

**JUDICIAL & PUBLIC SAFETY  
COMMITTEE MINUTES  
December 8, 2009**

**MEMBERS PRESENT:** Legislator Raymond E. Lockwood, Committee Chair, Legislator Steve Cuddeback, Vice Chair, Legislator George Fearon, Legislator Christopher Palermo, Legislator David Axton, Legislator Cynthia Aikman, Legislator Michael Chapman

**EXCUSED:**

**ALSO PRESENT:** Chairman Peter Tortorici, Legislator Roger Mills, Legislator Francis Mitchell, Legislator Daniel Sincebaugh, County Attorney Frederick Westphal, District Attorney Jon Budelmann, Assistant District Attorney Romolo Canzano, Coroner Dr. James Dolan, Sheriff David Gould, CC911 Director Denise Stayton, Director of Assigned Counsel Lloyd Hoskins, Director of Emergency Management Brian Dahl, Director of Assigned Counsel Lloyd Hoskins, Reporter Eric Sorenson, Citizen Reporter Sarah Gantz and Clerk of the Legislature Mary Jones.

**CALL TO ORDER:** Raymond Lockwood, Committee Chair called the meeting to order at 5:45 p.m.

**APPROVAL OF MINUTES:** Motion by Cuddeback to approve minutes of November 10, 2009 seconded by Aikman. Palermo amends JP-2. All in favor, as amended.

**TRAVEL:**

**DISCUSSION:**

**Dahl thanks Lockwood for his support and assistance over the years.**

**Dahl hands in paperwork for County cell phone request:**

**Rivenburgh, motion made by Cuddeback, seconded by Aikman. All in favor.**

**Dygert, motion made by Fearon, seconded by Chapman. All in favor.**

**DiNonno, motion made by Cuddeback, seconded by Fearon. All in favor.**

**Dahl submits request for two hazmat cell phones. Committee approves.**

**Dahl submits request for take home vehicle. Committee approves.**

**Dahl request 49 hours of vacation time be carried over. Motion made by Cuddeback, seconded by Fearon. All in favor.**

**Gould states that he has two boats at the Park that need to be moved, two boats outdoors with canopy covers. Fearon states there are also two in Union Springs that are in a building with walls but no ceilings. Gould discusses JP-2 and the need for a storage building. Gould would like to use money from the T-7 account to construct a building for boat storage. Chapman asked if the building is heated. Gould states not heated at all it is a cold storage building and also stated that if the Union wanted to add on for training facility then they can contribute. Chapman asked if there was adequate storage. Gould states yes. Aikman wants explanation of a T-7 account. Gould states it is the phone account controlled by Albany and we get money from every inmate that makes a call. Fearon states that there was a Court case challenging it and there was a finding that it was okay to get the money. Gould states that they could use it for evidence inspections. Axton asked where do you do that now. Gould replies in the Maintenance Building but it is full of equipment in this new building we could use portable heaters. Axton asked if the building was going to be partitioned off. Westphal advises that the Digester project may need additional land. Gould states he spoke with Soil and Water. Cuddeback states that Soil and Water may need underground power line. Gould instructed to check with Soil and Water.**

**Dolan brings in 12-9-JP-6 and advises that he needs to transfer funds to pay bills. Dolan also advises the he needs to amend the resolution because the amount is incorrect and should read \$4,000.00 not \$3,000.00. Motion made by Palermo, seconded by Fearon. Discussion: Dolan advises that he still has a balance but he is expecting a \$9,000.00 toxicology bill. Westphal states only if you receive the bill. Mitchell states to use a purchase order, if service is delivered it's an accounts payable. Motion to amended resolution to \$4,000.00 for labs made by Palermo, seconded by Fearon. All in favor. Motion to approve. All in favor.**

**Dolan also discusses authorization for County computer Munis system. All payroll and bills have been done by Marcia either at home or from office. However, County work dealing with Munis is done on the sixth floor of the County Office Building because it requires logging in and security. Dolan received a letter stating only he can do the approvals and payroll. Dolan advises if you rely on him no one will get paid. Westphal states it is done to protect the integrity of the person. Dolan states there are situations that I am at the hospital all day and night. Lockwood asked what he is looking to do. Dolan states I miss the deadlines. Palermo states that if one person inputs the information then we can get someone else to do the approvals. Tortorici states it was a committee recommendation so we will have to wait and discuss it at committee. Lockwood suggests talking to the County Manager. Dolan advises that he spoke with him today and said he would let him know in a week.**

**Budelmann discusses JP-5. Chapman wants to know what law mandates that DA's salary is equal to the County Judges. Budelmann states it is Section 183a of the Judiciary Law. Chapman asked if he could show him the law. Budelmann states that it says pay should be equalivant to County level Judge or greater amount. Chapman advises he will not support it. Budelmann advises that the State Attorney Generals decision says no and the Comptroller says yes. Mitchell asked how long have you had this salary. Budelmann states the DA has not had a raise in eleven years. Mitchell asked but how long has that been for you. Fearon states countywide raises should be built in term. Fearon also states that usually when you set the salaries when running for office before the race gets started. Palermo if we set now we can do it by resolution. Westphal advises that after the first it will have to be done by local law and you would have to have a public hearing for adjustment of salary. Palermo makes motion. (see 12-8-JP-5)**

**Stayton advises that there will be a Radio meeting next Monday, December 14<sup>th</sup> at BOCES. Stayton advises Motorola will be there for a presentation for the new radio system. Tortorici states that this will be a Meeting of the Whole.**

**Stayton seeks approval to carry over six vacation days. Motion made by Fearon, seconded by Aikman. All in favor.**

## **RESOLUTIONS:**

- 12-9-JP-1      **Appointing Administrator Indigent Defendants, Part Time, and Setting Salaries for Administrator Indigent Defendants, Part Time, and Deputy Administrator Indigent Defendants, Part Time. Motion made by Aikman, seconded by Axton. Discussion: Cuddeback inquires why there is a Deputy. Hoskins states the Deputy does all the paperwork, mailings. Lockwood asked what the cost is for the Deputy and Administrator. Hoskins advises the Deputy receives \$6,776.00 per year and the Administrator receives \$12,903.00. Palermo abstains. All others in favor.**
- 12-9-JP-2      **Authorizing the Clerk of the Legislature to Advertise and Receive Sealed Bids for the Construction of a Post Frame Building to be Utilized by the Cayuga County Sheriff's Office for Storage of Equipment and Evidence, as well as for Usage as a Training Area. Motion made by Chapman, seconded by Axton. No discussion. All in favor.**
- 12-9-JP-3      **To Authorize the Transfer of Funds Within the District Attorney's Budget. Motion made by Palermo, seconded by Chapman. Discussion: Fearon states it is an entitlement and we are obligated to pay. Westphal advises that non-bargaining employees can get paid out for up to ten days. All in favor.**

- 12-9-JP-4 Increasing the Number of Hours Assistant District Attorneys are Required to Work from 37.5 to 40 Hours Per Week to Address the Increase in Crime in a Cost Effective Manner. Motion made by Palermo, seconded by Cuddeback. Discussion: Budelmann states that there has been an increase in crime and to offset asking for additional bodies that he is asking for additional hours of pay for his staff. Aikman asked how does this impact the budget. Budelmann states \$30,000 to \$31,000 which will be an increase in budget effective next year in the 2010 budget. Fearon and Chapman NYE, all other in favor.
- 12-9-JP-5 Increasing the Salary of the District Attorney to Reflect Eleven Years without an Increase in Salary and the Eleven Years of Increases in the Cost of Living. Palermo motions to amend resolution to no percentage increase in 2008 or 2009 and the 2010 increase to be 2%, same as County Treasurer, seconded by Fearon. Budelmann states that Westphal's raise was more than 2%. Resolution amended to add 2% for 2010 and 2011. Axton states that this needs to be laid out before next election. Chapman Nye, all others in favor. Lockwood move motion as amended. Discussion: Chapman states that he will stick with the opinion of the Attorney General. Palermo states it is not mandated to increase any. Mills says the raise is warranted by the amount of work. Chapman asked Budelmann if it would be his intent to litigate against the County. Budelmann commented that he would have to look into that. Chapman stated to Budelmann; "you were vey strong about that last night. Budelmann states he never said that. Chapman votes Nye. All others in favor.

Motion to go into Executive Session at 6:56 pm made by Fearon, seconded by Chapman. All in favor.

Re: Litigation

Westphal and Jones present.

Motion to come out of Executive Session made at 7:10 pm by Fearon, seconded by Palermo. All in favor.

Motion to adjourn at 7:11 pm made by Palermo, seconded by Cuddeback. All in favor.

**Motion made January 12, 2010 to approve minutes by Sincebaugh, seconded by Mitchell, as written. All in favor.**