

PUBLIC SAFETY COMMITTEE MEETING MINUTES  
MARCH 1, 2022

PUBLIC SAFETY COMMITTEE MEMBERS PRESENT: Wilson, Hogan, Haff, Hicks, O'Brien, Clary

PUBLIC SAFETY COMMITTEE MEMBERS ABSENT: Rozell

SUPERVISORS: Hall, Henke, Ferguson, Shaw, Nolan, Campbell, Skellie, Griffith

Debra Prehoda, Clerk

Roger Wickes, County Attorney

Melissa Fitch, County Administrator

Al Nolette, County Treasurer

AGENDA AS PRESENTED IN COMMITTEE NOTICE:

1. Call to Order
2. Accept Minutes – February 1, 2022
3. Department Reports/Requests:
  - A. Weights & Measurers
    - 1) 2021 Weights & Measures Updates
  - B. District Attorney
    - 1) Request to Accept Funding Opportunity – Domestic Violence Victims
    - 2) Amend Staffing Pattern/Attorney
  - C. Sheriff
    - 1) Annual Report
  - D. Public Safety (Emergency Services)
    - 1) Comprehensive Management Plan Approval
4. Other Business
  - A. Building Access Procedures
5. Adjournment

Chairman Wilson called the meeting to order at 1:00 P.M. in the Supervisors' Chamber and via zoom.

A motion to accept the minutes of the February 1, 2022 meeting was moved by Mr. O'Brien, seconded by Mrs. Clary, and adopted.

DEPARTMENT REPORTS /REQUESTS:

WEIGHTS & MEASURES – Daniel Sullivan, Director, addressed the following item with the committee:

- 2021 Weights & Measures Update – He has relocated from the Annex to the Sheriff's substation in Salem. He has a storage shed and everything is working out great. He provided statistics from 2021, handout attached, and noted the following statistics: 350 scales tested with 95% correct, 344 liquid measuring devices such as gas pumps and fuel oil with 92% correct, other hanging scales non-commercial were 100% correct, 171 inspections with one compliant received to check a gas pump where the price on top of the pump was not what was actually getting charged, and took 55 gas samples and five diesel samples.

DISTRICT ATTORNEY – Tony Jordan, District Attorney, addressed the following items with the committee:

- Domestic Violence Victims Funding – The State announced through a COVID recovery fund has an opportunity for domestic violence assistance but it has a very narrow use unfortunately. This is a reimbursement type grant with approximately \$95,000 in funding available. He is requesting to apply and if they have a victim within the grant parameters then they could access that funding. A motion to approve applying for Domestic Violence Victims funding through the State was moved by Mrs. Clary, seconded by Mr. Hogan, and adopted.
- Amend Staffing Pattern/Attorney – The DA understands he is outside the time period for requesting new staff but due to circumstances that have developed, he has to bring this

request forward and would like this request forwarded to the Personnel Committee to consider amending the Staffing Pattern to add an Assistant District Attorney. He has completed the necessary paperwork with Personnel. He stated this is both surge and sustained workload driving the need for this additional position; a little bit of surge but primarily sustained. The changes in criminal justice in 2019 has considerably increased the amount of work that goes into any single case. Previously the discovery process was on a small number of cases that were going to trial and now required on every single case at the earliest stages. When the change occurred in discovery only the Sheriff's Department had body cameras and now the State Police and the villages of Cambridge, Greenwich and Whitehall to some extent are all outfitted with body cameras. The Department of Corrections have also added video throughout their facilities; people bringing drugs into facilities and possible cases that come from that. Additionally, significant increase in the amount of litigation that goes with every single case which adds time to every case which they have tried to address and streamline over the last two years but to no avail. He mentioned several court decisions with one being the defense attorney is told at court that he has an ethical duty not to file frivolous motions nor to make representations to the court which includes fully disclosing the facts at issue and counsel is further reminded that failure to abide by the duty is sanctionable. Responding to motions takes time and frivolous motions generally take twice as long because it is baseless. After the case is closed they are getting a lot more appeals and more 440 motion that are filed after the fact to challenge something that occurred or did not occur at the case. Courts have not been fully functioning for the last two years and now that courts are reopened and there is a significant backlog. Effective today, the legislature passed something called less is more which deals with parole and changing parole supervision violation and those hearings are coming to County Court and it becomes a responsibility of his office and hearings have to happen within 24 hours of parole. Now have 200 some cases to review and work their way through out of the village of Fort Edward and is an example of temporary surge but something to work through but a massive undertaking. Mr. Hicks stated from a procedural process standpoint this request should have come at budget time and therefore would be very difficult for him to support any changes in the Staffing Pattern. The DA stated he did not expect all these items to cumulatively come together at this time with courts not being fully functional and other issues. He stated this process has been brought on by the State and they should fund it but the State has never funded the discovery process. A Legal Assistant was approved but not filled yet and that position is still needed. The legal stuff has continued to grow and expand. Mr. Campbell stated the State has done this and this will not only impact the District Attorney's Office but also the Public Defender and County Attorney's Office. He would like to go with what we have and try to figure this out because the State wants us to be overwhelmed and our push back should be on these State rules. We cannot expand our employees at this time and would like to see how this plays out. Chairman Wilson asked if there was a motion to send this request to the Personnel Committee and the committee did not put forth a motion. The DA stated he does not have the luxury of saying hey let's see if this thing explodes and see what happens. He has an obligation to public safety. His office does not have a caseload cap so they have to function with what comes their way. He has testified to the NYS Senate/Assembly budget committee meetings in Albany urging the State to fund this program. He gets the desire to not deviate from the budget process but has the information now that he needs this position. He strongly disagrees that allowing the system to collapse will somehow move the State to fund it. The State believes this system is working fine. Roger Wickes stated we have to comply with this law it is not a choice that we have. You are asking people that are overwhelmed and overworked to put their personal livelihood,

license to practice law, on the line and be disbarred if they do things wrong so be careful of the workload. The DA stated probably the tipping point was courts reopening and realizing just how big a backlog they had in terms of trials with the addition of added litigation. The DA did receive \$193,000 from the State in 2021 as sort of a reimbursement for discovery and expect an amount in 2022 but it is not nearly enough to cover what the County's invested already in discovery. Mr. Campbell stated we cannot let these program grow.

SHERIFF – Sheriff Murphy addressed the following item with the committee:

- 2021 Annual Report – presented his annual report, available on the Washington County website under the Sheriff's Office, [www.washingtoncountyny.gov](http://www.washingtoncountyny.gov). He also provided individual annual reports for each town to the Supervisors. Will be adding a new Specialized Bike Unit. A couple of bikes were donated to the department, three Deputies will be trained and will begin in the spring to use the bikes on walking trails.

PUBLIC SAFETY – Glen Gosnell, Director, addressed the following item with the committee:

- Comprehensive Management Plan – This plan is updated and approved annually. The biggest part of the updates was updating some contact information. A motion to accept Comprehensive Management Plan was moved by Mr. Hogan, seconded by Mrs. Clary and Mr. O'Brien and adopted.

OTHER BUSINESS:

Building Access Procedures – A motion to move discussion on the building access procedures to the Government Operations Committee was moved by Mr. Hicks and seconded by Mr. O'Brien. Discussion. Mr. Haff stated he had requested removal of the plexiglass in the Chambers which has been removed, and the thermoscan units with the sign in sheets. He would like to see all COVID protocols enacted under the State of Emergency which has ended removed noting at the last Board meeting the mask policy was rescinded. Mr. Haff stated the Deputy at the main entrance to Building B has only had to reject one person due to exceeding the temperature limit. A motion to eliminate any procedures in place due to the state of emergency was moved by Mr. Haff but did not receive a second. Mr. Hicks asked what are the exact procedures requested to be eliminated; are they written down. Mr. Hogan stated the thermoscans are paid for, an effective device and could be left for people to use if they wanted to. Mr. O'Brien asked if the County should consider other protocols in place in federal and state buildings having people sign in for emergency reasons knowing who is in the building. Mr. Haff stated if the thermoscans remain it should have a sign stating it is a voluntary option. Tina McDougall, Public Health Director, stated from a Public Health perspective the thermoscan can be used as an optional tool not mandatory at this time adding there are many other symptoms that go along with COVID. Mr. Henke stated there was no second to Mr. Haff's motion if his motion was to do away with all COVID protocols and one of the protocols put in place attending meetings via zoom and suggested maybe the motion could be rephased to target items. Mr. Haff proposed amending his motion to remove the plexiglass dividers, thermoscan units and the requirement to sign in. He stated if Public Safety thinks signing in is a safety issue then they need to bring that request forward for discussion. Adding in the meantime, the Administrator can see what other protocols are in place to then address. A motion to remove plexiglass dividers, thermoscan units and mandatory sign in was moved by Mr. Haff but did not receive a second. Mr. Shaw asked Mr. Haff not to amend his motion yet because there is more to add to it and stated he liked his first motion and it should be required that department heads that report to that committee have to be in attendance at committee meetings. Mr. Hicks stated there are different rules for like the Unified Court, DMV –

State regulations that are outside our jurisdiction. Chairman Wilson stated other parts of the building are operating under additional guidance and protocols. Mr. O'Brien feels mandatory attendance by department heads is premature and zoom does provide them some options for the use of their time. Mr. Hogan asked Mr. Shaw if he also wanted all Supervisors in person at meetings. Mr. Shaw replied yes if they are on that committee they should attend. Mr. Hogan stated he wanted to make sure because the hypocrisy of us requiring the department head to show up when half of the committee/Board are here. Mr. Hicks withdrew his motion to send the building access procedures to the Government Operations Committee and Mr. O'Brien withdrew his second. Mr. Haff stated if Public Safety wants a sign in sheet for public safety reasons that is a different conversation. The County Administrator stated the sign in sheets were for the health aspect - temperature control not for public safety. The Administrator recommends removing the thermoscans to ease congestion in areas. The County Clerk is going to check her mandates for dividers and temperature checks and Public Health also follows different health protocols. Can move forward with these changes for most of the County employees and public that we serve. A motion to remove the Washington County requirements that there be plexiglass dividers, that you must go in front of the thermoscan and the requirement to sign in that accompanies the thermoscan was moved by Mr. Haff and seconded by Mr. Hicks. Discussion. Mr. Hogan stated Mr. Haff first moved to remove any COVID related protocols but when we found out it was negatively impacting the Supervisors (eliminate zoom) it was adjusted. The County Attorney stated there was never a first motion because it never received a second. The motion to remove the Washington County requirements that there be plexiglass dividers, that you must go in front of the thermoscan and the requirement to sign in that accompanies the thermoscan was moved by Mr. Haff, seconded by Mr. Hicks and adopted on the following roll call vote: AYES (5) Wilson, Hogan, Haff, Hicks, O'Brien, NOES (1) Clary, ABSENT (1) Rozell.

A motion that we resume all in person meetings for County Supervisors as well was moved by Mr. Hogan and seconded by Mrs. Clary. Discussion. The County Attorney stated remote attendance at meetings is at the choice of the member of the body and that has always been a choice of an individual Supervisor to attend a meeting remotely and if they made that choice pre-COVID it was up to the Board to make arrangements for that to happen. The difference between pre-COVID and post-COVID is that they removed the requirement that you post in the meeting notice that Supervisor X will be attending remotely and also that the public has to be notified that Supervisor X was attending at Y location and members of the public could attend Y location. The Open Meetings Law was amended to allow simply having meetings by zoom and live stream and allowed you to exclude the public and removed the requirement to notice that Supervisor X would be attending remotely from Y location. So pre-COVID, Supervisors would need to notify the Clerk that they would be attending remotely and put the location in the meeting notice. The Open Meetings law only requires live stream when you are excluding members of the public. There is talk of removing that location requirement from the Open Meetings Law and the public's ability to view from that location from the Open Meetings law but that has not happened yet and the legislation has not been changed. He does not think this Board can require Supervisors to attend meetings; it could be highly encouraged. Mr. Hogan stated there are Supervisors who want to go back to how it was before COVID and they all want to go back to how it was before this yet they don't want to sacrifice and come to the meetings in person and that is all he brought this up for. Mr. Griffith stated he makes a point to be at the meetings that he is on that committee or the chairman of and appreciates being able to log in and if not zoom he would appreciate still being able to watch on YouTube. Mrs. Clary withdrew her second to the motion.

Mr. Haff asked what committee is going to address the Washington County Emergency Closure Plan of March 17, 2020? He stated it is outdated and asked if a motion is need to rescind it or was there never a motion to adopt it. He stated it is outdated and should be rewritten in case it is ever needed again. Mr. O'Brien stated the County should have a closure/emergency plan and suggested that the Government Operations Committee is where Mr. Haff should bring this.

The meeting adjourned at 3:00 P.M.

*Debra Prehoda, Clerk*  
*Washington County Board of Supervisors*

**Section 6. Devices**

Device Type	Total # in Juris	Results of Prescribed Tests						Prescribed Devices not Tested	Other Tests Rechecks Complaints
		Test Correct		Test Incorrect			Incorrect Visual		
		#	%	(+)	(-)	Other			
Computing Scale	170	168	98.8	1	0	1	0	0	0
Pre-Pack Scale	51	50	98.0	0	0	1	0	0	0
Customer Scale	5	5	100.0	0	0	0	0	0	0
Vehicle Scale	28	22	78.6	4	2	0	0	0	0
Monorail Scale	0	0	0.0	0	0	0	0	0	0
Prescription Scale	12	11	91.7	0	1	0	0	0	0
Hopper/Batch/Tank Scale	2	2	100.0	0	0	0	0	0	0
Platform Scale	59	56	94.9	0	0	3	0	0	0
Livestock Scale	8	7	87.5	0	1	0	0	0	1
Miscellaneous Scale	14	13	92.9	0	1	0	0	0	0
Petroleum Pump	280	259	92.5	10	2	9	0	0	0
Petroleum Meter VTM	34	29	85.3	3	2	0	0	0	0
Other Meter	8	7	87.5	0	1	0	0	0	0
Rack Meter	0	0	0.0	0	0	0	0	0	0
Liquid Measure	0	0	0.0	0	0	0	0	0	0
Volumetric Measure	0	0	0.0	0	0	0	0	0	0
Weights Pharmacy	47	47	100.0	0	0	0	0	0	0
Weights Other	0	0	0.0	0	0	0	0	0	0
Linear Measure	0	0	0.0	0	0	0	0	0	0
Linear Measuring Device	7	7	100.0	0	0	0	0	0	0
Timing Device	31	31	100.0	0	0	0	0	0	0
Taximeter	0	0	0.0	0	0	0	0	0	0
Miscellaneous Device	0	0	0.0	0	0	0	0	0	0
LPG Meters	0	0	0.0	0	0	0	0	0	0
Non-Commercial Devices									0

**Section 7. Device Test Summary**

Automatically summed from data above

Total Scales	349	334	95.7	5	5	5	0	0	1
Total Liquid Meas. Devices	344	315	91.6	13	7	9	0	0	0
Total Weights	47	47	100.0	0	0	0	0	0	0
Total Linear Measures	7	7	100.0	0	0	0	0	0	0
Total Miscellaneous Devices	31	31	100.0	0	0	0	0	0	0
Total All Devices	778	734	94.3	18	12	14	0	0	1