

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Law Enforcement and Public Safety Committee
DATE & TIME: April 6, 2010 @ 6:30 PM
PLACE: Library Conference Room, 6th Floor, County Office Building

LEGISLATORS PRESENT: Chairman Jack Hayes, Deputy Chairman Thomas Briggs (Left at 7:20 PM), Legislators Carl Belfiglio, Roy Hochberg, Hector Rodriguez, Kenneth Ronk, Michael Sweeney

LEGISLATORS EXCUSED: All were in attendance

OTHERS ATTENDING: Deputy County Executive Robert Sudlow, Legislator Michael Madsen, Sheriff Paul VanBlarcum, Corrections Superintendent James Hanstein, Tom Kadgen (LWV), Adam Saunders (SPCA)

MEETING CALLED TO ORDER @ 6:37 PM

APPROVAL OF THE MARCH 8, 2010 MINUTES:

Motion offered by Legislator Sweeney, Seconded by Legislator Belfiglio, All in Favor, Carried.

Sheriff's Department - Paul VanBlarcum/Frank Faluotico

1. **Resolution Draft No. 412, April 20, 2010** - Amending The 2010 Ulster County Budget - Law Enforcement Terrorism And Prevention Program

Motion offered by Legislator Ronk, Seconded by Legislator Briggs, All in Favor, Carried.

Discussion: Sheriff VanBlarcum explained to the Committee that he is requesting that the 2010 Budget be amended to include the 2009 unexpended amount of \$58,750.00 for the purchase of equipment to prevent, detect and respond to improvised explosive devices attacks. This equipment will include tactical vests, helmets, gas masks, generators, and radio system upgrades. The grant requires no matching county funding.

Emergency Communications/Management - Arthur Snyder

Legislator Terry Bernardo offers the following:

2. **Resolution Draft No. 403, April 20, 2010** - In Support Of New York State Assembly Bill No. A10140 And New York State Senate Bill No. S6276 Authorizing The Use Of Surplus Funds From The Greater Catskills Flood Remediation Program By Ulster County

Motion offered by Legislator Briggs, Seconded by Legislator Ronk, All in Favor, Carried.

Discussion:

Sudlow: Explained that Director of Emergency Communications/Management Arthur Snyder could not be at tonight's meeting, he had a prior appointment in the Town of Shandaken. Mr. Snyder asked that the Committee refer back to his previous e-mail, dated March 13, 2010 on the proposed litigation for the Delaware Aqueduct properties.

Sudlow: Explained that the County has closed on four houses already and in all likelihood there will not be enough money available when the entire project is completed to purchase the ten houses that were put forward in the Town of Esopus, and the homes on Orlando Street and Sandy Court Road.

Ronk: Clarified that the \$4 million dollars that this Bill speaks of is new to Ulster County, it has nothing to do with the Phase I project, it only pertains to the Phase II project of the Greater Catskill Flood Remediation Program. Senator Bonacic has specifically targeted the Wawarsing area with the \$4 million dollars.

Rodriguez: Echoed Legislator Briggs's compassion for the families being affected in Wawarsing. Stated that the first program that was done with regards to Esopus created a cookie cutter situation, because as it states in the Resolution, the fair market value has to be under 250 thousand dollars with additional criteria on top that. The funds are limited; and it does not cover all of the properties in the affected area. These homes are all equally affected, but the program only selects the eligible properties. He is appreciative for the homes that received help, but is very concerned about the homes that are still in the affected area that do not meet the guidelines.

Hayes: Explained that this is a mitigation technique that FEMA has been using for years and at times seems progressive. He has seen it used on Long Island in a number of places where flooding is prominent.

Ronk: Stated that even though everyone talks about what a bad approach this is, this passed in a consent package in 2008 for the people in the Esopus flood plain. He stated that he did raise red flags about the idea of the County taking title of land and taking said land off the tax rolls. He stated that he came to the realization that it is about bettering the lives of our residents. If this was in his town and people were flooding on the Wallkill River in the Town of Shawangunk, he would want people to support it. He understands Legislator Brigg's, Sheeley's, and Bernardo's concerns.

In conclusion, the Committee agreed to support the above mentioned Memorializing Resolution.

SPCA Resolution / Legislator Hector Rodriguez offers the following:

3. **Resolution Draft No. 424, April 20, 2010** - Approving Appropriation For The Ulster County SPCA - Amending The 2010 Ulster County Budget

WITHDRAWN BY SPONSOR / DISCUSSION ONLY

Discussion: Adam Saunders of the SPCA spoke to the Committee about the need for additional funding. He is one of two investigators working for the SPCA. He investigates and enforces animal cruelty cases under NYS Law, Article 6. He investigates cases that come from a variety of sources on a daily basis. Many people that are guilty of animal cruelty are guilty of other crimes. Many of these cases are brought to their attention from other agencies that are funded by the County, such as the Sheriff's Department, Probation, and CPS. Mr. Saunders passed out several pictures to the Committee of current animal abuse cases in Ulster County. His argument to support funding is that there is no other agency in the County that possesses the man power, the expertise and the facility to deal with these cases. They have vets, vet techs, animal behaviorists, and investigators on staff. They are operating this year on a budget of 650,000 dollars a year and until now have received no funding from Ulster County to assist with their efforts. Their only funding source is by donations, adoption fees, and fees paid through their spay/neuter clinic.

Hayes: Asked the Sheriff if money can be collected after a trial?

Sheriff: The Magistrate can direct a fine to the Sheriff's Department but not the SPCA.

Saunders: The SPCA could present a bond hearing.

Rodriguez: Stated that many surrounding Counties (Dutchess, Orange, and Greene) make contributions towards their SPCA agency.

Sheriff: Stated that Dutchess County funds the SPCA through their Sheriff's Department Budget. His Department does not budget for the SPCA. He also commented that local town departments have investigators trained in this area, because his office has administered the trainings.

Hanstein: Stated that the town's availability is limited. Sometimes there is one animal control officer for several surrounding towns.

Sweeney: Stated that he would support funding the Sheriff's Department but in this financial climate to start funding not-for-profit agencies is very dangerous. He also added that he and his family are very supportive of the SPCA and do in fact donate annually.

Saunders: Agreed with Legislator Sweeney that the SPCA has managed their operating budget through funds raised, but adds that the need for the humane law enforcement has increased. With the increase in foreclosures and job loss the inability for people to take care of their animals has also increased. The calls for animal surrender have skyrocketed.

Ronk: Asked Mr. Sudlow if the County Executive has an opinion on this issue, he replied, not to his knowledge.

Belfiglio: Asked if the SPCA was ever budgeted as a line item, Legislator Rodriguez stated that yes it has, several years ago.

Rodriguez: Stated that he agrees that the long term solution would be to add these funds to the Sheriff Department's Budget for 2011, but adds that short term the crisis is today. He stated that the SPCA is providing a valuable service to the County; this is not just about giving money to a not-for-profit agency. In conclusion, he stated with regards to this issue, we have funded them in the past and urges the Committee to support this Resolution, at least in the short term, and in the long term we deal with it another way.

Belfiglio: Supports the idea of having the offender put up a bond for their animals during trial. He does not support taking these funds out of the contingency budget, and forcing taxpayers to pay for something that they have not had to pay for before.

Hayes: Agrees that it is a worthwhile cause, but also agrees that with job layoffs on the forefront, taking money from the contingency budget is not the answer. Would like to send a letter to the Magistrates and ask them to support the bonding situation more actively. Those offenders that have any possibility to pay should most definitely be made to do so.

Sudlow: It would be matters of making the offender make restitution to the SPCA.

Rodriguez: Sounds all well and good but the fact still remains that most, if not all, of these offenders do not have the means to pay restitution.

Ronk: Asked Mr. Saunders what his case load is in a year? Mr. Saunders stated that it depends on man power. This year he stated that today he wrote his forty-seventh report, it is roughly 15 to 16 reports a month.

Hayes: Would support the funds being put into the Sheriff's Budget for 2011. He will contact the Magistrates for their support. He is attending a Chief's meeting in the morning and will explain the situation to them and ask that they utilize their trained Animal Control Officers more. He will continue to look for an equitable funding source.

Briggs: Asked the Sheriff to provide him with a list of trained officers. He stated to the Committee that he would like to see the issue move on to both caucuses, so all 33 Legislators could put their heads together for a possible solution.

Ronk: Asked Mr. Saunders if he remembers what the SPCA asked for as far as funding in last years budget. He answered, \$10,000.00 Legislator Rodriguez stated that it was originally put in as \$20,000.00, which did not pass in Ways and Means; it was amended to \$10,000.00, which did pass unanimously through Ways and Means.

Rodriguez: As the sponsor of this Resolution it was agreed by the entire Committee to withdraw the SPCA Resolution at this time. The Committee has agreed that the solution at this time would be to offset some of the responsibility and impress upon the Chiefs of Police the fact that the SPCA needs help. With the overlays of different Departments it still gives room for flexibility with manning throughout the County and believes that the County is in good shape with regards to service and numbers. He wants to impress upon them the need to be selective when they call the SPCA and that they should handle it themselves when they can. Legislator Sweeney also added that it would be beneficial to submit a press release stating that the SPCA is in need of more funding. Chairman Hayes stated that he would also contact the Town Supervisor's Association and see if additional funding is possible from the Towns. A motion was made by Legislator Belfiglio to come up with a more comprehensive plan in regards to the needs of the SPCA and enforcing Animal Cruelty Cases. All agreed.

New Business / Leandra's Law

Discussion: Deputy County Executive Robert Sudlow addressed the Committee on this issue. This was discussed at the March Criminal Justice Council Meeting. Attached to tonight's Agenda is an e-mail from Francine Perretta, Director of the St. Lawrence County Probation and a Resolution from the Madison County Board of Supervisors. Both point out the implementations of Leandra's Law. The Resolution is asking for New York to delay the implementation of the ignition interlock provisions of the Law. Mr. Sudlow explained that the Law mandates the use of an Ignition Interlock Device as part of all DWI sentences in New York State. The situation is that unfortunately Albany has made no provisions for funding or implementation. This leaves a huge unfunded burden to the County. He is asking that this Committee think about not only the implications of this Law but as a policy building body to take a stand like the Madison County Legislature did. It is not opposing the Law; it is opposing that the County has to comply with the Law without the proper funding behind it.

Hayes: Asked Mr. Sudlow if this could be accomplished as a joint effort with the County Executive's Office. Mr. Sudlow answered absolutely.

The Committee after much deliberation agrees that they are supportive of the Ignition Interlocking Device but also agrees that the funding needs to come from the State and/or the Offender. They further discussed the cost and liability issues that go along with this device. They would like to see the cost impact of this legislation.

Old Business (3 items)

Committee Liaisons to Commissions - The Committee asked Chairman Hayes to e-mail a list of all the Commissions that report to the Law Enforcement and Public Safety Committee, and when they meet so they can look at their own individual schedules before they commit monthly to attend additional meetings. Legislator Ronk stated that he is already the liaison for the Fire Advisory Board and will continue to attend their monthly meetings.

Video Arraignment Pilot Study - This topic was discussed at last month's meeting at length. Chairman Hayes asked Mr. Sudlow if the County Executive's Office was also studying this. Mr. Sudlow explained that his office is working on gathering three pieces of information. One is what would it take to have Ulster County included in the language of the Law. Two is figuring out the Governor's budget, there is different language that may allow Video Arraignments to happen in an easier fashion than amending a State Statue. Third is the cost. He stated that the Sheriff and the Superintendent have been immensely helpful in giving information to the Executive's Office to help them with the frame work of figuring out a cost analysis. Chairman Hayes stated that he is very pleased to see the progress that this Pilot Study is taking and that the Committee will continue to review the progress at next month's Committee meeting.

Old Jail Utilization Update - Chairman Hayes will give an update at the next Committee meeting. He was out-of-town for a few weeks and is in the process of scheduling another walk-through of the facility. The Committee talked briefly on some of the options that have been proposed over the years.

UPDATE BY SHERIFF VANBLARCUM: Told the Committee that he was working on the possibility of double bunking at the jail. He has written a letter to the COC asking them for permission to double bunk. They have 72 cells that were pre-designed to double bunk. The cost to renovate these cells for double bunking is about \$75,000. Chairman Hayes asked if double bunking is done on a short term basis. The Sheriff stated that it is up to the COC to make that decision. Legislator Hochberg asked if double bunking would create the need for more Correctional Officers. The Sheriff said that in theory, it should not; Correctional Officers are trained to handle that many inmates in a housing unit.

Hochberg: Asked about the new Live-Scan finger printing machine and whether or not people have to be transported to the Sheriff's Department to use it? The Sheriff explained that they have Live-Scan at their facility and all of the Substations have it. If you are being fingerprinted for a License or Pistol Permit then there is a Vendor that is used on Clinton Avenue in Kingston. Anything that has to do with Law Enforcement you would use the Sheriff's Department. He further explained that when dealing with the Towns, if they are not positive of the person's identification then they bring them to the Sheriff's Department or a Substation. If they have a positive identification then they use the print cards and then weekly bring them in to be scanned by the Live Scan. It is up to the Towns that do not have Live-Scan how they want to handle it.

Motion to adjourn meeting @ 8:00 PM

Motion offered by Legislator Ronk, Seconded by Legislator Sweeney, All in Favor, Carried.

Respectfully Submitted,
Tammy Wilson, Senior Legislative Employee
