



**AGENDA**  
**JUDICIAL & PUBLIC SAFETY COMMITTEE**  
**Wednesday, September 9, 2020**  
**Live Stream Link:** <https://youtu.be/G0J4nfltWAI>

**CALL TO ORDER:** By Hon. Hans Pecher, Chair

**MEMBERS:** Legislators Keith Batman, Elane Daly, Michael Didio, Heidi Nightengale, Charlie Ripley and Tucker Whitman

**MINUTES TO APPROVE: August 12 2020**

**APPOINTMENTS: None**

**DEPARTMENT UPDATES FOR COMMITTEE:**

- **Denise Spingler (911) –**
  - COVID-19 Update – status quo
  - Discovery Requests:
    - 78 – January
    - 84 – February
    - 105 – March
    - 90 – April
    - 102 – May
    - 115 – June
    - 134 – July
    - 124 - Aug
  - \*47 days behind (as of 9/1)
  - \*Once training starts on 9/8, backlog will grow immensely.
  - \*193 cases behind as of 9/1; working on 7/16
  - Training
    - New trainees begin 9/8
  
- **Lloyd Hoskins (Assigned Counsel/Stop DWI) –**
  - There were **80** “in-person” arraignments at the Centralized Arraignment Program for the month of August. The Assigned Counsel office calendared twenty attorneys to cover the 7am and 7pm arraignments. The attorney cost associated with CAP for August was \$10,175.00.
  - There were **52** Counsel at First Appearance for Auburn City Court. The Assigned Counsel office calendared thirteen attorneys to cover the “on-call” arraignments. The attorney cost associated with Counsel at First Appearance for August was \$6,300.00.
  - The Assigned Counsel Program made attorney assignments to **91** defendants in Auburn City Court (a single month highest assignments ever) and **37** defendants in justice courts for August. A total of **78** assignments were made in Family Court.
  - Expanded scope of preliminary application for \$410,899.65 to Indigent Legal Services (ILS) for Statewide Expansion of Hurrell-Harring year two. These funds would be utilized to cover expenses associated with investigative services, expert services, funding of a data officer, funding for attorneys in Auburn Intervention Court, mentoring, second chair programing, off-setting administration costs of full-time Assigned Counsel Administrator and Deputy Administrator, resource defense manager, and continuing legal education for 18B panel members.
  
- **Dr. Adam Duckett (Coroner) – No updates**
- **Jon Budelmann (District Attorney) – No updates**

- **Harry Sherman (Fire/EMO) –**

Continuous work on the Hazard Mitigation Plan Update with all Municipalities in the County  
Continuous PPE supply distribution  
Conducting BEFO (Basic Exterior Firefighting Operations) training with NYS OFPC  
12 students completing NYS Firefighter 1 Class on September 4th.

Month of August Operational Activity:

REHAB Unit – dispatched once to assist first responders

Tech/Rope Rescue – dispatched twice – 1 person needed assistance getting up the falls. 1 teenage male stuck on the falls required Rope Rescue Team to Rescue patient.

Coordinators – dispatched 8 times to assist incident commander(s)

Fire Investigation – No Investigations for the Month of August.

- **Jay DeWispelaere (Probation) – No updates**

- **Brian Schenck (Sheriff) –**

- Four of our newest Road Patrol Deputies graduated from the Finger Lakes Police Academy on August 31<sup>st</sup> and are currently completing their 16 week field training program. We are currently down four additional Road Patrol positions.
- The Centralized Arraignment Part (CAP) Court saw a sharp increase in utilization in August. 78 Pre- arraignment detainees were held and arraigned from 08/01 to 8/31, as opposed to 51 in July. 351 detainees have been held and arraigned since the CAP was initiated in February.
- At the time of this report we are housing 152 total inmates in our jail with 48 of those inmates being Federal board-ins.
- We are in the process of partnering with Nick's Ride for Friends to bring additional peer support into the jail for inmates struggling with addiction and provide a direct connection to peer support to those that we encounter outside our facility as well.
- Our K-9 partner Aron has developed some health issues due to age that are leading us to start looking at beginning a transition process to a new dog. The Sheriff has partnered with the Sean Walsh Foundation, a not for profit foundation providing funding for K-9 units, to purchase a new dog and move our program forward.

### **RESOLUTIONS:**

- DA:**  
9-20-JP-1      Authorizing creating and filling a Law Associate position
- SHERIFF:**  
9-20-JP-2      Authorize the Sheriff to fill one vacant Deputy Sheriff Position in the Law Enforcement Division of the Cayuga County Sheriff's Office (Position Control No. 001876)
- 9-20-JP-3      Authorize the Sheriff to fill one vacant Deputy Sheriff Position in the Law Enforcement Division of the Cayuga County Sheriff's Office (Position Control No. 006642)
- EMO:**  
9-20-JP-4      Appointing Dale Currier as Interim Director of the Emergency Management Office

### **ADJOURNMENT: Wednesday, October 14, 2020 to follow Planning**

If you have a disability and need accommodations, please call the Clerk of the Legislature's office at 253-1308 at least 48 hours before the scheduled meeting to advise what accommodations will be necessary.

RESOLUTION NO. \_\_\_\_\_

9/22/20

DA Law Associate

**AUTHORIZING CREATING AND FILLING A LAW ASSOCIATE POSITION**

**BY:** Hon. Hans Pecher, Chairman, Judicial & Public Safety; and  
Hon. Christopher Petrus, Chairman, Ways and Means

WHEREAS, District Attorney Jon Budelmann has vacancies in the positions of two (2) full-time Assistant District Attorneys within the District Attorney's Office; and

WHEREAS, the recruitment efforts have not generated qualified applicants during COVID-19; and

WHEREAS, the District Attorney has demonstrated a need for additional legal assistance; and

WHEREAS, the Legislature is desirous of providing assistance in the form of a Law Associate; and

WHEREAS, the creation of a Law Associate position will establish a recruitment effort to eligible candidates who are awaiting admission to the New York State Bar and for license to practice as an attorney in the State of New York; and

WHEREAS, prior to COVID-19 shutdown the District Attorney had a law student intern who was interning full-time during her last semester of law school, and who is currently a recent law school graduate continuing to intern working on cases while studying for the Uniform Bar Exam; and

WHEREAS, the District Attorney received approval of the Appellate Division, Fourth Judicial Department, that the recent law school graduate may temporarily practice law as an Assistant District Attorney pursuant to the limitations set forth in Part 524 of the Rules of the Court of Appeals, effective July 22, 2020; and

WHEREAS, the ongoing public health crisis has resulted in the cancellation and indefinite postponement of the New York State Bar exam, thereby creating a need for special accommodations for the class of 2020 graduates; and

WHEREAS, this position will cost the County less than an Assistant District Attorney; and due to vacancies sufficient funds remain in the District Attorney's A1165 salaries and fringe accounts; and

WHEREAS, the creation of a Law Associate position is only intended as a stepping stone for recent law school graduates who have not yet taken and/or passed the New York State Bar Exam; or who are awaiting admission to the New York State Bar and issuance of a license to practice as an Attorney in the State of New York, and it is not intended to be filled on a long-term basis; and

WHEREAS, future funding of this position will continue to be funded from vacancies due to resignations/terminations of Assistant District Attorneys; and

WHEREAS, future applicants should seek Student Practice Orders through the Appellate Division, Fourth Judicial Department under Judiciary Law Sections 478 and 484; and

WHEREAS, upon admittance to the New York State Bar and receipt of their license to practice as an Attorney in the State of New York, the Law Associate would be hired as an entry level Assistant District Attorney and the Law Associate position would be defunded; Be it now

RESOLVED, that the Cayuga County Legislature hereby creates a Law Associate position, Grade 6 (non-bargaining) to enhance recruitment efforts for eligible candidates, who are recent law school graduates that have not yet taken and passed the New York State Bar Exam, or who are awaiting admission to the New York State Bar and issuance of a license to practice as an attorney in the State of New York; and be it further

RESOLVED, that the District Attorney be authorized to fill the Law Associate position in accordance with Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga; and be it further

RESOLVED, that the Law Associate would be hired as an Assistant District Attorney upon admission to the NYS Bar in accordance with Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga; and be it further

RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make such necessary journal entries to accomplish the foregoing.

**Judicial & Public Safety**

\_\_\_\_\_  
Hans Pecher, Chair

\_\_\_\_\_  
Keith Batman

\_\_\_\_\_  
Elane Daly

\_\_\_\_\_  
Michael Didio

\_\_\_\_\_  
Heidi Nightengale

\_\_\_\_\_  
Charlie Ripley

\_\_\_\_\_  
Tucker Whitman

**Ways & Means Committee**

\_\_\_\_\_  
Christopher Petrus, Chair

\_\_\_\_\_  
Keith Batman

\_\_\_\_\_  
Elane Daly

\_\_\_\_\_  
Ryan Foley

\_\_\_\_\_  
Hans Pecher

\_\_\_\_\_  
Benjamin Vitale

\_\_\_\_\_  
Tucker Whitman

Co. Atty: \_\_\_\_\_

## Authorization to Create/Fill

A copy of this completed form MUST be attached to ALL Civil Service MSD-426 forms when filling a position.

---

Date	7/22/2020
------	-----------

---

Authorization To:	Create and Fill **
-------------------	--------------------

---

\*\* New Position Duties Statement (NPDS) - Short Form  
*REQUIRED IF the title exists within the department*

---

\*\* New Position Duties Statement (NPDS) - Long Form  
*REQUIRED IF the title does NOT exist within the department*

---

Do you anticipate this request to result in fill-behinds?	No
---	----

---

Cayuga County Department	District Attorney
--------------------------	-------------------

---

Job Title Being Requested (Exact Civil Service Title)	Law Associate
---	---------------

---

Position Status	Permanent
-----------------	-----------

---

Position Designation	Full-Time
----------------------	-----------

---

Budget Account Number	A1165
-----------------------	-------

---

Is a position being abolished to create the new position?	No
---	----

---

Is the salary of requested position in the current comp plan?	Yes
---	-----

---

Comp Plan Requested IS IN	Part IV
---------------------------	---------

---

Part IV Grade	6
---------------	---

---

Minimum Salary (Part IV)	50,313
--------------------------	--------

---

Base/Current Salary (Part IV)	50,313
-------------------------------	--------

---

Starting Salary for Position Requested	50,313
--	--------

---

Justification for Salary Requested      This position is intended to create a stepping stone for recent law school graduates who have not yet taken and passed the NY state bar exam. The associate who fills this position will be hired as an entry level ADA after passing the bar.

---

Does position include fringe benefits?      Yes

---

What is the justification for filling this position AND why is it important for your department?      The District Attorney has demonstrated a need for additional legal assistance. The creation of a Law Associate position will establish a recruitment effort of eligible candidates who are awaiting admission to the New York State Bar and for license to practice as an attorney in the State of New York.

---

How is this position funded?      Budget

---

Is this a reimbursed position?      No

---

What will the fiscal impact of filling this position in your budget this year and in future fiscal years?      The funds for this position should come from vacancies in the department, specifically unfilled Assistant District Attorney positions. Future funding will require budget considerations.

---

Department Head      Jon Budelmann

---

Date      7/22/2020

---

Attestation      I have been directed to submit on behalf of the authorized department or agency head

---

Name of Person Submitting on Behalf of Department or Agency Head      Chelsey Hipkens

---

Title of Person Submitting on Behalf of Department or Agency Head      Law Intern

---

(Section Break)

---

Lhlippoldt approved

RESOLUTION NO. \_\_\_\_\_

09/22/20

SHR Fill Patrol Vacancy -001876

**AUTHORIZE THE SHERIFF TO FILL ONE VACANT DEPUTY SHERIFF POSITION IN THE LAW ENFORCEMENT DIVISION OF THE CAYUGA COUNTY SHERIFF’S OFFICE**

By: Mr. Hans Pecher, Chair, Judicial & Public Safety Committee  
Mr. Christopher Petrus, Chair, Ways & Means Committee

WHEREAS, a vacancy in the Cayuga County Sheriff’s Department Law Enforcement Division exists due to the resignation a Deputy Sheriff (Position Control No. 001876-SYS); and

WHEREAS, the services provided by the position of Deputy Sheriff are critical for smooth and efficient operations of the Sheriff’s Office Law Enforcement Division and maintaining safety and well-being in Cayuga County; and

WHEREAS, this position is clearly designated and accepted in the 2020 Cayuga County Sheriff’s Law Enforcement Budget Line - Salaries Full Time (A31101 51001); now therefore be it

RESOLVED, that the Sheriff be hereby authorized and directed to fill one Deputy Sheriff position; and be it further

RESOLVED, the employee hired will be placed at the appropriate step within the Deputy Sheriff’s Police Association Compensation Plan for 2020 -2022; and be it further

RESOLVED, that this position be filled in accordance with the Civil Service Rules and Regulations and the Policies of the County of Cayuga.

**Judicial & Public Safety**

**Ways & Means Committee**

\_\_\_\_\_  
Hans Pecher, Chair

\_\_\_\_\_  
Christopher Petrus, Chair

\_\_\_\_\_  
Keith Batman

\_\_\_\_\_  
Keith Batman

\_\_\_\_\_  
Elane Daley

\_\_\_\_\_  
Elane Daly

\_\_\_\_\_  
Michael Didio

\_\_\_\_\_  
Ryan Foley

\_\_\_\_\_  
Heidi Nightengale

\_\_\_\_\_  
Hans Pecher

\_\_\_\_\_  
Charlie Ripley

\_\_\_\_\_  
Ben Vitale

\_\_\_\_\_  
Tucker Whitman

\_\_\_\_\_  
Tucker Whitman

Co. Atty: \_\_\_\_\_

## Authorization to Create/Fill

A copy of this completed form MUST be attached to ALL Civil Service MSD-426 forms when filling a position.

---

Date 8/26/2020

---

Authorization To: Fill Only

---

**\*\* New Position Duties Statement (NPDS) - Short Form  
REQUIRED IF the title exists within the department**

---

**\*\* New Position Duties Statement (NPDS) - Long Form  
REQUIRED IF the title does NOT exist within the department**

---

Do you anticipate this request to result in fill-behinds? No

---

Cayuga County Department Sheriff

---

Job Title Being Requested (Exact Civil Service Title) Deputy Sheriff

---

Position Control Number 001876-SYS

---

Position Status Permanent

---

Position Designation Full-Time

---

Budget Account Number A31101 51001

---

Is a position being abolished to create the new position? No

---

Is the salary of requested position in the current comp plan? Yes

---

Comp Plan Requested IS IN DSPA

---

DSPA Grade 14ZH

---

Probationary Salary Amount \$50,832

---

Step 3 Amount (DSPA or SEACC) \$55,111

---

Starting Salary for Position Requested	\$50,832
Justification for Salary Requested	This is the Probationary Step for new hire
Does position include fringe benefits?	Yes
What is the justification for filling this position AND why is it important for your department?	The position of Deputy Sheriff is critical for smooth and efficient operations of the Sheriff's Office Law Enforcement Division and maintaining safety and well-being in Cayuga County.
How is this position funded?	Budget
Is this a reimbursed position?	No
What will the fiscal impact of filling this position in your budget this year and in future fiscal years?	Current position is already Budgeted in the Sheriff' budget and Step increases will be allocated as per the Contract.
Department Head	Sheriff Brian Schenck
Date	8/26/2020
Attestation	I have been directed to submit on behalf of the authorized department or agency head
Name of Person Submitting on Behalf of Department or Agency Head	Evelyn Goodman
Title of Person Submitting on Behalf of Department or Agency Head	Fiscal Officer

(Section Break)

RESOLUTION NO. \_\_\_\_\_

09/22/20

SHR Fill Patrol Vacancy

**AUTHORIZE THE SHERIFF TO FILL ONE VACANT DEPUTY SHERIFF POSITION IN THE LAW ENFORCEMENT DIVISION OF THE CAYUGA COUNTY SHERIFF’S OFFICE**

By: Mr. Hans Pecher, Chair, Judicial & Public Safety Committee  
Mr. Christopher Petrus, Chair, Ways & Means Committee

WHEREAS, a vacancy in the Cayuga County Sheriff’s Department Law Enforcement Division exists due to the promotion of a Deputy Sheriff (Position Control No. 006642-SYS); and

WHEREAS, the services provided by the position of Deputy Sheriff are critical for smooth and efficient operations of the Sheriff’s Office Law Enforcement Division and maintaining safety and well-being in Cayuga County; and

WHEREAS, this position is clearly designated and accepted in the 2020 Cayuga County Sheriff’s Law Enforcement Budget Line - Salaries Full Time (A31101 51001); now therefore be it

RESOLVED, that the Sheriff be hereby authorized and directed to fill one Deputy Sheriff position; and be it further

RESOLVED, the employee hired will be placed at the appropriate step within the Deputy Sheriff’s Police Association Compensation Plan for 2020 -2022; and be it further

RESOLVED, that this position be filled in accordance with the Civil Service Rules and Regulations and the Policies of the County of Cayuga.

**Judicial & Public Safety**

**Ways & Means Committee**

\_\_\_\_\_  
Hans Pecher, Chair

\_\_\_\_\_  
Christopher Petrus, Chair

\_\_\_\_\_  
Keith Batman

\_\_\_\_\_  
Keith Batman

\_\_\_\_\_  
Elane Daley

\_\_\_\_\_  
Elane Daly

\_\_\_\_\_  
Michael Didio

\_\_\_\_\_  
Ryan Foley

\_\_\_\_\_  
Heidi Nightengale

\_\_\_\_\_  
Hans Pecher

\_\_\_\_\_  
Charlie Ripley

\_\_\_\_\_  
Ben Vitale

\_\_\_\_\_  
Tucker Whitman

\_\_\_\_\_  
Tucker Whitman

Co. Atty: \_\_\_\_\_

## Authorization to Create/Fill

A copy of this completed form MUST be attached to ALL Civil Service MSD-426 forms when filling a position.

---

Date 8/26/2020

---

Authorization To: Fill Only

---

**\*\* New Position Duties Statement (NPDS) - Short Form  
REQUIRED IF the title exists within the department**

---

**\*\* New Position Duties Statement (NPDS) - Long Form  
REQUIRED IF the title does NOT exist within the department**

---

Do you anticipate this request to result in fill-behinds? No

---

Cayuga County Department Sheriff

---

Job Title Being Requested (Exact Civil Service Title) Deputy Sheriff

---

Position Control Number 006642-SYS

---

Position Status Permanent

---

Position Designation Full-Time

---

Budget Account Number A31101 51001

---

Is a position being abolished to create the new position? No

---

Is the salary of requested position in the current comp plan? Yes

---

Comp Plan Requested IS IN DSPA

---

DSPA Grade 14ZH

---

Probationary Salary Amount \$50,832

---

Step 3 Amount (DSPA or SEACC) \$55,111

---

Starting Salary for Position Requested	\$50,832
Justification for Salary Requested	This is the probationary salary for a new hire
Does position include fringe benefits?	Yes
What is the justification for filling this position AND why is it important for your department?	The position of Deputy Sheriff is critical for smooth and efficient operations of the Sheriff's Law Enforcement Division and maintaining the safety and well-being in Cayuga County
How is this position funded?	Budget
Is this a reimbursed position?	No
What will the fiscal impact of filling this position in your budget this year and in future fiscal years?	Current position is already budgeted in the Sheriff's 2020 Budget. Step increments will be awarded in future years as indicated in the Contract.
Department Head	Sheriff Brian Schenck
Date	8/26/2020
Attestation	I have been directed to submit on behalf of the authorized department or agency head
Name of Person Submitting on Behalf of Department or Agency Head	Evelyn Goodman
Title of Person Submitting on Behalf of Department or Agency Head	Fiscal Officer

(Section Break)

Lhlippoldt Approved 9/1/2020

RESOLUTION NO. \_\_\_\_\_ 09/22/20

EMO Appoint Interim Dir

**Appointing Dale Currier as Interim Director of the Emergency Management Office**

BY: Hon. Hans Pecher, Chair, Judicial and Public Safety  
Hon. Christopher Petrus, Chair, Ways & Means

WHEREAS, the recent resignation of the Director of the Emergency Management Office has prompted to the Legislature to seek an experienced interim director to prevent loss of progress in the department, as well as to assist with the search for a permanent director; and

WHEREAS, Dale Currier has provided interim Emergency Management services in the past for other counties and comes highly recommended by professionals in the Emergency Management community, both locally and at the state; now, therefore be it

RESOLVED, Dale Currier is appointed as Interim Director of Emergency Management at an annual salary of \$65,000.00, and be it further

RESOLVED, that the appointment be made in accordance with Civil Service Rules and Regulations.

**Judicial & Public Safety**

**Ways & Means Committee**

\_\_\_\_\_  
Hans Pecher, Chair

\_\_\_\_\_  
Christopher Petrus, Chair

\_\_\_\_\_  
Keith Batman

\_\_\_\_\_  
Keith Batman

\_\_\_\_\_  
Elane Daly

\_\_\_\_\_  
Elane Daly

\_\_\_\_\_  
Michael Didio

\_\_\_\_\_  
Ryan Foley

\_\_\_\_\_  
Heidi Nightengale

\_\_\_\_\_  
Hans Pecher

\_\_\_\_\_  
Charlie Ripley

\_\_\_\_\_  
Benjamin Vitale

\_\_\_\_\_  
Tucker Whitman

\_\_\_\_\_  
Tucker Whitman

Co. Atty: \_\_\_\_\_