

**Legislative Committee  
December 4, 2024**

Attendees

Committee: Allen Hinkley, Art Merrill, Lisa Driscoll, Eric Wilson, Timothy Kelso, Tina Molé

Staff: Haley Gransbury, Judith Garrison, Joe Ermeti, Shawn Smith, Penny Bishop, Amy Merklen

Mr. Hinkley called the meeting to order at 11:00 a.m. Upon a motion by Mr. Merrill, seconded by Mrs. Driscoll, the draft minutes of the November 6 committee meeting were unanimously approved.

Acting County Clerk Haley Gransbury reported she has had a change in employees with one new hire and two resignations. She found that employees are going to jobs with better pay and better hours. She said the state requires the Courthouse be open from 8:30 a.m. to 4:30 p.m. The Clerk's Office hours are 9:00 a.m. to 5:00 p.m. She stated not a lot goes on in her office from 4:30 to closing. She asked the committee to consider allowing the County Clerk's office to take on the same hours as the Courthouse.

Mr. Merrill made a motion to approve the change of work hours for the County Clerk's Office from 9:00 a.m. to 5:00 p.m. to complement the state Courthouse hours of 8:30 a.m. to 4:30 p.m. effective January 1, 2025. The motion was seconded by Mr. Hinkley and Mr. Wilson and unanimously approved.

Board of Elections Commissioner Judith Garrison stated that she has submitted an authorization request for three employees to attend the winter conference at the Desmond Hotel in Albany in January. She announced that the Even Year Election Law was ruled by New York Supreme Court Judge Gerard Neri to be unconstitutional as it violated Article 9. Challengers argue that the law conflicts with individual county charters and Home Rule Law which has precedence. She noted an appeal has been filed against this ruling. She stated that right now, the election schedule will remain status quo. In reply to Mr. Merrill, Ms. Garrison said the belief is that more people would be motivated to vote since general elections are held in even years. Regarding ballot box legislation, Mrs. Garrison said the state has been silent on guidance, however, the legislation authorizes each Board of Elections to establish one or more absentee ballot boxes. Their interpretation of the legislation is that they can decide whether or not to establish a drop box, but they are still awaiting state guidance. County Attorney Merklen explained that the DC BOE interprets that they can establish the ballot drop box because the state is silent; however, her interpretation as County Attorney is that they cannot establish the ballot drop box because the state is silent. Mr. Hinkley moved to table the ballot box issue until state guidance becomes available. In response to Mrs. Driscoll regarding security cameras at BOE, Ms. Garrison said they have grant funds to pay for the cameras and the money has to be spent before the end of 2024. Ms. Molé stated that Shared Services must meet to discuss the security cameras before they can be ordered and installed. Ms. Garrison said it is necessary to order new voting machines, and they have had multiple presentations by Dominion and Clear Ballot. BOE staff is still working to decide which machines to go with.

District Attorney Shawn Smith reported his office has just rolled out the traffic diversion program and processed some tickets over the past few days. In reply to Mrs. Driscoll, DA Smith stated none of the courts have said they do not want to participate. He attended a Magistrates Association meeting where they agreed to start out with a few courts, but questions arose as to what courts were chosen so it was decided the program is open for all courts to participate.

Clerk of the Board Penny Bishop distributed a proclamation resolution for the 100-Year Anniversary of the New York State Association of Counties. She noted most counties in the state have passed a similar resolution. NYSAC has asked each county to provide a flag and pin for them to display throughout 2025 as

part of their celebration. The Clerk said there are no Delaware County pins but she would look into having some made with committee approval, which was granted. Mrs. Driscoll made a motion to approve the NYSAC 100-Year Anniversary Resolution for presentation at the Organizational Meeting on January 8. The motion was seconded by Mr. Kelso and unanimously approved.

A resolution for the tentative schedule of 2025 Board of Supervisors meetings was reviewed. Mr. Merrill made a motion to approve the schedule and present the resolution at the December 11 Board meeting. The motion was seconded by Mrs Driscoll and unanimously approved.

The Clerk questioned if a committee meeting would be necessary to schedule for January. Ms. Molé stated it would depend on whether department heads have something that needs to be brought to the committee.

Public Defender Joe Ermeti stated that retention of employees is still a big issue. A neighboring county solicited one of his office attorneys for higher pay. He resolved to move the attorney into the chief assistant position budget line because they cannot afford to lose the attorney. He said his part-time family court attorney left after discussing the downfall of working part time with no benefits and making less of a salary at \$60 an hour than he could by doing the same work through assigned counsel for \$158 an hour. Mr. Ermeti said he anticipates his office would have to offer an additional perk for part-time employees, such health insurance, which could be an incentive for a part-time person to work in the office. He feels they would take less money if they could get the health insurance. In reply to Mr. Hinkley, Mr. Ermeti stated permanent part-time work is 25 hours or more per week, which would qualify them for health insurance. He said he wished the state had thought about this more when they raised the rate because it has put us in a bad position. He said if he cannot fill the family court attorney position, it will cost the county \$158 an hour which would be \$300,000 to \$400,000 for the position he is not filling. Another bad thing about the assigned counsel system is that there is no check on the vouchers they submit. The Clerk said the assigned counsel vouchers do not get paid if the judge has not signed off on the voucher. Her staff does see changes made by judges on the assigned counsel vouchers. Mr. Ermeti acknowledged that judges do reject some vouchers, and they do a good job to the best of their ability with the vouchers but that's not really their job. Their job is to judge, not monitor vouchers. Mr. Ermeti said he was able to fill a part-time criminal position, which is helpful.

County Attorney Amy Merklen reported she is still looking to fill a full-time attorney position. In reply to Ms. Molé, Ms. Merklen confirmed they still are working with a part-time contracted attorney.

County Attorney Merklen called for a closed session for a consultation with the Supervisors to discuss litigation matters.

Committee reconvened in regular session.

Mr. Merrill made a motion to designate the Mountain Eagle and the Hancock Herald as County newspapers for printing local laws and notices. The motion was seconded by Mr. Wilson and unanimously carried.

Upon a motion, the meeting adjourned at 12:10 p.m.