

**LEGAL COMMITTEE**  
**January 20, 2010**

**PRESENT:**

Patrick Grattan- Chairman  
Reginald Crowley  
Lawrence Andrews  
Edward Nabozny  
John Musall  
Bill Hallenbeck  
Kevin McDonald  
Margaret Robertson  
Elizabeth Young  
Lynda Scheer

**ALSO PRESENT:**

Michael Benvenuto  
Sheriff Harrison  
Robert Fitzsimmons  
Arlene Levinson  
Eugene Keeler  
Sean Lally  
Dennis McEvoy  
William Hughes Jr.  
Edward Cross

Press: 1

Chairman Grattan called the meeting to order at 6:00 P.M.

**Probation – M. Benvenuto**

Informed the Committee of the Department's receipt of a Certificate of Achievement for Staff Development Standards for Probation Professionals and Certificate of Commendation in recognition of the Department's contribution to public safety and offender accountability in the collection of DNA samples from probationers for August 2008 through July 2009.

Brief report given on the potential effects of the full "Leandra's Law" DWI legislation which takes effect August of 2010. It could potentially lead to an explosion in the number of offenders sentenced to probation supervision pursuant to a DWI conviction. The reason for that potential exists in the fact that the law requires all persons convicted of misdemeanor or felony DWI to install an Interlock device in the vehicle, thereby requiring monitoring by probation. The numbers of DWI convictions for the past several years would need to be looked into, with the help of the District Attorney and STOP-DWI, in order to get an idea of the potential impact. It was noted that the defendant would have to pay for the device.

Brief discussion on a handout regarding adjudication status of impaired driving cases and conviction rates and DWI/AI probation data for the years 2002-2005.

Discussion of the Executive Budget's Mandate Reform Initiatives which include a section on Probation and the merging of Probation with the Division of Criminal Justice Services. M. Benvenuto said the merging would be a good thing. Brief discussion on a handout of mandate reform initiatives.

**Public Defender– A. Levinson**

A. Levinson gave description of her department for new Supervisors.

Distributed December 2009 monthly report.

Briefly discussed her Public Defender Report and noted that the caseload is high.

Distributed and discussed the Public Defender Caseload Summary for 2009.

Discussed Section 716 of the County Law, as amended by Chapter 714 of the laws of 1966. The Board of Supervisors of any county may create an office of public defender, or may authorize a contract between its county and one or more other such counties to create an office of public defender to serve such counties.

K. McDonald asked if there are timeframes in which a case can be left open. A. Levinson responded that the Courts do have time frames that are mandated by OCA.

**Sheriff's Office - D. Harrison**

Announced that his office is there to be of assistance in any way that they can for Supervisors or Department Heads.

**Conference Objective Form** – 76<sup>th</sup> Annual NYS Sheriff's Assn Winter Conference, Albany, New York, February 21, 2010 thru February 24, 2010. Total cost of \$75.00, motion by L. Scheer, seconded by W. Hallenbeck Jr, motion carried.

**Conference Objective Form** – Domestic Violence Training, Ulster Cty Sheriff's Office, January 21, 2010, No Cost, motion by R. Crowley, seconded by W. Hallenbeck Jr, motion carried.

**Conference Objective Form** – Basic Civil School, Phase One 4/12/2010 – 4/16/2010, Phase Two – Attending 5/24/2010 – 5/28/2010, Albany, NY, total cost: \$500.00

A motion to amend this Conference Objective Form to say \$250 each for a total cost of \$500, motion to amend by R. Crowley, seconded by L. Andrews, motion carried, motion by E. Young, seconded by L. Andrews, motion carried.

**Jail Expenditures:** Reported that they were able to save a lot of money by changing to a new bread delivery company.

The Sheriff's Department has been asked to partner with Senator Saland's office on the Semper Fi Donation Campaign.

**Year End Overtime Report:** Last year a total of 2,700 hours were saved or reduced.

**Year End Out of County Inmate Report:** Brought in a total of \$536,111 for 2009 for which Chairman Grattan commended them on bringing this revenue into the County.

Chairman Grattan discussed the Cortland County decision on County Conflict Defender.

R. Fitzsimmons gave a description of the Court Conflict Defender law. It was noted that Columbia County is different from Cortland County because our Judges appoint the Conflict Defender.

Noted that legislation proposed by Governor Paterson will allow Conflict Defenders to exist.

If someone challenged our Conflict Defender program, it is R. Fitzsimmons opinion that Columbia County would prevail.

R. Fitzsimmons gave a description of costs for assigned council fees which was around \$274,000 in 2009. They get partially reimbursed from the state for this.

Chairman Grattan asked that S. Lally and D. McEvoy give a description of what they do for the county as Alternate Conflict Defenders.

**County Attorney** – R. Fitzsimmons

**Conference Objective Form** – County Attorneys Association of the State of New York Mid-Winter Meeting, Albany, NY, February 9, 2010. Total Cost - \$180.00. Three people attending, motion by L. Andrews, seconded by E. Young, motion carried.

R. Fitzsimmons reported that our retainer with Roemer, Wallens, and Mineaux LLP has expired. L. Sheer, L. Andrews, and E. Young expressed support for this firm.

A request to move into Executive Session at 6:45P.M., motion by L. Andrews, seconded by L. Scheer, motion carried.

**Reason:** To discuss personnel issues

A motion to return to Regular Session at 7:15 P.M. by L. Scheer, seconded by M. Robertson, motion carried.

With no further business motion to adjourn at 7:15 P.M. by L. Scheer, seconded by M. Robertson, motion carried.