

**Law Enforcement & Public Safety Committee
Regular Meeting Minutes**

DATE & TIME: March 4, 2020 – 5:15 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairwoman Eve Walter
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Fabiano, Haynes, Heppner & Parete
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Archer, Bartels, Greene (initially via teleconference), Litts & Petit, Sheriff Figueroa & Under Sheriff Benjamin – UC Sheriff’s Office, Director Schmidt – UC Probation, Director Peterson – UC Emergency Management/Emergency Communications, Deputy County Executives Marc Rider & John Milgrim – UC Executive’s Office, Acting Public Defender Cliff Owens – UC Public Defender’s Office, Tom Kadgen – League of Woman Voters

Chairwoman Walter called the meeting to order at 5:20 PM.

Motion No. 1: Moved to **APPROVE** the Minutes of the February 5, 2020 meeting

Motion By: Legislator Fabiano
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Fabiano, Haynes, Heppner, Parete & Walter
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Minutes **APPROVED**

Resolutions for the February 18, 2020 Session of the Legislature

Resolution No. 96: Supporting New York State Senate Bill S7280 And New York State Assembly Bill A09107, Supporting The "Emergency First Responders Privacy And Protection Act"

Resolution Summary: This resolution urges all members of the New York Senate and Assembly to support and Governor Cuomo to immediately sign into law S7280/A09107, the “Emergency First Responders Privacy and Protection Act.”

Motion No. 2: Moved Resolution No. 96 FOR DISCUSSION
Motion By: Legislator Heppner
Motion Seconded By: Legislator Haynes

Discussion:

Chairwoman Walter asked if there were any questions or discussion on the Resolutions. Deputy County Executive Milgrim briefly explained that the state legislation aimed to extend the same protections offered during a trail discovery process to emergency first responders as is offered to law enforcement personnel.

Chairwoman Walter asked if there was any more discussion on the Resolution, and hearing none called the question.

Voting In Favor:	Legislators Fabiano, Haynes, Heppner, Parete & Walter
Voting Against:	None
Votes in Favor:	5
Votes Against:	0
Disposition:	Resolution ADOPTED

Resolution No. 97: Urging The Governor And Members Of The New York State Legislature to Reevaluate Bail And Discovery Reform Measures Included in the SFY 2020 Budget

Resolution Summary: This resolution urges Governor Cuomo and members of the New York State Legislature to revisit and revise recent bail and discovery reform measures enacted as part of the SFY2020 Budget, and which took effect on January 1, 2020.

Motion No. 3: **Moved Resolution No. 97 FOR DISCUSSION**
Motion By: Legislator Haynes
Motion Seconded By: Legislator Fabiano

Discussion:

Legislator Parete stated that he does not believe in memorializing resolutions. He added that a memorializing letter was previously circulated on the subject by Legislator Maio, which he signed, and questioned whether his signature on a letter or a yes vote on a Resolution carried more weight. He suggested the four State Senators and four Assemblymembers representing Ulster County be invited to attend a committee meeting share their feelings on the reform measures as enacted and whether they support any changes.

Chairwoman Walter asked if Legislators Haynes or Fabiano could provide an explanation as to why the Resolution was introduced after a letter was already circulated. Legislator Haynes stated that she could not speak to why the sponsors introduced the resolution. She advised the members that Ulster County’s state representatives were invited to offer opinions on proposed bail reform measures back in the fall.

Legislator Heppner stated that he was going to respectfully be a no on the resolution. He added that he was not necessarily against amendments to the reform laws, but felt that the resolution was too broad and lacked specific amendments. He added that he respected that the resolution sponsors were not calling for a blanket repeal. Legislator Haynes agreed that a full repeal of bail and discovery reforms was not justified, but stated that she supports calling on the State Legislature to revisit some enactments. Legislator Heppner advised the members that State Legislators on both sides of the aisle have introduced

legislation calling for specific amendments and suggested that the body consider supporting or opposing those specific proposals.

Legislator Fabiano stated that he was also not a fan of memorializing resolutions. He added that the bail reforms went too far and should be reevaluated. He stated that the majority of law enforcement professionals have real concerns with some of the provisions of the law. He added that law enforcement on all levels should be focused on the victim and feared that the system was moving away from that.

Legislator Parete stated that he felt future memorializing resolutions should be debated with professionals and the respective law makers. Chairwoman Walter stated that she would be a no on the resolution for many of the reasons stated by Legislator Heppner. She added that she felt the reforms enacted were well thought out. She stated that some unexpected challenges arose, but did not feel that judicial discretion would resolve them. She stated her strong support for bail reforms that addressed incarceration inequities based solely on an individual's ability to pay.

Chairwoman Walter asked if there was any more discussion on the Resolution, and hearing none called the question.

Voting In Favor: Legislators Fabiano, Haynes & Parete
Voting Against: Legislators Heppner & Walter
Votes in Favor: 3
Votes Against: 2
Disposition: **Resolution ADOPTED**

Resolution No. 120: Establishing Capital Project No. 567 – Navigation Response Vessel - Ulster County Sheriff

Resolution Summary: This resolution establishes Capital Project No. 567 for the purchase of a new Sheriff's boat in the amount of \$467,588 utilizing primarily FEMA Port Security Grant funding in the amount of \$350,691.

Motion No. 4: **Moved Resolution No. 120 FOR DISCUSSION**
Motion By: Legislator Haynes
Motion Seconded By: Legislator Heppner

Discussion:

Chairwoman Walter advised the members that there were some questions from members of her caucus on the resolution and asked if there were any questions. Legislator Fabiano asked how long the current vessel has been in the department. Sheriff Figueroa responded that the current county owned boat is 21 years old. He added that it has been patched up several times and many of the engine parts are no longer available.

Chairwoman Walter asked the Sheriff to explain the county's relationship with NYS Parks and Recreation and how that portion of the funding works. Sheriff Figueroa explained that Ulster County is part of a Task Force which includes NYS Parks & Recreation charged with patrolling +/- 17 miles of the Hudson River, including 8 bridges. He explained that Parks and Rec would be able to pick up 50%

of the county's portion of the cost of the boat remaining after Federal reimbursement. He advised the members that the county recently received funding from Parks & Rec for a truck trailer, as well as a shed. Chairwoman Walter asked if there was a contract with Parks and Rec and if there would need to be any additional resolutions relative to the funding. Deputy County Executive Rider explained that the resolution before the members is establishing the capital project. Sheriff Figueroa and Deputy Executive Rider stated there may be another resolution pertaining to the funding in the future.

Chairwoman Walter asked if there was any more discussion on the Resolution and hearing none called the question.

Voting In Favor: Legislators Fabiano, Haynes, Heppner, Parete & Walter
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 122: Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The New York State Office Of Indigent Legal Services For Distribution #4 – Public Defender's Office

Resolution Summary: This resolution authorizes the Chair of the Legislature to enter into an agreement with the New York State Office of Indigent Legal Services for the purpose of Ulster County's participation in Distribution #4, Contract No: C000551, for the period of 01/01/2014 through 12/31/2016.

Resolution No. 123: Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The New York State Office Of Indigent Legal Services For Distribution #6 – Public Defender's Office

Resolution Summary: This resolution authorizes the Chair of the Legislature to enter into an agreement with the New York State Office of Indigent Legal Services for the purpose of Ulster County's participation in Distribution #6, Contract No: C600051, for the period 01/01/2016 through 12/31/2018.

Resolution No. 124: Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The New York State Office Of Indigent Legal Services For Distribution #7 – Public Defender's Office

Resolution Summary: This resolution authorizes the Chair of the Legislature to enter into an agreement with the New York State Office of Indigent Legal Services for the purpose of Ulster County's participation in Distribution #7, Contract No: C700051, for the period 01/01/2017 through 12/31/2019.

Resolution No. 125: Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The New York State Office Of Indigent Legal Services For Distribution #8 – Public Defender’s Office

Resolution Summary: This resolution authorizes the Chair of the Legislature to enter into an agreement with the New York State Office of Indigent Legal Services for the purpose of Ulster County’s participation in Distribution #8, Contract No: C800051, for the period 01/01/2018 through 12/31/2020.

Motion No. 5: **Moved TO BLOCK Resolution Nos. 122, 123, 124 and 125**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Fabiano

Discussion: None

Voting In Favor: Legislators Fabiano, Haynes, Heppner, Parete & Walter
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolutions BLOCKED**

Motion No. 6: **Moved Blocked Resolutions FOR DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Haynes

Discussion:
Chairwoman Walter asked if the items included in the resolutions for reimbursement were already approved by OILS. Acting Public Defender Owens responded that there was a recent meeting with OILS and based on that meeting, items were included which were in keeping with the guidance provided. Chairwoman Walter advised the members that she was at the meeting with the representatives from OILS and understood that there were items that were clearly reimbursable and asked if the Office of the County Executive, or the Public Defender’s Office was taking the lead on preparing the submission of the reimbursement requests. Deputy County Executive Milgrim responded that the Executives Office is taking the lead. Chairwoman Walter stated that she felt part of the reason the county was in its current position can be attributed to the Executive’s Office not providing assistance to the Public Defender’s Office. She added that the process moving forward should be one of partnership with the Public Defender’s Office.

Mr. Owens informed the members that the Executive’s Office has been working with the Public Defender’s Office to remedy the situation. Chairwoman Walter asked the Executive’s Office if they had a process in place to continue to offer administrative assistance to the Public Defender’s Office moving forward. Deputy County Executive Milgrim responded that the Executive’s Office supports all the county’s departments.

Legislator Bartels stated that she questioned the content of documents before the Legislature. Adding that the reimbursement requests appear to be presented in the form of a plan, when the actual expenses

are known. She questioned why the submissions do not reflect actual reimbursable expenses incurred during the grant timeframe. She provided the example of additional full-time staff as a reimbursable expense and asked where the backup documentation was which shows the staff added.

Deputy Executive Milgrim stated that the contracts before the members are required in order to facilitate the transfer of funds between the county and OILS for reimbursable expenses. Legislator Bartels reiterated that there are actual numbers for the years 2014, 2015, and 2016 and questioned why the actual figures are not included in the budget as backup information to the Resolutions. Chairwoman Walter agreed and asked for information on actual department expenses for the corresponding years. She informed the members that OILS representatives were very clear on reimbursable expenses and listed hiring new staff, and costs to move to a new space to accommodate new people as two examples. Legislator Archer agreed with Legislators Walter and Bartels and asked who developed the plan. Deputy Executive Rider responded that the Public Defender developed the plans in consultation with the Budget Office. Legislator Archer asked for the details on the number of individuals hired which represented reimbursable expenses.

Chairwoman Walter stated that the Executive's Office has made public claims that the county has made expenditures totaling \$2.4 million that were not reimbursed. She added that during the meeting with OILS the Executive Office contradicted that statement and implied that reimbursable expenses were still being assessed and complied. Legislator Haynes questioned the importance of knowing details on the individual employee level. Legislator Archer responded that the hire date of the individual is important when considering allowable reimbursement. Legislator Bartels commented that one individual may have occupied more than one position, adding that where they are and when speaks to whether he or she may represent a reimbursable expense. The members continued discussing tracking reimbursable personnel, rent and other expenses and the ability to quantify the amounts.

Mr. Owens advised the members that the bulk of what the county is looking to get back is rent and 2 - 3 new hires. Legislator Archer questioned whether the Legislature would see the claims filed with the OILS. The members briefly discussed the county's CAFA grant as being included in Hurrel-Harring funding. Legislator Greene commented that positions created in a budget often go unfilled, making the individual level detail important. She added that it was her understanding that the Public Defender had grant information ready for distribution to the Legislature in January, but it was not put into the resolution process by the administration until now. The members briefly discussed that the information Legislator Greene referenced pertained to the Hurrel-Harring funding moving forward and not the 2014, 2015, 2016 funding. Deputy Executive Rider stated that processing the information Legislator Greene referenced was one of the reasons the current situation was realized. Chairwoman Walter commented that the Comptroller issued a report on lagging reimbursement request paperwork almost a year ago. Deputy Executive Rider stated that there was a lack of administrative willingness in the Public Defender's Office to execute reimbursement requests.

Legislator Bartels advised the members that reimbursement for new hires is reimbursable continuously and questioned why the budgets for 2014, 2015 and 2016 did not appear to show that. The members again requested the know reimbursable figures for the Public Defender's Office for 2014, 2015, 2016, and questioned the veracity of the claims being made in the media.

Chairwoman Walter asked the members if they wanted to approve the Resolutions conceptionally and move them on to the Ways & Means committee for further discussion, or if they wanted to take other action.

Motion No. 7: Moved TO POSTPONE Blocked Resolutions
Motion By: Legislator Fabiano
Motion Seconded By: Legislator Parete

Discussion:

Legislator Haynes stated that she was concerned that postponement could jeopardize the ability of the county to receive reimbursement. Legislator Parete stated that the members should submit written questions to the Executive's Office before the next meeting. Chairwoman Walter stated that she would work on compiling all of the questions. She added that she was confident funding would not be jeopardized and said OILS was being very generous and since the Executive's office is still in the process of compiling data for the submission, there is still time for the members to get answers to their questions.

Voting In Favor: Legislators Fabiano, Heppner, Parete & Walter
Voting Against: Legislator Haynes
Votes in Favor: 4
Votes Against: 1
Disposition: **Resolutions POSTPONED**

Resolution No. 130: Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The Walker Valley Chemical Engine No. 1 For The 2020 Appropriation – Legislature

Resolution Summary: This resolution authorizes the Chair to execute an agreement with the Walker Valley Chemical Engine No. 1 in the sum of \$10,000.00 to be expended for the purpose of offsetting costs associated with purchasing heat resistant wall panels, materials and maintenance work for the Walker Valley Fire District burn tower.

Motion No. 8: Moved Resolution No. 130 FOR DISCUSSION
Motion By: Legislator Haynes
Motion Seconded By: Legislator Heppner

Discussion:

Chairwoman Walter asked if there was any discussion on the Resolution, and hearing none called the question.

Voting In Favor: Legislators Fabiano, Haynes, Heppner, Parete & Walter
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution ADOPTED**

Chairwoman Walter moved on to Old Business on the agenda. She advised the members that a tour of the County Jail and Law Enforcement Facility was tentatively scheduled for Thursday, April 9th, adding that a number of Legislators expressed interest in joining the tour. She reminded the members that they had discussed possibly taking a tour before the regularly scheduled meeting, but that the meeting of the Public Works Committee immediately following the Law Enforcement & Public Safety meeting complicated timelines. She informed the members that a tour of the Restorative Justice and Community Empowerment Center would be coordinated in the coming months.

She asked if the members had any other items to discuss. Legislator Parete reiterated his suggestion that an invitation be extended to state lawmakers representing Ulster County to attend a meeting to discuss their thoughts on Resolution No. 97 and bail and discovery reforms in general. Chairwoman Walter thanked him for the reminder.

Chairwoman Walter asked if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Heppner

Motion Seconded By: Legislator Fabiano

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 6:27 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: April 15, 2020