

1 STATE OF NEW YORK
2 ORLEANS COUNTY LEGISLATURE

3 _____/

4

5 PUBLIC HEARING REGARDING

6

7 CREATION OF A DISTRICT COURT
8 IN ORLEANS COUNTY

9 _____/

10

11

12 HELD AT: Orleans County Legislative Chambers
13 14016 Route 31W,
14 Albion, New York 14411

15

16 DATE: Tuesday, May 7, 2024

17

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

19

20

21

22

23 REPORTED BY: SUSAN M. RYCKMAN, CP,
24 FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Avenue,
Batavia, NY 14020,
25 (585) 343-8612

1 PRESENT:

2

3

WILLIAM H. EICK, Vice Chairman;

4

JOHN FITZAK, Member;

5

EDWARD F. MORGAN, Member;

6

DON ALLPORT, Member;

7

FRED MILLER, Member;

8

JOHN C. WELCH, JR., Budget Officer;

9

LISA STENSHORN, Clerk;

10

JOSEPH CARDONE, ESQ.,

11

Orleans County District Attorney;

12

JOANNE BEST, ESQ.,

13

Orleans County Public Defender.

14

15

16

17

18

19

20

21

22

23

24

25

1	<u>SPEAKERS:</u>	<u>PAGE</u>
2	JOSEPH CARDONE	5
3	DICK DeCARLO	22
4	BRUCE SCHMIDT	25
5	DICK MOY	27
6	KEN ORTIZ	28
7	KEN JOHNSON	31
8	PAUL LAURICELLA	34
9	SHERRY DAVENPORT	35
10	DEBORAH BERRY	39
11	SANDRA LAURICELLA	42
12	VIRGINIA NICHOLSON	43
13	TIM McMURRAY	45
14	DAVID GAUDISO	47
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 VICE-CHAIRMAN EICK: We'll call this
2 public hearing to order, and request the clerk
3 read the published legal notice.

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

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

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

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

14 Dated at Albion, New York, April 26,
15 2024.

16 VICE-CHAIRMAN EICK: Thank you. At
17 this time we will ask the District Attorney,
18 Joe Cardone, to say a few words.

19 MR. CARDONE: Thank you, Chairman.
20 Good evening. Joe Cardone, Orleans County
21 District Attorney. As you know, this is
22 intended to be a public hearing. I make a
23 statement that reviews, basically, what's
24 occurred in connection with our study and plan
25 with respect to a proposed district court

1 system here in Orleans County. Afterwards,
2 you're going to be free to make any comments
3 that you'd like, but there won't be -- it
4 won't be a question and answer situation.

5 I think you're aware, most of you,
6 anyway, that we have a county web site
7 dedicated to this issue. On that web site you
8 are able to ask questions and make any
9 comments and make any submissions that you'd
10 like from the public in connection with the --
11 determining this issue. And after this
12 session and before the next public hearing,
13 which is scheduled for June, we will be
14 posting questions or answers to the most
15 frequently asked questions, in attempting to
16 address the various issues that may be raised
17 at this forum or any other forum, for that
18 matter, in connection with the issue of the
19 district court. I will, however, stay after
20 this meeting for a while to address any
21 questions that anybody might have for me.

22 So what I want to first talk about
23 is how we got here. It's been recognized for
24 many decades now, frankly, that the justice
25 court system in the State of New York is in

1 badly need -- or in bad need of reform.
2 Orleans County has kind of taken a leadership
3 role in that regard, and starting back as
4 early as 1995, members of the county and town
5 government looked at the various alternatives
6 there were in terms of the court system. And
7 we looked at the Uniform Justice Court Act,
8 which permitted, under Section 106 of the
9 Uniform Justice Court Act, for neighboring
10 townships to reduce the number of judges in
11 those towns from two to one.

12 So beginning in, approximately,
13 2005, pursuant to the referendum, which is
14 required, we started in the Town of Ridgeway
15 and Shelby, and it went to public vote with
16 respect to reducing the number of judges in
17 each of those townships from two to one. That
18 was passed in that year.

19 The following year, the Town of
20 Yates was added to that, so that the number of
21 judges on the west end of Orleans County went
22 from six to three, with those judges in each
23 of those towns having jurisdiction in all
24 three of those townships.

25 It was further advanced by reducing,

1 or actually eliminating, the village courts in
2 the Village of Medina and Village of Albion.
3 After talks with village government, they
4 determined to dissolve the Village of Albion
5 Justice Court. And the Village of Medina and
6 Albion both decided to do that. And that,
7 again, reduced the number of judges, another
8 four judges.

9 Over the next several years what has
10 occurred is the various towns throughout
11 Orleans County have reduced the number of
12 judges in those townships from two to one. So
13 as, I think, of 2020, the number of judges
14 went from 24 in 1995 or early 2000s, actually,
15 to 12 in 2020. And we now have a system here
16 in Orleans County of town courts with 12
17 judges that actually oversee what it is that
18 happens in the local courts.

19 And again, this was all done by
20 public referendum and determination by local
21 governments that it was a more efficient way
22 of doing things.

23 In 2019, the County Legislature
24 formed a District Court Committee, and the
25 purpose of that committee was to study whether

1 it made sense to look at the district court
2 system in Orleans County. That district court
3 system is authorized by the New York State
4 Constitution, and there's also a District
5 Court Act. And I want to talk a minute about
6 the interplay between district courts and
7 justice courts.

8 Under the district court system, the
9 district courts are under the jurisdiction of
10 the Office of Court Administration. They
11 determine the number of judges that are going
12 to be in that court, but they are full-time
13 judges, and by law, the judges in those courts
14 have to be attorneys.

15 Under the justice court system, the
16 judges aren't required to be attorneys. And
17 for a long time it's been argued that an
18 individual who has the possibility of facing
19 incarceration, who has the right to have an
20 attorney represent him in court, should also
21 have the right to have his matter heard by
22 someone who is an attorney when his liberty --
23 his or her liberty is something that is --
24 could be compromised.

25 So with that, a committee was

1 formed, and that committee included a number
2 of magistrates who came to those meetings on a
3 regular basis, myself as the District
4 Attorney, our Public Defender Joanne Best,
5 Sheriff Bourke is a member of that committee,
6 as is a member from the public. We also had
7 someone from the Office of Court
8 Administration at those meetings, and our
9 county administrator. We hoped, in forming
10 that committee that way, that it truly was
11 intended to be unbiased. And I'd like to
12 think that it was with each of these different
13 interests being able to speak their mind at
14 that meeting, or at those meetings.

15 This all resulted in a study and a
16 plan that has been published. It's on our
17 county web site, which details the -- what was
18 discussed at each of those District Court
19 Committee meetings, and I would invite all of
20 you to look at the county web site. We posted
21 a tremendous amount of information. Not only
22 pro and con locally with respect to the
23 district court system, but various -- a number
24 of other documents from the State Bar
25 Association and other agencies across the

1 State addressing this whole issue of district
2 court and justice courts.

3 So we, as a result of completing
4 this study, it's now -- there's been a public
5 law that has been proposed, that will go to
6 referendum this November, and it's going to be
7 determined by the citizens of this county
8 whether it wants to, in fact, form a district
9 court in Orleans County.

10 Under our Constitution, the
11 Constitution permits townships to make their
12 own determination as to whether or not they
13 want the justice court to continue in their
14 township, even with the district court formed.
15 So it's going to be up to each township -- if
16 a district court is passed by the county
17 voters, it's going to be up to each township
18 whether they are going to want to continue to
19 have a justice court in their township. It's
20 -- they can determine not to have that, if
21 they so choose, or they can determine to have
22 it. But it will be at the cost of the town
23 whether they have that justice court.

24 And I want to talk a minute about
25 the relative costs of having a justice court

1 system and a district court system.

2 Under the justice court system, the
3 costs of operating those courts are an
4 exclusive cost of the townships. The towns
5 are entitled to all revenues from fines that
6 are received in that court, but they are also
7 responsible for all expenses of the operation
8 of that court, whether it's the facility or
9 staffing or any other expense associated with
10 the operation of the justice courts.

11 We asked for the budgets from each
12 of the townships across Orleans County. We
13 received those budgets. They're posted on the
14 web site. And you will see a spreadsheet in
15 the study which details what those costs are
16 from each of those townships, and that
17 spreadsheet is based upon numbers received
18 directly from those towns.

19 But the summary of it is that before
20 employee benefits and facility costs, taking
21 into account the revenues and expenses, our
22 town courts operate at a deficit of
23 approximately \$462,000 here in Orleans County.
24 It's estimated, if you add in employee
25 benefits and facility costs, that is another

1 approximate -- totals approximately \$900,000.

2 Part of our justice court system is
3 a, what's called, a centralized arraignment
4 part, which is commonly referred to as CAP
5 Court. That operates in this county at an
6 additional cost of, approximately, \$113,000
7 each year. So there's a total cost of, about,
8 \$1.1 million to operate the justice court
9 system in Orleans County each year.

10 Now, as we point out in the study,
11 courts don't exist to make a profit. That's
12 not what court's about. Courts are about
13 justice. They are there to do justice. But
14 in operating our courts, we want to do them in
15 a cost effective way, and so that's why we're
16 looking to see whether or not it might make
17 more sense to have a district court. Again,
18 all the costs associated with town courts are
19 at the expense of the members or citizens of
20 that township.

21 Under a district court system, that
22 is under the jurisdiction of the Office of
23 Court Administration for budget purposes.
24 They bear the costs pursuant to State Law,
25 through the State budget, of paying for all

1 costs associated with a district court, with
2 the exception that the county has the cost of
3 providing and maintaining a facility where
4 that centralized court will be held. So
5 you're really looking at a vast difference of
6 expense, whether it be put to the taxpayers of
7 the county to maintain the justice court
8 system, or spread across the entire State for
9 a district court system here in Orleans
10 County.

11 Historically, the district court
12 laws went into effect back in the early 1960s,
13 and at that time there were two district
14 courts that were established in Suffolk and
15 Nassau County. Those district courts are
16 funded by the State of New York, and they are
17 not funded locally. And in effect, all the
18 citizens of New York State pay for those two
19 courts in Suffolk and Nassau County.

20 If a court were established here, a
21 district court were established here, that
22 would be also the case, where the cost of
23 those courts or that court would be spread and
24 taken up by the State budget, and not just our
25 local county, and town budgets. So that's a

1 significant difference.

2 But most importantly, in looking at
3 the -- a district court, we want to look at
4 the efficiencies of having a district court
5 system. And the different things that we
6 perceived in having a district court system,
7 is that that would be a centralized court. We
8 are a fairly small county both geographically
9 and in terms of our population.

10 It is not a difficult issue for
11 people to travel to a centralized court in
12 Albion to attend a court session. It's been
13 argued that, well, you know, it makes it
14 inconvenient for somebody in the Town of Yates
15 who can't have their matter heard in the Town
16 of Yates. But frankly, those that are going
17 to courts, they don't necessarily live in the
18 township where they're having to have their --
19 their matter heard. People don't look at the
20 necessarily township before they -- they
21 commit crimes.

22 And the way we look at it, is that
23 we have many centralized agencies throughout
24 the county that are here in Albion. When
25 you're looking at the Department of Motor

1 Vehicles or the treasurer's office. And
2 frankly, we have one Walmart for the entire
3 county, which is centrally located, and people
4 don't seem to have a problem getting to Albion
5 for that purpose. And we do have a public
6 transit system.

7 So taking all that into
8 consideration, what is being proposed is a
9 centralized district court here in Orleans
10 County. The number of judges in that court
11 will be determined by the Office of Court
12 Administration, and their salaries will be
13 paid by the Office of Court Administration at
14 a level determined by the Office of Court
15 Administration. Under the law, those judges
16 do have to be attorneys, and they're elected
17 for a six-year term.

18 It is felt that one of the
19 advantages of having a district court is that
20 right now, there's issues in many of our town
21 courts with respect to the cost in providing
22 security in those courts. If we have a
23 district court, the cost of security and the
24 personnel for security is provided by the
25 Office of Court Administration.

1 The staffing in district courts
2 would be more efficient, in that it means less
3 staffing for the district attorney's office,
4 public defender's office, probation, and other
5 agencies that are covering those courts.
6 Instead of running to various different
7 courts, they will be going to a centralized
8 location.

9 But most importantly, we see a
10 benefit to the citizens of this county. Any
11 of you that have ever had to deal with justice
12 courts realize that matters can go on for many
13 months in those courts. Cases in most of our
14 town courts are heard from month to month,
15 sometimes twice a month. But in the district
16 court system, that -- we would be having a --
17 it would be open on a daily basis, on a
18 full-time basis, and it's perceived that cases
19 would not be strung out over long periods of
20 time, as they currently are under the justice
21 court system.

22 It provides better access to
23 citizens within the community who want to be
24 able to get into the courts to pay their fines
25 or are looking to lift suspensions. Right now

1 we have a system where those that want to do
2 business with the courts, they have to be able
3 to be there at a time when there's clerks
4 available. And under our justice court
5 system, understandably, which is a part-time
6 system, we can't have clerks in all the courts
7 on a full-time basis to tend to those issues.
8 So that's another efficiency that we're
9 looking to provide to the citizens of Orleans
10 County.

11 So there's a lot more detail that's
12 set forth in the county plan and study.
13 Again, I would encourage you to take a look at
14 those things. But as I indicated in the
15 beginning, we are going to be having another
16 public hearing on this issue in June. I think
17 the date is posted. We would encourage you,
18 again, to look at the web site, to look at
19 materials as they come in and questions as
20 they come in so we can address the various
21 concerns that there are.

22 This, ultimately, there would have
23 to be a resolution passed by the County
24 Legislature as to whether or not to put this
25 on the ballot for November. The next step in

1 that process would be an actual vote on it in
2 November. And if it is passed by a majority
3 of the voters in Orleans County, then it would
4 go up to New York State government, where the
5 law makers there are going to, I'm certain,
6 debate whether or not they should approve
7 there being a district court system here in
8 Orleans County. I'm confident that there will
9 be a fair amount of debate at that level.
10 There has not been any district courts formed
11 in Upstate New York, again, since the early
12 1960s. But simply based upon the fact that
13 our laws have gotten a lot more complex,
14 whether you're looking at the bail laws, or
15 discovery laws, or the number of other
16 different laws, it's recognized by the State
17 that there has to be some reform with respect
18 to our courts and finding a better way to deal
19 with all of those issues.

20 So with that, that really concludes
21 what comments I have, and I'll turn it back
22 over to Mr. Eick.

23 VICE-CHAIRMAN EICK: Okay. Thank
24 you, Joe. At this time we will have the Clerk
25 state the guidelines that will be followed for

1 the public comments.

2 CLERK: We have a signup sheet in
3 the hall for anyone that is in attendance.
4 Please make sure you have signed in. And
5 there is also another sheet over on the side
6 table in the chambers for those that want to
7 speak during the public time.

8 You may speak once. Your time is
9 not transferrable to another person.

10 For the people on Zoom who would
11 like to speak during the public comment
12 period, please use the chat to type your name
13 and township. For those on Zoom who do not
14 have access to the chat because they are on a
15 telephone, you will be able to speak after the
16 two other lists are exhausted.

17 The length of all public comments
18 will be limited to three minutes. This will
19 be monitored by CAO Jack Welch. You may only
20 speak once, and your time is not transferrable.
21 We will first use the speaker list of those
22 present in the chambers, then go to the Zoom
23 list, followed by those who called into the
24 Zoom. When called upon, please state your
25 name and township.

1 Comments via email will be accepted
2 through June 5th, 2024. And that is at
3 districtcourtcomments@orleanscountyny.gov.

4 If anyone in the chamber wishes to
5 speak and has not signed in on the speaker's
6 sign-in sheet, please come forward now and
7 sign in.

8 Please note, we will also be
9 preparing and updating a Frequently Asked
10 Questions list that will be posted on the
11 Orleans County web site in the Department
12 Lists District Court Committees.

13 VICE-CHAIRMAN EICK: At this time we
14 will take any comments.

15 MR. ORTIZ: Up here?

16 MR. WELCH: No. I mean, did you
17 sign in?

18 MR. ORTIZ: I did. I signed in over
19 here.

20 MR. WELCH: So we'll get to you when
21 you signed up. You're number four.

22 MR. ORTIZ: Oh, I am?

23 MR. WELCH: Okay.

24 CLERK: The first speaker will be
25 Dick DeCarlo.

1 Yes, please. I'm sorry, the yes
2 please was to come up front and speak into the
3 microphone so that everybody can hear you.

4 A SPEAKER: I wish you all could
5 turn your microphones up. It's very hard to
6 here out here. I didn't hear half of what you
7 said.

8 A SPEAKER: It doesn't sound like
9 the mics are on.

10 VICE-CHAIRMAN EICK: Can you hear
11 me?

12 A SPEAKER: When Joe spoke. When
13 you other folks speak, it's almost impossible
14 to understand.

15 MR. CARDONE: Can you turn it up?

16 (Off the record discussion.)

17 MR. DeCARLO: Should we try it and
18 see what happens? For those of you in the
19 room that don't know, I was a member of the
20 community that was part of this committee.

21 I want to thank District Attorney
22 Cardone, Public Defender Best, and the
23 Legislators for inviting me to be part of this
24 committee.

25 For those of you that also don't

1 know, I'm the co-owner of Heritage Estates.
2 Collectively in property taxes our business
3 pays over \$300,000 a year in property taxes.
4 So consequently, matters of taxation and
5 adjustments to the taxation are extremely
6 important to me.

7 Being part of this committee, I got
8 an opportunity to see how this functioned, how
9 this went together. I want to compliment
10 District Attorney Cardone, Public Defender
11 Best. You folks put a lot of time and effort
12 into this, and it didn't go unnoticed.

13 I do have to differ with some of the
14 findings of this report. Joe, you stated
15 earlier that the estimated employee benefits
16 for the town courts is in excess of \$900,000.
17 I beg to differ. We had one town report
18 \$9200. That was a town with two judges.
19 Extrapolated out, we're probably looking at
20 \$100,000 for the remainder of those towns.
21 That puts the cost of town courts at, roughly,
22 \$500,000.

23 The reported costs, which are
24 questionable of the district court, are
25 900,000 plus. I asked the question numerous

1 times on this committee, is there a guarantee
2 that the State, that the Office of Court
3 Administration, are going to pick up the costs
4 of the judges and their clerks? Well, we're
5 assuming that they are. Assumptions are
6 dangerous to make. There's no guarantee,
7 there's nothing in writing that says they're
8 going to. We're just assuming because they
9 did downstate with two counties in the 1960s.

10 The other question I raised, was
11 where is this court going to be housed? I
12 heard a couple of different versions of that.

13 One was, we'll move the district
14 attorney and the public -- probation down to
15 the newly acquired former GCC complex, and
16 we'll remodel this current building, which as
17 I look at you as legislators, folks, for the
18 last ten years all I've heard you say is, what
19 a state of disrepair that building is in, and
20 we need to get out of it.

21 That -- what's the cost of that
22 renovation, if you choose to renovate that?
23 It will be seven figures. Are we going to
24 build a new facility? That will be tens of
25 millions of dollars. Those costs aren't

1 captured in this report.

2 MEMBER WELCH: I'm sorry, your three
3 minutes is up.

4 MR. DeCARLO: Thank you. That's
5 what I had to say.

6 MR. WELCH: You can add comments on
7 email.

8 MR. DeCARLO: I will.

9 MR. WELCH: Yeah.

10 CLERK: Next we have Bruce Schmidt.

11 MR. SCHMIDT: Good evening. I've
12 been a member of this committee since its
13 formation because I was, at that time,
14 President of the Magistrates Association, and
15 I was continued on for purposes of, I guess
16 you might say, continuum.

17 I speak in favor of the district
18 court system for, perhaps, different reasons.

19 I'm kind of interested in the
20 delivery of justice. I've been an attorney in
21 this State representing all kinds of
22 individuals for over 50 years.

23 With the new Chief Judge of the
24 Court of Appeals Wilson, he has embarked on a
25 new trend; that is, to bring justice as much

1 as possible to everyone, embarking upon a
2 mental health court, embarking upon more drug
3 courts. We don't have one for misdemeanors in
4 this particular county. Veterans courts.

5 We also are embarking, through his
6 efforts, upon what's called alternative
7 dispute resolution systems. Where indeed,
8 people can go to arbitration or mediation with
9 trained people that he has embarked upon
10 through creating a new office.

11 Delivery of justice in those veins
12 and others is accomplished in a better fashion
13 when we have a court system and a court that
14 operates on a daily basis.

15 The problem that we have,
16 unfortunately, is here we have good people,
17 but they're meeting once a week, every two
18 days of a month, sometimes in the summer
19 they're not meeting at all.

20 Delivery of justice in this day and
21 age is very important that we recognize where
22 the Court of Appeals, the highest court in
23 this State, is going. And I believe that if
24 we get in early on, we in Orleans County can
25 avoid being swept over or swept under by those

1 people from New York City.

2 For those of you who don't know,
3 there is indeed a proposal that the hundred
4 most busiest courts in this State be serviced
5 by attorney judges. There is in the
6 Legislature some people are suggesting
7 attorney judges for everything. That's
8 impossible currently here. I understand that.
9 A district court can go ahead and do that.

10 For those of you, it's on our web
11 site, there is a journal of Law and Policy. I
12 have been a proponent of that system that's
13 outlined there. It's the Vermont system,
14 where we have district courts and judges, and
15 that's what our current procedure envisions
16 that we can have.

17 If the people in the various towns
18 want it, they can continue on in some vein
19 with the justice court system, along with the
20 delivery of justice through a district court
21 system. Thank you.

22 MS. STENSHORN: Next we have
23 Dick Moy.

24 MR. MOY: Well, I was gonna speak,
25 but Dick DeCarlo stole my thunder.

1 MR. DeCARLO: Sorry, Dick.

2 MR. MOY: But everybody has
3 experiences with the State running back
4 funding --

5 MS. STENSHORN: He has to come up to
6 the microphone.

7 MR. WELCH: Dick, the People on Zoom
8 can't hear you.

9 MR. MOY: That's okay.

10 MR. WELCH: No, it's not.

11 MR. MOY: It is for me.

12 MS. STENSHORN: Next we have
13 K. Ortiz.

14 MR. ORTIZ: Hello. My name is
15 Ken Ortiz, and I've emailed pretty much each
16 of the Legislators in this county.

17 Does the district court or the local
18 justice court have any significance when the
19 process is compromised?

20 So if we look at People versus
21 Harden, we see a non-attorney judge being
22 guided by a seasoned prosecutor, a prosecutor
23 who's, slash, a professor, Former Assistant
24 U.S. Attorney, and the case is a failure.
25 There's no delivery of justice in People

1 versus Harden.

2 Even though the judge is a
3 non-attorney judge, there's a prosecutor,
4 Anthony Bruce, who's seasoned and teaches the
5 law. Yet that case fails in a prosecution,
6 and there's a question about the sabotaging of
7 that case with the accusatory instrument being
8 in the wrong jurisdiction.

9 So I would agree that with a
10 district court, that problem could have
11 possibly have been remedied and a prosecution
12 would have taken place.

13 And there wasn't a prosecution in
14 that case. And that should be alarming
15 because that prosecution went on for several
16 months at a cost of tens of thousands of
17 dollars, I believe. Several months with an
18 indictment, with Anthony Bruce, and them going
19 back and forth and adjourning the case
20 concerning jurisdictional matters. Where
21 Judge Church knows Anthony Bruce doesn't have
22 jurisdiction, yet Bruce is allowed to
23 prosecute People versus Harden. And so with
24 Anthony's Bruce's knowledge in being a
25 seasoned prosecutor, it wouldn't matter. The

1 process is compromised.

2 I think that a justice court closest
3 to the people serves us best. However, we
4 need to talk about the judges who are not
5 attorneys and educated in the law.

6 And we don't need more monies being
7 spent when we have the Americans with
8 Disabilities Act. That would have cover --
9 that would cover the second person's
10 statements or questions. We don't need a
11 mental health court or whatever.

12 If judges were following the law,
13 there wouldn't be -- we wouldn't be having
14 this wasteful judicial resource, this
15 mismanagement of tax dollars, and all of this
16 -- this problem.

17 We have a compromised judicial
18 process in the court right now. My name is
19 Ken Ortiz. I've been prosecuted two times,
20 and have successfully defeated Mr. Bruce
21 because there was an issue about the law. And
22 Anthony Bruce was allowed to prosecute when he
23 wasn't vetted, according to the law. And I
24 think that opens up Orleans County to
25 lawsuits, and you should be worried about

1 that.

2 MR. WELCH: Thank you.

3 MR. ORTIZ: Thank you, and have a
4 great day.

5 MS. STENSHORN: The next speaker is
6 Ken Johnson.

7 MR. JOHNSON: Good evening. My name
8 is Ken Johnson, I am the President of the New
9 York State Magistrates Association.

10 New York State Magistrates
11 Association is an association of approximately
12 1200 town and village courts, and we total a
13 little over 2300 active town and village
14 judges. Our membership is made up of both
15 attorney justices as well as non-attorney
16 justices.

17 There are a few things I would like
18 to address to DA Cardone who had brought forth
19 some information.

20 First thing I'd like to share,
21 there's over 2 million cases that are heard by
22 town and village justices in New York State,
23 and the fact that he stated town and village
24 courts were in poor shape, but those are facts
25 that are not in evidence.

1 The New York State Commission on
2 Judicial Conduct, which oversees all courts of
3 which town and village judges make up
4 two-thirds of the judges in New York State,
5 has found on a percentage basis there is no
6 disciplinary difference between attorney
7 judges or non-attorney judges at any level of
8 State court or town court, county court. They
9 all have, roughly, equal the same -- excuse
10 me. All equal, approximately, disciplinary
11 measures.

12 When it comes to appeals, there has
13 never been a study that has shown that town
14 and village judges are appealed at any larger
15 or greater rate than any of their county court
16 or district court or state court compatriots.
17 Neither appealed nor overturned at any
18 different rate.

19 Town and village judges, since 2007
20 with reform in New York State, the 2007 Action
21 Plan put forth by New York State mandates that
22 New York State town and village judges who are
23 not attorneys have to do a minimum of 12 hours
24 of continuing judicial education every year.
25 That continuing judicial education is also

1 CLE, which is continuing legal education, the
2 same classes that attorneys have to take.
3 Non-attorney judges are tested on those
4 things, and they have to pass exams to be
5 certified to be judges in New York State.

6 Talking about district courts. The
7 price of district courts. The Office of Court
8 Administration estimates that it's over
9 \$1 million per bench, per district court.

10 So he talks about the Suffolk and
11 Nassau Counties. Those courts, those district
12 courts, have literally 30 to 40 judges in
13 their district courts. Those are millions of
14 dollars that are going forward.

15 In Orleans County, in a district
16 court, chances are you would not be limited to
17 one judge. You would end up having multiple
18 judges. That would be multiple millions of
19 dollars. Now, you can say that that price
20 gets passed onto the State, but it does come
21 back to everybody for their taxes.

22 One of the other issues he said was,
23 he said that all fines from town and village
24 courts go to those town and village courts.
25 That's incorrect. Parking fines stay within

1 their communities. Other fines go to the
2 State, and then the State gives a percentage
3 back to the town and village courts -- or
4 excuse me, back to the town and village boards
5 to see what they would like to do with that.

6 MR. WELCH: Thank you.

7 MR. JOHNSON: Am I out of time?

8 MR. WELCH: Yes.

9 MR. JOHNSON: Thank you very much.

10 MS. STENSHORN: Next we have
11 Paul Lauricella.

12 MR. LAURICELLA: Good evening. I
13 agree with everything Mr. DeCarlo said. I
14 don't have a tax bill like he does, but to me
15 it's a lot.

16 And my concern is, you know, this is
17 an expansion of government, and once the ball
18 on that gets rolling, it never stops.

19 I was at my town board meeting last
20 night, and nobody there is in favor. They
21 even asked the people that were there, there
22 wasn't a lot of people there, but is anybody
23 in favor of this district court? And
24 everybody's like, no.

25 So I just -- we've got a great town

1 justice right now. He is highly respected.
2 He's lived there forever. He knows everybody.
3 He's touched everybody's life in one way or
4 another in a positive way, and you know, I
5 mean, I know you go -- depends what town you
6 are in, but if you go into Yates, you're going
7 to be treated fairly and justly.

8 And I don't think the people want a
9 district court. You know. So if it gets put
10 up for a vote, then the people could decide.
11 But I'm not for it, and I'm not for my taxes
12 -- definitely not for my taxes going up
13 anymore than they already are. It's tough
14 enough for people to live as it is, and you
15 know, once the foot gets in the door, it's
16 going to keep growing. So that's all I got to
17 say. Thank you.

18 MR. WELCH: Thank you.

19 MS. STENSHORN: That concludes those
20 that signed up to speak in the chambers.
21 We'll now move to our Zoom, and we have
22 Sherry Davenport.

23 MS. DAVENPORT: Good evening.
24 Hopefully you can hear me?

25 MS. STENSHORN: We can hear you.

1 MS. DAVENPORT: Thank you. My name
2 is Sherry Davenport. Thank you for the
3 opportunity to participate in the hearing this
4 evening.

5 I've been a town justice for 29
6 years in Cayuga County, and I am a past
7 President of the Magistrates Association. I
8 am here this evening to support the Orleans
9 County town courts.

10 I previously sent a resolution from
11 the State Magistrates Association to all the
12 legislators for their review, and I think it's
13 going to be posted, if it hasn't already.
14 Mr. Cardone said that would be the case on the
15 District Court Committee site.

16 And just to clarify, this is a
17 public hearing. It was advertised as a
18 Legislative Public Hearing. Are these all
19 members of the committee, the District Court
20 Committee, and not legislators? That seems to
21 be what it is, which would seem to be kind of
22 false advertising in violation of the
23 Municipal Home Rule Law.

24 I wanted to mention that you have a
25 very important issue to address, Orleans

1 County voters. There's been a proposition to
2 take your right to vote for local officials
3 away.

4 The reported District Committee --
5 District Court Committee starts with a
6 conclusion that a district court's best for
7 Orleans County, and then provides anecdotal
8 statements in an attempt to support that
9 conclusion.

10 Almost half of the committee, five
11 of the eleven members, have either descended
12 from the recommendation or abstained in making
13 any recommendation whatsoever. Hardly a
14 ringing endorsement of the current plan.

15 There are very limited facts to
16 support making such a drastic change. No
17 definitive financial information, no
18 indication of promises of support from the
19 State Legislature for funding.

20 The crux of the committee's report
21 suggests substantial cost savings by
22 substituting individual town courts for a
23 single district court. At the same time, they
24 admit that the vote to establish a district
25 court does not terminate existing town courts.

1 That's a constitutional fact. Towns would
2 still need to fund their local courts, unless
3 they make an effort to remove them. So where
4 is the promised cost savings coming from?

5 Our founders established three
6 separate yet equal branches of government in
7 the Constitution; legislative, executive, and
8 judicial. Each branch is to have separate and
9 independent powers so that no one branch is
10 more powerful than the other. It should not
11 be the goal of the County Legislature to run
12 roughshod over a judicial branch to, as you
13 stated in the report, render justice courts
14 ineffective. No one branch should have that
15 power over another. That's autocracy and not
16 democracy.

17 Please do not let the County
18 Legislature take away access to local courts
19 and your right to vote for community
20 representation. Your decision has
21 consequences.

22 And I'd like to read the brief
23 statement from the Resolution.

24 Resolve that the New York State
25 Magistrates Association is opposed to any

1 effort to eliminate the local and convenient
2 access to justice by our citizens who find
3 that the town courts of Orleans County provide
4 a meaningful and necessary presence within our
5 community for judicial resolution of
6 conflicts, continued public safety of our
7 citizens, and the protection of constitutional
8 guarantees for all our citizens.

9 MR. WELCH: Your time is up.

10 MS. DAVENPORT: Thank you.

11 MS. STENSHORN: We will now open it
12 up to anybody on Zoom that is calling in? If
13 you would like to speak, please do so now.
14 State your name.

15 (No Zoom response.)

16 VICE-CHAIRMAN EICK: If there's
17 nothing up there, is there any additional
18 comments from the public?

19 MR. ORTIZ: Yes, sir. Yes, sir.

20 VICE-CHAIRMAN EICK: The lady over
21 here had her hand up.

22 MR. ORTIZ: Oh, sorry.

23 MS. BERRY: Do you want me to come
24 up? My name is Deborah Berry, and I was
25 working both for the county and the State and

1 the State court system.

2 Have you heard anything confirming
3 that the State court system is actually going
4 to pay for this, and they're going to support
5 it? Yes, you can pass a law, but what's
6 coming down the pike?

7 With a judge comes a law clerk, a
8 MS. STENSHORN, security guards, filings,
9 computer systems. The county has to pay for
10 cleaning the building. The county has to pay
11 the heat, the electric. The county is us. If
12 the State pays for it, it's us. Our
13 assessments we just got are us.

14 How much more can we keep getting
15 taxed, and having another layer of courts put
16 in there?

17 We have something that works. The
18 people know the people. They know the local
19 laws. I don't know what more we can do with
20 our finances out here. People are poor.

21 You have to have a budget. We're
22 not hearing numbers. We're not hearing what
23 it's going to cost. And that's what they're
24 asking. There's no state budget line. Did
25 you get any confirmation from anybody? Those

1 are things to think about.

2 VICE-CHAIRMAN EICK: Any initial
3 comments? Yes, sir?

4 MR. WELCH: Kenny, you had your
5 three minutes, I'm sorry. If you want
6 additional comments, you can use email.

7 MR. ORTIZ: Really? If there aren't
8 any other comments, could I? I would like to
9 talk about this matter, sir.

10 MEMBER WELCH: I understand.

11 MR. ORTIZ: And this management of
12 tax dollars. There needs to be an audit,
13 really.

14 What Ms. Davenport said, the judges
15 are very ignorant of the law, sir.

16 MEMBER WELCH: Kenny, we gave you
17 your time, and we only have that. So any
18 additional comments, please put it on the
19 email, too.

20 MR. ORTIZ: I've sent you emails all
21 about this, sir.

22 MR. WELCH: I know, but this is --

23 MR. ORTIZ: Do you get my emails?
24 But do you get my emails?

25 MR. WELCH: This is part of the

1 public record when you go to that email
2 address.

3 MR. ORTIZ: Okay. I thought you
4 were opening a question and session for
5 anybody. So thank you.

6 MR. WELCH: You're welcome.

7 VICE-CHAIRMAN EICK: Are there any
8 other comments? Yes, ma'am?

9 MS. LAURICELLA: Yes. Hi, my name
10 is Sandra --

11 MR. WELCH: You need to use the
12 microphone.

13 MS. LAURICELLA: Okay. Now you're
14 making me nervous. My name is
15 Sandra Lauricella. I live in the Town of
16 Yates.

17 We have four kids that we raised in
18 the Town of Yates, and I am very against this.
19 I think that it would be way better to leave
20 things as it is. Cheaper.

21 What you want to do, like she was
22 saying about the money, it's way too unsure.

23 It's, I don't know, it seems like
24 there's only a handful of people that are for
25 this, and there's a lot of people that are

1 against it.

2 I think each town, they know the
3 parents or the kids or each judge, you know.
4 I have a good experience from the town we live
5 in. Donny's been awesome. So -- and I have
6 four -- you know, when they were younger, they
7 did things, you know. But I just think it's a
8 very bad idea to mingle, put everything all in
9 one. I have a lot more to say, but you know,
10 I'm a little nervous, so.

11 I think it's going to be way too
12 costly, and I don't think it's going to be
13 effective. I think with each town having
14 their own judge, knowing, you know, who lives
15 in the area, the troublemakers, the good kids,
16 the whatever, that they could control it way
17 better and get a better handle on the
18 situation. That's all.

19 MR. WELCH: Thank you.

20 VICE-CHAIRMAN EICK: Any other
21 comments? Yes, ma'am?

22 MS. NICHOLSON: Good evening. A lot
23 of you people know me because I've worked --
24 oh, I'm sorry, my name is Virginia Nicholson.
25 And a lot of you know me because I've worked

1 in the county, around the county, and for the
2 county over a long period of time. I worked
3 in a private practice for an attorney. I
4 worked in the district attorney's office. I
5 worked in the courthouse, and I worked in odd
6 jobs here and there along the way. I've
7 worked in the Village of Lyndonville, also.

8 I think what you want to accomplish
9 is commendable, but I think more has to be put
10 into it. The cost itself, when you compare
11 with what people are saying, the number of
12 judges. Do you know how many you are going to
13 have to have? No, I don't believe so.

14 Do you know what your staffing is
15 going to have to be? From what I'm reading,
16 and I haven't read it all, I'll be honest, I
17 don't know that you do.

18 If you look at the way the
19 courthouse has been set up over the years, you
20 have a judge, and there are times when we've
21 had three judges, a couple from another county
22 in order to fill in. You have the clerks, you
23 have the staffing, you have a court reporter,
24 and you have the various people that we have
25 to deal and answer to.

1 I really think it's, again, it's
2 commendable, but I really think you have to
3 put more into it, give us more information
4 that we can physically look at to be able to
5 tell what you're trying to accomplish with
6 dollars and cents.

7 VICE-CHAIRMAN EICK: Thank you. Any
8 other comments? Yes, sir?

9 MR. McMURRAY: Good evening.
10 Tim McMurray from the Village of Albion.
11 That's where I'm a resident. Just more of a
12 real quick, two statements or so.

13 At the very first hearing that was
14 done here, it was indicated that the State was
15 coming forward and going to start pushing this
16 down. Yet I've looked through all the budgets
17 that they've proposed, the proposed
18 legislation over the last three, four, five
19 years. I have not seen anything in there.
20 And that's usually where they start putting in
21 when things coming down. So unless I'm
22 overlooking it. I've looked in the report,
23 too, and there is no reference to it in there
24 either.

25 If it is such a great idea to have

1 this district court, why has it been 60 --
2 about 60 years since the other two were
3 established, and there's not a peep about it?
4 Suffolk and Nassau County did it back in 1964.
5 It's 2024. There's nothing. There's not even
6 been a blip on the radar for any other county
7 to do it. So if it's so great, why is it so
8 great? I don't see anything in there.

9 The other issue would be, is we have
10 an alarming number of cases that just get
11 sealed up, even right now with our current
12 smaller courts. Is that going to increase
13 with the district court, where you have one or
14 two people that are overseeing everything, and
15 maybe their case loads start to get too much,
16 and they just start sealing things to be done
17 with it?

18 These are questions that I have on
19 it and things I'm looking for because right
20 now I am not too happy with what I see that's
21 coming out of anything.

22 I don't know about you guys or
23 anybody else, but again, 60 years is a long
24 time to see no action from the State. And for
25 someone to suddenly pop up and go, yeah, it's

1 a great idea, let's go.

2 So that's all I got on that one.

3 MR. WELCH: Thank you.

4 VICE-CHAIRMAN EICK: Yes, sir?

5 MR. GAUDISO: Good evening. My name
6 is David Gaudiso, G-A-U-D-I-S-O. I have been
7 elected for two terms as town justice.

8 Pretty much in agreement with
9 everything that I've heard here from the
10 people out here.

11 The one thing that I am confused
12 about is what's going to happen with small
13 claims, evictions, and code violations? The
14 majority of my trials were those cases. Are
15 these district court judges going to verse
16 themselves in civil law?

17 That's all I have. Thank you.

18 VICE-CHAIRMAN EICK: Any additional
19 comments?

20 (No response from the audience.)

21 VICE-CHAIRMAN EICK: Is there any
22 additional comments?

23 (No response from the audience.)

24 VICE-CHAIRMAN EICK: I will say this
25 three times. Any additional comments?

1 (No response from the audience.)

2 VICE-CHAIRMAN EICK: If not, no
3 additional comments, the public hearing is
4 closed. Thank you for coming.

5 (The proceeding concluded at
6 a time of 7:54 p.m.)

7 * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF NEW YORK)

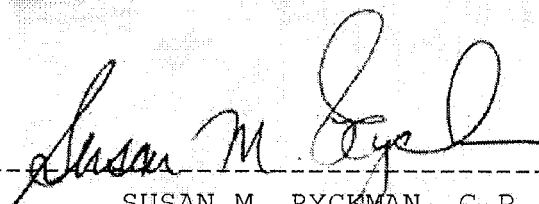
2 ss:

3 COUNTY OF GENESEE)

4
5
6 I DO HEREBY CERTIFY as a Notary Public
7 in and for the State of New York, that I did
8 attend and report the foregoing proceeding,
9 which was taken down by me in a verbatim
10 manner by means of machine shorthand.

11 Further, that the proceeding was then
12 reduced to writing in my presence and under my
13 direction. That the proceeding was taken to
14 be used in the foregoing entitled action.
15

16
17
18
19
20
21
22
23
24
25



SUSAN M. RYCKMAN, C.P.,
Notary Public.