

**PUBLIC SAFETY COMMITTEE**  
Monday, January 9, 2023 - 9:30 AM

Steve McNally, Chairperson  
Ike Tyler, Vice-Chairperson

Chairman McNally called this Public Safety Meeting to order at 9:30 am with the following Supervisors in attendance: Clayton Barber, Robin DeLoria, Stephanie DeZalia, Derek Doty, Shaun Gilliland, Charlie Harrington, Roy Holzer, Kenneth Hughes, Steve McNally, Noel Merrihew, Jim Monty, Tom Scozzafava, Matt Stanley, Ike Tyler, Joe Pete Wilson, Davina Winemiller and Mark Wright. Margaret Wood was absent.

Department Heads present: Brandon Boutelle, Judy Garrison, Michael Mascarenas, Mary McGowan, Jack Moulton, Heather Sheehan, David Reynolds, Matt Watts and Daniel Woods. Miriam Hadden was excused.

Also present: Jen Fifield and Emily Evatt.

McNALLY: I call the Public Safety meeting to order. Please stand for the pledge. Veteran's office, Noel Merrihew.

MERRIHEW: No report from the Veteran's office this morning Mr. Chairman. Thank you.

McNALLY: Thank you. County Sealer, Dan Woods.

WOODS: Good morning everyone. If you flip to the second page, you will be able to see my report for the month of December.

McNALLY: Any questions for Dan?

TYLER: Can you bring up what is different or is it all the same stuff?

WOODS: Which part?

TYLER: I'm just saying the whole report in general, is there something in there that maybe is different or highlighted or is changing or is all about the basic stuff?

WOODS: It's pretty much the same every single month of what I go out and do, pricing accuracy, inspections, package checking on top of the devices I check but this last month, we have been checking into more pricing accuracies with certain companies Family Dollar, Dollar General. These stores, there was an issue last year in Vermont they paid a substantial amount of money in fines for pricing accuracy. It's also been being looked at in other states and it is now being looked at in New York State so there is an investigation going on and we are now working on that without trying –

TYLER: Are you part of the investigation?

WOODS: Yes sir. I'm putting in paperwork and documentation to New York State directly.

TYLER: I just want to know because my wife goes to the Dollar General and she spends a lot more than a dollar.

WOODS: Yes sir. One of my inspections when I do pricing accuracy at these stores I check 100 items at random and I've had failure rates to where 77 out of 100 or 78 out of 100 were being overcharges so the price that's on the shelf and what you scan, when you scan it is higher than the shelf price so customers are being charged more than what is on the shelf and that's what we are working on and we've written fines for, trying to work with New York State directly to get it changed for all of New York State so customers are being awarded what they are supposed to pay.

TYLER: Thank you.

DOTY: How are you doing Dan?

WOODS: Good, sir. How are you?

DOTY: Good. With respect to the 156 short term rental increases, I don't know if you get things to the degree Mike Diskin does but can you report growth in areas other than North Elba, Jay, Wilmington where you know, the primary basis where short term rentals are, are there indications of more short term rentals in other parts of the county?

WOODS: I can get you the broken down information. Lois Borden actually has every single town broken down and how many are in each one so we would be able to see what is in there. They do not take every month's numbers like I do so we would have to look at where we start at every year we can do that plus I can talk to Lois and get the numbers from where we start and then we can see the potential growth between what we have in each town. If that's what you're asking?

DOTY: I'm also curious because as you know, our area has been under moratorium for well over six months now, so to have a growth of that might show that there are other areas too that have growth.

WOODS: Yes sir.

DOTY: Thank you.

SCOZZAFAVA: So with the state re-enacting the sales tax on gasoline, has that been –

WOODS: That has absolutely nothing to do with me sir.

SCOZZAFAVA: No? I'm saying it's going to reflect the price at the pump.

WOODS: They are just going to change the price at the pump that has nothing to do with the calibrations or checking the calibrations. As far as how much an establishment charges, they can put as much as they want on the price tag as long as the top matches what the sign is and people are getting what they are known to be charged for there's nothing else anyone can do.

SCOZZAFAVA: Thank you.

DELORIA: The breakdown on these upcoming, short term rentals is important, if we could actually get that on a monthly basis I see it as a way for small towns like us to keep track of the ones that are popping up and maybe not registering but we know that they exist.

WOODS: We can talk to Lois and Mike about that as far as that portion of it, my duty of that is the enforcement and of making sure everything is paid. I try my best to give everyone the most information as possible.

DELORIA: If we could somehow include that in that report maybe they could provide us a report on a monthly basis.

WOODS: I will talk to them.

WINEMILLER: Right along the lines of what Robin is saying, in your report can we get an address for where these short term rentals are?

WOODS: That would also be through either Lois or Mike but we can talk to them and see what we can come up with. As far as my duties go with the job that I'm doing that, really doesn't have anything, no correspondence. I'm only the enforcement officer to this so as far as all this documentation of I don't have the registration paper, I don't have any of the addresses that come through that goes directly to Mike and Lois. I get notify and I deliver the paperwork if need be and enforce to make sure we get payments.

WINEMILLER: Okay.

GILLILLAND: I have called Mike and asked for the list and he sent it right over in my town, all who has registered but then you've got to go and take that and you've got to go to VRBO and you know, and actually spend a couple hours searching through those in your town anyone who rented an Air B&B is transparent they pay and they don't tell us who is doing the work.

WOODS: Yes sir. Thank you for bringing that up. As you just stated, Air B&B's we get a payment and it's one lump sum payment and we don't know which address that's even being paid for.

McNALLY: Anybody else? I believe on the Empire Report this something there was something from, is it Michelle Hinchey, is trying to move for New York State control, they also want the sales tax on the Air B&B's and occupancy tax and the state said they are not going to infringe on the counties but I don't believe them but there is something being moved and I believe she out of Columbia County out in the Catskill area and she's moving something as a state enforcement agency to control the tax so we'll see what happens with that but just something to be aware of. The state maybe getting involved which if they think they are missing out on some sales tax. Anything else for Dan? If not, thank you Dan.  
Jack Moulton, Mary McGowan.

MOULTON: Not much to report. I know a couple people have asked me for the political calendar and that should come out in probably the next two to three weeks and I would also like to share, Shona Doyle who most of you probably worked with in the office, has accepted a position with our new Supreme Court Justice so if you need anything in the office now Krista Moran who also has worked in our office has accepted my Deputy role.

McNALLY: Anything for Board of Elections? Alright, thank you. District Attorney –

MASCARENAS: Kristy did send me a message this morning she was hoping to make it here but she hasn't.

McNALLY: There you go.

MASCARENAS: I don't see here. She does have a resolution this morning to enter into a contract with Advent for traffic diversion and reduction program. She had briefed the board on this a few months ago. I think it's a good idea. It's something that we've pushed around for a lot of years now. Most counties throughout the state do have some sort of traffic diversion program. It doesn't get rid of our reduction program. The company that we contract with is at no cost to the county for the service that they provide, they get their revenue off from the person that signs up for the course. So, what we're looking at is a model that would have \$125.00 go to the county, \$125.00 go to the town of the ticket of origin and then the cost of the course is usually around \$40.00, for what the individual has to take. That's comparable to what most people are paying if they plead guilty to a charge on a traffic violation. For us, I think it makes a lot of sense only the DA can set up the parameters we really don't have the authority to do that. We have the authority to put an amount on it but we can charge for the program. That's what I would recommend that we pass here today.

McNALLY: Does anybody have any questions on that?

GILLILLAND: I think this is a good program particularly since the Comptroller dislikes it so much, less money down south, keeping it here.

McNALLY: The only concern I have on this is it going to make our local court whole, we are going to still generate revenue, I believe we will.

MASCARENAS: I think locally you'll actually generate a little more revenue. I haven't looked at the current ticket data. I did this research a lot of years ago. Essex County gets somewhere between 16,000 usually and 20,000 traffic tickets a year, it's pretty significant in terms of our traffic. Now, this is a voluntary program and the DA and the offender have to agree to do it. There's nothing that requires those offenders but the fact of the matter is right now is people are getting a lot of reductions and that State surcharge is just going out the door right? So you're not getting anything on a lot of tickets. Mr. Tyler is shaking his head, he was a judge, he knows how that works and we have informed motorists now so I think for public education and safety it makes sense especially for those low level first time offenders that deserve a break, we now have an educated motorist out there. I think there is a lot of good to be had. It's another tool in the tool box for our local justices and our District Attorney's office who spends an awful lot of time on traffic tickets.

DEZALIA: I think this sounds like a great program but to be successful I think that we will need to get the word out to motorists because the DA's office and the courts are going to continue to get the calls unless we can tell people because Kristy said that the State Troopers can't tell them that they can go online to take care of this.

MASCARENAS: That is correct.

DEZALIA: So, we have to think of another way to tell motorists they now can do it online.

MASCARENAS: Yeah, you're right and this is going to take us a few months to set up the forms, set up the sites once we have the contract with this company but you're absolutely right I think it's going to take some time and some effort just to get the word out that this is an option for individuals to take advantage of.

MONTY: I answer usually six to eight calls on Tuesday from licensed drivers who have been suspended because they've chosen to ignore a ticket for multiple years, are they going to be allowed to do the diversion program?

MASCARENAS: Typically, not. I can't answer for the District Attorney per say, again, they are the only ones that have the authority to not prosecute a ticket but typically those reoccurring offenders aren't going to have the option so with something like that it's probably that individual who's got a fistful of tickets that has failed to pay over the years. I mean, something common would be maybe a speeding ticket for a young person, first time offender, maybe they were ten miles an hour over the speed limit something like that, that you see come through your door. It's not going to be those egregious type actions where somebody was going thirty miles an hour over the speed limit, she would have the digression to offer the current reduction program the diversion program or seek full –

MONTY: I understand that. I was just curious because I do, I field at least a half a dozen every Tuesday and it's always my fault.

McNALLY: Alright, anybody else on that? Alright we have motion, Mr. Tyler and Mr. Hughes.

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT WITH THE DISTRICT ATTORNEY'S OFFICE AND ADVENT FOR A TRAFFIC DIVERSION AND REDUCTION PROGRAM, AT NO COST TO THE COUNTY. Tyler, Hughes**

McNALLY: Questions, concerns? All in favor, opposed – carried.

MASCARENAS: That's all she had.

McNALLY: Anything else for Mr. District Attorney? Emergency Services – Matt Watts.

WATTS: Good morning. I don't have any resolutions today; you have our report. Are there any questions on our report and I do have a couple of things just to inform you with.

McNALLY: Any questions?

WATTS: So, we are going to be entering into an inter municipal agreement with Clinton and Franklin County for the CAD upgrade that's already been approved so hopefully within this week, that will be signed and we can progress with that.

I did appoint a Deputy Director, Mike LaVallie from Ticonderoga. He will be starting probably next week. He had his physical the other day and we're just waiting for that to come back. We are kind of excited to get some help in there.

And the last thing, I'm sorry to say is that our EMS Coordinator, Bryce is leaving at the end of the month so I just wanted to make you guys all aware of that. I will start working on a replacement as soon as possible.

McNALLY: Anybody have anything for Matt?

HOLZER: Matt, quick question are you involved in the Verizon mini towers going in all over the area at all?

WATTS: Not a whole lot, no.

HOLZER: Are you Jim?

MONTY: What was that Roy?

HOLZER: The Verizon mini towers that are popping up all over the place?

MONTY: I haven't seen any in Lewis yet.

HOLZER: Okay, well there's some in the notch, out by Paul Smiths yeah, it's for the games but it makes a good point that Verizon services clearly aren't addressing our current needs and I'm hoping someone probably your office would be most realistic is pursue this a little bit because if we need to bring in all these mini towers for the University Games, which I think will be a marginal crowd, I don't think it's going to be numbers it just drives home a point that our current system isn't coming in. Agreed?

WATTS: Yes.

MONTY: I can speak a little bit Roy, prior to the games when they were doing the planning we were approached myself, and I passed it along to Shaun, by Hudson Valley Wireless they were wanting to put some microwaves in and that I shared with you, the only problem was that they needed money that's why they approached us and at the time, Verizon was approached to help as well and Verizon didn't. I didn't know that they came up and started putting the mini towers up. The last I knew they were still working on the microwave issues.

HOLZER: Well, my point for bringing it up is and I think that Matt Stanley can speak to this, probably JoePete, I know in my community there's times where there's no Verizon signal at all and as people are giving up their landlines thinking that the cellphones are the way to go, it's creating a huge emergency issue for us if we need to dispatch emergency services to our constituents.

MONTY: I concur, I had the same exact conversation with a Verizon rep who was trying to sell me a new phone system last week and I said, before we even start you need to answer a few questions. I said, I'm looking right now at a Verizon tower, my cell phone has no service. Why? And dead silence.

STANLEY: And I brought this up at the Adirondack Association of Towns and Villages, Bill Farber was going to get in touch with his Verizon rep, that was about a month ago. I saw a follow up email this week, I still haven't heard from Verizon at all. When I do actually send anything to Verizon they send out text, they take my phone number, they send texts out and say, the system is working the way it should well, it's great that it's working the way that it should but I shouldn't go through Keene on my way here with three bars and have a text fail to send. It's a major problem that I think we, as the county need to start making it aware as a body and put it out there and putting these people on notice and let them know it is an issue when people can't contact

somebody to get an ambulance to their house because there's no service. Frontier is spotty at times, it's a major issue.

DOTY: I can report that over the last four to six months I've been in somewhat frequent talks with Verizon because they do recognize the short comings and I believe what's going on is an entire area assessment of just what they are going to have to spend and the whole bit because they want another tower up in our area as well.

SCOZZAFAVA: I think part of the issue here is the lack of concern by the public service commission. I have contacted them on different issues, they do nothing and I think we need to let our State Legislators know and the Governor's know that, even invite a member of the Commission up here or we'll go to them but that's the big issue right there. They do not get back to our constituents or myself and then regards to national grid rates, regards to phone service, regards to Spectrum, they do nothing and their job is to oversee all this.

GILLILLAND: I would reiterate that the Public Service Commission is a useless agency but mostly Verizon and the other carriers and stuff are not going to do anything in the Adirondacks until the APA is beaten down on towers. You've been fighting this for how many years, you know one study said if they will allow two more feet on a tower it would cover the entire park. The public safety issue of site or service throughout the park is just not recognized by the environmental groups and they just will not allow the construction of taller or more towers and the answer I always get from them and other counties and stuff is that mini cell is the answer, just put mini cells on the roads going around which doesn't do the public safety issue because hiking in the back country. So the choice on the public safety issue was, more rangers or better cell service and I guess they went to more rangers but if the cell phone works out in the woods in the back country you can direct your helicopter directly there. It is just ludicrous that this Forever Wild trumps public safety.

DEZALIA: There's one of these mobile trucks and towers sitting at the conjunction down here, right after Exit 30. I only knew, I was driving north on 9 and all of sudden I get a phone call in North Hudson and I knew never would come through so I'm like, okay, there must be there's a mobile site coming up so I had coverage all the way to Elizabethtown from North Hudson. Now, I foresee somebody in North Hudson or multiple people in North Hudson and New Russia calling and saying, okay, how come we can get this temporarily for twelve days but we can't get this always?

MONTY: I recently sent an email out to the public service commission asking why, and around Essex County there's a lot of fiber that already exists around, everywhere and they are not allowed to use it and the answer from the public service commission was well, that's the carriers choice and in most cases designated for businesses and stuff but, the problem getting to Moriah it was the fact that there's a line that goes from Westport to Crown Point to the school in Moriah strictly for the school, Crown Point school and Moriah the same line could be used to hook residences up from the Pelfershire Road in and down along the lake, the public service commission answer was that's the carriers decision, carriers decision so how do we change that?

GILLILLAND: This could really all be solved if they would make broadband and cell service a public utility and you cannot build a tower that doesn't take every signal or that broadband cable can be hooked in for any service but there's language throughout the country I guess and legislatively to go down that road much like back in the 1930's when during the Roosevelt administration they started rural electrification administration, made rural electrification electricity

a public utility and available to everybody ultimately, that's the only way we are going to solve this.

MONTY: When I testified in Albany two years ago Terry Warner said that, that same thing that we need to make it a public utility and the public service commission had no response.

McNALLY: The topic, you know it comes down to one thing we sit here in the county struggling to meet our cell phone and our broadband needs and I think it's an insult for them to bring in portable equipment to service the traveling visitor for a two week period right under our nose and the day after it's gone to remove this it basically shows the State knows there is an issue, the APA knows there is an issue, but that issue seems to dissipate for the people who actually live and work here and that, they need to explain to us why that the travelers going to the World University Games are more important than the people that are sitting here in this room and I would like some explanation and I don't know if that is going to come from the Governor's office, the Adirondack Park Agency, the DEC, whoever wants to explain that to me I would love to listen to their explanation why, the traveling public has more use than the people that live here.

HUGHES: Well, the good news is Mr. Chairman, is you can use that data right there, you can use those examples as support for your argument after those twelve days are done for that letter.

McNALLY: Right, exactly.

HUGHES: So it's happening because it shows there is an understanding of the data and we need to make more permanent so we use that argument against them to support what we are trying to do.

McNALLY: I think they need to explain to us why. Okay, anybody else?

HOLZER: So, let's get on that Matt.

McNALLY: Do you think that will be resolved at the end of the week or a couple of weeks?

WATTS: Maybe two.

McNALLY: Two weeks, you heard it from Matt. Okay, anything more for Matt? Okay anything else? Sheriff's Office, Dave Reynolds.

REYNOLDS: So, you have my December report. The end of the year report will be coming soon but I do want to point out we exceeded our revenue line by almost \$200,000, so the jail has been packed full. We have more local inmates now than we've had since pre Covid, pre bail reform so I think all that is starting to come back around, a lot of family court people are coming to jail. I think every stat line that I've given you over the course of the year, the last couple of years has increased this year so we've had a pretty busy year.

I do have two resolutions. A couple months ago I came to you and asked to spend some money out of our forfeiture account for our child ID machine, they quoted us the wrong price so it's actually more because we have Sheriff's Association software so it's shared amongst everybody in New York State so the real number is \$7,999, so I would like to request approval to spend \$7,999.00, out of budgeted Sheriff Forfeiture account to purchase New York State Child ID Machine and the software that comes with it.

**RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION #235 – OF SEPTEMBER 6, 2022, AUTHORIZING THE PURCHASING AGENT TO AWARD BIDS, ISSUE CONTRACTS/AGREEMENTS OR PURCHASE ORDERS TO THE SHERIFF’S DEPARTMENT TO PURCHASE AN EZ CHILD ID TURNKEY SYSTEM, IN THE AMOUNT OF \$7,999.00, WITH FUNDS TO COME FROM FORFEITURE ACCOUNT. Wright, Tyler**

McNALLY: Questions, concerns?

HUGHES: What was the original number you were quoted?

REYNOLDS: It was like \$5500.00, somewhere in that range.

HUGHES: Thank you.

McNALLY: Any other questions. All in favor, opposed – carried. Next.

REYNOLDS: The second resolution; we have a program in our facility where we acknowledge officers when they do something above and beyond but I think this also needs to be at least mentioned in front of the board. So, this is a resolution recognizing Sgt. Robert DeFelice, Correction Officers Josh Genier, William Orr and Corey Cole and our Registered Nurse, Mallery Hance for their life saving actions on 12/18/2022. Their quick response and aid rendered to an inmate in medical distress saved their life so, they were not breathing when they showed up.

**RESOLUTION RECOGNIZING SGT. ROBERT DEFELICE, CORRECTION OFFICERS JOSH GENIER, WILLIAM ORR AND COREY COLE AND MALLERY HANCE, RN FOR THEIR LIFE SAVING ACTIONS ON DECEMBER 18, 2022. DeLoria, unanimous**

McNALLY: Thank you.

REYNOLDS: And that’s it, thank you.

McNALLY: Probation, Heather Sheehan.

SHEEHAN: Good morning everyone and Happy New Year. You have report and I can answer any questions if there is any?

McNALLY: Any questions for Heather? Too easy, alright thank you. Public Defender, Brandon Boutelle.

BOUTELLE: Some business to attend to, I have three resolutions accepting grants or distributions from the Office of Indigent Legal Services. The first one, is distribution number 13, it’s a grant that pays for our expert witnesses, our confidential secretary to work 40 hours a week, for CLE and training and also for legal materials. It is a contract for three years for \$95,748.00.

**RESOLUTION AUTHORIZING THE PUBLIC DEFENDER’S OFFICE TO ACCEPT A THREE-YEAR NYS INDIGENT LEGAL SERVICE GRANT IN THE TOTAL AMOUNT OF \$95,748.00, DISTRIBUTION #13 (REPLACES #10) IN THE AMOUNT OF \$31,916.00. Tyler, Wright**

McNALLY: Questions, concerns? All in favor, opposed – carried.

BOUTELLE: The second distribution is distribution #12, which replaces distribution #9. It pays for part of our 1<sup>st</sup> Assistant salary, pays for part of Deputy Public Defender salary, increases our investigator hours from 20 to 24 hours. It's a \$31,916.00, per year for a total of \$95,748.

**RESOLUTION AUTHORIZING THE PUBLIC DEFENDER'S OFFICE TO ACCEPT A THREE-YEAR NYS INDIGENT LEGAL SERVICE GRANT IN THE TOTAL AMOUNT OF \$95,748.00, DISTRIBUTION #12 (REPLACES #9) IN THE AMOUNT OF \$31,916.00. DeLoria, Doty**

McNALLY: Questions, concerns? All in favor, opposed – carried.

BOUTELLE: The third and final grant is Upstate Quality #3, grant. It's a three-year contract for \$300,000. It pays for the entire salary of our Assistant Public Defender, Eric Weyand and it also helps pay for our PDCMS our tracking software and also we are able to hire a legal intern this coming summer. Again, it's a three-year contract for \$300,000.

**RESOLUTION AUTHORIZING THE PUBLIC DEFENDER'S OFFICE TO ACCEPT A THREE-YEAR UPSTATE QUALITY GRANT (#3) IN THE TOTAL AMOUNT OF \$300,000. Tyler, Holzer**

McNALLY: Questions, concerns? All in favor, opposed – carried. Is this your last meeting?

BOUTELLE: Yes, this is my last meeting as your Public Defender and as you may be aware, my last day is the 13<sup>th</sup> and I'm going to be starting on the 17<sup>th</sup> working at the DEC Counsel's office so I may be involved in your cell tower issue in the future.

McNALLY: Okay, bring that answer back to us.

HOLZER: Remember where you came from.

BOUTELLE: I will, I will. It's been an honor and privilege to serve this county and your constituents and I am just honored to have been appointed over these years to be your Public Defender. I've asked again, to give my support to my Deputy Public Defender, Emily Evatt appointed to replace me. Thank you.

HUGHES: Mr. Chairman, I would like to offer a resolution of appreciation to Mr. Boutelle for his years of service in the Public Defender's office in Essex County.

**RESOLUTION OF CONGRATULATIONS AND APPRECIATION TO BRANDON BOUTELLE FOR HIS MANY YEARS OF SERVICE TO ESSEX COUNTY. Hughes, unanimous.**

McNALLY: Thank you. Miriam, Conflict Defender is excused. Anything else for Public Safety?

TYLER: I would just like to get a couple of resolutions for ways and means if I could please. One, for condolences to the family of Caroline Goff, she was a long time tax collector in Lewis.

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF CAROLYN GOFF. Tyler, unanimous.**

TYLER: The other one is a resolution acknowledging Lois Sayward who is the Soil and Water secretary for many years and she just retired.

**RESOLUTION OF CONGRATULATIONS AND APPRECIATION TO LOIS SAYWARD UPON**

**HER RETIREMENT FROM ESSEX COUNTY SOIL AND WATER CONSERVATION DISTRICT.  
Tyler, unanimous**

McNALLY: Thank you. Anything else? Okay we are adjourned.

As there was no further discussion to come before this Public Safety Committee it was adjourned at 10:07 a.m.

Respectfully submitted,

Judith Garrison, Clerk  
Board of Supervisors