

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

**DATE & TIME:** August 3, 2015 – 5:30 PM  
**LOCATION:** COB, 6<sup>th</sup> Floor, Karen Binder Library  
**PRESIDING OFFICER:** Chairman TJ Briggs  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk/Confidential Secretary  
**PRESENT:** Legislators Fabiano, Provenzano, Ronk, Wishnick and J. Parete  
**ABSENT:** None  
**QUORUM PRESENT:** Yes  
**OTHER ATTENDEES:** Under Sheriff Freer, Chief Joseph Sinagra and Lt. Kenneth Swart – Saugerties Police Department, John Janine Mower – Mower’s Flea Market, Suzanne Nelson – Tonshi Mountain Studios, Legislator Donald Gregorius, Linda Miller-Gregorius, Legislative Counsel Weiner, Minority Counsel Guerin, Ken Crannell – UC Executive’s Office

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

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**Motion No. 1:** Resolution No. 254 – August 18, 2015

**Text of Motion:** Moved to postpone Resolution No. 254 to a Special Meeting of the Law Enforcement & Public Safety Committee to August 25, 2015 at 5:30 PM – 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)

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Fabiano

**Resolution No. 254 Summary:** This resolution sets a Public Hearing 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:**

Legislator Wishnick asked for the history of the legislation. Chairman Briggs recognized Saugerties Police Chief Sinagra to brief the committee on the background.

Chief Sinagra informed the committee that in 2007 he was tasked by the Ulster County Police Chiefs Association to take a look at the 1984 Ulster County Local Law for secondhand sale of goods to see how it could be improved and updated. He said it’s

antiquated for the 21<sup>st</sup> Century in a number of ways including documentation of items taken in, who the item seller is, and no verification that individual selling is providing true name. He said the changes to the law they were looking for would allow more time to identify stolen goods before they were sold or, in the case of precious metals, smelted and to also allow law enforcement better tools to bring individuals to justice. He informed the committee that he has worked with Legislator Gregorius on and off for more than eight years on the law and acknowledged that all of the conversations were necessary to get the law to a place where everyone could work with it.

Legislator Wishnick expressed his concern that the law would apply to individuals that he knows who have mental disabilities that buy from yard sales and then resell the item. He said that they use the proceeds as their pocket money and the activity is healthy for them. He questioned whether the law would apply to them and offered that limiting the law to places that have a store front could address some concerns. Chief Sinagra clarified that the law applies to individuals who do this as a business, with the appropriate licenses from the Department of State, not to people who might occasionally sell something on eBay or from a yard sale.

There was some discussion about the definition in the law of secondhand dealers.

Legislator Provenzano thanked Chief Sinagra for his years of work on the issue. She added that the businesses she spoke to in her district about the law felt that the documentation requirement was too much.

There was a discussion about the definition of antique dealers and whether this law applies to dealers selling from their home.

Legislator Ronk addressed the committee saying that he would like to take each issue as it comes up in order to discuss it fully and arrive at the best compromise. He continued by saying that he has been on the Law Enforcement Committee since the law was first introduced and that he is not tied to any one draft of the legislation and that his only goal is to provide law enforcement with the tools they need to do their job. He continued by saying that he was open to amending the definition of antique dealer if the current one was not acceptable. Legislator Gregorius informed the committee that he has spent a lot of time on the previous drafts of the law, including the definition of antiques dealers, and said that he did not see any benefit of the law and was not willing to go into it again at this time.

Minority Counsel Guerin informed the committee that the definition of antique dealer was researched and the version that appears in the law was taken from the National Antique Dealers Association's website.

Legislator Wishnick suggested forming a committee to study the issue ensuring that business people who would be affected be invited to participate. Legislature Chairman J. Parete responded that the committee system of the Legislature exists to evaluate legislation before them and to seek input from vested parties and try to come up with something that is amiable to all. He added that he has spent a lot of time speaking to people about this legislation and that many of them have pointed out the issues they have with the law. He concluded by saying that many laws at various levels of government are written by individuals in a specific industry then other parties weigh in on the draft to try to find common ground.

Chief Sinagra recognized all of the good points brought up and informed the committee that they are the same points that have been brought up every time the legislation was discussed over the past eight years. He added that he has repeatedly asked for a stakeholders meeting dedicated to finding the compromise and has offered in the past to have Legislator Gregorius write the section of the law that pertains to his industry.

Chief Sinagra added that the internet was not a major component the last time this law was discussed and said that search warrants are required to search a home. He clarified that they are allowed to inspect books of business run out of a home without a warrant, but that a search warrant is required to search the premises. He added that the responsibility of administering the law has fallen to each individual agency for the life of the law and that information is shared between agencies because there is no electronic reporting. He informed the committee that electronic reporting is currently done all of the NY state and across the country and that is direction that everything is moving. He concluded by saying that the only way to have a fair and equitable law is if all vested parties come to the table. He felt that the intent of the law is justified and is the cost of doing business today.

Chairman Briggs recognized Mr. John Mower from the Mower Saturday Flea Market in Woodstock. Mr. Mower informed the committee that he has been in this flea market business for 38 years. He said about 3-4 years ago he was informed that a subcommittee was going to be formed to discuss this issue, but that it never happened. He continued by saying that the people he deals with do not deal in stolen items and extended an invitation to the Legislators to attend the flea market and talk to his vendors. He advised the committee that the simple purchase of items at a garage sale would require photos being taken of the person who held the sale. He said it's too much and will destroy his flea market and the county revenue that it generates.

Chairman Briggs suggested that the definition section of the law seems to be the part that is of most concern to people. He recognized Ms. Suzanne Nelsen from Tonshi Mountain Studios. Ms. Nelsen added that the definition on how items are acquired could be tweaked to apply to pawn dealers would help her.

Legislator Ronk suggested a special meeting or a working session on the law be scheduled. He added that many people are bringing their issues with the law to the table, but are not offering solutions. The committee agreed to have a special meeting on Tuesday, August 25<sup>th</sup> at 5:30 PM in the Karen Binder Library of the County Office Building. Chairman Briggs requested that those attending should be prepared with suggestion on how the law could be amended.

Chairman Briggs thanked Chief Sinagra and everyone from the industry for coming.

<b>Roll Call Vote:</b>	No
<b>Voting In Favor:</b>	Legislators Briggs, Fabiano, Provenzano, Ronk, Wishnick and J. Parete
<b>Voting Against:</b>	None
<b>No. of Votes in Favor:</b>	6
<b>No. of Votes Against:</b>	0
<b>Disposition:</b>	Carried

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**Motion No. 2:** Resolution No. 255 – August 18, 2015

**Text of Motion:** To amend Resolution No. 255, page 4, Section 6(C) as follows – “Upon receipt of a completed permit application form ~~and a non-refundable permit fee of \$50.00,~~ the Ulster County Sheriff shall issue an alarm permit to an applicant unless the applicant has,”

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Fabiano

**Resolution No. 255 Summary:** This resolution sets a Public Hear on August 12<sup>th</sup> 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:**

Legislator Ronk reminded the committee that the Resolution was referred back to the committee last month after a number of Legislators requested having the license fee removed. He added that his caucus felt that the funds collected through penalties and fines would be sufficient for the administration of the law.

Legislator Provenzano extended her appreciation to Sheriff Van Blarcum for providing information on the number of false alarms in Ulster County that she requested at the previous meeting.

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Fabiano, Provenzano, Ronk, Wishnick and J. Parete  
**Voting Against:** None  
**No. of Votes in Favor:** 6  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 3:** Resolution No. 255 – August 18, 2015

**Text of Motion:** Resolved to approve Resolution No. 255 AS AMENDED – 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 Ronk  
**Motion Seconded By:** Legislator Fabiano

**Resolution No. 255 Summary:** sets a Public Hear on August 12<sup>th</sup> 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:**

None

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Fabiano, Provenzano, Ronk, Wishnick and J. Parete  
**Voting Against:** None  
**No. of Votes in Favor:** 6  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 4:** Resolution No. 271 – August 18, 2015

**Text of Motion:** Resolved to approve Resolution No. 271 – Appropriating Funds From The District Attorney Forfeiture Reserve Account - Amending The 2015 Ulster County Budget – Ulster County District Attorney’s Office

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Briggs

**Resolution No. 271 Summary:** This resolution authorizes the appropriation of funds from the District Attorney’s forfeiture account totaling \$30,000.

**Discussion:**

Chairman Briggs reminded the committee of the email sent by Mr. Weishaupt from the District Attorney’s Office providing more detail on what the funds would be used for. Legislator Ronk advised the committee that he also reached out to the District Attorney’s Office for details. Mr. Weishaupt’s email is attached to these minutes.

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Fabiano, Provenzano, Ronk, Wishnick and J. Parete  
**Voting Against:** None  
**No. of Votes in Favor:** 6  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 5:** Resolution No. 307 – August 18, 2015

**Text of Motion:** Resolved to approve Resolution No. 307 – Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – Family Of Woodstock Inc. – Department Of Probation

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Fabiano

**Resolution No. 307 Summary:** This resolution approves the execution of a contract with Family of Woodstock for the Alternative to Juvenile Detention Project totaling \$100,671 in state funding.

**Discussion:**

None

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Fabiano, Provenzano, Ronk, Wishnick and J. Parete  
**Voting Against:** None  
**No. of Votes in Favor:** 6  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 6:** Resolution No. 315 – August 18, 2015

**Text of Motion:** **Resolved to approve Resolution No. 315** – Authorizing The Chairman Of The Ulster County Legislature To Enter Into A Lease Agreement With Ulster Savings Bank For Office Space For The Public Defender’s Office - Department Of Public Works (Buildings And Grounds)

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Briggs

**Resolution No. 315 Summary:** This resolution authorizes the Chairman to execute a lease agreement with the Ulster Savings Bank for office space at 285 Wall Street for the Public Defender’s Office totaling \$56,700 annually from October 1, 2015 – September 30, 2020.

**Discussion:**

Legislator Ronk asked Mr. Crannell if he knew if the offices were ADA accessible. Mr. Crannell responded that he was not sure, but that Deputy County Executive Sudlow would have that information. Legislator Ronk said he would reach out to Mr. Sudlow.

Chairman Briggs informed the committee that Public Defender Kossover advised him that the rent would be paid back to the county through grants that his office has secured through the state. He added that the Public Defender’s Office was pleased to be leaving the Golden Hill Facility.

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Fabiano, Provenzano, Ronk, Wishnick and J. Parete

**Voting Against:** None  
**No. of Votes in Favor:** 6  
**No. of Votes Against:** 0  
**Disposition:** Carried

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### **Sheriff's Report**

Chairman Briggs recognized Under Sheriff Freer to give the monthly report. Under Sheriff Freer advised the committee that they were still on target to meet 2015 revenue projection despite the loss of Board In revenue due to new housing pods in Dutchess County.

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### **Old Business**

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

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### **New Business**

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

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**Motion No. 7:           RESOLVED To Approve the Minutes of the July 6<sup>th</sup> meeting**

**Motion Made By:**           Legislator Provenzano

**Motion Seconded By:**   Legislator Fabiano

### **Discussion:**

Legislator Wishnick said he had not reviewed the minutes and abstained from the vote.

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

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**Motion No. 8:           RESOLVED To Approve the Minutes of the July 15<sup>th</sup> Special meeting**

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

**Discussion:**

Legislator Wishnick said he had not reviewed the minutes and abstained from the vote.

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

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

**Adjournment**

**Motion Made By:**           Legislator Fabiano  
**Motion Seconded By:**     Legislator Briggs  
**No. of Votes in Favor:**    6  
**No. of Votes Against:**    0

**TIME:**   6:33 PM

**Respectfully submitted this 31<sup>st</sup> day of August, 2015**

**Jay Mahler, Deputy Clerk**

**Minutes Approved: August 31, 2015**