

**SPECIAL SESSION**

**TUESDAY, JANUARY 22, 2013**

Chairwoman Fitzpatrick called the meeting to order at 7:00 p.m.

**ROLL CALL OF MEMBERS**

All members present.

**PRIVILEGE OF THE FLOOR**

No one present wished to address the Board.

Chairwoman Fitzpatrick entertained a motion to go into executive session to discuss an incident that took place on December 1, 2012 regarding Deputy Hallett. A motion was duly made by Legislator Ormsby seconded by Legislator Doldo and unanimously carried.

Citizen Robert Gorman objected to the executive session saying that the proper procedure was not followed.

County Attorney Paulsen was not positive Mr. Gorman had any standing with his claim.

Mr. Gorman said the Board had not done anything wrong yet, but there are eight reasons the Board can go into executive session and none of those reasons was stated, he needed more specific information.

Chairwoman Fitzpatrick stated that it is a personnel matter that was specifically stated.

Mr. Gorman wanted his protest noted for the record.

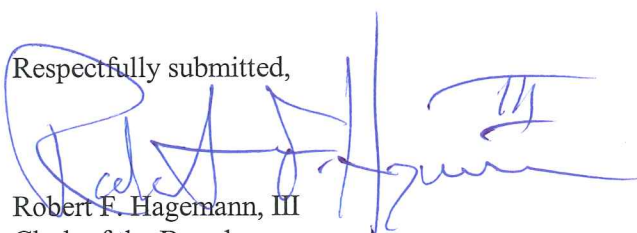
The Board entered executive session at 7:05 p.m.

On a motion by Legislator Doldo seconded by Legislator Ferris and unanimously carried, the Board returned to open session at 9:15 p.m.

Chairwoman Fitzpatrick entertained a motion to direct the County Attorney to prepare a resolution requesting an outside investigation of the events surrounding the incident involving Deputy Hallett on December 1, 2012 and our Sheriff's Department investigation also. A motion was duly made by Legislator Gray seconded by Legislator Thomas and unanimously carried by the Board.

Chairwoman Fitzpatrick entertained a motion to recess the Special Session until January 29, 2013 immediately following the conclusion of the Finance & Rules Committee meeting that evening. Such motion was made by Legislator Ormsby seconded by Legislator Nabywaniec and unanimously carried by the Board at 9:20 p.m.

Respectfully submitted,

  
Robert F. Hagemann, III  
Clerk of the Board

## **SPECIAL SESSION (RECONVENED)**

**TUESDAY, JANUARY 29, 2013**

Chairwoman Fitzpatrick reconvened the Special Session at 7:20 p.m. and reminded legislators that the Regular Session of the Board for the month of February was moved from February 5<sup>th</sup> to February 12<sup>th</sup> due to the NYSAC Conference in Albany next week.

Chairwoman Fitzpatrick informed those who were not aware that former District 6 Legislator Gino Zando had passed away on January 25<sup>th</sup>. She said he was an elected official that always had the welfare of people foremost in his mind no matter what walk of life you came from. She said while legislators were worried about tax payer dollars Gino would remind everyone that it wasn't just about the dollars, it was about the pennies, the nickels and the dimes. She added that his faith was tremendous in his family, in his community and in his God and he was very highly spoken of by many people. She said he was very much loved and will be very missed.

The Board observed a moment of silence in memory of former Legislator Gino M. Zando.

Chairwoman Fitzpatrick advised that last week the Board asked County Attorney Paulsen to look into agencies that could conduct an investigation into an incident that occurred with a Deputy Sheriff and into how the matter was handled by that Department.

County Attorney Paulsen advised that the Attorney General's (AG) Office was his first choice, specifically the Public Integrity Bureau of that agency. He quoted a description of the Public Integrity Bureau from the AG's website as: "When government actors, or private individuals acting in concert with them, engage in corruption, fraud or illegal behavior in the course of their public duties, the PIB may investigate or take enforcement action to restore the public's interest in honest government and the integrity of government officials at the state and local level." He went on to quote further from the website. Mr. Paulsen advised that he contacted the local AG Office to inquire about how best to contact the PIB. That office in turn contacted a Supervisor in the Syracuse Office who informed that the PIB of the AG Office did not have primary criminal jurisdiction in this matter. Mr. Paulsen was told they were not in a position to give advisory recommendations or reports and that the County should seek advice or counsel from outside consultants.

Despite this opinion County Attorney Paulsen recommended that the County move forward with a referral to the AG's Office, specifically the PIB and have it processed through the Albany Office, and said he had prepared a resolution to that effect. If the Board agrees, a certified copy of the resolution can be included with a letter requesting that the AG Office confirm back with the County on or before the March 5<sup>th</sup> Board Session as to whether they will accept, or not accept an investigation of this matter. At that point other arrangements can be made if need be. A copy of the resolution was distributed for legislators' review.

Chairwoman Fitzpatrick entertained a motion and second to waive the Standing Rules to bring forward Resolution No. 35 "Requesting the New York State Attorney General to Investigate an Incident Occurring on December 1, 2012 Involving a Deputy Sheriff and the Jefferson County Sheriff's Department Investigation Thereof." Such motion was made by Legislator Gray seconded by Legislator Adsit and unanimously carried by the Board.

**Resolution No. 35**

**Requesting the New York State Attorney General to Investigate an Incident  
Occurring on December 1, 2012 Involving a Deputy Sheriff and the Jefferson County  
Sheriff's Department Investigation Thereof.**

By Legislator: Scott A. Gray

Whereas, On December 1, 2012 a Jefferson County Sheriff's Deputy was discovered in his patrol vehicle stopped along the side of the road under circumstances evidencing that he was inebriated or otherwise unable to operate the vehicle pursuant to Vehicle and Traffic Law, and

Whereas, Jefferson County Sheriff's Department personnel responded to the scene and allegedly failed to provide either medical assistance or investigate the matter as a potential driving while intoxicated crime, and

Whereas, Subsequent internal investigations by the Sheriff's Department, released to this Board, failed to adequately explain why the responding Deputies failed to collect evidence at the scene or treat the matter as a criminal investigation, and

Whereas, In the interest of preserving public confidence in the professionalism and integrity of the Jefferson County Sheriff's Department, the Board of Legislators finds that an independent and thorough investigation of the December 1, 2012 incident and the Sheriff Departments response thereto and investigation thereof is necessary, and

Whereas, It appears that the Public Integrity Bureau of the New York State Attorney General's Office is charged with investigatory and enforcement authority over local government officials who may have engaged in illegal behavior or abuse of authority and the Bureau exercises both civil and criminal jurisdiction.

Now, Therefore, Be it Resolved, that the Jefferson County Attorney is hereby authorized and directed to forward this Resolution to the New York State Attorney General and request the Public Integrity Bureau to initiate an investigation pursuant thereto into the question of whether criminal or other misconduct took place on or after December 1, 2012 by actors in the Jefferson County Sheriff's Department relative to the investigation of the above mentioned incident.

Seconded by Legislator: Robert J. Thomas

Legislator Ferris asked if a complaint from a member of the public would be treated any differently than a complaint from the Board. Attorney Paulsen advised that the Syracuse AG Office response had nothing to do with who it came from but rather that they did not have jurisdiction in this matter.

Legislator Doldo asked why the inquiry was made of the Syracuse Office. Attorney Paulsen advised that it just happened to be the supervisor of the person in the local office and that is why he is making the recommendation to make an application directly to the Albany Office, not the regional office.

Legislator Astafan agreed with Attorney Paulsen's recommendation to go to the Albany Office and did not agree with the opinion of the Syracuse AG Office as he has seen the AG's Office come in and investigate in other municipalities.

Legislator Peck suggested that since legislators will be in Albany next week at the NYSAC Conference the request should be hand delivered.

Chairwoman Fitzpatrick said she would rather it be sent through the US Postal Service.

Legislator Doldo related a situation that a constituent had with the Syracuse AG Office holding information and not acting on it and they finally ended up hearing from the New York AG Office about one year later.

Attorney Paulsen said the phone call to the local office was only an informal approach to find out what needed to be done to make a formal application and the response was a surprise.

Chairwoman Fitzpatrick assured that she would be on the phone personally if need be to make sure that the information is received and being looked at.

Legislators Peck and Montigelli asked that in the event we do not hear back from the AG Office by the March Board Session how long do we wait and what is Plan B.

Chairwoman Fitzpatrick respectfully withheld an answer at this time as there are thoughts about a Plan B, Plan C, etc. and there are no secrets, but it is hoped that Plan A works and the integrity of the AG Office will support the Board.

Attorney Paulsen said the plan would be to ask the AG Office to respond accepting the investigation or not on or before the March 5<sup>th</sup> Board Meeting. If we don't have that confirmation we will move on to another tactic, and if they accept the matter we will have to await their conclusion of the investigation thereon.

Administrator Hagemann advised that at the March Board Session the Board will find out the status and act accordingly, hopefully the response is affirmative. He said the March meeting will give them more than 30 days for the courtesy of a response.

There being no further discussion, all members present voted aye on Resolution No. 35 except Legislator Nabywaniec who was absent.

There being no further business of the Board, on a motion by Legislator Peck seconded by Legislator Behling and unanimously carried, the meeting was adjourned at 7:43 p.m.

Respectfully submitted.



Robert F. Hagemann, III  
Clerk of the Board