

**LEGAL COMMITTEE**

**September 16, 2009**

**PRESENT:**

**Douglas McGivney, Chairman  
Lawrence Andrews  
William Hughes Jr.  
Philip Williams  
Thomas Dias  
Reginald Crowley  
John Musall  
James Keegan**

**Absent:**

**Elizabeth Young- notified**

**ALSO PRESENT:**

**Jacquelyn Lydon, Asst. Deputy Clerk  
Arlene Levinson  
Daniel Tuczinski  
Daniel Kibler  
Thomas Lanphear  
Dennis McEvoy**

**Press: 1**

**Chairman McGivney called the meeting to order at 6:00 pm.**

**Discussion regarding caseloads of the Public Defender and the District Attorney. Discussion regarding DWI fines not collected. Chairman McGivney stated as of YTD the county is behind by over \$200,000.00.**

**He requested that all supervisors ask their court clerks for the actual amount of DWI fines that are uncollected and compare them with the amount of DWI fines uncollected that was stated in a spreadsheet by the Stop-DWI Coordinator. L. Andrews asked Chairman McGivney to put in writing exactly what he is looking for. D. McGivney will e-mail all Supervisors with the information.**

**Chairman McGivney stated in 2009 the county budgeted \$175,000.00 revenue from DWI surcharge and have only received \$55,000.00 year to date. P. Williams stated it is important to receive this revenue because the funds are distributed to other departments for programs, employee funding, and rehab programs.**

**Discussion of indigent offenders not paying fines.**

**Public Defender: A. Levinson**

**A. Levinson distributed and reviewed the August 2009 monthly report including a total of 187 open cases, 185 closed cases, and 968 pending cases, and the breakdown of criminal and family court disqualifications for 2008 and 2009.**

**R. Crowley asked A. Levinson to indicate how many new cases were actually taken on in comparison to how many applications were made and how many were ineligible. A. Levinson said she will do this in the future, she is trying to get the report the most informative.**

**Discussion of time between plea bargaining and sentencing date to cut down on costs. A. Levinson and the Probation Department is looking into a solution.**

**Sheriff's Department: T. Lanphear**

**Discussion regarding overtime reports. D. Harrison, Jr. stated the law enforcement division is down 31.5 hours including communication and down 2,112.25 hours year to date in which 1,054.75 hours are reimbursed these figures are including Claverack's wind storm. The corrections division is down 45.75 hours and year to date is down 1,142.5 hours.**

**J. Keegan stated the Sheriff's Department did a great job during the Claverack wind storm.**

**Discussion regarding out of county inmate report. The Sheriff's Department billed \$60,690.00 for the month of August and \$362,406.80 year to date which is approximately \$153,041.80 over last year at the same time.**

**T. Lanphear advised the committee the Sheriff transferred budget money to the cell phone account in Emergency Management to purchase 17 wireless data cards for the remaining vehicles that do not have them.**

This will allow Deputies to work right from their patrol vehicle including processing reports, NYSPIN and Ejustice entries, accident reports, etc.

**Conflict Defender:**

E. Keeler submitted his year to date report. He stated he has 156 closed cases and 60 open cases including 15 felonies, 37 misdemeanors, 7 violations, 1 family court case for a total of 216 cases year to date.

**Alternate Conflict Defender:**

S. Lally submitted his monthly report for August 2009. It stated he has 53 open family court cases compromising of 114 separate petitions and 7 pending criminal cases with 40 closed cases.

**Second Alternate Conflict Defender: D. McEvoy**

D. McEvoy stated he has received 20 new cases this month. Discussion of emergency cases that come up. Discussion of the judges assigning cases to himself to bring his numbers up to the same numbers of the Alternate Conflict Defender.

**Probation: D. Kibler**

D. Kibler discussed prioritizing defendants that are in the Columbia County Jail to get them out in a timely manner and save money. He stated this goes into effect immediately.

Discussion of Halloween home visits to sex offenders.

**County Attorney: D. Tuczinski**

D. Tuczinski discussed Local Law #8 entitled "A Local Law Providing for the Administration and Enforcement of a Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code".

D. Tuczinski stated there is a County Fire Prevention Code in effect now but the County has no ability to implement it. He discussed the options if the code was not adopted, the unfunded mandate, the budget impact of approximately \$3,000.00 per year, the outcome if the county and towns do not adopt the code, the record management requirements, and if part of the code can be adopted.

Discussion regarding the local municipalities code officer possibly not being able to administer or enforce all codes if the most recent version of the building code is not adopted.

D. Tuczinski stated the Public Hearing will be continued before the October Full Board Meeting. He stated the Local law would apply to County buildings and properties, places of public assembly, the ability to issue the counties own building permits, and enter into municipal agreements.

Chairman McGivney stated he does not agree with the Local Law and believes the County can adopt standards by reference.

Discussion regarding inspecting Churches. Chairman McGivney stated he does not believe this local law will only effect County Buildings.

Motion to bring Local Law # 8 in front of the Full Board of Supervisors on October 14<sup>th</sup> by T. Dias, seconded by L. Andrews. Motion opposed by 4. Motion approved by 4. Motion defeated.

Motion to table Local Law #8 until October Legal Committee by J. Musall, seconded by W. Hughes, Jr. Motion opposed by 4. Motion approved by 4. Motion defeated.

D. Tuczinski suggested adding a paragraph to the Local Law that states it will only apply to County Buildings unless the County enters into an inter municipal agreement.

With no other business a motion to adjourn at 6:48 pm by T. Dias, seconded by L. Andrews. Motion carried.