

PUBLIC SAFETY COMMITTEE
Monday, April 15, 2024 - 9:30 AM

Mark Wright, Chairperson
Ike Tyler, Vice-Chairperson

Chairman Wright called this Human Services Committee to order at 9:30 am with the following Supervisors in attendance: Clayton Barber, Matthew Brassard, Chris Clark, Robin DeLoria, Derek Doty, Shaun Gilliland, Charlie Harrington, Kenneth Hughes, Steve McNally, Jim Monty, Cathleen Reusser, Favor Smith, Matthew Stanley, Michael Tyler, Joe Pete Wilson, Davina Thurston, Meg Wood and Mark Wright.

Department Heads present: James Dougan, Judy Garrison, Miriam Hadden, Mary McGowan, Mike Mascarenas, Jack Moulton, David Reynolds, Heather Sheehan, Matt Watts and Dan Woods. Kristy Sprague was excused.

Deputies Present: Josh Favro, Eric Weyand and William Tansey.

News Media present: Sun News – Alana Penny.

WRIGHT: We'll call the public safety meeting to order. Please stand for the pledge. Thank you. Chairman Gilliland, you have a guest.

GILLILLAND: Yes. I would like to if I could let our Deputy County Attorney come forward give privilege to the floor. As many of you know we are all subject to the change in the election years and it was an amendment that came down from the legislature, signed by the Governor to make us all even year elections. A number of counties have gone on to sue the state that it is a violation of home rule and so I asked Bill to look at it and brief the board you guys can decide if you either want to join or go ahead initiate a lawsuit against the state on this particular issue.

TANSEY: Good morning. Welcome to Monday. Even Law County Law 400, sets elections at even years. The county of Onondaga and the county of Nassau have sued the State of New York Governor Hochul saying that this even law election year is unconstitutional.

Let me just give a little bit of background here. Article 9, Section 1 of the New York State Constitution gives counties the right to determine their own elections when those elections are held and who gets to run. New York Constitution Article 9 also gives counties the legal authority to create county charters these are mechanisms to design and implement their own Governments and it's important to note in the lawsuit that Onondaga and Nassau county have charters they are both charter counties. In their lawsuit they are suing the constitutionality of the home rule. County Law 6a authorizes county charters and county charters cannot implicate anything with taxation, education or school districts. The even year election law and without saying one way or the other, it effects voter turnout, when local officials are elected, it creates ballot confusion, it diminishes local issues, it increases the cost of running a campaign and it increases and decreases again depending on your perspective the ability to attract qualified candidates and those are all issues that are up for debate.

The lawsuit and it's put together by a Judge, Ed Carni who retired from the 4th Appellate. He's with Hancock Estrabrook, LLP out in Syracuse and he's suing based on the fact that the Even Year Local Law is unconstitutional because it goes against Article 9 of the Constitution, it effects the County's Government, tells us how we have to run our Government. He argues that it's not a general law. A general law has to apply to all counties and this is labeled as a general law but

it does not apply to all counties obviously Nassau and Onondaga have county charters so they are arguing that it doesn't apply to them and he's also arguing that this special election law is not a special law. A special law is a law created on request by a county or other Government official and no one requested this other than the New York Legislature they don't qualify in that request. Those are the three basis for the lawsuit.

Jumping on board I did speak to the attorney, it would be tough because we are not a county charter so we don't have the same fact pattern. The way we would fit in is under the County Law, the existing county law 6a in that we were given the power as a county to set our own Government and run our own government and we were told not to get involved in taxation, special education which we haven't so these local election laws should be unconstitutional. This is a path that Ed Carni is willing to explore and further research that's my brief. Any questions?

GILLILLAND: So as he said Onondaga and Nassau County have joined in I originally asked Bill to take a look and see if can join or do a criminal court whatever brief on it but we can explore this, we can query other non-charter counties to see if they want to go forward with this. I'm looking for the board's thoughts on this because this Even Year Election issue is just another nail in the coffin of us losing our rights to home rule throughout our own counties and this was a purely political issue Democrats against Republicans and this board prides itself on its bipartisanship and nonpartisanship and I think this is an issue that we need to stand up against personally. I will look for your comments.

STANLEY: I think we have the ability as towns to set either limits for two years or limits for four years for our Supervisors and we have a mixture of that in here. I think the State forcing us to move to even years takes away the local election and it puts us right where the State and National politics are us vs. them. I think we need to keep our odd years so that local issues will be on the forefront of those years because that's what it is. I think we all sit here and we all agree about a lot of things, we all have ideas one way or the other but we can actually debate them without saying you're Republican, you're a Democrat and I think we need to keep it that way and I think we need to join this.

MONTY: I concur with both Shaun and Matt and I think it's just one more step that the State is trying to take our control away to make us become one with the State and we are own separate county within the State we abide by their rules. It comes a point in time when our rules and a lot of the rules that go on in Albany that affect us shouldn't affect us and I think it's very important that we keep it as is.

DELORIA: I agree. We've got to do something period but you know there's a ripple effect here too because it not only affects my position because they have essentially taken one year away from my elected term. Well, hello, thank you for that back to the same old thing your driver's license runs out you can't drive because we said so and in the same respect, the position I have in Newcomb by virtue of that fact I'm also on the county board see what I mean? And the voters too, the voters elected me for two years but by virtue of the Governor's policy she can say, well, no, no we don't want that you can only have one year of the that two year term so there's that aspect too and again it's a ripple effect and whatever the county can do to jump out in front of this I'd be willing to support it 100%.

WRIGHT: Anyone else?

GILLILLAND: Bill I guess without taking a vote here I'm sensing that the view of the board is to pursue this further and coming back to the board without actually taking an action in it. What

would you say would be the next steps to put this together?

TANSEY: I'd like to take advantage of the generosity of the Judge Ed Carni and explore the particular issue he has. He's very intimate with this law but clearly under the Article 9 of the Constitution the rights, powers and privileges of government were granted to local the government and that seems to be a leg to stand on so if it's okay with you all I'd like to pursue that further and if I come up with a good idea or potential idea I'll bring it back.

HARRINGTON: I concur with what you're saying and I believe very strongly that if it isn't broke, don't fix it. So that's where I stand.

DELORIA: Bill, could you look into what Matt suggested about the municipal home rule for the towns and how they are staggered and authorize terms from a municipal perspective? Will that fit into this somehow?

TANSEY: Of course. I think the entire even year election law it effects those five pieces I brought out. Voter turnout, when local officials are elected, the ballot confusion, diminished local issues, the increase cost of running elections and the ability to attract other candidates to run are all indicated by this law.

DELORIA: Fair enough.

WOOD: I was just curious, we can't be the only county in this situation. Is there any experiences Mr. Carni has had with other counties contacting him and is there any way we can join other counties in our presentation?

TANSEY: Mr. Carni was hired by two charter counties. I did reach out to him and he seemed eager to share some of his ideas.

WOOD: I just wondered if he had the experience of other people reaching out to him as we did because he is already working on it in his capacity.

TANSEY: He said that he had a lot of but he suggested that I first get smart myself which I tried to do but yes.

WOOD: Hopefully these other counties are also educating themselves. Great, thank you.

DOTY: Because we're on the subject, I'm curious how many of us around on the table are on two-year like myself and how many are four-year? So a lot fewer are on four year. Certainly if we are successful in keeping the old system which I agree with it would be great but I don't anticipate us being successful. In that case, I think at least an assessment looking down the road once the transition does happen, if one of the expectations is for greater voter turnout than I think we're all winners but I think that's still up in the air whether that's even the truth or not so I think there are unanswered questions on both sides of the issue. We are all comfortable in the current terms, if you will we can't out see what the effects will be should it pass that's for sure. I realize cost there is going to be an extended cost.

GILLILLAND: The reason given for passing this law was to increase voter turnout okay? But when they were opposing this they pulled out a ballot from a town in Westchester that was four screens long and so the occasional voter that only shows up because for national politics and

stuff isn't going to get back down to the Village Judge or Highway Superintendent or Village Clerk all the way at the bottom. You know, yes you will actually have more voters walking through but you're going to have a hell of a lot more incomplete ballots and how many as my colleague on the left here said, how many of us in our local elections I've never been asked my opinion on Mr. Trump, I've never been asked about Mr. Biden or anybody else what concerns our town's up here is local issues, taxes. The only national issue I've ever been asked in my over ten years in office is how do you feel about the 2nd Amendment? Yes, I support the Constitution. That was very easy but you know, this will turn unfortunately I think this will have us all become you served by higher office holders and those inspire higher office to endorse more closely in order to get support and stuff and just see it kind of ripping the fabric, the political fabric of this county apart. That's my view.

STANLEY: Keep in mind a couple of things. One, I don't think this affects Judges because they would need to be a separate law they stay on five years so it does not change anything you still have to have that election every five years. What it does do and keep in mind this isn't just something that Governor Hochul signed this went through the New York State Legislature to get on her desk okay? Now, if any of us want to run for any position within the State we would have to not run for our position to run against them. How much easier is it for somebody to keep their seat in the New York State Legislature if they don't have people running against them who have experience? And that's why it has been passed.

GILLILLAND: Good point.

REUSSER: Security.

WRIGHT: Anyone else?

MONTY: Just to piggyback a little bit off what Shaun said, the voter apathy is ridiculous to start with I mean look at how many people came out for the Presidential primary? How much did Essex County pay? I'm betting we had less than 5% voter turnout in Essex County and by combining everything together you think you're going to get more? I don't think so.

WRIGHT: Anyone else? Okay thank you. Alright, no veteran's report so County Sealer.

MASCARENAS: I will tell you quickly, Veteran's Office the new employee started last week the State employee is in the building. If you get a chance, stop over and meet him. That's a good thing.

WOODS: Good morning. Now that ever body is all warm and fuzzy inside. If you turn to the second page, you will see my report from March. I will give you a second to look it over if there's any questions I'd be happy to answer.

WRIGHT: Any questions for Dan? I see Ticonderoga is not on the list this week. If not, thank you very much.

WOODS: Thank you. Have a great day.

WRIGHT: Board of Elections, Jack, Mary.

MOULTON: Alright so it was briefly mentioned but we do have the numbers I can share with you

885 voters on election day on April 2nd, 127 early voters, 324 absentee voters bringing a total of 1336 total voters that was out of 17,907 eligible voters which puts the turn out percentage at about 7.5% this was a historic new low turnout. So that's a quick rundown of our Presidential election. A bunch of other stuff, we had to do petitions the same week which took in and processed 94 individually filed petitions. We also moved everything out of the pod so we are happy to say that we are totally done with the pod, everything is out of there. We are good to go. Then two other things that were in the news this weekend I just thought you should know it hasn't happened here but just in case you guys get questions about it. There was somebody again impersonating an elections worker in Saratoga County going to people's doors and pretending they are working for the Board of Elections to verify whether or not they signed a petition. That hasn't happened here I think that may be related to a campaign but just so you guys are aware it's a misdemeanor to impersonate a Board of Elections worker so if you guys hear anything about it please let us know. We don't go door to door definitely not.

And then the last, there was a mail piece sent out it seems to right now just reaching large metropolitan areas but it went out from like a dark money group and it says, people at this address may not be registered to vote please send this form back in. Obviously that's causing a lot of concerns since most of you at those houses are registered to vote and they get really confused thinking they are not registered. The forms are pre filled in. We haven't received any reports that they've come to Essex County but again, when one of your constituents calls you that's not coming from our office.

WRIGHT: Any questions?

HUGHES: Good morning. So everything is out of the pod? Where is all of that now?

MOULTON: So right now we are waiting to move a couple shelves like physical shelves and then we have two spaces at the public safety building in Lewis. One, which houses the machines and where our technicians work and program and one is our permanent and temporary record storage.

HUGHES: So is there intention for the Board of Elections to move to the public safety building with all that equipment that is over there?

MOULTON: Not that we are aware of.

MASCARENAS: Not right now. Originally that was the intent. The space that we were considering at the time wouldn't work for them and the machines so the machines are in the space that was originally intended for people but having to get the jail down and utilize those ARPA funds is more critical right now than that additional space so for the meantime anyway things will remain a status quo other than probation will be moving up there probably within the month. Their office was carpeted over the weekend. Furniture will be here this week and they will be relocating so then we can disconnect the utilities out of that building but in terms of Board of Elections their office will remain here. They will have individuals going up there routinely because there's work that happens there. They also conduct their trainings there so they will be floating back and forth between the two spaces but they are going to remain on campus.

HUGHES: Okay thank you.

MONTY: So, given the number of voters what was the overall cost to Essex County taxpayers for that? Is that a number that we can get?

MOULTON: It's tough because whether we have 1300 voters or 5,000 voters –

MONTY: That's not my point. My point is –

MOULTON: I can definitely get you a number. Do you want staff hours?

MONTY: Absolutely. I want it all.

MOULTON: Sure.

MONTY: Just to know what the cost Essex County taxpayers to have an election when 7% of the registered voters voted.

McGOWAN: Not only that there was eight days of early voting, we had 127 people to come out to vote.

MONTY: There you go. Include that data as well because you had to have people there.

WRIGHT: Okay any other questions?

THURSTON: So I was contacted by a resident of St. Armand who had gone to vote and I'm sure you all know where I'm going with this. So this was a lifelong resident of the Town of St. Armand. He had been registered to vote for over 40 years and he went into vote and they said, no, no you moved you now live in Tupper Lake so you have to vote over there and he never had moved. So he came to see me and was very upset and I was hoping that you could explain to me how this happened and what can we do to ensure it doesn't happen in the future?

MOULTON: Yeah, so this is another instance where it's a state policy that has severely affected our voter where in DMV now you used to be able to opt to update your voter registration now they've changed the policy where you have to opt out of changing your voter registration so if you file any forms at DMV with a different address you're changing the voter registration and your voter even to the different counties.

THURSTON: But he didn't, he never, we think there was another person with his name so this other person, he has a very common name and he has relatives in the area that have that name so we think that it was a relative of his that actually changed something at DMV and somehow it affected him.

MOULTON: I will call the Franklin County Board of Elections but you have to take the last four digits of your social security number or your driver's license ID number in order to register to vote or to change anything so it would be unlikely but I'm not going to say it's not possible that it was a mistaken identity but more of a paperwork issue because we would of in order to change Franklin County for them to take him as a voter they would of have been provided the last four digits of his social security number which I'm not sure what situation someone else would have it.

THURSTON: None of even what you're telling me makes any sense for this gentleman to have his address and everything and voter registration.

McGOWAN: But he was able to vote affidavit?

THURSTON: Right

McGOWAN: We took that into consideration and that's what we looked into.

THURSTON: He also questioned where did his vote go? Was it counted? Etc. So he, it seems like there's more to this story and I'm hoping that you can help pinpoint what happened.

McGOWAN: Okay we'll get back to you.

MOULTON: And the affidavit ballots come back to us, we look at it, we would see that he did vote in Franklin County and then his vote counts. We cast it as an absentee ballot. We just make sure he doesn't vote at the other address.

DELORIA: One question, do we opt out at the DMV or do we allow the DMV to control our registration?

MOULTON: The DMV is run by the State so I think they follow State policies we don't have any say over them.

DELORIA: Opt out, opt in?

MOULTON: So the individual has to opt out or opt in so if I go update my vehicle registration instead of saying yes, update it –

DELORIA: That stupid little check box that I didn't check?

MOULTON: Yes. We've had a lot of problems with it over the last maybe three to six months.

DELORIA: Other divide and conquer by the State of New York because I have a friend who doesn't have a driver's license so I don't have to worry about him checking that box. Okay.

THURSTON: Thank you. I appreciate you getting back to me.

MOULTON: Yes I will update you.

WRIGHT: Anyone else? If not, thank you very much. Emergency Services.

WATTS: Good morning. You guys got our report. Is there any questions on it? Alright, I do have a few resolutions to bring up. A resolution to award Bearcom the bid for the remote teller site monitoring system in the amount of \$230,803.71, money to come from the SICG23 and to increase revenue to A3020.439601 SICG23 and appropriations to A3020.546041 SICG23 and authorize Bearcom to install the equipment at contracted radio technician rate.

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD BID TO BEARCOM IN THE AMOUNT OF \$230,803.71, FOR THE REMOTE TELLER SITE MONITORING SYSTEM WITH FUNDS TO COME FROM THE SICG23 GRANT. DeLoria, Smith

WRIGHT: Discussion? All in favor, opposed – carried.

WATTS: Authorization to sign a memorandum of agreement for the administration of the FY23-

24 Hazardous Material Emergency Preparedness funding award from DHSES.

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT FOR ADMINISTRATION OF THE FY23-24 HAZARDOUS MATERIAL EMERGENCY PREPAREDNESS FUNDING AWARDS FROM THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES). Hughes, Smith

WRIGHT: Discussion? All in favor, opposed – carried.

WATTS: A resolution recognizing national public safety telecommunications week for April 14-20.

RESOLUTION RECOGNIZING NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK AS APRIL 14-20, 2024. Smith, DeLoria

WRIGHT: Discussion? All in favor, opposed – carried.

WATTS: A resolution recognizing national EMS week for May 19-25th.

RESOLUTION RECOGNIZING NATIONAL EMS WEEK AS MAY 19-25, 2024. Wright, Doty

WRIGHT: Discussion? All in favor, opposed – carried.

WATTS: A resolution to award Northeastern Rescue Vehicles for the purchase of 2024 Mercedes Sprinter Ambulance with installed stretcher in the amount of \$227,298.00, with funding coming from the EMS consolidation grant and this talked about and passed through the EMS subcommittee this morning.

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD BID TO NORTHEASTERN RESCUE VEHICLES, INC. IN THE AMOUNT OF \$227,298.00, FOR THE PURCHASE OF 2024 DEMERS MERCEDES SPRINTER TYPE II AMBULANCE WITH STRETCHER WITH FUNDS TO COME FROM THE EMS CONSOLIDATION GRANT. Stanley, Smith.

WRIGHT: Discussion? No discussion. All in favor, opposed – carried.

WATTS: And I don't know if this needs a resolution or not but resolution #82, the language was wrong in what we presented. It was described as AED's for Etown-Lewis EMS and it was actually cardiac monitors we need to change that.

MASCARENAS: Right so you would want to amend that resolution that was incorrect. So a resolution amending resolution #82 and then go ahead and shoot with what you need.

WATTS: Just changing the language to cardiac monitor instead of AED.

RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION #82 OF APRIL 1, 2024, AUTHORIZING THE ESSEX COUNTY PURCHASING AGENT TO GO OUT TO BID FOR VARIOUS DEPARTMENTS, FROM THE PUBLIC SAFETY COMMITTEE – EMERGENCY SERVICES TO GO OUT TO BID FOR CARDIAC MONITOR UNITS FOR THE ELIZABETHTOWN-LEWIS EMS SQUAD. Stanley, Hughes

WRIGHT: Discussion? All in favor, opposed – carried.

WATTS: That's all I've got unless anybody has any questions?

SMITH: I know that a number of the supervisors has exchanged emails thanking and commending the county's preparedness with the eclipse and I just would like to take a moment to also notice that.

WATTS: Thank you. I will say that I was more busier than I thought I was going to be but everything went as well as I expected it to so thank you.

HUGHES: Quick question Matt. This past weekend local fire departments participated in recruit New York. I'm curious if and how the county supports those local fire departments or how the county is involved in anyway?

WATTS: We're not involved in it. We do send out the notice to the departments saying this is the weekend coming up and kind of give them that and if they have any needs we will certainly help them but I'm not sure how many are actually participating. I know that the participation has gone down over the years but there are still some out there that do it.

HUGHES: Thank you.

WATTS: You're welcome. Thank you.

WRIGHT: Sheriff's office – Sheriff Reynolds.

REYNOLDS: I'm here for any questions.

WRIGHT: I guess not, thank you. Probation.

SHEEHAN: Good morning everyone. You have my report and I can answer any questions you may have. So as you heard earlier we are in the process of moving up to the public safety building. Our office is going to remain open and work flow is still happening during that transition. I would also like to thank Mr. Dougan and the buildings and grounds crew at the public safety building. They've done an amazing job of helping us have a smooth and seamless transition so thank you very much.

WRIGHT: Any questions for Heather? I guess not. Thank you. Public Defender.

WEYAND: Good morning everybody. My name is Eric Weyand. I'm the new Deputy Public Defender for Ms. Evatt. It's nice to meet everyone. There's no report but I'm happy to answer any questions the board may have.

WRIGHT: Any questions for Eric?

GILLILLAND: How do you like working here in Essex County?

WEYAND: I love it. My favorite place to work.

WRIGHT: You passed that test. Anyone else?

REUSSER: Welcome.

WEYAND: Thank you.

WRIGHT: Conflict Defender.

HADDEN: Good morning everybody. I haven't seen you all in a little while because I've been running around the courts so I haven't been here but if you have any questions I'm happy to answer them.

WRIGHT: Any questions? Thank you very much. Does anyone have anything else?

HUGHES: Good morning. I was going to ask this question at Human Services but I saw Coroners on here so I figured I would raise it here and if it should be changed to something else let me know. I was listening to a news report this morning about how a couple of north country counties offered indigent funeral services where they had mentioned they are one in five residents in northern New York lives below the Federal poverty line and that funeral service for somebody who passes away could cost between \$3,000 and \$10,000 and that's a huge burden for some of our families and I wasn't aware if our county provides support of funding for those qualified who achieve or meet that threshold for providing some financial support to help bury a loved one who they couldn't necessarily afford themselves.

MASCARENAS: The answer is yes we do. So through DSS those indigent burials happen. You get an argument from some of our funeral homes that maybe we don't pay a high enough rate to cover some of the costs. Some of you have probably had those discussions with your funeral homes but yes, we do and last time I checked I was Commissioner we can certainly get those numbers but I want to say it was around \$70,000 a year we spend countywide in indigent burials so there's a significant amount there that we do and I can get you our rate tables and everything that we provide.

HUGHES: That was the nexus of the conversation was that cost have gone up.

MASCARENAS: I figured as much. You were back dooring me.

HUGHES: No I promise you that five years on this board and I've never heard of that discussion.

MASCARENAS: Yeah, so this board passed a resolution

HUGHES: Six years ago right?

MASCARENAS: Yeah it was probably right around there when I became Commissioner so it was 2017 we changed the rates at that time to better reflect what was going on. We have done a lot of work recently because of this issue you're speaking of and determining new rates and how other counties do it. There's very different ways to handle indigent but we do have a proposal ready to bring to this board and ready to go so we're actually pretty well prepared on this front just wasn't ready to make that presentation but we're in good shape.

HUGHES: I know. Thank you.

REUSSER: Is that in addition to the Medicaid provision?

MASCARENAS: That's what it is. That's exactly what it is so those folks that qualify for Medicaid is essentially qualified for indigent burial. There's the occasion where we have unclaimed bodies that also qualify. Until I was Commissioner never realized that kind of thing happened where we would just get a call from a funeral home saying we've got this person, we've got nobody that will do it so then they become ours and we take care of that from that point forward.

WRIGHT: Anyone else have anything to come before the committee? If not, we stand adjourned.

As there was no further discussion to come before this Public Safety Committee it was adjourned at 10:08 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors