

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

DATE & TIME: July 6, 2015 – 5:30 PM
LOCATION: COB, 6th Floor, Karen Binder Library
PRESIDING OFFICER: Chairman TJ Briggs
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk/Confidential Secretary
PRESENT: Legislators Fabiano, Provenzano, and J. Parete
ABSENT: Legislators Ronk and Wishnick
QUORUM PRESENT: Yes
OTHER ATTENDEES: Sheriff Van Blarcum, Under Sheriff Freer, Legislator Donald Gregorius, Iris and Jonathan Oseas – Van Deusen House Antiques, Janine Mower – Mower’s Flea Market, Legislative Counsel Weiner, Minority Counsel Guerin, Tracey Steeves – UC Attorney’s Office, Ken Crannell – UC Executive’s Office

Chairman Briggs called the meeting to order at 5:30 PM.

Motion No. 1: RESOLVED To Approve the Minutes of the June 1st meeting

Motion Made By: Legislator Provenzano
Motion Seconded By: Legislator Fabiano

Discussion:

None

Roll Call Vote: No
Voting In Favor: Legislators Briggs, Fabiano and Provenzano
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

Motion No. 2: Resolution No. 254 – July 21, 2015

Text of Motion: **Moved to postpone Resolution No. 254 until the August 3, 2015 meeting of the Law Enforcement & Public Safety Committee** – Setting A Public Hearing On Proposed Local Law No. 8 of 2015 (A Local Law Providing For Regulation Of Pawnbrokers, Precious Metal Dealers, And Second Hand Dealers) To Be Held On Wednesday, August 12, 2015 At 6:05 PM

Motion Made By: Legislator Provenzano
Motion Seconded By: Legislator Fabiano

Resolution No. 254 Summary: This resolution sets a Public Hearing on August 12 for the purpose of hearing public input on Proposed Local Law No. 8 of 2015 (A Local Law Providing For Regulation Of Pawnbrokers, Precious Metal Dealers, And Second Hand Dealers.)

Discussion:

Chairman Briggs advised the committee that there were a few people present at the meeting who wanted to speak on the local law. He added that a newer draft of the law was released and out of fairness he suggested that the committee delay voting on the resolution to the August 3rd meeting of the Law Enforcement committee. He called on Legislator Gergorius to introduce the individuals who came to speak.

Legislator Gregorius clarified for the committee members that he was speaking as an individual rather than as a Legislator per the advice of Legislative Counsel Weiner. He continued by saying that he has concerns about wording that is unique to the industry. He said he had some suggestions with him, but that he would hold on to them until next month. He introduced Jonathan and Iris Oseas, formerly head of “Festival Promotions” located at the Armory in Kingston and current owner/operators of Van Deusen House Antiques in Hurley.

Mr. Oseas said his understanding of the intention of the law should be to catch individuals who are fencing stolen goods and said that intention was not expressly indicated in the Legislative Intent section of the law. He added that his business is exempted from this law as written. He informed the members that in his over 40 years of business he only received five lists of stolen goods that he needed to look out for, three from the Ulster County Sheriff, one from the Dutchess County Sheriff and one from an individual who had been robbed. He advised the committee that he has cooperated with any uniformed officer who approached him for information and expected reputable business people to cooperate as well. He added that in his understanding of the law goods purchased outside of Ulster County were not subject. He also noted that a repeal of a previous Ulster County Law was necessary. He continued by saying that the book keeping component of the law was the most odious portion of the law and would end up costing the county money. He concluded by saying that his own personal computer, which is not used for business, would have to be used and that the bookkeeping required would take many hours.

Chairman Briggs thanked Mr. Oseas for his comments and for taking the time to attend the meeting. He asked if there were any other comments.

Sheriff Van Blarcum added that the law was being pushed through by the Chief's Association and that he had emailed Chief Sinagra, who was the most knowledgeable on the topic, about the meeting. Chairman Briggs said that he would be invited to the August committee meeting.

Roll Call Vote:	No
Voting In Favor:	Legislators Briggs, Fabiano and Provenzano
Voting Against:	None
No. of Votes in Favor:	3
No. of Votes Against:	0
Disposition:	Carried

Motion No. 3: Resolution No. 255 – July 21, 2015

Text of Motion: **Resolved to approve Resolution No. 255** – Setting A Public Hearing On Proposed Local Law No. 9 of 2015 (A Local Law Of The County Of Ulster, New York, Known As The “False Alarm Reduction Act”) To Be Held On Wednesday, August 12, 2015 At 6:10 PM

Motion Made By: Legislator Fabiano
Motion Seconded By: Legislator Briggs

Resolution No. 255 Summary: This resolution sets a Public Hear on August 12th for the purpose of hearing public input on Proposed Local Law No. 9 of 2015 (A Local Law Of The County Of Ulster, New York, Known As The “False Alarm Reduction Act”)

Discussion:

Chairman Briggs brought the committee's attention to the penalty section in the law for consideration.

Legislator Provenzano said she didn't know enough about the law to vote on it. She expressed concern about the effect on small businesses and asked why the business would be responsible for an alarm rather than the company that installed it. Chairman Briggs advised the committee of a repeated false alarm issue he sees in Wawarsing at Samaritan Village. There's a repeated false alarm that sounds every hour at least once per month which results in the volunteer EMS and Fire personnel responding for no reason.

Legislator Provenzano advised the committee that she would wait to vote until she reached out to the Fire and Police agencies in the City of Kingston. Minority Counsel Guerin informed Legislator Provenzano that the City of Kingston already has a local false alarm ordinance.

Legislator Fabiano said he understood what Chairman Briggs shared and how it results in a drain on volunteer services. He shared that when the Barclay Heights neighborhood in his district first built an ARC an alarm went off for 3 months, 3 out of 5 nights per week at supertime because of burnt toast. He said the fire departments kept responding until the Chief went and spoke to the facility managers to correct it. He added that the repeat calls result in less response by the fire personnel because they get tired of responding to false alarms.

Legislator Provenzano asked how many towns had ordinances and said that the towns should be making their own laws. Chairman Briggs commented that it is often the Sheriff that responds to calls and that having him running from one site to another for false alarms prevents him from responding to car accidents or other real emergencies.

There was discussion of the various laws that exist which force individuals to fix something or avoid a dangerous action because of a possible fine or penalty, ie: fixing equipment on a car or speeding.

Legislator Gregorius commented that he was in favor of the law but was concerned that penalties were not being assessed in the town courts but rather by a hearing officer from the Sheriff's office and saw that as a conflict. Sheriff Van Blarcum advised the committee that the other counties that have laws like this have the infractions heard and penalties assigned by their public safety committee.

Legislative Chairman Parete informed the committee that if someone has an infraction or gets a citation from the Health Department, they appear in front of a Department of Health person not the courts. He added that the same applied to the DEP who conducts hearings on infractions/violations. He also said that false alarms desensitize fire fighters. He shared that in the mountains after 3 or 4 calls to the same place for a false alarm no one would go. He concluded by saying that the individuals who respond to the alarms are often racing down the road, risking their own life and limb.

Legislative Counsel said he had a few small technical changes that he would recommend be made to the law. Legislator Provenzano asked for the number of alarms the Sheriff's Office responded to in the last 2 years. She added that she didn't think the threat of a fine would make someone fix the problem. There was additional conversation about the efficacy of fines. Sheriff Van Blarcum informed the committee that for the first 6 months of this year there were 652 alarms that his people responded to. Extrapolated out for 2

years that would be more than 2,600 alarms. He said that less than 5% of those are real emergencies or problems. He added that that number doesn't include fire department responses. He concluded by saying that he believes that if this law gets to the full legislature they will see the benefits of making people and especially businesses fix their alarms.

Legislator Fabiano asked the Chairman to call the question.

Roll Call Vote: No
Voting In Favor: Legislators Briggs, Fabiano and J. Parete
Voting Against: Legislator Provenzano
No. of Votes in Favor: 3
No. of Votes Against: 1
Disposition: Carried

Minority Counsel Guerin added that she worked on this law with Legislative Counsel Ragucci and found that this was a universal problem evidenced by the many local laws and ordinances on this topic. She added that the national Police Chief's Association, the National Sheriff's Association and the False Alarm Association developed a model local law for use.

Sheriff Van Blarcum requested that any questions that Legislators had between the meeting and the Public Hearing be emailed to him so he had time to do the necessary research.

Motion No. 4: Resolution No. 259 – July 21, 2015

Text of Motion: Resolved to approve Resolution No. 259 – Authorizing A Sixty (60) Day Extension For Reporting To The Ulster County Legislature The Findings And Recommendations Of The Ulster County Coalition Against Narcotics

Motion Made By: Legislator Provenzano
Motion Seconded By: Legislator Fabiano

Resolution No. 259 Summary: This resolution extends the time the Ulster County Coalition Against Narcotics (UCAN) has to issue their report and recommendations to the Legislature by 60 days.

Discussion:

None

Roll Call Vote: No
Voting In Favor: Legislators Briggs, Provenzano, Fabiano and J. Parete
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 5: Resolution No. 270 – July 21, 2015

Text of Motion: **Resolved to approve Resolution No. 270** – Authorizing the Chairman of the Ulster County Legislature to execute an agreement with New York State Division of Criminal Justice Services — Project GIVE — District Attorney, Sheriff and the Department of Probation

Motion Made By: Legislator Fabiano
Motion Seconded By: Legislator Provezano

Resolution No. 270 Summary: This resolution authorizes the Chairman to execute an agreement with DCJS in the amounts of \$61,475.00, \$20,700.00 and \$34,500.00 for the UC District Attorney, UC Sheriff and UC Probation Department respectively.

Discussion:

Sheriff Van Blarcum explained that this grant was previously referred to as the Operation IMPACT program and funds initiatives to address Gun Involved Violence Elimination programs.

Roll Call Vote: No
Voting In Favor: Legislators Briggs, Provenzano, Fabiano and J. Parete
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Resolutions No. 271, 272 and 273 – No Action was taken

Resolution No. 271 - Appropriating Funds From The District Attorney Forfeiture Reserve Account - Amending The 2015 Ulster County Budget – Ulster County District Attorney’s Office

Resolution No. 272 - Setting A Public Hearing On Proposed Local Law No. 11 of 2015 (A Local Law Establishing The Ulster County Animal Abuse Registry) To Be Held On Wednesday, August 12, 2015 At 6:25 PM

Resolution No. 273 - - Setting A Public Hearing On Proposed Local Law No. 12 of 2015 (A Local Law of the County of Ulster for the Regulation of Pet Sellers) To Be Held On Wednesday, August 12, 2015 At 6:30 PM

Discussion:

The committee took no action on Resolution No. 271 as there was no one present at the meeting from the District Attorney's Office to provide additional information on the intended use of the funds. Action would be taken on the Resolution when the information was provided.

The committee took no action on Resolutions 272 and 273. Chairman Briggs stated that the committee members have not had enough time to read and understand the laws and would like to delay action until next week. Legislative Counsel Weiner said the law was very long and involved and that he would like to schedule time with Ms. Steeves from the County Attorney's Office to go over some concerns he has with the laws. He said he would like to postpone discussion for a month. Minority Counsel Guerin advised the committee that she did not believe that Legislator Ronk who is a sponsor of the proposed local laws, did not wish to postpone until next month.

Legislator Provenzano asked if the sponsors had been contacted. Chairman Briggs advised the members that he spoke to Legislator Ronk and that the resolutions would most likely be discussed in a special meeting scheduled for the night of caucus which would be held at SUNY Ulster Community College in Stone Ridge.

Motion No. 6: Resolution No. 288 – July 21, 2015

Text of Motion: **Resolved to approve Resolution No. 288** – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – New World Systems – Ulster County Sheriff

Motion Made By: Legislator Fabiano

Motion Seconded By: Legislator J. Parete

Resolution No. 288 Summary: This resolution authorizes the Chairman to execute an agreement with the New Word Systems in the amount of \$318,970.00 to provide, install and maintain the Aegis Mobile Unit software and related hardware.

Discussion:

Sheriff Van Blarcum explained that the contract was for an upgrade to their mobile records management system. He said the system works great not only for his office, but for many other agencies in the County.

Roll Call Vote:	No
Voting In Favor:	Legislators Briggs, Provenzano, Fabiano and J. Parete
Voting Against:	None
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Carried

Sheriff's Report

Chairman Briggs advised the committee that the Sheriff's monthly Board In and Telephone revenue report was attached to the agenda. He pointed out that Board In revenue was down because of the installation of the housing pods in Dutchess County which also affected the Telephone revenue. The Sheriff confirmed that was the case but assured the committee that he was still on target to meet the 2015 budgeted revenues for Board Ins. He added that the telephone revenues were less certain, but that they watch the revenue closely and do not spend more than what was budgeted monthly.

Old Business

Chairman Briggs asked if there was any old business. None was heard.

New Business

Chairman Briggs asked if there was any new business. None was heard.

Chairman Briggs recognized Legislator Gregorius to introduce Janine Mower who came to speak about Proposed Local Law No 8. Mr. Gregorius advised the committee that Mrs. Mower and her husband John own the Woodstock Flea Market. Mrs. Mower apologized

for being late and thanked the committee for an opportunity to speak on the proposed Local Law. She advised the committee that she and her husband have run the Flea Market in Woodstock for 38 years. She told the committee that the hundreds of the vendors they deal with would be affected by this local law. She added that she understood the reasoning behind the law and that she agreed that people who have things stolen from them should have improved avenues for investigation and a greater potential to have their lost property returned. She said that they have read the law a couple of times and, as written, it places an unfair and unreasonable burden of investigation and data collection on the 99% of law abiding citizens who are second hand dealers. She advised the committee that there are flea markets around the county that this would affect. She said many of the vendors she has spoken to about the law have said that there is too much documentation being required. She added that she would be contacting Legislators individually to discuss language and possible amendments to the law. She concluded by saying that secondhand dealers contribute economically by sales tax revenue for the county and adds to the county tourism.

Counselor Guerin advised Mrs. Mower that she should send her comments and suggestions, and those of her vendors, to the Clerk of the Legislature who would then forward them on to the committee and counselors.

Legislature Chairman Parete told the committee that he has been friends for years with the Mowers and met with Mr. Mower just prior to the meeting to discuss the proposed local law. He added that Mr. Mower raised some interesting points and that comments on the proposed law were welcome and encouraged. Mrs. Mower said she would be happy to arrange for a meeting between some of the vendors she works with, the sponsors of the law, and Legislative counsel. Mrs. Mower added that there are a number of seniors who use second hand dealing to supplement their retirement and SS benefits. Legislator Gregorius added that the matter is complicated and difficult and needs to be discussed.

Sheriff Van Blarcum requested that any comments and/or suggestions sent to the Legislature be shared with him so he could forward them on to the Chief's Association. Legislature Chairman Parete added that the legislation has been postponed which will give everyone the time they need to comment.

Chairman Briggs asked if there was any other business and hearing none.

Adjournment

Motion Made By: Legislator J. Parete
Motion Seconded By: Legislator Fabiano
No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 6:14 PM

Respectfully submitted this 3rd day of August, 2015

Jay Mahler, Deputy Clerk

Minutes Approved: August 3, 2015