

Denying Use Of The County Seal Or Any Other Ulster County Identification With Regard To The New York Safe Act

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Archer, Donaldson, Roberts, and Ronk)

Legislator Mary Wawro and Legislators Belfiglio, Fabiano, Gerentine, Litts, Lopez, Maio, Maloney, Roberts, and Ronk offer the following:

WHEREAS, Chapter 1 of the laws of 2013, known as the New York Secure Ammunition and Firearms Enforcement Act (“NY SAFE Act”) was signed into law by Governor Andrew M. Cuomo on January 15, 2013 which amends various provisions of New York Law in relation to firearms and ammunition; and

WHEREAS, the enforcement of the NY SAFE Act is the obligation of New York State; and

WHEREAS, it has come to the Ulster County Legislature’s attention that New York State agencies responsible for the enforcement of the NY SAFE Act have expressed their intention to use the seals and identification marks of counties on their websites and on “recertification” notices to pistol permit holders; and

WHEREAS, a letter from the Executive Director of the New York State Sheriffs’ Association, Inc. dated November 5, 2013, stated it is the unanimous recommendation of the New York State Sheriffs’ Association Executive Committee that the Sheriffs of New York State not allow their official seal or office title to be used in connection with the pistol permit recertification process mandated by the SAFE Act; and

WHEREAS, on November 19, 2013, the New York State Association of County Clerks adopted a resolution opposing the use of the names, likeness, county seals and other identifying marks of County Clerks in enforcement of the SAFE Act; and

WHEREAS, Ulster County Sheriff Paul J. VanBlarcum and Ulster County Clerk Nina Postupack have voiced their strong objection to the county seal and identification marks to be used for these purposes; and

WHEREAS, the seal and identification marks of Ulster County are the exclusive property of Ulster County and to be used only for county purposes and at the direction of Ulster County officials; now, therefore be it

Resolution No. 81 April 15, 2014

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RESOLVED, that the Ulster County Legislature does not authorize the use of ~~the name or~~ the seal of the county, or seals with a part thereof, or any of its officers, ~~or~~ letterheads ~~or address~~ in the heading of any NY Safe Act web site or for the purposes of correspondence with legal and registered gun owners regarding permit recertification or any other recertification for any other purpose associated with the NY Safe Act; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall send certified copies of this Resolution to Governor Andrew Cuomo, New York State Senators John Bonacic, William Larkin, James Seward, and Cecilia Tkaczyk, and New York State Assembly Members Kevin Cahill, Peter Lopez, Frank Skartados and Claudia Tenney, and New York State Division of State Police Superintendent Joseph D'Amico,

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Briggs)

Postponed in Committee: Laws and Rules, Governmental Services on March 17, 2014

Passed Committee: Laws and Rules, Governmental Services on April 14, 2014.

FINANCIAL IMPACT:
NONE

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Legislator Greene motioned, seconded by Legislator Bartels, to strike from the first RESOLVED the phrases, *“the name or”* and *“or any of its officers, letterheads or address.”*

Legislator Ronk offered a friendly amendment to strike from the first RESOLVED only the words *“the name or”* and *“or address.”* Legislator Greene consented.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Briggs)

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 15th Day of April, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 16th Day of April in the year Two Thousand and Fourteen.

Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature