Law Enforcement & Public Safety Committee Regular Meeting Minutes

DATE & TIME:	July 6, 2023 – 1:00 PM	
LOCATION:	Karen L. Binder Library, 6th Floor, County Office Building, Kingston	
PRESIDING OFFICER:	Chair Gina Hansut	
LEGISLATIVE STAFF:	Chelsea Villalba, Legislative Employee	
PRESENT:	Deputy Chair Chris Hewitt, Legislators Dean Fabiano and Abe Uchitelle, Legislature	
	Chair Tracey Bartels,	
ABSENT:	Legislator Tricia Bowen	
QUORUM PRESENT:	Yes	

OTHER ATTENDEES: District Attorney Dave Clegg and Investigator Eric Paulding, Office of the District Attorney; Sheriff Juan Figueroa, Ulster County Sheriff's Office; Director Valerie Naccarato and Dana Ryan, Probation Department; Supervisor Darlene Higley, Crime Victims Assistance Program; Director Everett Erichsen, Emergency Services; Assistant Deputy Executive Rebecca Rojer; Legislators Phil Erner and Eric Stewart; Deputy Clerk/Financial Analyst Amber Feaster, Donna Schachman, Member of the Public

Chair Hansut called the meeting to order at approximately 1:00 PM and Legislative Chair Bartels led the Pledge of Allegiance.

Motion No. 1: MOTION to APPROVE the Minutes of the May 4, 2023 Regular Meeting of the Law Enforcement & Public Safety Committee

Motion By:	Legislator Fabiano	
Motion Seconded By:	Legislator Uchitelle	
Discussion:	None	

Hearng none, Chair Hansut called the question.

Voting In Favor:	Chair Hansut, Deputy Chair Hewitt, Legislators Fabiano and Uchitelle, Legislature Chair Bartels
Voting Against:	None
Votes in Favor:	5
Votes Against:	0
Disposition:	MINUTES APPROVED

Resolutions for the July 18, 2023 Session of the Legislature:

Resolution No. 299 – Amending The 2023 Ulster County Budget - Authorizing Payment Of Retroactive COVID Pay – Ulster County

Resolution Summary: This resolution authorizes a one-time premium to 33 eligible employees who performed essential work during the COVID- public health emergency from March 15, 2020 to June 6, 2020, as per Resolution No. 604 of 2021, funded by the American Rescue Plan.

Discussion:

Before opening the floor to discussion, Chair Hansut announced that there are amendments to the resolution for member to considered. She explained that ARPA funding was used to underwrite COVID pay and the sponsors requested that ARPA funds be used to fund the retroactive pay as well. Legislator Uchitelle asked if the amendments originated from the sponsors or the Executive Branch. Legislative Chair objected to the use of ARPA funds for this purpose, especially when there is tremendous excess in the fund balance.

Sheriff Figueroa presented the background on the legal dispute concerning the designation of the 15-minute lineup at the start of a shift as either overtime or regular time. He explained that the County argued that the lineup should be calculated as overtime, while the union and the Sheriff's Office contended that it should be considered straight time, not eligible for overtime pay. The dispute was ultimately settled by the County Attorney.

Chair Bartels expressed her concern regarding the term "premium pay" and sought clarification on whether it refers to straight pay, overtime pay, or another form of compensation. Additionally, she inquired about the reasoning behind authorizing a total payment "not to \$50,000" instead of specifying an exact retroactive pay amount. She requested information on the precise amount owed to the employees. Both Chair Bartels and Legislator Uchitelle expressed their interest in hearing from the sponsors to understand the reasons behind submitting the resolution and the source of the proposed amendments.

Legislator Uchitelle stated that he would like to understand if the resolution predates the settlement. He also noted that if the payment is not to exceed \$50,000, the Executive Branch can execute the payment without involving the legislature and causing further delay in paying employees the money they are owed.

Hearing no further discussion, Chair Hansut called for a motion to postpone.

Motion No. 2:	MOTION TO POSTPONE Resolutions No. 299	
Motion By: Motion Seconded By:	Legislator Fabiano Legislator Hewitt	
Voting In Favor:	Chair Hansut, Deputy Chair Hewitt, Legislators Fabiano and Uchitelle, Legislature Chair Bartels	
Voting Against:	None	
Votes in Favor:	5	
Votes Against:	0	
Disposition:	Resolution Postponed	

Resolution No. 309 – Placing A Spending Cap Of \$XX,XXX,XXX.00 On All Costs Related To The Proposed Government Operations Center At Paradies Lane In New Paltz

Resolution Summary: This Resolution places a mandatory spending cap on the total amount of County funds expended for all costs related to the proposed Government Operations Center, including Capital Project 607, at \$XX,XXX,00..

Discussion:

Legislator Hewitt raised concerns about the significant cost of bomb-proofing the Center. In response, Legislator Uchitelle highlighted that regulations and mandated protections for facilities like the Government Operations Center make it challenging to reduce the level of hardening required for the building.

Legislator Uchitelle made a motion to postpone the resolution until a dollar amount for the cap is determined.

Legislative Chair Bartels stated that she appreciated the resolution's novel approach to initiating an early conversation about how to keep the project on budget. She also highlighted that the Legislature has the spending power and, even if a cap were adopted, it could exceed that cap by passing a resolution authorizing more spending. However, the Chair emphasized that setting a cap would clearly establish the Legislature's spending limit, which could be especially beneficial in reining in costs during the design and development stage of the project.

The resolution sponsor, Legislator Stewart, clarified that he presented the resolution to start a discussion and identify measures to prevent the facility's spending from spiraling out of control. He said that he did not have the expertise to determine the cap amount and intentionally left it blank for the committees with jurisdiction over the project to decide. Chair Bartels proposed organizing a meeting with the Executive and relevant departments to receive a project update, assess the current status vis-à-vis the original budget, and how the Legislature's expressed concerns have, or have not, been addressed.

Legislator Hewitt asked Chair Bartels what advice she has to offer new legislators to help them avoid the mistakes made in building the Law Enforcement Center. Chair Bartels emphasized the importance of having conversations early in the project to avoid cost overruns and shared her experience with the jail construction, where project changes occurred behind closed doors, leading to significant cost overruns. Chair Bartels stressed the need to address potential changes promptly and implement better project management protections for the construction of the Government Operations Center.

Hearing no further discussion, Chair Hansut called for a motion to postpone.

MOTION TO POSTPONE Resolutions No. 309	
Legislator Uchitelle	
Legislator Fabiano	
Chair Hansut, Deputy Chair Hewitt, Legislators Fabiano and Uchitelle, Legislature Chair Bartels	
None	
5	
0	
Resolution Postponed	

Resolution No. 364 – Establishing A Restricted Capital Reserve Fund For The Government Operations Center Of The County Of Ulster Under Section 6-C Of The New York State General Municipal Law

Resolution Summary: This resolution allocates \$29,000,000 from the unassigned fund balance to establish a Restricted Capital Reserve Fund for Capital Project No. 607 – Government Operations Center.

Discussion:

Chair Hansut recognized Legislative Chair Bartels, the sponsor and author of the Resolution, to speak about the proposed Restricted Capital Reserve Fund for the Government Operations Center.

Legislative Chair Bartels proposed a postponement to facilitate additional discussions with the Executive Branch to determine the appropriate amount to allocate to the fund. She highlighted that creating a Restricted Capital Reserve Fund has very specific requirements and limits its monies to a designated project. The county currently possesses surplus funds in its unallocated and unrestricted fund balances. Establishing a Restricted Capital Reserve Fund would provide a responsible approach to funding the Government Operations Center with cash rather than relying on bonds and greatly reduce debt service fees for the project. Chair Bartels also added that because ARPA money has not been used to fund

emergency services projects, utilizing fund surpluses to the Government Operations Center is a highly responsible use of those monies.

Chair Bartels also clarified that the resolution, regardless of the final dollar amount designated, does not impose a cap on the project. She emphasized that if the final amount falls short of the project's total cost, it will not hinder the project's progress; instead, it establishes a method of payment with cash up to the allocated amount.

Legislator Uchitelle expressed strong support for establishing a Restricted Capital Reserve Fund for the Government Operations Center and said that he would like to see a policy developed that clearly outlines projects should be financed and which should be paid in cash with reserve funds.

Legislator Uchitelle added that there are multiple state and federal funding mechanisms and reimbursements for a complex project like the Government Operations Center and noted that it is important to understand the implications that establishing this type of fund may have on this and other public safety projects. Chair Bartels agreed, stating that feedback from the Executive Branch is crucial to identify any limitations and will be considered when determining the final amount for the fund. Chair Bartels also added that utilizing fund surpluses to finance the Government Operations Center is a responsible use of surplus monies, especially since ARPA funds have not been used for emergency services projects.

Hearing no further discussion, Chair Hansut called the question.

Motion No. 4:	MOTION TO POSTPONE Resolutions No. 364
Motion By: Motion Seconded By:	Legislator Uchitelle Legislator Hewitt
Voting In Favor:	Chair Hansut, Deputy Chair Hewitt, Legislators Fabiano and Uchitelle, Legislature Chair Bartels
Voting Against:	None
Votes in Favor:	5
Votes Against:	0
Disposition:	Resolution Postponed

Resolution No. 376 - Confirming Reappointment Of Member To The Traffic Safety Board

Resolution Summary: This resolution appoints Robert Lucchesi to the Ulster County Traffic Safety Board.

Hearing no discussion, Chair Hansut called the question.

None

Discussion:

Motion No. 5:	MOTION TO ADOPT Resolution No. 376	
Motion By: Motion Seconded By:	Legislator Fabiano Legislator Hewitt	
Voting In Favor:	Chair Hansut, Deputy Chair Hewitt, Legislators Fabiano and Uchitelle, Legislature Chair Bartels	
Voting Against:	None	
Votes in Favor:	5	
Votes Against:	0	
Disposition:	Resolution ADOPTED	

Resolution No. 387 – Amending The 2023 Ulster County Budget To Revise Compensation Of A Current Part-Time Investigator Position To A Full-Time Investigator Position - District Attorney

Resolution Summary: This resolution amends the Ulster County Budget to increase the salary of a current part-time investigator position for the District Attorney's Office to a full-time position for the amount of \$58,295.00.

Discussion:

Chair Hansut recognized Mr. Eric Paulding to speak about his role in the District Attorney's Office and to describe the special training he has completed.

Chair Bartels inquired why this request was being made now rather than during the budget asked District Attorney Clegg why an alternative work schedule could not be implemented through the end of the year in the and then return to Legislature at the appropriate time with this request. The District Attorney stated that his office has the enough funds to implement an alternative work schedule and change to a full-time position due to four staff vacancies that will not be filled in this budget year. He stated that the position merits full-time pay and benefits and that the change will not cost the county anything.

Chair Hansut called upon Legislative Deputy Clerk/Financial Analyst Amber Feaster to explain the amendments and report on the financial impacts of the resolution. Deputy Clerk Feaster explained that the part-time position currently exists in the adopted budget and is being transitioned to a full-time role, with the associated costs now being recorded within the regular pay category. Additionally, adjustments have been made to include full-time retirement and health insurance benefits, as well as an upward revision to the Social Security allocation. The increase in the position's regular pay is being funded through attrition savings in the regular pay line for a total of \$58,295.00.

Chair Bartels said that the Legislature typically avoids making mid-cycle staff-related budget amendments and prefers to discuss department staffing during the budget process. She pointed out that the resolution is essentially a repetition of a request made in February, with the only difference being the implementation of an alternative work schedule, which is already used by several departments. Chair Bartels emphasized that claiming the staffing change has no financial impact is inaccurate, as once the vacant positions are filled, there will be a legacy cost. She acknowledged that the position is currently working and being paid and working full-time hours through an alternative work schedule and recommended that the committee wait until budget time to make the approval permanent and urged the committee to view it as part of a broader conversation. Legislator Hewitt agreed and stated that the Legislature should not set a precedent of making this type of staffing change mid-year.

Legislator Uchitelle expressed support for the opportunity to make a position full-time for a role he finds important. He highlighted the increasing urgency to address traffic violence and believes there is a compelling case to create a full-time position for accident reconstruction. He emphasized the need to value employees and address issues with retention and noted that staff are being pushed beyond their limits through working alternative work schedules. He said there is a need to send a message of permanence and support for their roles. While acknowledging the historical concerns of changing a part-time position to full-time, he sees moving forward with the resolution as crucial given the growing importance of the role. Legislator Uchitelle urged members to consider these factors in making their decision. Legislator Fabiano said that he shares the same sense of urgency and supports making the position full-time.

Legislator Uchitelle requested that the committee move to amend the resolution as presented.

Motion No. 6:MOTION TO AMEND AS PRESENTEDMotion By:Legislator UchitelleMotion Seconded By:Legislator Fabiano

Hearing no further discussion, Chair Hansut called the question.

Motion No. 7:	MOTION TO ADOPT	
Motion By:	Legislator Fabiano	
Motion Seconded By:	Legislator Uchitelle	
Voting In Favor:	Chair Hansut, Deputy Chair Hewitt, Legislators Fabiano and Uchitelle, Legislature Chair Bartels	
Voting Against:	Legislative Chair Tracey Bartels	
Votes in Favor:	4	
Votes Against:	1	
Disposition:	Resolution Adopted	
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Resolution No. 388 – Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New York State Division Of Criminal Justice Services For Participation In Project GIVE Program – District Attorney, Sheriff, And Probation

Resolution Summary: This resolution authorizes an agreement with the Department of Justice for participation in the Gun Involved Violence Elimination Initiative to provide the Ulster County District Attorney's Office, Sheriff's Office, and Probation Department with a total of \$232,934.00 grant funding from July 1, 2023 through June 30, 2024.

Discussion:

Chair Hansut recognized District Attorney Clegg to give background on the GIVE Program. District Attorney Clegg stated that the GIVE Program's primary focus is to reduce gun violence. The District Attorney Office is partnering with Kingston City Police and maintains a Kids Zone with monitored statistics. He reported a significant decrease in violent crimes and shootings since 2022. Additionally, the District Attorney mentioned a recent conference with representatives from the Governor's Office, where increased funding for discovery grants and additional funding to help District Attorney's Offices address retention and recruitment challenges was announced. The Governor's Office has promised additional funding for the next five years. The District Attorney expects the details of the funding to be announced in July. He also shared that he plans to create a GIVE position which will focus on guns and violent crime.

Chair Bartels asked of the GIVE position will be a new position or someone who is currently working in the District Attorney's Office. District Attorney Clegg said the position has been in place for long time and is currently filled by a person hired last year and has primarily been used for the Intimate Partner Violence Initiative (IPI).

Chair Hansut requested the District Attorney's Office, Department of Probation, and Sheriff's Office forward copies of their GIVE grant award to her.

Hearing no further discussion, Chair Hansut called the question.

Motion No. 8:	MOTION TO ADOPT Resolution No. 388
Motion By: Motion Seconded By:	Legislator Uchitelle Legislator Fabiano
Voting In Favor:	Chair Hansut, Deputy Chair Hewitt, Legislators Fabiano and Uchitelle, Legislature Chair Bartels
Voting Against:	None
Votes in Favor:	5
Votes Against:	0
Disposition:	Resolution Adopted

Resolution No. 389 – Approving The Execution Of A Contract Amendment For \$299,998.60, Entered Into By The County – Motorola Solutions Inc. – Department Of Emergency Management

Resolution Summary: This Resolution approves contract amendment #2 to expand the scope of service to include Land Mobile Radio and VESTA changes. 100 percent county funded. Amended term: 7/1/2023–2/31/2024. Amended amount: \$299,998.60, for a total amount of \$8,774,998.00.

Discussion:

Chair Hansut recognized Director Everett Erichsen to provide background on the resolution. Director Erichsen explained that this resolution complements last month's Capital Project 42 request. He explained that it the actual contract amendment for upgrading the radio tower area at Golden Hill and the Number One phone system. He clarified that the tower location will remain unchanged as it is an essential part of the radio system, which will be retained during the new radio system's construction and the relocation of the 911 center. The resolution also includes updates for the Number One phone system.

Hearing no further discussion, Chair Hansut called the question.

Motion No. 9:	MOTION TO ADOPT Resolution No. 389	
Voting In Favor:	Chair Hansut, Deputy Chair Hewitt, Legislators Fabiano and Uchitelle, Legislature Chair Bartels	
Voting Against:	None	
Votes in Favor:	5	
Votes Against:	0	
Disposition:	Resolution Adopted	

Chair Hansut asked the members if there was any Old Business.

Hearing none, the Chair move on to New Business and recognized that Darlene Higley, supervisor of the Crime Victims Assistance Program was in attendance. Due to a miscommunication with the Executive's staff Ms. Higley was not added to the meeting agenda. Chair Hansut asked if she would be willing to attend the committee's August meeting to update the members on the work of the Crime Victims' Assistance Program. Ms. Higley stated that she would be happy to attend the next meeting.

Chair Hansut asked if there was any other business and hearing none called for a motion to adjourn.

Adjournment

Motion No. 10:		MOTION TO ADJOURN
Motion Made By:		Legislative Chair Bartels
Motion Seconded By:		Legislator Fabiano
No. of Votes in Favor:	5	C
No. of Votes Against:	0	

<u>TIME:</u> 2:08 PM **Respectfully submitted:** Laurie Lichtenstein, Confidential Secretary to the Chair of the Legislature **Minutes Approved:** August 3, 2023