

**ULSTER COUNTY LEGISLATURE  
COMMITTEE MEETING MINUTES**

**NAME OF COMMITTEE:** Law Enforcement and Public Safety Committee  
**DATE & TIME:** June 1, 2010 @ 6:30 PM  
**PLACE:** Library Conference Room, 6<sup>th</sup> Floor, County Office Building

**LEGISLATORS PRESENT:** Chairman Jack Hayes, Deputy Chairman Thomas Briggs (Left at 7:15), Legislators Carl Belfiglio, Roy Hochberg, Hector Rodriguez, Kenneth Ronk (Arrived at 6:40), Michael Sweeney

**LEGISLATORS EXCUSED:** All in Attendance

**OTHERS ATTENDING:** Legislator Gregorius, Deputy Executive Robert Sudlow, Undersheriff Frank Faluotico, Sgt/Grants Manager Perry Soule, Assistant District Attorney William Weishaupt, Ulster Police Deputy Police Chief Joseph Sinagra

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**MEETING CALLED TO ORDER @ 6:35 PM**

**APPROVAL OF THE MAY 4, 2010 MINUTES:**

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

**Sheriff's Office - Paul VanBlarcum/Frank Faluotico**

1. **Resolution Draft No. 0604, June 15, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Port Authority Of New York And New Jersey For The Port Security Grant Program - Amending The 2010 Ulster County Budget

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

Discussion: The combined grant funds and matching funds will be used to purchase equipment to assist officers in maintaining the safety and security of Ulster County and preventing potential terrorist activity on the Hudson River and to increase the County's surveillance, navigation and dive activities. The grant requires matching funds from Ulster County of \$55,255.00, for a total project cost of \$221,020.00. Grants Manager Perry Soule explained to the Committee the background of the Resolution. He stated that the reason it took so long for this Resolution is that it was submitted prior to President Obama being elected. The funding was put on hold. It was not part of the initial Stimulus Package Funding. Most of the equipment is equipment that would have been needed budgetary over the next few years anyway and to be purchased at a quarter of price is a huge advantage for their Department.

Belfiglio: We have to take \$55,255.00 out of the Contingency Funds in order to get this grant?  
A/Yes, the grant is giving the Sheriff's Office 75 cents on the dollar. Q/Do we have

\$55,255.00 in Contingency Funds? A/Yes, these funds have been held in Contingency since 2008.

Sweeney: Is any of the equipment that is being purchased going to require additional hiring?  
A/No

Rodriguez: Does the Sheriff's Office have ownership of the equipment being purchased? A/Yes

2. **Resolution Draft No. 0616, June 15, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Town Of Ulster For Use Of The Ulster Police Firearms Range and Training Facility

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

Discussion: Undersheriff Faluotico stated that this Resolution will become yearly. He believes that there might be some slight changes to the language in the Resolution. The language is being changed in the contract and the County Attorney's Office is looking at it. The changes will not affect the cost or performance. There was discussion with the Committee and the Undersheriff as to where this Resolution was formulated. Chairman Hayes stated that normally there is a pathway that Resolutions should follow to be put forth in a timely manner. Legislator Rodriguez stated that Resolutions should be cleaned up before they come to Committee rather than amending them on the floor. Undersheriff Faluotico stated that this Resolution is time sensitive because their range cycle begins on June 14<sup>th</sup>. He also stated that he believes the Resolution was brought forth by the Town of Ulster because they maintain the range.

Sweeney: Where is the training being done now? A/They have always used this range. A/Why does the Legislature have to get involved? A/All contracts go through Contract Management. Legislator Rodriguez stated that the changes are due to the Charter.

**New Business: None**

**Old Business:** Amending a Local Law for the Licensing of Persons in the Business of Purchasing Second-hand Articles (Discussion Only). Ulster Police Deputy Police Chief Joseph Sinagra addressed the Committee and gave a history of this Local Law and the proposed amendments. Mr. Sinagra handed out a fact sheet to the Committee (see below) pointing out some of the differences between the current Local Law and the proposed amendments.

FACT SHEET: THE CURRENT LAW IN ULSTER COUNTY IS NOT BEING ENFORCED ON A REGULAR BASIS NOR IS THE COUNTY ADDRESSING THE ISSUE OF UNLICENSED BUSINESSES.

(A) Ulster County Local Law Number 4 of 1985 is a local law for the Licensing of Persons in the business of Purchasing Second-hand Articles. The Proposed version of this law as drafted by the Ulster County Police Chief's Association Also addresses the Licensing of

Persons in the Business of Purchasing Second-hand Articles in addition to providing a Structured Enforcement component in as well as clearly defining Penalties and Remedies.

(B) The legislative finding, (Statement of Policy) REFLECT THE SAME SUM AND SUBSTANCE. Wording changes only

(C) Jurisdiction and enforcement is clearly defined. Local Police, State Police and Deputy Sheriff's are all sworn in the State of New York to uphold any State laws. The proposed law grants jurisdiction of enforcement only in the County of Ulster. The present law only grants enforcement to the GAE and requires that the Officer first receive permission from the District Attorney to inspect the books of a second hand dealer. There is no other crime or investigative requirement that provides that the police must first seek approval from the District Attorney in order to conduct an investigation.

(D) Under the present law, anyone with few exceptions, (Charitable organizations, Events sponsored by Charitable organizations, Flea Markets, bazaars, Wholesale transactions between legitimate businesses, ones who hold a valid Sales Tax or tax Exempt License consistent with Form ST -120) are exempt. The present law includes all these definitions and further adds to this list "Bona Fide Antique Dealers (Definition spelled out). The sale of Automobiles, Garage and yard Sales, Auctions, Estate Sales, Purchase of Motor Vehicle as Scrap.

(E) The proposed law requires a license fee of \$100.00. Presently the law requires a \$25.00 License fee. The licenses must be renewed every Two years as is spelt out in both the present and proposed law. Currently the renewal fee is \$5.00. Under the proposed law the fee would increase to \$100.00.

(F) This most notable change reflected in the proposed law versus the present law is the reporting requirements and documentation. This undoubtedly could be the greatest bone of contention. The current law does not provide for proper and/or reliable identification of a seller and further compromises a person's SS# which is considered a form of identification.

(O) The Holding period has been extended from three days to fifteen business days.

(H) Unlawful Acts and restrictions are clearly spelled out. The transacting of business with a minor is strictly prohibited.

(I) A mechanism addressing suspension and revocation of a person's license to conduct business is explicitly addressed in addition to providing a procedure for disputing such revocation and/or suspension by a licensee.

(J) Fine and punishments are clearly defined.

END OF FACT SHEET

Mr. Sinagra stated that his Department works very closely with Westchester County and that there is an influx of people that are leaving Ulster County and going to Westchester to make sales. The new version of the Law mirrors the Westchester County Law. There is a great network throughout New York State with Detectives that when they get a reported burglary and items are stolen then those items are sent out electronically.

Agencies and Detectives can look at them and possibly match them up to items that the local Second Hand Dealers said that they purchased. He passed around a sheet from Westchester County Department of Public Safety. They require that every two weeks the local Pawn Brokers or anyone that deals in second hand goods provide a complete inventory of what they purchased and then the Public Safety distributes a flyer every two weeks to Police Agencies. He stated the main reason for the amendments of this Law is to protect the general public. He advised the Committee to do a comparison between the new and old versions of the Law.

Questions & Answers between Mr. Sinagra and the Committee are as follows:

Sweeney: Has concerns with the increase in fees. Q/In part (C) of the Fact Sheet, if amended, the officer would no longer have to obtain the DA's permission before an inspection of the books of a second hand dealer is done. A/That is correct. Q/What would prevent an overly zealous officer from harassing a pawn broker? A/Hopefully a complaint and then the officer could be dealt with.

Sinagra: Stated that when you bring a new law into effect, you publicize it, you make the public aware of it, you talk about it, you introduce it, and no one can say they didn't know about it. He added that it is a shame considering the number of people in Ulster County that deal with second hand goods; there are only nine people on file with the County. Two of them are out-of-state; two are in the Hudson Valley Mall, and one in New Paltz. The others are fly-by-night vendors that set up for a couple of days at the Marriott or Holiday Inn. They know that there is a three day holding period, but only stay for two days. They come, buy, and then they're gone. They are not allowing the individual to see their weight or the calculations on how they determined what the payment was. The new Law will require the weight machine to be clearly displayed and will be checked by the County Weights & Measures. You will have to show the calculations that were used to determine the price.

Hochberg: Q/How does the Law deal with Estate Sales, Yard Sales, and Rummage Sales? A/They are Exempt under the new law.

Sweeney: Q/What are other Counties doing? A/Other Counties are very strict, whereas Ulster County is less strict compared to most of New York State. He stated that he developed the new law by using a collaboration of what other Counties and Municipalities in New York State are currently using.

Ronk: Q/Where would the Administrative arm of this Law fall in the County? A/This did not change in the new Law, the County Clerk's office is responsible for the filing and collecting of fees.

Hayes: Q/Who is Licensed at this time? A/A License is good for two years. Mr. Sinagra already stated that there are nine licensed vendors in Ulster County. He verbally named 5 for 2009 and 4 for 2010. Q/How many would now fall under the new Law? A/Hundreds.

Hochberg: Q/How do you deal with E-Bay, Craig's List, and mail order/TV? A/We wouldn't. They do not have jurisdiction over the companies on TV that are selling and buying.

Hayes: Q/Is the main worry about Jewelry and Precious Metals? A/Yes but also electronics. He stated that kids are stealing from their parents, Jewelry and Electronics. Three days is not

enough time to retrieve stolen property. Q/Is the new Law similar to the surrounding Counties? A/Yes, it would make Ulster County very parallel to what the other Counties are doing.

Gregorius: Q/Antiques Dealers are no longer exempt? A/Under the new law it states that a Bona Fide Antique Dealer is exempt. A Bona Fide Antique Dealer is anyone whose primary business is the buying, selling, trading, and displaying of antiques.

Hayes: Q/Are there State Statutes? Weishaupt A/The only State Statute would be Criminal Law/Penal Law, your standard possession of Stolen Property. Chairman Hayes stated that he feels that this Law is very appropriate for the State level. He feels that the need is there. Sinagra: A/The State realizes that enforcement has to come at the local level and is encouraging Counties to draft their own Local Laws.

Belfiglio: Q/Is the Law going to prevent the sale of these items or will it catch the thieves that sell the items? A/What it will prevent is the shady business practices that are now taking place. If they know that the police are going to come in and ask for a photograph or proper identification from the individual that they are buying items from, then they will not buy the items. This Law is not a theft deterrent; the Law is more about recovery.

Briggs: Q/Do we currently have the authority to shut a business down if they are not licensed? A/It is not addressed under the existing Law. Under the new Law, penalties are addressed. He also explained that the new Law requires a person to be of good moral character. If you have a past history you will not be able to obtain a License as a Pawn Broker. Right now, the current Law allows for a seventeen year old to sell his Mother's Jewelry. Under the new Law they will have to prove that they are eighteen years old.

Gregorius: Stated that he supports a longer hold period. But believes that there will be a lot of scrutinies to people that are legitimately earning a living. He stated that if this Local Law is going to move forward it will need to be looked at from line-to-line. He does not have a problem with doing the right thing; he has a problem with the unintended consequences. He does not want to see everyone thrown into this war when we know who the ones are causing the problems.

Sinagra: Feels that it will become discriminatory if you start to single only certain people out.

Hayes: Stated the Committee will begin to review the content of the Local Law and start to look at all the concerns and then continue discussion at the next meeting.

Sinagra: Stated the point of this Local Law is to allow the police to properly investigate a crime and the potential recovery of someone's property. You have to meet the needs of today's society. He is asking the Committee to look at other Counties Local Law.

Hayes: Will gather input from surrounding Counties and provide that information at the next meeting.

**Motion to adjourn meeting @ 7:30 PM**

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

**Respectfully Submitted,**

**Tammy Wilson, Senior Legislative Employee**

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