

Acting Seneca County DA gets raise — for now

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WATERLOO — Acting Seneca County District Attorney Mark Sinkiewicz will receive a 2019 salary of \$197,600, the same as that of new County Judge Barry Porsch.

But the salary may be revisited in two years.

Twenty years ago, the state determined DAs and county judges should be paid the same, and the Board of Supervisors passed a local law in 2000 making that a policy.

Sinkiewicz's salary was approved by a 12-2 vote Tuesday, but some board members suggested they may consider amending or rescinding the local law in 2021 to set a lower salary for the DA, effective in 2022.

Sinkiewicz served as first assistant DA under Porsch for several years and became acting DA when Porsch was elected county judge in November and took the bench Jan. 1. Sinkiewicz would have to run in November and be elected if he wants to fill the remaining two years of Porsch's term.

Voting against the salary were Greg Lazzaro, R-Seneca Falls, and Bob Hayssen, R-Varick. Board member David Kaiser, R-Romulus, voted for the salary, but agreed the issue should be revisited in two years.

"This salary is required even if it is for a non-elected, appointed DA?" asked Paul Kronenwetter, R-Seneca Falls.

New County Attorney David Ettman, appointed earlier in the meeting, said anyone serving as DA is entitled to the same pay as the county judge, citing case law. Ettman admitted there was no statutory requirement and pointed out the board approve the local law to make the pay the same in 2000.

"I received information today that this might not apply to counties with less than 52,000 people," said Lee Davidson, R-Lodi.

"The population has nothing to do with it," Ettman replied. "The local law says the salaries must be the same and you can't change that until the current DA's term ends and a new term begins, which is Jan. 1, 2022."

Sinkiewicz had been paid \$100,429 in 2018 as first assistant DA. He has been with the DA's office since 2004, the last eight years as first assistant.

"I am concerned about a \$197,600 salary. I think this board should take a stand and say \$197,600 is way too much for this county of 35,00 people. It is

egregiously high for the position,” Lazzaro said.

He said the DA salary, by being tied to the county judge salary, has gone up by nearly \$90,000 in 15 years. He questioned who lobbied the state to make the judge and DA salaries the same. “It’s a travesty. I will vote no. It’s way, way too high.”

Before the motion got to the full board, it had to be approved by the **Public Safety & Criminal Justice Committee**. That committee approved the \$197,600 salary by a 5-0 vote.

Lazzaro tried to table the motion but was told he wasn’t on the committee and couldn’t make the motion. He did make it when it got before the full board and it was defeated by a 12-2 vote.

“The governor’s salary is \$179,000. Our DA will be making more than the governor in a county of 35,000 people. It makes no sense,” Lazzaro argued.

The motion was approved, 12-2. Kaiser voted yes, but agreed the time to discuss the salary is before the next term of the DA begins.

At the board’s annual organizational meeting, Ettman was unanimously appointed county attorney, succeeding the retired Frank Fisher. Fisher had been county attorney since 2008 and worked for the county in various capacities for 33 years. Ettman was assistant county attorney in 2018.

The board’s **Human Resources & Government Operations Committee** met before the meeting and voted 5-0 to authorize the refilling of the vacant assistant county attorney position.

Ettman then announced he was appointing Christopher Lucchesi of Auburn as his assistant county attorney at a salary of \$72,500. He said he’s looking to find an attorney to serve in a “hybrid” position, shared equally by the DA’s office and the county attorney’s office.