

Legislative Committee
August 6, 2025

Attendees

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

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

Mr. Hinkley called the meeting to order at 11:02 a.m. Upon a motion by Mrs. Driscoll, seconded by Mr. Wilson, the draft minutes of the June 4 committee meeting were unanimously approved.

Board of Elections Commissioner Maria Kelso reported that they have received 62 new ePoll pads and 4 new ePoll printers. They have been working on cybersecurity and remediation updates in conjunction with IT Director Joe deMauro. She said they received a very good score relative to all counties. Ms. Kelso said they set up two voting machines at the Delhi Telephone Company's Open House for the public to see and try out in a mock election. She said the office is gearing up for the November elections.

Board of Elections Commissioner Judith Garrison stated there was a mandatory recount of two close elections which was for the Town of Meredith and the Town of Tompkins. She stated she would be attending the Election Commissioner's Association of New York summer conference in Lake Placid August 26-29. She also reported that the state has not yet developed their ballot box recommendations.

In reply to Ms. Molé regarding even year elections, Ms. Kelso stated they have not received any updates as the matter is still being handled in court.

District Attorney Shawn Smith reported that the traffic diversion program continues to do well. In June the revenue was \$40,250 and the July revenue was \$52,000 and he expects still another increase for August. He presented a draft resolution to transfer funds from the drug forfeiture account to pay for a joint investigation with the Sheriff's Office and the NY State Police. He explained that when someone is arrested and monies are seized in an investigation, it is usually forfeited in a plea bargain and gets split three ways. A portion goes to the DA's Office, a portion goes to the investigating agency, and the biggest portion goes to the state. The account is approximately \$30,000 and the resolution is to transfer \$2,500. Mrs. Driscoll made a motion to approve the resolution to transfer funds from the drug forfeiture account. The motion was seconded by Mr. Wilson and unanimously approved.

Public Defender Joe Ermeti announced his office has been awarded \$250,000 by the state for the family court portion of his office. He has to work with the state on how they will spend the money. He would like to use it mostly for salaries and fringes. He submitted a proposed budget specifically for this award. He said his office could use another part-time person in family court so he is pushing for these funds to finance that salary. He is also seeking to use these funds to pay the full salary and fringe benefits of the Chief Assistant Public Defender. He has been using

state distribution money of about \$100,000 per year to fund the salaries of the 1.5 attorneys he has in the family court division part of the office. He would need to show the state that he is putting money into a new position to reduce caseloads to justify use of these state funds. The state is also promoting a position for an office social worker, however, he does not have office space for a social worker.

Mr. Ermeti reported he met with ILS in Cooperstown last Friday. The state is still pushing for a joint conflicts office between Otsego and Delaware County and they are willing to fund it. Otsego County is highly in favor of it. He expressed at the meeting that the Delaware County Board would not be interested in putting any new money into this program, however, he has funds that are building up in his ILS budget. He stated that by the end of the 3rd year of ILS funding, there will be \$267,500 in the line item to use for the conflicts office. The office will be located in Cooperstown. The employees in the office would be Otsego County employees, and in theory, Delaware would get coverage for all the cases we need. For example, if there were a conflict in his office, a memo for the conflict would be sent to the conflict office and that office would find assigned counsel 18-B lawyers to take those cases. Until the MOU is finished, he does not know if there will be lawyers in the office to actually staff those conflicts. He does not think that's the intention at this point. He believes they would hire a lawyer administrator to work with a paralegal and find 18-B attorneys to cover conflicts throughout Otsego and Delaware Counties. In reply to Mr. Merrill, Mr. Ermeti stated the conflicts office would work a lot like most of his awards. He fronts the money then it gets reimbursed up to what the award is. He said the County Attorney would be involved in the creation of the MOU if she chooses. Ms. Merklen said she has not been contacted about this since the program was initiated. Mr. Ermeti said he believes that realistically it would save our court judges some time because their clerks would not have to search out lawyers, the conflicts office would take care of that, and he believes the judges would be in favor of it. In reply to Ms. Molé, Mr. Ermeti said he does not see a downside to having the conflicts office. He gave examples of how a conflict office would be beneficial, especially in cases where there are several persons named in an indictment for one case or in family court where both parents are required to have counsel. In such cases, his office could only represent one party, and another independent 18-B attorney is needed to represent the other party(s). In reply to Chairman Hinkley, Mr. Ermeti said judges do have a difficult time finding other attorneys. That's why they are in favor of him getting another full-time or part-time family court person. In reply to Mr. Merrill, Mr. Ermeti said he believes the MOU would be for a commitment to fund the conflict office for three years.

Clerk of the Board reported that Public Health received a recommendation from Health Research, Inc for the County to update their Code of Ethics by including language addressing the disclosure of any potential Conflict of Interest (COI) to federal awarding agencies in accordance with the policy of the applicable federal awarding agency.

Upon a motion, the meeting adjourned at 11:30 a.m.