva, Newcomb and so on.

BASHAW: Every southern, just to interrupt with that thought process, every single town is going to get some part of this plan anyway. There are going to be 4 medic cars deployed that goes to all four sectors. So, every single town is going to get the advantage of that. Every single fire department is

going to get an education and an AED. There's going to be increased CNEs, so that's going to affect every single town. So, but I want to, what we need, the whole issue is we don't know how much money we're going to be getting.

SCOZZAFAVA: Right

BASHAW: The other issue is we don't know if the State's going to come through 100% yet, because nothing's guaranteed on the countywide tax. So, there's a little bit of fluid amount of this going on that we don't have our finger on.

SCOZZAFAVA: So, the State, so the State's going to fund this?

BASHAW: The State is sending us the first infrastructure grant. We're hoping somewhere around \$6.4 million, we don't know what that amount is yet, because we haven't gotten approval on it yet.

SCOZZAFAVA: So...

BASHAW: The State has to approve it through legislation the countywide tax; correct, Shaun?

GILLILLAND: Yes, Patty

SCOZZAFAVA: But before that can happen don't we have to form a countywide district?

GILLILLAND: The Department of State grant that we're waiting on and going forward, you know with that is, you know, after the grant runs out, the future is setting up, you know to be self-sustaining and that is the strategy, what we're trying to make is a countywide tax district or ambulance district. If they don't come through with it and stuff like that then we're going to have to...

SCOZZAFAVA: Have to tax

GILLILLAND: We'll have to come up with another strategy, inter-municipal agreements and things like that.

MONTY: So, you said that every town will be receiving something out of this, so that means that we can't opt out then?

BASHAW: You don't have to, you're going to get the base package. There's going to be a base package. That does not mean you have to take the EMS system. It doesn't mean that you have to take the paid staff. I think that needs to be a local decision, but everybody's going to get the benefit of some of the stuff. Everybody's going to get a medic car in their sector that certainly impacts the local agency. Everybody's going to get training in their area, so that certainly affects. So, there are things that everybody's going to receive. So, I always suggest that there is a base amount, then there's a carte blanche that you can pick from that you need above that.

MONTY: So, we're going to be taxed at multiple, could be taxed at multiple levels. You could be taxed at a base level and then a carte blanche level.

BASHAW: Correct

MCNALLY: Well, my concern on this, what I've seen so far on the plan is we have a large assessment in Minerva, we have a lot of State land. We're at \$318 million, at .25¢, that's close to \$80,000.00 that would be paid for by the people and the landowners in Minerva. What are we going to actually get for that base amount, \$80,000.00?

BASHAW: So, I can do that in the presentation.

MCNALLY: Yeah, because \$80,000.00 would go a long way for funding my own rescue squad.

BASHAW: Correct

MCNALLY: So, I think if you're going to be able to opt out of this system, I think you're going to be completely opted out of the system. That's my personal opinion.

BASHAW: It's solely going to be up to you, your decision.

MCNALLY: Right, but we don't have anything to do on yet, to speak of. A fly car system in three towns is not going to work for us, we're 20 minutes apart. That would be like, that's like a 1/3rd odds that you're going to have one when you need one and for \$80,000.00, I'm not signing up.

SCOZZAFAVA: The legislation in itself from the State, I mean in a township when you form a district, you know you usually have to have, like a sewer 51% of the assessed value, the water district, but they're always subject to permissive referendum. You form a fire district, it's subject to permissive referendum. I don't think there's any district formations out there that are not subject to, that's not mandatory. So, I don't understand how we circumvented that and I don't think you can force towns into this system. I mean it goes against everything under town law and somehow, some way town boards have to be involved in this process, I would guess?

BASHAW: I didn't say that you couldn't opt out, what I was saying was, I want to make the point that every town is going to get some benefit of this system.

SCOZZAFAVA: The grant has nothing to do then with the formation of the countywide district?

BASHAW: It has everything to do with it.

GILLILLAND: I was asked to keep our minds open on this, because the concept of the structure and implementation, what we're trying to build is the framework; okay? That will be there when all your

little town squads go bankrupt or you age out and can't operate anymore and there's not a town here that's not going to happen to. So, we have to do something, as I said before, we don't want to get rid of the volunteers, absolutely not; okay. But I think what we'll come out with is a way it will be structured, it's actually going to cost less for your people to operate under the County system. So, wait until the numbers come in, keep your minds open on that. I mean I'm saying keep a jaundice eye to it, but I think it's going to be positive.

PRESTON: I just wanted to bring up, again, it kind of hurts my feelings you don't pay attention to me, but anyways, I had, with Charli upstairs ran the numbers, based on the assessments of the County, .25¢ per \$1,000.00 of assessment would generate \$1.7 million to use toward this program and I would highly recommend it and to be quite frank, I'm not blowing my own horn, I spoke personally with the Governor about this and told him he had my word, we will try to stick with that and not raise property taxes, you know with this program, if we can get off the ground and again, if you want in you can and if you don't, it's up to you, but I've had some of these squads say, well we don't need to be in, we don't have a problem, after I heard of, you know a 70 year old man laying outside when it was 2° for an ½ hour because they couldn't get an ambulance out and that shouldn't be happening anywhere. So, yes and I would, you know go along with Shaun, try and keep an open mind. This isn't a forced in by anything.

MCNALLY: The only thing that I'm going to say, is anything that I've seen on this was, Newcomb, Minerva and Schroon Lake having a fly car.

BASHAW: No, that's not true.

MCNALLY: That's what...

BASHAW: I actually met with your folks.

MCNALLY: Well, they don't tell me anything. So, I am going to be open minded about it, but unless we're getting value, adequate value for our .25¢ a \$1,000.00 we'll have to look at it.

GILLILLAND: How are you currently financing?

MCNALLY: Right now we're currently financing it through the budget.

GILLILLAND: Through the general fund?

MCNALLY: Through the general fund, yes, because, we're 72% State land.

GILLILLAND: Right

SCOZZAFAVA: You still will be.

MCNALLY: And we continue to be 72% State land.

POLITI: Why don't you wait until the presentation?

GILLILLAND: Right

POLITI: Instead of this debate.

MCNALLY: Yes, so, what we need is a presentation.

POLITI: Thank you

MCNALLY: Okay, anything else?

DELORIA: And I want to be clear Newcomb is going to wait until the framework, we're not going to make a decision today.

BASHAW: Thank you

DELORIA: There is a hell a lot more information that is going to come to this Board and trying to see what it's going to look like.

BASHAW: Right, thank you

DELORIA: You're welcome

MCNALLY: Anything else?

SCOZZAFAVA: The one thing that and I can see Charli Lewis on this, that I would also like to explore is setting this up is a benefit district, not where you pay a flat rate per property owner, not get hammered when you're assessed at \$300,000.00; \$400,000.00, by ½ million dollars. The way you would set up a wastewater district benefit, everybody would pay the same rate, because everybody is getting the same benefit and get away from the taxing, you know based on assessed values, hopefully that's done, but we definitely need to explore those numbers.

MCNALLY: Alright, anything else? Okay, thank you.

The next item on the agenda was Sheriff's Office with Sheriff Cutting absent and no report was given.

The next item on the agenda was Probation with Juliann Beatty absent and no report was given.

The next item on the agenda was the Public Defender Brandon Boutelle reporting as follows:

BOUTELLE: Good morning everyone, I have the opposite problem. The State wants to give us money to improve indigent defense. We had a meeting with a couple of representatives of the Office of Indigent Legal Services a month or two ago with Mr. Palmer and Mr. Manning and today one or tomorrow we're supposed to have the follow-up phone call, but they want to give us money to hire attorneys, to hire the assigned counsel administrator to kind of implement along the line of the things that we've been talking about for years and years. The one thing I know that the Dans want is the State to write a check for the family court side of the assigned counsel costs; which is something that they can't do. We could do family court and hire more attorneys and they would pay, give us money for more attorneys, I mean there's ways to get this money, but right now I have the State wanting to give us money and we have no plan to spend the money. So, that's where we're at.

MOORE: What do you suggest? Do you have in your own mind something that you would like to move ahead with? How many attorneys would it take?

BOUTELLE: It gets a little complicated, part of it is the centralized arraignment part of it, that they want. Washington County and Warren County they've moved to a centralized arraignment system, where there's one afterhours arraignment court and they go to that court. So, money to pay wouldn't necessary mean to hire more public defenders, it may mean money to pay per diem, like an on-call system for private attorneys to go do after hours arraignments. The on-going and I have no idea where this is the process, but the Essex County Bar Association and their indigent defense committee, whatever they're doing to rewrite or try and come up with a plan, I know one of the things that's been discussed is assigned counsel administrator, someone who reviews all applications, who would handle the vouchers and would do the screening for both our cases, criminal cases, and for the family court cases, you know it would be a full time type job, but these are the things that they're willing to pay and they have the money for. I haven't heard from the Bar Association as to what they've come up with, so to your question, I don't have any recommendation at this time. I don't know where all the pieces and parts fit and who wants to go ahead with it.

SCOZZAFAVA: Don't feel alone, because we don't either. We've been talking about this for years and years and we go around and around. So, I think that whatever we need to do to get this State money and get a coordinator in there, I think we need to move forward with this. This expense with assigned counsel just continuously grows and grows and grows and it's a like a black hole. We've tried to negotiate and work with the Bar Association and we go right around.

TYLER: I think one thing that you've got to look at, yeah the State wants to throw some money at you, yeah they always throw money at the beginning of things, but they're never there when we need

to sustain things. So, that's a concern with I think everybody.

BOUTELLE: That is exactly what the Dans brought up to the State, is so you have us implement these programs, hire these people, but what's the say that the funding doesn't fall out in five years, so that's definitely been raised.

SCOZZAFAVA: But, the point is at least you get a program in place, so even if the money falls out you're probably, your overall savings, you're still going to save money down the line. I mean we just go nowhere on this subject. We do a lot of talking, but we don't get anywhere.

GILLILLAND: So, have the magistrates fallen in on centralized arraignment? I mean my understanding was that, you know, they didn't want to go with centralized arraignment at the jail or something, then there's additional, if we, there's additional cost if we have arraignment in the morning and we keep people under custody overnight and stuff.

BOUTELLE: We have the bones to make it work. The core, the will to do it amongst the magistrates, the sheriff's department, I don't think the prosecutors care one way or another, I think they would prefer to be at arraignments that we're at, so I don't want to point the finger at the magistrates, but they're a hard group to kind of agree on one thing.

MONTY: In your professional opinion and I won't hold you to it, do you have a thought that would work in your mind? I don't mean to put you on the spot.

BOUTELLE: A good start would be an assigned counsel administrator, someone who reviews all, does the eligibility determinations, who processes the vouchers for the judges to sign, someone who's running the assigned counsel program. Right now, it's kind of thrown to all corners of the County to each judge. I think it's a good start, you know where to go next, there's a raging debate amongst the higher public defenders and we take over family court or I don't know what the, maybe the Bar afraid of losing the assigned counsel jobs, but maybe that's above my pay grade to decide, but there's money available for us to expand, I don't think that we can expand right now, so that's why I say, I think for like a short term solution is at least looking into an assigned counsel administrator that might help cut costs or at least have a been overview of costs, what might work better, Public Defenders doing family court or continuing with assigned counsel.

MONTY: What would be a percentage be, you may not know this, of Bar Association members who actually participate in assigned counsel?

BOUTELLE: Criminal, it's, I'd say it's less than a dozen and probably, family, our Bar Association's fairly small and the number of attorneys that do assigned counsel work is relatively small and that's why we're getting a lot of out of county that are assigned.

MONTY: This is what boggles my mind, that the Bar Association holds us hostage and there's so few of them that do it and I know that I am putting you on the spot here and I don't mean to, but that

seems to be the whole common denominator with every discussion; we can't do anything until the Bar Association tells us we can. We can't do that, because the Bar Association doesn't want to do it. Well, you know what, I think it's time to do something and the heck with the Bar Association.

BOUTELLE: Another thing that I can recommend, in addition to an assigned counsel administrator, is a lot of counties, especially Franklin County, Washington County will have a conflict defender. So, right now our conflicts roll over to assigned counsel and we average at least a 100 or so conflicts a year. It might be worth, if the State's going to pay, a part-time position as a conflict defender to pick up our criminal conflicts. So, at least you can take a bit out that tiny fraction of assigned counsel costs.

GILLILLAND: We've talked for years, etc. and we've had Mr. Manning develop a report for us and it's been brought forward. I think, I am going to throw it back to you, I think you're office should come up with a detailed plan with costs, so we can evaluate it. I think, I would say that we have been around and around the merry-go-round with the Bar Association, so we've got to move forward. I would say that this Board would like to see a plan and some numbers and how much the State is going to reimburse us and for how and what our ultimate costs are going to be and let's evaluate that.

BOUTELLE: Will do.

MCNALLY: Okay, anybody else? Thank you
Anything else in front of Public Safety?

MORROW: I would like to have permission to move a resolution of condolence to the family of the Gary Phinney. Gary Phinney was Mayor for the former Village of Keeseville for quite a few years in the '70's, matter of fact I was a Trustee when he was the Mayor, I was Trustee from '73 to '76. He was a great guy.

MCNALLY: Unanimous second?

RESOLUTION OF CONDOLENCE TO THE FAMILY OF GARY PHINNEY

Moved by Mr. Morrow, and unanimously seconded.

MCNALLY: Anything else? If not we're adjourned.

AS THERE WAS NO FURTHER BUSINESS TO COME BEFORE THIS PUBLIC SAFETY COMMITTEE IT WAS ADJOURNED AT 11:08 AM.

Respectfully submitted,

Judy Garrison
Clerk of the Board