



OFFICE OF YATES COUNTY ATTORNEY

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Scott P. Falvey
County Attorney

August 16, 2016

Elena Sassower, Director
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

RE: FOIL Request dated July 14, 2016

Dear Ms. Sassower:

In response to your request pursuant to the New York State Freedom of Information Law, dated July 14, 2016; wherein you have requested certain records concerning compensation for the District Attorney, as well as other full-time elected County Officers, pertaining to Yates County, NY, enclosed please find copies of the following:

- 1) Regarding your request numbered (1), concerning the District Attorney compensation information for 2007 and 2011 through 2016 – See spreadsheet labelled “District Attorney.
- 2) Regarding your request numbered (2), concerning compensation information for other full-time elected public officers (which in our County’s case is the County Treasurer, Sheriff and County Clerk) for 2007 and 2011 through 2016 – See spreadsheets labelled “Treasurer”, “Sheriff” and “Clerk” respectively.
- 3) Regarding your request concerning information from counties with populations under 40,000 – See a) Copy of Local Law 3-01 creating the position of full-time District Attorney effective 01/01/2002 and making the salary the same as the position of County Judge, b) 07/09/2001 meeting minutes of the County Legislature pertaining to Resolution 308-01, regarding said local law, c) 08/13/2001 meeting minutes of the County Legislature pertaining to Resolution 354-01, regarding said local law and d) See the previously referenced attachment for District Attorney compensation information showing the compensation in 2001 (the last year the job was part-time) and the compensation in 2002 (the first year the job was full-time) as well as some other subsequent compensation history.

Very truly yours,

Scott P. Falvey
Yates County Attorney

District Attorney

Other Compensation		
Year	Health Insurance – County Portion	HRA
2001	\$0	
2002	\$0	
2003	\$0	
2004	\$0	
2005	\$0	
2006	\$0	
2007	\$0	
2011	\$5,665	
2012	\$4,075	
2013	\$6,406	
2014	\$6,433	
2015	\$5,429	\$1,000
2016	\$6,185	\$1,300

Salary		
Year	As of 1/1/16	Change as of April 1
2001	\$49,758	Same
2002	\$119,800	Same
2003	\$119,800	Same
2004	\$119,800	Same
2005	\$119,800	Same
2006	\$119,800	Same
2007	\$119,800	Same
2011	\$120,261	Same
2012	\$119,800	Same
2013	\$140,300	Same
2014	\$151,004	Same
2015	\$152,500	Same
2016	\$152,500	\$183,350

Treasurer

Other Compensation		
Year	Health Insurance – County Portion	HRA
2007	0	
2011	13,030.92	
2012	9,371.28	
2013	6,050.28	
2014	6,432.60	
2015	5,429.88	1,000
2016	6,185.04	1,300

Salary		
Year	As of 1/1	Change as of April 1
2007	58,146.99	Same
2011	65,824.20	Same
2012	65,572.07	Same
2013	66,884.12	Same
2014	68,222.01	Same
2015	68,222.01	69,587.04
2016	70,978.95	Same

Sheriff

Other Compensation		
Year	Health Insurance – County Portion	HRA
2007	0	
2011	13,030.92	
2012	9,371.28	
2013	13,915.44	
2014	14,794.92	
2015	10,859.64	1,000
2016	12,370.15	2,600

Salary		
Year	As of 1/1	Change as of April 1
2007	73,406.25	76,052.01
2011	85,922.24	Same
2012	85,593.12	Same
2013	87,305.02	Same
2014	89,051.90	Same
2015	89,051.90	90,834
2016	92,651.09	Same

Clerk

Other Compensation		
Year	Health Insurance – County Portion	HRA
2007	0	
2011	13,030.92	
2012	9,371.28	
2013	13,915.44	
2014	14,794.92	
2015	10,859.64	1,000
2016	6,185.08	1,300

Salary		
Year	As of 1/1	Change as of April 1
2007	51,744.03	Same
2011	58,460.09	Same
2012	58,235.89	Same
2013	59,400.99	Same
2014	60,590.11	Same
2015	60,590.11	61,801.93
2016	63,038.03	Same

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~

~~Town~~

~~Village~~

of Yates

Local Law No. 3 of the year 2001

A local law ~~To Create The Position Of Full-Time District Attorney~~
(Insert Title)

Be it enacted by the Legislature of the
(Name of Legislative Body)

County

~~City~~

~~Town~~

~~Village~~

of Yates as follows:

- Section 1. The position of Yates County District Attorney is hereby expanded to a full-time position in accordance with County Law Section 700, as amended, to be effective as of 1-1-02.
- Section 2. The annual salary of the District Attorney shall be the same as the position of County Judge, commencing on 1-1-02, in accordance with County Law Section 700, as amended.
- Section 3. In accordance with Subdivision 8 of County Law Section 700, the District Attorney's position will be full-time and said District Attorney shall not engage in the private practice of law, act as an arbitrator, referee or compensated mediator in any action or proceeding or matter, or engage in the conduct of any other profession or business which interferes with the performance of the duties of District Attorney.
- Section 4. This Local Law shall not become effective until it is filed in the office of the New York Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 3 _____ of 19 2001 of the (County)(City)(Town)(Village) of Yates was duly passed by the Legislature on 8/13 19 2001 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19 _____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Corinne C. Hayes

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 8/14/01

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Yates

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Burnette C. Paurey

Signature

County Attorney
Title

County
~~CITY~~ of Yates
~~VILLAGE~~
Village

Date: Aug. 16, 2001

RESOLVED, that a copy of this resolution be sent to the Public Health Office.

VOTE: Unanimous

RESOLUTION NO. 307-01

Mr. Pinckney offered the following resolution and moved its adoption; seconded by Mr. Briggs.

AUTHORIZE PURCHASE OF EQUIPMENT

WHEREAS, the N.Y.S. Department of Transportation has approved Yates County's grant application for funding under the Air '99 Program to acquire a lawn mower, loader and runway plow for the Penn Yan Airport.

NOW, THEREFORE, BE IT RESOLVED, that the Airport Council be authorized to purchase the lawn mower, loader and runway plow from state bid in an amount not to exceed \$145,656.00, and be it further

RESOLVED, that a copy of this resolution be filed with the Clerk of the Legislature, the Yates County Treasurer, the Airport Council and Passero Associates.

VOTE: Unanimous

RESOLUTION NO. 308-01

Mr. Pinckney offered the following resolution and moved its adoption; seconded by Mr. Williams.

DISCUSSION

Mrs. Flood, Is there any background information on this proposed Local Law other than the information received on February 29th, such as how much this will effect the budget?

Mr. Pinckney, I do not have that information. We have discussed this issue before. We have an idea what it will cost the county. We know that the State will pay half of the established salary for a full-time District Attorney. We know that for a number of years now the District Attorney has been working at a full-time or above a full-time schedule. We also know that we are one of two counties left in New York State

that has not established the full-time District Attorney position. The other county is Hamilton County and they had four felony indictments last year. We do know that this position in Yates County at least back to the beginning of Don Schneider's tenure has been a full-time position and has been a full-time position for a long time and we just haven't been paying the full-time wage, which is established by the State. I would ask anyone in this room if they would be willing to work those kind of hours and be paid part-time wages.

Mrs. Flood, My issue is not with the actual salary for the District Attorney. I am more concerned about the budget as the whole department would have to accommodate a full-time District Attorney. Therefore, there will be changes. An example might be the line item budget for office supplies and equipment, and the possible tax increase to support the office. There is no proposal on this change that tells us what this department is going to look like, then I would assume that we need to look at this issue a lot closer.

Mr. Briggs, I agree with Mrs. Flood. I think the idea is to set up a format between now and the August meeting to get this information. There will be those who vote in favor of this today who are looking for information by that August meeting to address some of the questions raised today such as what the office is going to look like, what are the prosecution trends, etc. We are not prepared today without the appropriate information. We are trying to put this out on the table to discuss the issue openly.

Mrs. Flood, Who is going to be responsible for gathering this information?

Mr. Paddock, One would assume that the individual introducing the resolution to hold a public hearing would be responsible for obtaining the information needed. I would vote in favor of holding a public hearing but to add to what Mr. Briggs has said, I would not support a full-time District Attorney position until the items Mrs. Flood has talked about have been reviewed, how will it effect the budget, what will it cost, what will the State do, will we still have two Assistant District Attorney's, will they all be housed, will they all be full county employees, will the secretary be a county employee, etc. At this point we don't have room for anybody in the building. Some of the Courthouse layout may need to be reconfigured. All of this would have to be assessed as part of this decision.

Mr. Fitzwater, Why was this issue brought before the Legislature waiting until the last minute after the last District Attorney resigned? It would seem to me that if we go ahead with this and approve it as a full-

time position it would be a big slap in the face of any past employee we have ever had here. A person resigns and then we go and make it a full-time position, which has been indicated that the past District Attorney wanted. I feel it makes us look pretty stupid.

Mr. Briggs, I won't comment of whether it looks stupid or not but I think that we have the opportunity here to talk about it. We would like to get it out in the open and if the material and circumstances warrant it I think we should do the right thing, if that information doesn't support it then at least we would have a basis for making that decision. We cannot address the past District Attorney's situation as she has already resigned.

Mrs. Flood, As a Legislator I don't think that my arm has ever been twisted so nicely to talk about anything before. We have always been open as a group to have conversations and now I am being pushed into a public hearing where I am going to sit before the public and not even have information myself. I am a little confused as to why you would need this format to have this discussion.

Mr. Marchionda, I remember this being discussed a few months ago. My response to that discussion was I think the time to go full-time would be at an election time. Now, whether the past District Attorney resigned or not, that is her business. We are nearing an election now and now is the time to change whether the position is part-time or full-time.

Mr. J. Multer, I agree with that. I think this is the time to change the position.

Mrs. Taylor, I am going to vote no because I do not have all of the information and I obviously don't have a copy of the local law. I think it is far more appropriate to get all of the information together before we vote. I cannot vote on something I have not seen.

Mr. Paddock, I heard people say that having a workshop would be a good idea. I think it would be incumbent on whoever is proposing this and/or the Committee Chair to put the information together before the workshop or it will be real short public hearing because without that information, I personally, will not support it.

Mr. Paddock made a motion to table this resolution until the conclusion of a workshop, which is to be scheduled within the next four weeks; seconded by Mr. J. Multer

VOTE: Roll Call – Fitzwater, Flynn, Williams, Paddock, Taylor, Marchionda, Flood, J. Multer, Raps, Osborne, R. Multer voting "Yes"; Briggs, Pinckney, Nielsen voting "No", motion carried.

Chairman Multer suggested that the workshop be not just a workshop but a Legislative meeting to discuss this issue then it would be possible, if that is what someone wanted at that same time, to then set the public hearing date.

Sarah Purdy, County Administrator, If I could make a suggestion, at this morning's Building Committee meeting it was also discussed to hold a Legislative meeting later this month. It might be a good idea and convenient for everybody to hold both of these meetings on one day. I would also like to suggest that in the interest of getting the research done efficiently, accurately, and concisely that the County Attorney and I do the work. It would also be helpful if you get your questions to me and then I will confer with the County Attorney. So far there has been questions going to and from a lot of people and I think it would be a lot easier if we had one point person. I will be on vacation next week so I will need your questions submitted fairly soon.

Chairman Multer, It would also be helpful if you not only called on the phone, but put a note on a piece of paper as to what questions you want answered so that we have a record and we make sure we get all questions answered.

Mr. Pinckney made a motion to set the date for a workshop to discuss Local Law 3-01. The workshop is to be held July 24, 2001 at 7:00 p.m. in the Legislative Chambers. Mr. Marchionda seconded the motion.
VOTE: Unanimous

SET DATE FOR PUBLIC HEARING ON LOCAL LAW 3-01

RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed Local Law 3-01 changing the office of the District Attorney to a full time position

BE IT RESOLVED, the public hearing will be held August 13, 2001 at 1:10 p.m. in the Legislative Chambers.

RESOLUTION NO. 309-01

Mrs. Taylor offered the following resolution and moved its adoption; seconded by Mr. Nielsen.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH MONROE COUNTY FOR FORENSIC LABORATORY SERVICES FOR LAW ENFORCEMENT

WHEREAS, the contract with the County of Monroe requires renewal for the calendar year 2002 for enhanced forensic evidentiary services, including DNA processing provided to all Yates County municipal law enforcement by the Regional Crime Laboratory, and such contract has increased 2.5% over last year and is in the amount \$11,000,

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the county attorney the Chairman is authorized to sign contract and,

RESOLVED, that a copy of this resolution be forwarded to the Sheriff.

VOTE: Unanimous

RESOLUTION NO. 353-01

Mr. J. Multer offered the following resolution and moved its adoption, seconded by Mr. Nielsen.

RESCIND RESOLUTION NO. 274-01 (Temporary Officer)

WHEREAS, resolution 274-01 created a temporary Correction Officer position in the event the Sheriff required it for maintaining the court security manpower schedule this summer,

NOW, THEREFORE, BE IT RESOLVED that the Sheriff has reported not needing it now and thus the resolution is herein rescinded, and

RESOLVED, that a copy of this resolution be provided the Personnel Dept. and the Sheriff.

VOTE: Unanimous

Chairman Multer asked for any comments pertaining to proposed local law 3-01, with no comments Chairman Multer closed the public hearing.

RESOLUTION NO. 354-01

Mr. Pinckney offered the following resolution and moved its adoption, seconded by Mr. Williams.

Discussion: Mr. Flynn questioned when the State budget would be passing and how the budget will affect the salary. Chairman Multer stated that we have received notice that the base budget that was adopted continues the DA salary support. Mrs. Flood questioned that because the State sets the salary for this particular elected official, what would prevent the other elected officials like Sheriff, Treasurer and Clerk for asking for the same rate of pay? Chairman Multer stated that the other elected officials could still ask for that rate of pay regardless if the local law passes. Mr. Nielsen stated the State set the salary for the County Judge and that didn't seem to cause any conflict with any other department. Chairman Multer stated that the County Judge is a state employee rather than a county employee. Mr. Briggs stated that the thing that is important for a legislator to look at is the type of support that this proposal has had from the local justices, law enforcement community and any one who has had impact on a day to day basis with the criminal justice system in the County. It's been something that we've considered actively recently but has been a long time coming.

AUTHORIZE LEGISLATURE TO ADOPT LOCAL LAW NO. 3-01 MAKING THE POSITION OF DISTRICT ATTORNEY FULL-TIME

WHEREAS, the proposal has been made to the Yates County Legislature to make the District Attorney's position full-time; and

WHEREAS, the Yates County Legislature has reviewed a report from the Yates County Attorney regarding the workload of the District Attorney, the First Assistant District Attorney, and the Second District Attorney;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature does hereby adopt Local Law No. 3, Year 2001, entitled, "Local Law No. 3-01 to create the position of Full-time District Attorney: as follows:

Section 1. The position of the Yates County District Attorney is hereby expanded to a full-time position in accordance with County Law Section 700, as amended, to be effective 1-1-02.

Section 2. The annual salary of the District Attorney shall be the same as the position of County Judge, commencing on 1-1-02, in accordance with Section 700 of the County law, as amended.

Section 3. In accordance with Subdivision 8 of County Law Section 700, the District Attorney's position will be full-time and said District Attorney shall not engage in the private practice of law, act as an arbitrator, referee or compensated mediator in any action or proceeding or matter, or engage in the conduct of any other profession or business which interferes with the performance of the duties of District Attorney.

Section 4. This Local Law shall not become effective until it is filed in the office of the New York Secretary of State.

RESOLVED, that copies of this resolution be given to the County Administrator, the County Attorney and the District Attorney.
 VOTE: Roll Call – Fitzwater, Flynn, Briggs, Williams, Paddock, Pinckney, Marchionda, Nielsen, J. Multer, Raps, Osborne, R Multer voting "Yes" Flood voting "No" Legislator Taylor absent. Motioned Carried.

RESOLUTION NO. 355-01

Mr. Williams offered the following resolution and moved its adoption, seconded by Mr. Nielsen.

AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH ADELPHIA

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign an agreement with Adelphia for the provision of email and Internet access at a cost of \$300 per month, and be it further

RESOLVED, that a copy of this resolution be given to the County Treasurer.
 VOTE: Unanimous with Legislator Nielsen abstaining.

REGULAR SESSION – MONDAY, SEPTEMBER 10, 2001

The Legislature convened in regular session Monday, September 10, 2001. Chairman Multer presiding. Legislator Marchionda absent.

The minutes of the August 13th meeting were approved as presented.

Chairman Multer asked for a report of the auditing committee and they were approved as presented.

Finance & Administration	\$ 99,119.38
Personnel & Administrator	\$ 3,144.26
Human Services	\$ 287,520.87
Public Safety	\$ 78,449.06
Public Works	\$ 296,312.65
Building Design	\$1,311,706.70
Airport	\$ 450,912.92
Bills Paid Prior to Audit	\$ 75,461.46

COMMITTEE REPORTS

Mr. Paddock reported that attached to the Human Services minutes you will find an analysis of how the baseline budget will effect some of the departments. Sarah Purdy reported that the budget workshops will be at the ambulance corp. this year. The dates are 10/29/01 and 10/30/01 and the second day the workshop will start at 1:00 p.m.

APPOINTMENTS

Chairman Multer appointed the following to the Airport Council for a term of 6/1/01 to 6/1/03. Donald Meaney, Doug Marchionda Sr., Daryl Middlebrook and Paul Middlebrook.

GUESTS

Spike Herzig, President of the Finger Lakes Association, spoke to the board on tourism. There is a tourism study being conducted and should be complete by the end of the year. With this study the Finger Lakes Association can target their advertising programs for 2002 and hopefully bring in more tourist. There is also a spring festival being planned for March 21 through June 21, 2002. The theme of the festival is "A Riesling To Visit the Finger Lakes"