



PUBLIC HEARING
ORLEANS COUNTY LEGISLATURE

June 4, 2024 at 7:00 p.m.

Local Law No. 3-Intro of 2024

A LOCAL LAW ESTABLISHING A DISTRICT COURT SYSTEM IN ORLEANS COUNTY
PURSUANT TO THE TERMS OF ARTICLE 6, SECTION 16 OF THE NEW YORK STATE
CONSTITUTION AND THE NEW YORK STATE UNIFORM DISTRICT COURT ACT

Present: Chairman Lynne Johnson, Vice Chairman William Eick, Legislators: Donald Allport, Merle Draper, John Fitzak, Fred Miller, Ed Morgan; John C. Welch, Jr., Chief Administrative Officer; Joseph Cardone, District Attorney; Joanne Best, Public Defender.

Chairman Johnson called the public hearing to order at 7:00 p.m. Followed by the Pledge to the Flag.

See attached for meeting transcript.

Public Hearing ended at 7:58 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lisa Stenshorn". The signature is written in a cursive, flowing style.

Lisa Stenshorn, Clerk of the Legislature
Orleans County Legislature

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STATE OF NEW YORK
ORLEANS COUNTY LEGISLATURE

PUBLIC HEARING REGARDING

CREATION OF A DISTRICT COURT
IN ORLEANS COUNTY

HELD AT: Orleans County Legislative Chambers
14016 Route 31W
Albion, New York 14411

DATE: Tuesday, June 4, 2024

TIME: 7:00 p.m. to 8:00 p.m.

REPORTED BY: CARLY J. GARRETSON,
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Avenue,
Batavia, New York 14020
(585) 343-8612

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PRESENT:

- FRED MILLER, Member;
- JOHN M. FITZAK, Member;
- MERLE L. DRAPER, Member;
- EDWARD F. MORGAN, Member;
- LISA STENSHORN, Clerk;
- LYNNE M. JOHNSON, Chairman;
- JOHN C. WELCH, JR., Budget Officer;
- WILLIAM H. EICK, Vice Chairman;
- DONALD J. ALLPORT, Member;
- JOANNE BEST, ESQ.,
Orleans County Public Defender;
- JOSEPH CARDONE, ESQ.,
Orleans County District Attorney.

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SPEAKERS:

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1 **CHAIRMAN JOHNSON:** I'd like to call this
2 public hearing to order, and ask everyone to
3 please stand for the pledge to the flag.

4 Now I'd like to request the clerk to read
5 the published legal notice.

6 **MS. STENSHORN:** Legal Notice, Public
7 Hearing. Notice is hereby given that there was
8 introduced to the Orleans County Legislature
9 on April 23rd, 2024, Local Law No. 3-Intro of
10 2024 entitled, "A Local Law establishing a
11 district court system in Orleans County
12 pursuant to the terms of Article 6, Section
13 16, of the New York State Constitution and the
14 New York State Uniform District Court Act."

15 Public notice is given that, pursuant to
16 provisions of Section 20 of the Municipal Home
17 Rule Law of the State of New York and other
18 applicable provisions, the Orleans County
19 Legislature will hold a public hearing on the
20 aforesaid Local Law No. 3-Intro of 2024 at the
21 Legislature Chambers, 14016 Route 31 West,
22 Suite 200, Albion, New York, on Tuesday, June
23 4th, 2024, at 7:00 p.m., at which time all
24 persons interested will be heard. Members of
25 the public may also attend the public hearing

1 virtually. Please visit
2 www.orleanscountyny.gov to obtain information
3 to participate in this meeting. Written
4 comments are invited and can be submitted to
5 districtcourtcomments@OrleansCountyNY.gov or
6 to the Clerk of the Legislature at 14016 Route
7 31 West, Albion, New York 14411. To be
8 considered, comments must be received by 5
9 p.m., June 5th, 2024.

10 Please take further notice that copies of
11 the aforesaid Local Law are available at the
12 Office of the Legislature address, stated
13 above, or at www.orleanscountyny.gov.

14 Dated at Albion, New York, May 24th, 2024.

15 **CHAIRMAN JOHNSON:** Thank you, Lisa. And
16 at this time, I'm going to ask our Public
17 Defender, Joanne Best, to provide a brief
18 overview of our local law.

19 **MS. BEST:** Thank you, chairwoman. So,
20 many of you were here at the last public
21 hearing that we had, and some of this is going
22 to be kind of repetitive, but the first thing
23 that we talked about was how we got here. And
24 as we've talked about before and as outlined
25 in the plan, this county started out with many

1 village and town justice courts. And over the
2 years, those have been consolidated to where
3 we now have ten courts, and three of those
4 courts are actually -- they're not
5 consolidated in the sense that they're one
6 court, but each of the town justices in those
7 three courts can actively sit in any of the
8 other two courts. And so it's a
9 semi-consolidation.

10 And I think it's important to note that
11 that project, if you will, has been extremely
12 successful in this county. It has improved
13 the amount of times that people are getting in
14 front of the courts and it's reduced the
15 number of people that have been needed to
16 staff those courts, including district
17 attorneys, public defenders, private
18 attorneys. And so it has been successful
19 program.

20 And I think that the obvious next step in
21 being successful is the district court. And
22 if we were a larger community and had a city
23 court, it wouldn't be any different. And the
24 city court would operate in a similar way as
25 what we're proposing with the district court.

1 So I think that it's important to note
2 that it has been an effective process as far
3 as the consolidation. And the biggest thing
4 is, is that I think the plan shows us that the
5 biggest goal in this is consistency within
6 administration of justice. It's not about
7 dissolving courts or taking away people's
8 jobs. It's about providing consistency to the
9 people that come before the court system,
10 whether it's civil matters or criminal
11 matters. And right now, we don't have that
12 consistency.

13 And I understand that a lot of the
14 comments that have been made have to do with
15 either taking away from the local communities
16 and things like that, but I do want to point
17 out that our New York State court system is
18 structured in such a way that there are going
19 to be times that not everyone has a local
20 judge or magistrate to hear a certain case.

21 So, for example, family court sits in the
22 county seat in Albion. They hear all the
23 family court cases. Surrogates court, same
24 thing. The supreme court sits in the county
25 court. And that is all heard by one judge, in

1 our particular case, for the most part.
2 Sometimes we have other judges come in that
3 handle the supreme court cases or if there are
4 conflicts a different judge comes in, but I
5 don't think that having that set up that we
6 currently have detracts from the type of
7 service and the process that happens for those
8 individuals that go before those courts.

9 So, again, I think that the primary focus
10 on the district court is for consistency
11 within the community and for the people that
12 it would serve. It would also be consistent
13 for the law enforcement agencies. It would be
14 consistent for my office, for the district
15 attorney's office, for the jail. There are so
16 many benefits to this. And I appreciate
17 everyone's concerns about you're taking away
18 from our community. And that is not the
19 intention at all. And as we've pointed out
20 before, each of the towns would be able to
21 continue their own justice court if they
22 determine that that was appropriate as part of
23 this proposal.

24 So the next part of this is the cost,
25 which is -- everybody has talked about that a

1 lot. And I think that it is set forth in the
2 plan and the proposal as far as what those
3 costs are. We worked off of the budget that
4 was received from the various townships, and
5 used those figures to prepare that type of
6 comparison between the current situation
7 versus what would happen in the event that a
8 district court is approved for our county.

9 And I know that one of the concerns has
10 been that so many people say, well, what's the
11 final cost? What's it going to do to our tax
12 base? Or what's it going to do, you know,
13 overall? And some of those things we can't
14 answer because they are projected costs, and
15 that won't even become an issue until the
16 state actually adopts and passes a law that
17 says that Orleans County can actually have a
18 district court.

19 So some of those things are very
20 speculative. We can probably put together
21 some numbers, but it might not be the same
22 numbers that would be in effect in three,
23 four, five years when this realistically would
24 even take place.

25 So I understand that that is a big

1 concern. And that's a concern to me as well.
2 I mean, obviously, where's that money going to
3 come from? And who is going to pay for that?
4 I think that it's important to note that right
5 now, all of the courts that are operating are
6 basically working at a deficit, which is okay.
7 That's what courts do. They're not there to
8 make money for the towns. They're not there
9 to provide services to the town building
10 itself.

11 I believe that some of the comments before
12 were, well, we have an existing courtroom that
13 we can use for functions. We still have that
14 courtroom. There's nothing that says that you
15 can't have that meeting room or conference
16 room.

17 But I would point out to those of you who
18 are not in the court system, I know a lot of
19 you sitting here today are or have been in the
20 court system, but many of our justice courts
21 are severely deficient in how they are able to
22 operate. As far as doing jury trials, in most
23 of our courts, we don't have separate places
24 to adequately hold a jury pool. We don't have
25 adequate places to have attorney-client

1 conferences. We don't have adequate places
2 for security. We don't have adequate set ups
3 in those particular court rooms.

4 If someone comes through the door or --
5 they don't even have to come through the door.
6 In most of our town justice courts, they can
7 walk right by. And there are windows right
8 behind many of the judge's benches. So there
9 are very serious concerns about security
10 issues, not only to the town justices but also
11 to the people that go in front of the court
12 system.

13 So that, I think, is something that --
14 obviously, the courts can still use their
15 facilities in the same way that they have, the
16 towns can use that. That's not going to
17 change anything. The fact that -- I know that
18 there have been times when trials or other
19 hearings have been -- we've tried to schedule
20 certain things in different courts and we've
21 been told we can't do that because there's
22 something else going on that the town hall has
23 to take care of, whether it's meetings or
24 something like that. So there are some of
25 those glitches, too, that can occur. It's not

1 frequent, but nonetheless, it does happen.

2 The other problem that we've talked about
3 many times is the fact that the courts often
4 only meet, at best, twice a month, and many of
5 the other courts only meet once a month.
6 Sometimes they have a month off, so now
7 they're meeting once every two months. So
8 that slows the process for people, and that
9 causes problems as far as keeping things
10 moving, keeping defendants and other civil
11 clients moving through the process of what
12 they're trying to accomplish in that
13 particular jurisdiction. So a district court
14 would alleviate that.

15 And we've also talked about the fact that
16 the district court would alleviate a lot of
17 the CAP situations because we wouldn't have to
18 do that at the jail anymore. We would have
19 that done right at district court.

20 So the other problems that -- or the other
21 questions, I guess, that people have raised at
22 the last meeting were that this -- this
23 current system works. It does work, but it's
24 limited in its efficiency and it's limited in
25 its effectiveness as far as working. So just

1 because something is limping along or working
2 to a certain degree, doesn't mean that that's
3 the best situation that we should have for our
4 county and for our citizens in this county.
5 So I think that there are a lot of
6 improvements that can be made. And New York
7 State has talked about this more frequently in
8 the last year and a half than in the last 20
9 years.

10 (Cell phone interruption.)

11 **A SPEAKER:** Sorry.

12 **MS. BEST:** It's okay. So they've talked
13 about this a lot, as contained in the summary
14 that Mr. Cardone put together about the
15 district court frequently asked questions.
16 And as many of you know, there's been a
17 proposal that --

18 (Cell phone interruption.)

19 **MS. BEST:** Do you need to take that?

20 **A SPEAKER:** No.

21 **MS. BEST:** There's been a proposal that
22 the hundred busiest courts would be staffed by
23 attorney judges. There's also been
24 discussions about that all of the town courts
25 would be staffed by attorney judges. So this

1 has been revived, I guess you can say, in the
2 last couple of years, and there is a lot of
3 discussion about it. On the statewide
4 meetings that I have on a monthly basis, it's
5 talked about almost every session.

6 I understand that the district attorneys
7 statewide talk about this also on a regular
8 basis and how this can help improve, not only
9 our county, but all the other counties in the
10 state.

11 So I know someone commented the last time
12 that, well, nobody else has done anything else
13 about this. But that doesn't mean we
14 shouldn't do something about it. Why
15 shouldn't we be the county that takes
16 advantage of trying to do something, get ahead
17 of the game and do this?

18 Yes, the state is ultimately -- if they do
19 it, they're going to tell us what we have to
20 do and the state has to approve it ultimately.
21 And then it will be part of the statute, and
22 we will have to abide by those requirements.
23 However, this gives us a great opportunity to
24 say this is what will work for our county and
25 this is what will fit for our county, not

1 necessarily what works in other counties.

2 And I think there was a comment, too, that
3 somebody made that the only -- that there were
4 comments about not being ruled by New York
5 City and that the only two places that have
6 district courts are Nassau and Suffolk.
7 That's not really part of New York City and
8 the Burroughs. I mean, if anybody has ever
9 lived or worked down there, you know that
10 those communities are not considered part of
11 the city. They're considered rural
12 communities.

13 And they are -- they do have a different
14 set of rules down there. They are part of the
15 statute that allows them to have a district
16 court, and there hasn't been any opposition to
17 that. There's been no problems with it, and
18 it seems to be working very well for that.

19 As far as the efficiency goes, like I
20 mentioned already, the efficiency is obvious,
21 as far as I'm concerned. It will take each of
22 these situations -- instead of having courts
23 on a limited basis, it will have court every
24 single day. So we will have one court that
25 people can go to every single day. And that,

1 I think, is a huge improvement over what our
2 current structure is. And how can that not be
3 more efficient than what we have? The fact
4 that we consolidated the village courts and
5 the three west side courts can interchange
6 judges if they absolutely need to. That's
7 made things more efficient, too.

8 So, again, this is the next step in that
9 progression. And I think that ultimately it's
10 going to be something that is going to be told
11 that we are going to have to do as a state.
12 It may be tested in certain counties. And if
13 it is, then that's -- hopefully we are one of
14 those test counties. And I think that at this
15 point the costs -- the cost analysis that
16 Mr. Cardone has provided in the plan, I think
17 that speaks for itself. It is based on the
18 factual information that we received from each
19 of the towns.

20 And I think that it's important to note
21 that there might be some cost to it, but we're
22 consolidating other things as well in this
23 county just out of necessity. So what -- what
24 stops us from doing that? And I think that
25 the comments and the concerns that people have

1 had have been well received. And I'm not --
2 I'm not saying that they're wrong or that they
3 don't have some weight to them, but overall I
4 think, at the end of the day, when we list the
5 pros and cons together for this district court
6 proposal, I think that the pros definitely
7 outweigh the cons in this case and it would be
8 beneficial to our county to have that.

9 So thank you for listening to me. Again,
10 I think it was repetitive in a lot of ways
11 about things that we've already talked about
12 in the past, but I know there's other people
13 that have comments to make this evening. So I
14 thank you.

15 **CHAIRMAN JOHNSON:** Thank you very much,
16 Joanne. So the way we do a public hearing
17 here is it's not a conversation between us and
18 you. It's a time for public comment. Your
19 public comments will be kept to three minutes
20 a piece. Are you going to be time keeper?
21 And all of -- if your comments include a
22 question, the question will go on our district
23 court comments at orleanscountyny.gov, where
24 you will find answers to those questions. So
25 all your questions will be answered on the

1 website. All your comments will be posted,
2 public comments.

3 I ask you to stand, state your name, the
4 town that you're from. And then at the end of
5 all the public comments, when everyone has a
6 chance to be heard, we will wrap this up with
7 a member of the public. Dick DeCarlo would
8 like to have some final words. He serves on
9 our district court committee. And then our
10 district attorney, Joe Cardone, will finish.

11 So, it's your time to state your comments.

12 **MS. STENSHORN:** We just want to confirm
13 that everyone has signed in the sign-in sheet
14 for meeting attendance. And if any additional
15 public would like to speak, there's a sign-in
16 sheet now. And we go in order of how you
17 signed in.

18 When you come to speak, please come up to
19 the front table so that you're on the
20 microphone for anybody attending on Zoom.

21 **CHAIRMAN JOHNSON:** Are we going to call
22 them up by the sign-in?

23 **MS. STENSHORN:** Just also, another note,
24 that you may speak once. Your time is
25 non-transferrable to other people. If the

1 people on Zoom would like to speak during the
2 public commentary, please use the chat to type
3 your name and township.

4 For those on Zoom that do not have access
5 to the chat because they are on a telephone,
6 you will be able to speak after the two other
7 lists are exhausted.

8 **CHAIRMAN JOHNSON:** Okay.

9 **MS. STENSHORN:** So the first person to
10 speak is Dean.

11 **MR. PULEO:** Puleo.

12 **MS. STENSHORN:** Thank you.

13 **MR. PULEO:** Thank you. I'm Dean Puleo.
14 I'm with the Office of Court Administration.
15 Right. I --

16 **MR. CARDONE:** Can you speak closer to
17 the microphone, please?

18 **MR. PULEO:** Is it easier if I sit?

19 **MS. BEST:** That would be great. Thank
20 you.

21 **MR. PULEO:** Okay. It's a short
22 microphone. So, Dean Puleo. I'm with the
23 Office of Court Administration. I really
24 don't -- I'm not here to take a position on
25 this. However, I just wanted to clarify.

1 There was a letter recently sent to the County
2 Attorney Bogan. I don't know if that's been
3 distributed or if that's part of the plan.
4 There was some things in there that I did want
5 to clarify.

6 This letter came from -- is that something
7 that you're all familiar with, by the way?
8 You know what I'm talking about? Okay. This
9 came from Judge Murphy, who is the Deputy
10 Administrative Judge for all of the courts
11 outside of New York City.

12 OCA is a big organization, and he
13 indicated that he hadn't spoken -- or was
14 surprised that he hadn't heard of it. Of
15 course, I was involved. I sat on the
16 committee. I sat around and did take notes.
17 I kept bringing this to the attention of our
18 administrative judge.

19 Finally, when the final plan came out, our
20 administrative judge, Carter, decided to let
21 me send this up to Judge Murphy to take a look
22 at it. And that's when Judge Murphy got
23 involved and that's why he sent this letter.

24 I spoke to him a few weeks ago. Judge
25 Murphy is -- I can say this. He is a strong

1 proponent of the justice court system. I
2 think he comes from that. Some of the things
3 that he indicated that -- basically he said in
4 the letter that this is the wrong method of
5 creating a district court, that it's
6 unconstitutional, that it really has to come
7 from the state. It can't be retroactive.

8 I think one of the other problems -- and
9 he did mention it. He did mention briefly
10 operational expenses. After I've had a chance
11 to look at it, you have to remember that any
12 court -- our courts run 24/7, 365 days a year.
13 So when we look at, perhaps, just the numbers,
14 say, security of \$150,000, not counting
15 benefits, that's probably four to five times,
16 at best, underestimated. I mean, recall, you
17 have to have 24/7 availability. That's what
18 our CAP courts do.

19 As far as revenue goes, much of the
20 revenue from our town courts has been taken by
21 the Traffic Diversion Program, which works
22 great. I'm not -- I'm not dissing it here.
23 I'm just saying, that's -- if we're talking
24 about money, that's one of the ways that these
25 town courts tend to fund themselves. It was

1 somewhat taken away from them.

2 The CAP courts. The administration of
3 these courts comes directly from OCA. OCA
4 will pay for it. They pay for the CAP now.
5 They would pay if you had a district court.
6 But I did want to clarify that some of those
7 items were incorrect or at least as far as I'm
8 concerned, because I had spoken with
9 Mr. Cardone. And Judge Murphy did indeed
10 indicate -- is that my time? Did indeed
11 indicate that he was opposed to this
12 particular plan.

13 **CHAIRMAN JOHNSON:** Thank you, sir.

14 **MS. STENSHORN:** The next speaker is Joe
15 Kujawa.

16 **MR. KUJAWA:** Good evening. My name is
17 Joe Kujawa. I'm Town of Ridgeway Justice.
18 I've sat back and listened to everybody talk.
19 I think it's unfair. I'm not picking on
20 Ms. Best. She got roughly 15 minutes. The
21 rest of us get three.

22 Asking the people of Orleans County to
23 write a blank check and sign it and say, here
24 you go, let me know what the cost is going to
25 be after this is all done, is not fair. I'm

1 not worried about losing my job. I had a job
2 before as justice. I'll have a job when I'm
3 done. And when it's not fun anymore, I'm not
4 going to do it. Right now, I enjoy my job. I
5 think I'm pretty good at it.

6 But for a chief justice of all the judges
7 outside of New York City to put pen to paper
8 and sign that it's being done
9 unconstitutionally, speaks volumes to me. For
10 somebody to put it down and sign their name to
11 it and stand behind it, speaks volumes. If
12 we're all just having a conversation, I can
13 always say, that's not what I said, that's not
14 what I meant. But it's in black and white.
15 So for it to go ahead with the way this is
16 being present going forward, to me, smacks of
17 arrogance and contempt for the people that
18 voted to put everybody in office.

19 I thank you for your time and letting me
20 get out what I had to say.

21 **CHAIRMAN JOHNSON:** Thank you.

22 **MS. STENSHORN:** The next speaker is
23 Debbie Berry.

24 **MS. BERRY:** I'm not sure why we are
25 visiting the issue of creating a district

1 court when there's no funding for it. It's my
2 understanding that the legislature has been
3 informed by the Unified Court System there's
4 no funding for the proposed district court.

5 The county legislatures are elected to put
6 the best interest of their constituents first
7 and representing them accordingly. How do you
8 institute something whereby there's no funding
9 for it? There are costs to the county. Who
10 pays for utility, building maintenance or
11 another building? Does this mean more county
12 building and grounds employees to be hired?

13 The reason the state hasn't authorized
14 district courts besides the two that are in
15 Nassau and Suffolk Counties are because
16 they're not warranted and they have no
17 intention. The cost to the state budget would
18 be astronomical to add this level of district
19 court when the justice court system works
20 great. You don't fix something that isn't
21 broken.

22 We the taxpayers are already dealing with
23 recent reassessments which has significantly
24 raised our taxes. The taxpayers from the
25 Village of Medina have a fire truck to pay for

1 and a building to figure how to pay for, and
2 now you're asking us to adopt this referendum
3 without knowing how it's going to be paid for.
4 And it will ultimately impact both the county
5 taxes and our state budget. You have to think
6 about the whole impact this will have. If
7 this passes, imagine 60 counties adding
8 district courts to the cost of the state
9 budget.

10 The only people that benefits is the DA
11 and the PD's office, as they won't have to go
12 out to justice court at night. Yet, you're
13 putting a hardship on people taking time off
14 work to attend a court to run during the
15 daytime, and not close to where they reside
16 and no public transportation.

17 The reason justice court works is they
18 have justices that have knowledge of their
19 local laws and ordinances. In a report
20 published in the New York State Court website
21 titled, "Justice Most Local: The Future of
22 Town and Village Courts of New York State", a
23 report by the special commission on the future
24 of New York State Courts, September 2008, it
25 states: The existing justice court system

1 reflects the needs of the community. Every
2 town and village writes local laws that
3 directly relate to their specific needs.
4 These laws are given teeth by the local courts
5 that are familiar with these local town and
6 village laws. The reality is that a district
7 court system would not be familiar to those
8 kinds of local village and town laws, making
9 those laws impotent and not reflecting the
10 needs of the local community. Letter to the
11 commission dated September 6th, 2007, from
12 Honorable Dan Hailport.

13 Are the local justice courts still going
14 to have to hold civil actions and violations
15 of traffic law or local ordinances such as
16 evictions? You have indicated that the towns
17 have the option to opt out of district court.
18 If all the town boards opt out, why would you
19 move forward with a resolution? Would the
20 passing of this resolution or referendum force
21 the establishment of district court any way?

22 This district court referendum impacts
23 every person in this county and potentially in
24 the state. We are all taxpayers. And given
25 the facts that we currently know, the cost of

1 our town justice court and that it works for
2 our county taxpayers, I believe it's better to
3 stay with the justice courts we have instead
4 of voting for a district court referendum
5 without a budget.

6 **CHAIRMAN JOHNSON:** Can you tell me the
7 town that you're from?

8 **MS. BERRY:** Ridgeway.

9 **CHAIRMAN JOHNSON:** Town of Ridgeway.
10 Thank you.

11 **MS. STENSHORN:** The next speaker is Ohi
12 Johnsen.

13 **MR. JOHNSEN:** Good evening, again. My
14 name is Kenneth Ohi Johnsen. I'm the
15 president of the New York State Magistrates
16 Association. I was here last month and spoke
17 at the meeting last month. I came in just a
18 minute or two late. I was driving from
19 Albany, so I apologize.

20 But to address some of the issues that
21 were raised by the public defender, one of the
22 issues she had mentioned was security issues
23 with town and village courts. Economically
24 speaking, it's much less expensive to improve
25 security measures at the town and village

1 courts than it is to start a whole new
2 district court system.

3 Town and village courts are able to apply
4 for a \$30,000 grant through JCAP each year.
5 That can be used to update facilities and
6 update physical things within the court system
7 that would improve court security.

8 My town is -- I'm from the Town of Day,
9 which is in the Adirondacks, has taken
10 advantage of that to improve our security,
11 which has benefited not just the town court
12 but the town hall, as we share a common space.

13 One of the other issues she had mentioned
14 was that some of the town and village courts
15 meet rarely. She said two times a month.
16 Those judges are actually on call 24/7. When
17 somebody is arrested and there is an
18 arraignment, those judges get called out in
19 the middle of night, 3:00 in the morning, to
20 make sure an arraignment can be done.

21 That arraignment is where someone is told
22 what they're being charged with. It's also
23 where they're told if they will receive bail
24 or if they'll be released on their own
25 recognizance, what's going to happen to them.

1 District courts operate Monday to Friday, nine
2 to five. They do not have off-hour times. So
3 if somebody is arrested in a district court
4 area, they're held pre-arraignment until a
5 judge is available, which sometimes is not
6 until the next day.

7 You're talking about wanting to improve
8 justice. This is somebody who is accused of a
9 crime, but who is presumed innocent, who is
10 now going to be held for an extended period of
11 time if you have a district court system until
12 a judge is available. If that happens on a
13 Friday afternoon, that would be a Monday
14 before they saw a judge.

15 That's a person who has been accused, but
16 is, again, presumed innocent, who potentially
17 could be sitting in jail for something that if
18 they were in front of a judge, a judge might
19 say either the charges were insufficient or
20 the judge might say something that they could
21 have a reasonable amount of bail on, and they
22 could make that bail and they can be home with
23 their families.

24 James Murphy, as Judge Puleo said, who is
25 the Deputy Chief Administrative Judge of all

1 of the courts outside of New York City --
2 that's every court outside of New York City --
3 sent you guys a letter, which I hope that all
4 of you have read. In it, he does talk about
5 the district courts that were created in
6 Suffolk and Nassau.

7 Those were created shortly after World War
8 II, with a population explosion. Those are
9 also areas that are -- although someone
10 referred to them as rural -- for the most
11 part, have public transportation and have
12 other things available to get people to court.

13 Orleans County is a great county, but I
14 doubt that they have, from each town and
15 village in Orleans County, public
16 transportation that would bring them here to
17 district court if you made one.

18 Lastly, I'll close with Judge Murphy's
19 statement. And that is a paraphrase of the
20 letter in bold. He wrote: The local law
21 under consideration in Orleans County will not
22 result in the creation of a new justice or
23 district court system.

24 That's in bold, in his writing. Again,
25 that was paraphrased. Thank you very much for

1 your time.

2 **CHAIRMAN JOHNSON:** Thank you, sir.

3 **MS. STENSHORN:** On Zoom, we have Timothy
4 Cox.

5 **MR. COX:** Good evening. My name is
6 Timothy Cox. I am the director of the Board
7 of the New York State Magistrates Association.
8 I speak tonight against forming a district
9 court in Orleans County.

10 Firstly, Judge James Murphy, who you've
11 heard about, is Deputy Chief Administrative
12 Judge in New York and is responsible for all
13 courts outside of New York City.

14 Judge Murphy, in his letter to the county
15 legislature clerk, stated that the county, not
16 the state, is responsible for significant
17 costs of building, providing and maintaining
18 court facilities. Any rumors to the contrary
19 not withstanding.

20 In the purported budgetary analysis
21 section of the report, there is no discussion
22 at all regarding what a district court
23 facility would cost Orleans County. No basic
24 cost analysis has been completed concerning a
25 new and compliant court facility. The

1 discussion in that budgetary analysis is
2 solely focused on staffing costs.

3 I question whether the county legislature
4 could even move forward without such
5 information of facilities cost. Certainly,
6 voters of Orleans County deserve to know such
7 a basic fact as cost before a vote is held.

8 Second, town and village court are courts
9 closest to the people. Ours are typically
10 held in the evening, a time convenient for
11 most voters. The district court subject to
12 civil service positions and state operations
13 would not be open in the evening.

14 Nassau County on Long Island is the only
15 full county district court in New York State.
16 Its hours are 9:15 a.m. to 4:45 p.m., not
17 evenings. Traffic tickets aren't even handled
18 by that district court. They're handled by a
19 county traffic violations bureau.

20 Has Orleans County reviewed what a
21 district court could and could not have
22 jurisdiction over and the convenience of
23 voters having access to local town courts
24 rather than a district court only open during
25 daytime business hours?

1 Town courts in New York State are not
2 broken. Town courts in New York State for
3 over 200 years have served the residents of
4 New York not by being inconvenient, but by
5 being courts closest to the people. If the
6 system isn't broke, there's no mechanic
7 required. Thank you.

8 **CHAIRMAN JOHNSON:** Thank you, Mr. Cox.

9 **MS. STENSHORN:** The next speaker on Zoom
10 is Sherry Davenport.

11 **MS. DAVENPORT:** Good evening. Can you
12 hear me?

13 **CHAIRMAN JOHNSON:** Yes.

14 **MS. DAVENPORT:** Thank you. My name is
15 Sherry Davenport. I've been a town justice
16 for 29 years, and I'm the past president of
17 the New York State Magistrates Association. I
18 do appreciate the opportunity to speak this
19 evening.

20 While I certainly respect the attempt by
21 the legislatures to save money for their
22 constituents, this is not the way to do it.
23 The letters posted today to the district court
24 committee website are extremely informative,
25 and I hope that everyone takes the time to

1 read through them carefully.

2 The unconstitutionality of the proposal
3 pointed out by the administrative judges
4 should be the end, full stop. The fact that
5 this committee was indeed informed by the 8th
6 Judicial District administrative judge a year
7 ago in July of 2023, yet for some reason they
8 did not include his comments in either their
9 report of the committee or on their website.

10 Judge Murphy's letter serves to emphasize
11 this point. The lack of transparency and
12 cherry picking of information by this
13 committee speaks volumes. The legislatures
14 should reconsider their support for local
15 courts and for locally elected officials.
16 These are the courts closest to the people for
17 a reason. They work and are as efficient --
18 an efficient way to administer justice.

19 There's no financial data supplied by
20 either the committee or any of the information
21 that they posted, so far, sufficient to
22 support the contention that there is in any
23 way a cost savings worth giving up that local
24 control.

25 Again, I hope the legislatures will

1 reconsider this and put this aside and, again,
2 support their local officials. Thank you.

3 **CHAIRMAN JOHNSON:** Thank you,
4 Mrs. Davenport. That is everyone that has
5 signed up to speak, so now I will ask for
6 public comment from the audience. I just ask
7 you to come forward, state your name and the
8 town you're from.

9 **MR. MOY:** Can I come forward now?

10 **CHAIRMAN JOHNSON:** Yes, you can.

11 **MR. MOY:** Thank you. I wanted to talk a
12 little bit about the district court in Nassau
13 County. I have a lot of friends in Nassau
14 County through the fire -- fire commissioners
15 and stuff. Any way, I called the county court
16 clerk in Nassau County, and asked her, you
17 know, some information on how they got formed
18 and all that. And this happened 60 years ago.
19 It's a long time ago.

20 They did it over necessity. She couldn't
21 answer all my questions, but she called up
22 some previous court clerks and got the
23 information. The counties down there were
24 growing expeditiously back in those days. Now
25 they got 1,395,000 people in Nassau County.

1 They got 28 judges. I don't know how many
2 court clerks. There's a lot of them. But it
3 was done out of necessity, not like they
4 needed to do it or stuff like that. They just
5 had to do it. Town courts couldn't handle all
6 the stuff they're getting. I didn't have a
7 chance to call Suffolk County, so there it
8 goes.

9 Any way, another important thing, I think.
10 I think we have more important issues in this
11 county than district court. To name a couple.
12 Fire service and ambulance service. We're
13 hurting. I think we should put more time into
14 that than a district court system. That's my
15 opinion.

16 **CHAIRMAN JOHNSON:** While you're in front
17 of the microphone, because our clerk didn't
18 get it, can you restate your name and the town
19 you're from?

20 **MR. MOY:** Richard Moy. Town of
21 Clarendon. Thank you, guys.

22 **CHAIRMAN JOHNSON:** Would anyone else
23 would like to make a comment? Would anyone
24 that's on Zoom like to make a comment? I see
25 we have 13 people on Zoom. No further public

1 comments? Then at this point I'll call Dick
2 DeCarlo forward, who is a member of our county
3 community and also a member of our district
4 court committee.

5 **MR. DECARLO:** Thank you, Chairman
6 Johnson.

7 **CHAIRMAN JOHNSON:** You're welcome.

8 **MR. DECARLO:** As Chairman Johnson
9 stated, I was a member of this district court
10 committee. I was Joe Q public. And you'll
11 notice after my name, at the bottom of the
12 report, that I was a dissenting vote that did
13 not agree with the findings nor the
14 recommendations of that committee.

15 The financials that were put together were
16 flimsy, at best. Somethings overstated,
17 somethings understated. It was mentioned
18 earlier that the cost for court security are
19 severely understated. That's just the costs
20 of the court itself. Now let's talk about the
21 millions and millions of dollars that this
22 county will have to spend to either remodel or
23 build some kind of a structure to house this
24 district court. And I do say millions.

25 And I can say that with some confidence

1 because I'm in the construction business. I
2 do it every day. I know what things cost.
3 And none of that is refundable by the state.
4 There's nobody there to give you that. That's
5 all going to fall on the taxpayers of this
6 county. Squarely on the county's shoulders.
7 I honestly don't know where that money is
8 coming from. I won't ask that question
9 because I don't know if any of us do.

10 It was mentioned earlier that Judge Murphy
11 sent a letter to all of you, I think. I
12 believe you all saw it and acknowledged
13 reading it. In that letter you were told,
14 this is unconstitutional. If you proceed with
15 this action, with this local law, are we going
16 to face more litigation, future litigation?
17 At whose cost? Taxpayers.

18 Also, Judge Murphy, the organization he
19 represents is the organization that's going to
20 be telling you what you need for a district
21 court, how you need to build it, what you need
22 to staff it with. The financials were based
23 on two judges. What if they tell you you need
24 three or four? Now those numbers look even
25 worse. That's the agency that's going to pick

1 that. And then you got to go to this agency
2 that, quite honestly, based on the letter that
3 Judge Murphy just sent, isn't real happy with
4 you right now for pursuing this. And you've
5 got to ask permission to do it. That doesn't
6 make sense to me.

7 Then the rebuttal from Mr. Cardone, let
8 the people decide. That's why we want to do
9 this. We want it to go to a public
10 referendum. We want the people to decide
11 this. Never once in one of those committee
12 meetings did I ever hear that as the
13 justification that that's why this process was
14 happening this way. And quite honestly, if
15 you want to know what the people think, do a
16 survey, do a poll. It's much more efficient
17 and much less money and time consuming.

18 Speaking on what the people have to say.
19 In this folder, there are six resolutions from
20 six towns that are against district court.
21 There are four more on the docket. In all
22 likelihood, ten towns in this county are going
23 to be against it. You're hearing from the
24 people right here.

25 We've been told this is going to create

1 efficiencies. Okay. Who is it creating
2 efficiencies for? Is it creating efficiencies
3 for the public defender and the district
4 attorney who can walk down a hall and go to
5 court? The gentleman before me pointed out
6 that defendants are going to have to sit in
7 jail, incarcerated over the weekend to wait
8 for district court to open for an arraignment.
9 CAP court was talked about being eliminated.
10 We don't need a CAP court. CAP court is a
11 mandate. I'm not quite sure how we get around
12 that one.

13 It's wonderful to study these things and
14 look at them. This initial study that's been
15 done was no where near in depth enough nor
16 forensic enough to really understand the cost
17 and the true implications of what's associated
18 with this. All of you need to think very long
19 and hard about that before you vote to put
20 this through. Thank you.

21 **CHAIRMAN JOHNSON:** Thank you. And we'll
22 wrap it up with District Attorney Joe Cardone.

23 **MR. CARDONE:** Thank you, Chairwoman.
24 What I'd like to do is kind of go through each
25 of your comments and address concerns that you

1 raised and give you some brief responses. But
2 before I do that, I want to thank this
3 legislature. I want to thank everybody that
4 was involved in the district court committee,
5 both pro and con. And I want to thank all of
6 you for participating in this process.

7 You know, it's been said that this being
8 done with a certain amount of arrogance, and
9 I'm sorry anybody feels that way. That's not
10 what this is about. What this is about is
11 giving people an opportunity to function in
12 government and have a say as to how government
13 functions in this county.

14 So having said that, I'm going to address
15 a few of the different comments that were
16 made. I think that there's some
17 misunderstanding as to certain things. And
18 I'll go through each of those.

19 First of all, as to what was said by
20 Mr. Puleo, that revenue is being taken away
21 from the town courts by the traffic diversion
22 program, that's just not accurate. In fact,
23 our towns get more through the traffic
24 diversion program than they do if they process
25 the tickets through the normal course of

1 processing them through reductions or guilty
2 pleas on the tickets. When we designed the
3 traffic diversion program, we made certain
4 that they were getting more through the
5 traffic diversion program than what the state
6 through the comptroller's office was sending.
7 So it's not like we were compromising the
8 justice courts revenues in doing that.

9 I also would like to talk extensively
10 about Judge Murphy's letter. We received that
11 letter just last week. Frankly, it was
12 completely surprising to us when he made the
13 comment that he had just recently learned
14 about the district court effort here in
15 Orleans County. The truth is, as Mr. Puleo
16 has said, he's been a member of that committee
17 for some time. He's apart of the OCA. And
18 I've been in touch with Marc Bloustein,
19 counsel for OCA, for well over a year on this
20 whole issue. And he is located in Albany as
21 an attorney for the Office of Court
22 Administration.

23 Judge Carter himself came out to Orleans
24 County a couple years ago now when we
25 addressed the whole issue of district courts.

1 He's the administrative judge for the 8th
2 Judicial District. We were told to work
3 through him, which we did. And why this
4 information didn't make it up the chain, I
5 don't know, but I don't feel that it was a
6 lack of our communication.

7 I think you'll find that some of the items
8 that are on the website that we have actually
9 came from OCA sources. And in doing that
10 website, we have endeavored to give the pro
11 and cons, post anything, whether it's positive
12 or negative to the district court. And I can
13 tell you, our whole focus in this whole
14 process is to get as much information as
15 possible out to the community so that they can
16 be informed and make an informed decision with
17 respect to this whole project.

18 As to Judge Murphy finding our process is
19 unconstitutional. I had a long talk with
20 Judge Murphy. You're going to see a
21 responding letter to Judge Murphy, that's been
22 posted, that I wrote to him on May 31st. He
23 was of the understanding that what we were
24 intending to do is pass a local ordinance by
25 this referendum that's coming up in November.

1 That's not and never has been our purpose. We
2 are proceeding according to the constitutional
3 measures in this as is set forth in the New
4 York State Constitution.

5 Frankly, in having this referendum, it is
6 more intending to be an advisory referendum
7 whereby we were getting information from the
8 community. We didn't want to go to the State
9 of New York with a proposed district court
10 system if the population of Orleans County
11 wasn't in support of it. And that was the
12 purpose of referendum.

13 We understand that the way that this
14 occurs is by this county legislature making a
15 resolution, asking the State of New York to
16 pass laws that permit a district court system
17 here in New York -- or here in Orleans County.
18 And that's the process we're following.

19 If and when this legislative body decides
20 to pass that resolution, it will then go to
21 the State of New York where it will be heavily
22 debated, I'm certain, in the branches of
23 government there. And when and if they decide
24 to approve it, then it comes back to Orleans
25 County for an additional referendum.

1 We've handed out a flow chart as to the
2 process we're following, and I think Judge
3 Murphy is in agreement that that would concur
4 with our constitutional requirement. This is
5 not an unconstitutional approach that we're
6 taking in this case.

7 You know, there was a comment again that,
8 in fact, that there's no funding for this
9 project. I want to emphasize that of course
10 at this point it's not funded through the
11 state budget because it hasn't been approved
12 yet. But under Article 39 of the Judiciary
13 Law, the state is required to fund the
14 district court if the state legislature
15 approves it for Orleans County. They are
16 required to pay all costs associated with the
17 operation of that court other than the costs
18 associated with providing a building, which is
19 the responsibility of Orleans County to do.

20 Now, you know, you heard from Mr. DeCarlo
21 as to what the cost of that building might be.
22 And, you know, frankly, it's a little bit
23 disturbing that he claims he knows the cost of
24 what these buildings are. He sat on the
25 committee. I'm not sure as a member of the

1 committee if he had better thoughts as to what
2 this might cost why he didn't submit those
3 numbers. But there are numbers in our plan as
4 to what it might cost.

5 And frankly, this is a process that's
6 going to take a few years to mature, and those
7 costs are going to change in terms of what it
8 might cost to have. But if you compare that
9 as against maintaining at least ten different
10 court facilities in ten different townships,
11 that frankly are insufficient in terms of the
12 facilities that they need to have and to
13 properly maintain any type of court
14 proceedings in those courts.

15 We've had situations where we've had
16 mistrials in these local courts simply because
17 the facilities are not adequate. And I
18 suggest if you add up the costs of making
19 those court rooms appropriate, it's much more
20 than what we're talking about with one
21 centralized court. So I would suggest that it
22 be done in proper fashion in a centralized
23 court somewhere here or about in Albion.

24 The security issues. Well, yeah, there
25 are grants available for courts to get

1 security into those courts, but it's no where
2 near as extensive of security as what is
3 provided at cost of the Office of Court
4 Administration if, in fact, we had a district
5 court. Again, that would be a required
6 expense of the Office of Court Administration.

7 Now, in terms of this costing this county
8 money. If anything, it's a taxpayers
9 reduction in terms of the costs of the taxes
10 simply because of the fact that the cost of
11 the district court system here in Orleans
12 County is not going to be spread upon the
13 40,000 people that reside in this county.
14 It's going to be spread upon 16 million people
15 that live in the State of New York. And you
16 may say down the road that, in fact, well, you
17 know, as other counties do this, well, that's
18 going to be an added expense to the state, but
19 they aren't there yet. And, you know,
20 frankly, hopefully Orleans County is. We're
21 ahead of the game and we take advantage of
22 this. It is a savings to taxpayers when the
23 cost of the court is spread upon the entire
24 state, as are the expenses of the courts for
25 Nassau and Suffolk County currently.

1 As to Mr. Johnsen's comments as to the
2 judges being on call 24/7. That's just not
3 true here in Orleans County. We have a CAP
4 program. Judges do not come out in the middle
5 of the night here in Orleans County. They are
6 either arraigned at 8:30 in the morning or at
7 7:30 at night. And under the district court
8 plan, they're going to be arraigned at 9:00 in
9 the morning or 5:00 at night. And it's at a
10 savings of not having to have the CAP court.
11 The CAP court is not mandatory, as was stated.
12 Some type of plan to have arraignments is
13 mandatory. And this provides a plan to have
14 those arraignments in a timely fashion that
15 doesn't compromise the rights of any of these
16 defendants.

17 In fact, the court system -- in fact, we
18 feel, under the district court system, more
19 ensures the rights of defendants. The
20 Magistrates Association likes to make the
21 comment that they're the court closest to the
22 people. And if you think about that, what
23 does that really mean? I've never really
24 heard a good definition from anybody in the
25 Magistrates Association as to what that means.

1 Does that mean that they know the people in
2 the community that come before them as judges?
3 I don't think that that's the way our system
4 is designed. Our system is designed to have
5 judges that are impartial when they hear a
6 case and be able to rule on the case without
7 being influenced by any extraneous
8 relationships they may have with anybody else.
9 And that's what this district court system
10 will assure.

11 There's a long explanation by Judge Judith
12 Kaye in a decision that's entitled, "People
13 vs. Charles F". It's listed and shown on our
14 website. But she goes into the fact that for
15 us to have a situation where we have
16 non-lawyer judges really compromises the
17 integrity of the system that we have. And I
18 would invite you to read that, if you are
19 concerned that we need to have a system where
20 the judges are close to community.

21 As to the court houses, the cost analysis
22 for the courts. The figures that we have and
23 we presented to you, and they're presented in
24 detail, all came from the town budget. It's
25 not any numbers we made up. We actually

1 posted the numbers that we got from each of
2 the townships in putting in that analysis
3 together. And in addition to that, there is a
4 proposed budget that has been made up for the
5 district courts.

6 In terms of the proposed law that we put
7 in place when we met with you a year ago, you
8 all made it very clear that you all wanted
9 more detail as to what the system would look
10 like. That's the purpose for the proposed law
11 that's in front of you. It's not intended
12 that that law is going to get passed this fall
13 and become the law of Orleans County until it
14 goes through the entire process that's
15 required by the New York State constitution.

16 I hope I've addressed the various comments
17 I think we've made that were left in the air.
18 Again, I am quite proud of the work that this
19 committee has done. We've tried to make this
20 committee be a representative of the entire
21 community by having not only people from the
22 county legislature, but from law enforcement,
23 from the district attorney's office, from the
24 public defender's office, from the Magistrates
25 Association itself.

1 We have, at all times, welcomed input from
2 every source. And at this point, I think it's
3 incumbent upon this county legislature to give
4 serious consideration to at least putting this
5 issue before the State of New York. I'm proud
6 of the fact that that issue is going to come
7 from Orleans County to the State of New York
8 for them to debate the merits of whether or
9 not a district court system is the appropriate
10 system to have in some counties where it's
11 appropriate in upstate New York which we don't
12 currently have. Thank you.

13 **CHAIRMAN JOHNSON:** Thank you,
14 Mr. Cardone. And I want to thank each and
15 every one of you here. This is actually what
16 a public hearing should be, where you all have
17 the ability to voice your concerns before a
18 decision is made. I wish we had this many
19 people come out on all of our issues. But
20 it's heartening to see so much interest in an
21 issue that we're grappling with. So, I
22 appreciate you all.

23 And at this point, I will close the public
24 hearing.

25 (Proceeding concluded at 7:58 p.m.)

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STATE OF NEW YORK)

SS:

COUNTY OF ERIE)

I DO HEREBY CERTIFY as a Notary Public in and for the State of New York, that I did attend and report the foregoing proceeding, which was taken down by me in a verbatim manner by means of machine shorthand. Further, that the proceeding was then reduced to writing in my presence and under my direction. That the proceeding was taken to be used in the foregoing entitled action.



Carly J. Garretson,
Notary Public