

PUBLIC HEARING – LOCAL LAW #3

Monday, April 17, 2023 - 11:30 AM

Shaun Gilliland, Chairperson
James Monty, Vice-Chairperson

Vice-Chairman Monty called this Public Hearing to order at 11:30 am with the following Supervisors in attendance: Clayton Barber, Robin DeLoria, Stephanie DeZalia, Derek Doty, Charlie Harrington, Roy Holzer, Ken Hughes, Steve McNally, Noel Merrihew, James Monty, Tom Scozzafava, Matt Stanley, Ike Tyler, Joe Pete Wilson, Davina Winemiller, Margaret Wood and Mark Wright. Shaun Gilliland was excused.

Department Heads present: Jim Dougan, Judy Garrison, Dan Manning and Michael Mascarenas.

Media present: Sun News - Alana Penny

MONTY: Good morning, it's 11:30 we'll call the public hearing to order. Judy –

GARRISON: *Notice of public hearing proposed Local Law No. 3 of 2023.*

Please take notice that the Essex County Board of Supervisors will hold and conduct a Public Hearing at the Supervisors' Chambers at the Essex County Government Center, 7551 Court Street, Elizabethtown, New York on the 17th of April, 2023 at 11:30 a.m., on the proposed Local Law No. 3 of 2023 entitled, "A local law superseding the residency requirements of Public Officers Law §3 for the positions of Assistant Public Defender and Assistant Conflict Defender of Essex County."

Please take further notice that at said public hearing to be held at the time and place set forth above, the Essex County Board of Supervisors will consider this proposed Local Law and hear all persons interested therein concerning the same.

Please take further notice that a copy of the full text of such proposed Local Law No. #3 of 2023 may be obtained upon request from the Clerk of the Board's Office, 7551 Court Street, Elizabethtown, New York 12932.

Judith A. Garrison, Clerk

Essex County Board of Supervisors

7551 Court Street, Elizabethtown, NY 12932

(518) 873-3353

Dated: April 5, 2023

MONTY: Thank you Judy. Dan would you like to –

MANNING: Yes, just briefly Public Officers Law §3 provides any elected or appointed official in the county must be a resident of the county and Assistant Public Defender and Assistant Conflict Defenders like the Public Defender and Conflict Defender have to be pursuant to that law residents of the county. That law has some I'm going to say 75 to 80 amendments to it and in the past they have amended the law to allow public defenders and conflict defenders and assistant public defenders and assistant conflict defenders, let me digress not public defenders, Assistant Conflict Defenders and Assistant Public Defenders they can either be residents of the county or

adjoining county and because of the plausibly of attorneys available in the county we need to seek attorneys in adjoining counties to fill these roles so because it hasn't been done in the past this local law will allow us now to permit Assistant Public Defenders or Assistant Conflict Defenders to be residents of the county or adjoining county. One caveat to that is the Chief Assistant or Deputy Assistant Public Defender or Chief Assistant or Deputy Conflict Defender still has to be a resident of the county because they would step into the shoes of the Public Defender or Conflict Defender if they were not available. I know it's a mouthful.

MONTY: Are there any questions of the board?

McNALLY: In addition to that should we have something in there that equally qualified employees that apply to the position that Essex County residents get preference? We've done that on the local level which is only fair if you two equal candidates that you give preference to the person that lives in the county.

MANNING: I think I'd rather leave it out.

MASCARENAS: I think as a department head I'm going to do that too Steve and I think that it's more about just being able to function and we've been struggling for a long time to get attorneys so just to not to turn off that spigot per say, of having employees enter our workforce it certainly helped to stabilize us in the DA's office.

MANNING: Yeah and this just gets you to that point. This is allows you to make a decision to hire someone in an adjoining county, how you do that, what it's based on what you might do in the process so I don't think we should put it in here.

TYLER: I'm just curious, how many estimated positions do we have that require we go out of the county?

MASCARENAS: What's the question? In terms of General Municipal Law?

TYLER: How many positions do we actually have that they have to live in the county?

MONTY: In Essex County.

MASCARENAS: Every department head has to.

MANNING: Every appointed official and every elected official except District Attorney because we've got home rule it's just Assistant District Attorneys can live in adjoining counties.

MASCARENAS: Any Deputy to those appointed officials also has to be, falls under that law where they have to be residents.

TYLER: Are we talking ten, fifteen?

MASCARENAS: That's every department. We have twenty or so departments so just every department head has got to be under that every deputy so it's probably a good, closer to fifty I would say 45, 50.

MANNING: It applies to towns too like your Planning Board Chairman is appointed and they are

an appointed person they have to be from your town.

MASCARENAS: Like the entire Public Defender's Office was supposed to be, the entire District Attorney's office falls under that and that's what this law does.

TYLER: Thank you.

MASCARENAS: It is a substantial amount.

MONTY: Any other questions from the board? Anyone from the public wish to speak? If there are no other questions, Dan, do you have anything else to add to that?

MANNING: I don't.

MONTY: Mike?

MASCARENAS: No sir.

MONTY: Okay we stand adjourned, thank you.

As there was no further discussion to come before this public hearing it was adjourned at 11:35 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors