



AGENDA
JUDICIAL & PUBLIC SAFETY COMMITTEE
Wednesday, August 10, 2022 at 5:30PM
Live Stream Link: https://youtu.be/18_0Zul0ouw

CALL TO ORDER: By Hon. Mark Strong, Chair

MEMBERS: Legislators Elane Daly, Andy Dennison, Michael Didio, Tricia Kerr, Heidi Nightengale, and Chris Petrus (Vice Chair)

MINUTES TO APPROVE: July 13, 2022

PRESENTATION:

- Lynn Marinelli, re: Emergency Operations Center discussion
- Paul Rigby, CNY Bureau Chief- State Parole Office

APPOINTMENTS: None

DEPARTMENT UPDATES FOR COMMITTEE:

- **Denise Spingler (911) –**
 - Assisting with EM Director interviews 8/8 & 8/9
 - 911 ESD Training
 - Interviews Conducted 6/21/22
 - 3 Candidates working through background process
 - Additional interviews conducted 8/3
 - 14 Candidates; 6 declinations / 1 failed typing
 - 7 reachable for 4 positions
 - 5 - didn't wish to take typing test/didn't return calls for test
 - 3 left on list
 - Training Class – anticipated start 9/6/22
 - Salary Discussion – item for discussion during negotiations
 - Participated in APD Night Out with staff – 8/3/22
 - Thank you to Cayuga County IT
 - Major CAD/server project in July; IT staff dedicated to the project
 - Consistent positive efforts by IT
 - **GRANT AWARDS**
 - PSAP – awarded \$220,950 (1/1/22 – 12/31/22)
 - New dispatch chairs
 - Salaries
 - SIEC – awarded \$1,413,337 (Jan 22- Dec 24)
 - Emergency Communications System
 - New Recorders at Primary & Backup Centers
- **Emergency Communications System**
 - Continuing to work through coverage issues in Southern end (Lake Como / Summerhill areas) – see attached Status Report and associated information
 - **2022 Maintenance costs** – above and beyond contractual expenses; outlined below:

Date	Site	Project	Vendor	Cost	Fund
22-Feb	Sterling	Antenna	Northeast Tower	\$2,504.89	911 Budget
22-Apr	Cato	Roof repair	T&J Contractors	\$4,250.00	911 Budget
22-Apr	Locke	Antenna	Northeast Tower	\$3,897.65	911 Budget
22-Jul	Locke	Light Repair	Northeast Tower	\$975.00	911 Budget
22-Jul	PSB	Light Repair	Northeast Tower	\$770.00	911 Budget
22-Jul	Cato - OLD	Site demolition	Northeast Tower	\$13,200.00	Contingency
22-Jul		Cooling Motors	Weedsport Motors	\$604.00	911 Budget

Full Replacement Needed
 Full Replacement Needed

22-Aug	PSB	Site cleanup	Northeast Tower	\$7,000.00	911 Budget
22-Aug	All Sites	Transfer Pump	Weedsport Motors	\$193.79	911 Budget
22-Aug		Contactors	Weedsport Motors	\$100.00	911 Budget
				\$33,495.33	

- **Lloyd Hoskins (Assigned Counsel/Stop DWI) –**

- There were **79** arraignments at the Centralized Arraignment Program for the month of July. The Assigned Counsel office calendared fifteen attorneys to cover the 7am and 7pm arraignments. The attorney cost associated with CAP for July was \$12,510.00. *These expenses were paid from an ILS (Indigent Legal Services) grant.* Of the 79 arraignments, **25** (32%) were for town/village courts, **54** (68%) for Auburn City Court. **50** (63%) defendants were released (ROR), and **29** (37%) defendants were held on bail or held for other reasons. Of the 79 arraignments, 36 (46%) were brought in on arrest/bench warrants. 28 Orders of Protection were issued.
- There were **73** Counsel at First Appearance for Auburn City Court and **12** Counsel at First Appearance in town/village courts. The Assigned Counsel office calendared fourteen attorneys to cover the “on-call” arraignments. The attorney cost associated with Counsel at First Appearance for July was \$7,600.00. *These expenses were paid from an ILS (Indigent Legal Services) grant.*
- The Assigned Counsel Program made attorney assignments to **71** defendants in Auburn City Court and **18** defendants in justice courts for July. A total of **45** assignments were made in Family Court.
- The Assigned Counsel Program received notification on 07/06/22 that our amended contract under the Hurrell-Harring Reform in the amount of \$3,081,747.39 has been approved.
- The Assigned Counsel Program has received notification of the availability of funds to develop innovative programs and practices to improve the quality of legal representation in child protective matters. This office will meet this month with those personnel who may be able to assist in submitting a proposal.
- The Assigned Counsel Program has received notification that our three year “Distribution #13” in the amount \$131,049.00 will be due October 11, 2022.

- **Dr. Adam Duckett (Coroner) – No updates**

- **Brittany Antonacci (District Attorney) – No updates**

- **Dale Currier (Fire/EMO) –**

1. PUBLIC SAFETY TRAINING CENTER IMPROVEMENTS –Bergmann Associates continues to work on the site evaluation for constructing new classroom facilities and other training outbuildings.
2. EMO staff is working with Parks and Trails to assist the organizers of The Great Race scheduled for August 14th. The event, which starts and ends at Emerson Park, is much smaller this year than in the past. On August 3 there were about 225 athletes registered, so the final total may be 300. AS we have seen with other special events getting sufficient EMS and other public safety resources has been a challenge for the event organizer.
3. EMO continues to support and guide the Continuity of Operations Plan [COOP] process which involves all County departments. An overview of the project was provided at the recent Department Head meeting. The County’s Director of Operations has been providing additional support to the project and in coordinating information between the COOP Plan contractor and department heads.
4. The results are in form the last EMT class – all 6 students passed the NYS certification test. Emo is looking at whether to host a Refresher class this fall or an EMT Original in January. As indicated by the last class, people are not interested in becoming EMTs or paramedics. If they do come into the EMS field they are generally going to paid positions. EMO has spoken with the workforce Development department to include EMS jobs in a new “workplace shadowing” program.
5. A Interior Firefighter class is being taught at the training center by NYS Fire Instructors.
6. The EMO was recently visited by personnel from the NOAA - National Weather Service [NWS] - Buffalo Forecast Office as part of our recertification as a NWS Storm-Ready County. As Cayuga County is served by 2 NOAA/National Weather Service offices, additional program review will now be conducted by the NWS office in Binghamton. We anticipate a decision on our recertification sometime in September.\

- **Jay DeWispelaere (Probation) –**

- **Alternatives to Incarceration Board;**
 - Currently operating under the 2022=2023 Work Plan;
 - No changes or updates to report.
 - Next ATI board meeting; Wednesday, Sept. 28, 2022; time and location TBD.
- **Staff Vacancies and Issues;**

- Probation Officer vacancy; we hope to have responses from the canvass soon and make an offer. A preferred candidate has been identified.
 - Account Clerk Typist position; an offer was made and accepted and the new clerk is scheduled to start August 8th
 - A Senior Typist is currently out on medical leave and will likely not return until September. They may then be out for an additional period later in the year for follow up surgery. Clerical staff have indicated they are keeping up with business; extra OT and comp have been offered if needed.
 - One Probation Officer has had some challenging health news which could lead to a substantial amount of time out of the office. Hopefully more information will be available soon.
- **COVID;**
 - No recent issues. Department has returned to functioning near to pre-COVID operations.
- **Brian Schenck (Sheriff) –**
 - At the time of this report we are holding 138 incarcerated individuals in the jail. This includes 33 Federal board ins, 2 Local board ins, 10 NY State Parolees detained for new charges and 1 Parolee detained for a violation of parole.
 - We continue to partner with Cayuga County Mental Health and other community partners to establish a state mandated Medication Assisted Treatment (MAT) program within our jail. It appears that we will have the program started before the October deadline set by the state.
 - At the time of this report we have 8 current vacancies in the Custody Division (jail). There is also 1 vacant position in the Road Patrol Division with an additional pending retirement this month.
 - Federal grant funding has been released to enhance our inmate transition program in partnership with Cayuga Counseling Services. We are in the process of imbedding Cayuga Counseling staff into the jail to move this initiative forward.
 - Inmate visitation is set to resume on August 15th after having been suspended since the start of the COVID pandemic.
 - All divisions are experiencing a sharp increase in workload this summer as compared to 2021 and 2020. Within our Road Patrol Division from 2021 to 2022, call volume increased 24% in May, 36% in June, and 20% in July.

RESOLUTIONS:

ASSIGNED COUNSEL:

- 8-22-JP-1 Authorizing the Administrator of the Assigned Counsel Office to appoint Deputy Administrator Indigent Defendants (PT) and setting the rate of compensation
- 8-22-JP-2 Authorizing the Chairman of the Cayuga County Legislature to sign contract with Thomson Reuters for Westlaw services

DISTRICT ATTORNEY:

- 8-22-JP-3 Authorizing salary adjustment for Assistant District Attorney
- 8-22-JP-4 Authorizing the construction of a wall to create new office space in the District Attorney's Office

SHERIFF:

- 8-22-JP-5 Authorizing the Chair of the Cayuga County Legislature and the Cayuga County Sheriff to enter into a contract with Seneca Stone Corp. to pave a portion of the parking lot at the Cayuga County Public Safety Building.

LEGISLATURE:

- 8-22-LEG-1 **(INFORMATION ONLY)** Resolution opposing recently enacted New York State Legislation regulating legally authorized concealed carry gun permits and banning concealed carry in public places as being an unconstitutional attack upon the rights of law-abiding citizens

ADJOURNMENT: Wednesday, September 14, 2022

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. _____

8/23/22

AC Deputy Admin Appointment

Authorizing the Administrator of the Assigned Counsel Office to appoint Deputy Administrator Indigent Defendants (PT) and setting the rate of compensation

BY: Mark Strong, Chair, Judicial & Public Safety Committee

BY: Hans Pecher, Chair, Ways and Means Committee

WHEREAS, the position of Deputy Administrator Indigent Defendants PT will be vacant due to a retirement as of August 29, 2022; and

WHEREAS, it is the intent of this Legislature to provide continuity of leadership of this mandated service in the absence of the Administrator; now therefore be it

RESOLVED, that the Assigned Counsel Administrator is authorized to appoint a Deputy Administrator, PT to serve for a one (1) year term commencing September 1, 2022 and ending August 31, 2023, and be it further

RESOLVED, that compensation rate be set at \$30 per hour, and placed in Part III of the Cayuga County Compensation Plan, and be it further

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

RESOLUTION NO. _____

8/23/22

AC Westlaw

Authorizing the Chairman of the Cayuga County Legislature to sign contract with Thomson Reuters for Westlaw services

BY: Mark Strong, Chair, Judicial & Public Safety Committee

BY: Hans Pecher, Chair, Ways and Means Committee

WHEREAS, in today's environment of increasingly complex legal cases, attorneys need to have up-to-dates resources in preparing for representation of their assigned cases; and

WHEREAS, Westlaw is an online legal research service and proprietary database for attorney and legal professionals; and

WHEREAS, that Assigned Counsel Office has secured a grant through New York State Indigent Legal Services to pay for 100% of the Westlaw subscriptions to be made available to attorneys on the assigned counsel panel, be it

RESOLVED, that the Chairman of the Cayuga County Legislature is authorized to sign a three year contract with Thomson Reuters for thirty license agreements and in the amount of \$34,764.96 for year one, \$36,503.28 for year two, and \$38,328.48 for year three.

RESOLUTION NO. _____

8/23/2022

DA ADA Salary Adjustment

Authorizing salary adjustment for Assistant District Attorney

BY: Hon. Mark D. Strong, Chairman, Judicial & Public Safety; and
Hon. Hans-Peter Pecher, Chairman, Ways and Means

WHEREAS, as a result of the amendments by Resolution No. 241-21 to the Cayuga County Compensation Plan for Non-Bargaining Employees Part IV managerial employees in which the Board of Legislators adopted the Cayuga County Pay Structure and hiring bands for each grade level, the District Attorney's most senior Assistant District Attorney (Position No. 003095), who was hired prior to these amendments, is currently the lowest paid Assistant District Attorney out of the four Assistant District Attorneys; and

WHEREAS, the Cayuga County Legislature recognizes that the goal of the Hiring Policy for Non-Bargaining Employees is to retain highly qualified candidates to meet the County's employment needs; and

WHEREAS, the salary increase can be funded for the remainder of 2022 utilizing salary savings from the District Attorney's Budget Line A11651 51001; and

RESOLVED, that the Cayuga County Legislature hereby authorizes a salary increase for Assistant District Attorney (Position No. 003095) from \$73,286 to \$76,500 pursuant to Part IV of the Cayuga County Compensation Plan to retain this experienced prosecutor; and be it further

RESOLVED, that the foregoing be accomplished in accordance with the Cayuga County Civil Service Rules and Regulations and the Policies of Cayuga County; and be it further

RESOLVED, that the Cayuga County Finance Director be authorized and directed to make the journal and accounting entries appropriate and necessary to implement this resolution.

RESOLUTION NO. _____ 8/23/22 DA Construction of Wall to Create Office Space

Authorizing the construction of a wall to create new office space in the District Attorney's Office

By: Hon. Mark D. Strong, Chairman, Judicial & Public Safety Committee
Hon. Hans-Peter Pecher, Chairman Ways & Means Committee

WHEREAS, there is a need for more office space in the District Attorney's Office; and

WHEREAS, the Cayuga County Superintendent of Buildings and Grounds estimates the construction costs of \$20,000 - \$23,000; and

WHEREAS, the construction costs were not budgeted in the District Attorney's 2022 budget; and

WHEREAS, the funding source identified for the project will be the Fund balance, Account A 19090; and

WHEREAS, time is of the essence to create a new office; now therefore be it

RESOLVED, that the Chair of the Legislature is authorized to sign any permits and agreements necessary to carry out the intent of this resolution, upon the review and approval of the County Attorney's Office; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to make the necessary budget transfers from Account A 19090 to account A11652 52100 to carry out the intent of this resolution.

RESOLUTION NO: _____

08/23/2022

SHR Contract Paving

Authorizing the Chair of the Cayuga County Legislature and the Cayuga County Sheriff to enter into a contract with Seneca Stone Corp. to pave a portion of the parking lot at the Cayuga County Public Safety Building.

By: Mark Strong, Chair, Judicial & Public Safety Committee
Hans Pecher, Chair, Ways & Means Committee

WHEREAS, the pavement on one parking lot at the Cayuga County Public Safety Building located at 7445 County House Road in the Town of Sennett is in need of replacement due to age, wear, and construction; and

WHEREAS, A quote was obtained from Seneca Stone Corp. to complete the required paving at the Public Safety Building based off of an OGS contract in the amount of \$139,885.00; and

WHEREAS, funding currently exists in the Sheriff-Jail Building Maintenance budget line A31504-54012 to pay for said paving; now therefore be it

RESOLVED, that the Chair of the Cayuga County Legislature, and the Cayuga County Sheriff, be authorized to enter into a contract with Seneca Stone Corp. to pave a portion of the parking lot at the Public Safety Building in the amount of \$139,885.00; and be it further

RESOLVED, that funds from the Sheriff-Jail Building Maintenance budget line A31504-54012 be utilized to pay for said paving, and be it further

RESOLVED, that the Finance Director is hereby authorized and directed to make such journal entries as necessary to carry out the intent of this resolution.

RESOLUTION NO. _____ 8/23/22

LEG Oppose New State Legislation

RESOLUTION OPPOSING RECENTLY ENACTED NEW YORK STATE LEGISLATION REGULATING LEGALLY AUTHORIZED CONCEALED CARRY GUN PERMITS AND BANNING CONCEALED CARRY IN PUBLIC PLACES AS BEING AN UNCONSTITUTIONAL ATTACK UPON THE RIGHTS OF LAW-ABIDING CITIZENS

By: Mark Strong, Legislator, District 9

WHEREAS, on July 1, 2022, Governor Hochul signed into law, Senate Bill S.51001 (Assembly Bill A.41001), which makes the process for obtaining a concealed carry gun permit overly involved, lengthy, and burdensome, including, among other things, requiring citizens to divulge their social media accounts; and

WHEREAS, one of the law’s most onerous provisions makes it a felony for any individual who has a valid concealed carry permit to bring a handgun into ANY New York State Park, house of worship or restaurant, where residents, businesses and municipalities live, operate, work, socialize, worship and pay taxes; and

WHEREAS, this legislation is the result of a knee-jerk, unvetted and political reaction to the recent Supreme Court decision, *New York State Rifle and Pistol Association, Inc., v. Bruen*, and was rushed through the State Legislature without public discussion, input or knowledge; and

WHEREAS, the Cayuga County Legislature considers this law to be an unconstitutional infringement upon our citizen’s Second Amendment right to bear arms and an overt infringement upon freedom and liberty in New York State; without addressing the problems of escalating crime and illegal firearms; now be it

RESOLVED, that the Cayuga County Legislature is strongly against the new gun control Legislation and the changes made to the concealed carry gun permitting process and therefore calls for its immediate repeal; and be it further

RESOLVED, that the Cayuga County Legislature vehemently, adamantly and with full resolve does oppose the new concealed carry law's (S.51001/A.41001) remaining provisions restricting the locations where a law abiding citizen with a proper concealed carry permit may lawfully carry a concealed weapon as these restrictions are also unconstitutional and violate the holding of *New York State Rifle and Pistol Association, Inc., v. Bruen*, and are a poorly veiled attempt to skirt *Bruen*, falling woefully short of any rational constitutional basis; and therefore also call for its repeal; and be it further

RESOLVED, that the Cayuga County Legislature calls upon all other municipalities within the State of New York, the American Civil Liberties Union, the American Center for Law and Justice, and any and all advocates who claim to protect freedom and liberty in the United States, to immediately challenge this law in court as it is clearly unconstitutional; and be it further

RESOLVED, that the Board Clerk is hereby directed to send a certified copy of this Resolution to Governor Hochul, Senator John Mannion (50th District); Senator Peter Oberacker (51st District); Senator Pamela Helming (54th District); Assemblyman John Lemondes (126th District); and Assemblyman Brian Manktelow (130th District). and all others deemed necessary and proper.