

**ULSTER COUNTY LEGISLATURE  
COMMITTEE MEETING MINUTES**

**NAME OF COMMITTEE:** Law Enforcement and Public Safety Committee  
**DATE & TIME:** November 2, 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, Legislators Carl Belfiglio, Roy Hochberg, Kenneth Ronk (Arrived 7:13 PM), Michael Sweeney

**LEGISLATORS EXCUSED:** Legislator Hector Rodriguez

**OTHERS ATTENDING:** Deputy County Executive Robert Sudlow, Undersheriff Frank Faluotico, Pat Cuomo, Keri Reynolds

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**MEETING CALLED TO ORDER @ 6:38 PM**

**APPROVAL OF THE OCTOBER 5, 2010 MINUTES:**

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

**RESOLUTIONS:**

1. **Resolution Draft No. 1109, November 16, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Department Of State For Participation In The 2010 Local Enhanced Wireless 911 Program

Motion offered by Legislator Sweeney, Seconded by Legislator Briggs, All in Favor, Carried.  
Discussion: None

2. **Resolution Draft No. 1110, November 16, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment To Agreement With The New York State Office Of Homeland Security To Allow For The Purchase Of Computer Equipment

Motion offered by Legislator Belfiglio, Seconded by Legislator Sweeney, All in Favor, Carried.  
Discussion: None

3. **Resolution Draft No. 1114, November 16, 2010** - Urging New York State To Change The Way The 911 Wireless Surcharge Is Allocated

Motion offered by Legislator Briggs, Seconded by Legislator Sweeney, All in Favor, Carried.  
Discussion: Legislator Ronk was asked by the Fire Advisory Board to bring this Resolution forward. The State every year charges a surcharge on the wireless bills to support emergency

communications. The state sent a report to the FCC stating that they collected \$23,300,000.00, the State Department of Taxation & Finance states that they collected \$230,000,000.00. The County should have received 10 million dollars and that was changed to 9.8 million dollars. What they would like to accomplish with this Resolution is to change the way the surcharge is allocated to give the counties more money to be used for 911 upgrades.

## **New Business:**

### **1) Ulster County Building Security**

- County Executive's Office
  - Building Security Status

Discussion: Chairman Hayes stated that he does not understand how security positions can be cut at the County Office Building without supplying a backup plan in regard to security. In his opinion there has to be security at the COB. Sudlow: Coverage will be covered with part-timers. It was previously discussed that coverage for nightly meetings in this building may not have to be fulltime, benefited positions five days a week. There is the possibility that not all meetings have to be held in this building. The intent was not to discontinue security; it was only to do it differently and more cost effectively.

### **2) Budget Review**

- Sheriff's Office
  - Restore two full-time Deputies/Security County Building
  - Restore \$56,000 salaries Deputies/Security County Building
  - Restore mandatory Warden position Ulster County Jail

Discussion: Chairman Hayes asked Mr. Sudlow to speak with regards to eliminating the Warden's position. The Committee has received correspondence that states that the position cannot be eliminated.

Sudlow: Stated, that is only one agencies opinion. It was indicated to him by the Sheriff that when and if the Warden retires that the position was going to be eliminated. He assumed prior to the letter that it was feasible.

Briggs: Passed around to the Committee a copy of the State Commission of Correction Staffing Requirements, part 7041.2, facility functions and formulation of daily staffing needs. It states that the Commission of Corrections shall, in determining the minimum facility staffing requirement for each local correctional facility, ascertain the functions to be performed by facility staff including, but not limited to: (1) general facility administration and management. The letter from the State Commission of Corrections advised that the elimination of this position is a violation of 9NYCRR, Part 7041, staffing. The state is recommending all of the administrative posts, by eliminating one, is going against the State Commission of Corrections. He feels that the Commission did require a lot and indicated that he is unsure what the Commission would do if that position is eliminated.

Hayes: Pointed out that if they let the County Executive's Budget stand as presented, and the COB Security positions and Warden position are eliminated, how would they stand legally? Mr.

Sudlow stated that he doesn't believe a legal opinion is needed until a decision is made one way or the other.

Sweeney: Stated that it could be their argument, that in Part 7041 of the Staffing Requirements that it does not specifically say a Warden is required. Legislator Briggs stated that it could be. Asked the Undersheriff if the Warden retires, could he continue without that position from an operational stand point? A/From an operational stand point he would say not right now. The Sheriff requested a more current staffing analysis last year so they could then analyze the situation better. As of now the Warden is assigned tasks spelt out in the staffing analysis. Once you start passing tasks down the line, they turn into overtime issues, liability issues, accreditation and insurance issues. He stated that the Sheriff has also requested to start double bunking in some of their pods. Once you start double bunking, your supervision levels may increase. By eliminating this position, it could create a problem in supervision.

Hayes: Q/Do individual facilities have their own unique staffing? A/Yes

Belfiglio: Asked if the Sheriff has submitted his budget appeals. Chairman Hayes replied that his appeals have been submitted.

Belfiglio: Stated that he does not want to see the security cut in the County building. He feels that this building represents County Government and feels that the majority of meetings should be held here.

Faluotico: Stated that with a nationwide trend on increasing security in government buildings that he is concerned as to why we are looking to downsizing security. He understands these are tight times, but feels that security is definitely needed in government buildings.

Sweeney: Q/How many people can sit in the Rotunda? Compared to the Chambers? A/With regards to the Chambers, you will not fit that many people in there, with regards to Committee meetings, there is plenty of room. He feels 40 to 50 people.

Briggs: From a cost saving aspect, sees the benefit in eliminating the Warden's position. He states that the fact that it is an accredited Correctional Facility, if you eliminate that position and something were to happen in that facility, it could pose a potential liability issue. If the Warden were to retire, he believes that the Sheriff could delegate his duties to other staff but believes with a January 1 deadline that it is unrealistic. He thinks that it puts them in a very difficult situation.

Sweeney: Q/With regards to the Security Positions and the Warden's Position, are the amendments being put in as two separate amendments? A/Yes

Hayes: Stated that it was his intent for the Committee to review security in all County buildings. He feels that at this point he cannot say that there is going to be adequate security with part-timers. He feels that this is something that the Committee has to make a decision on and to understand it properly.

Faluotico: Stated that they have tried this theory in the jail, with Correctional Officers. The problem with filling full-time positions with part-timers is that the part-timers are not as dependable as an employee. Many times when they are supposed to work, they do not show up and they end up filling the slots with overtime. He feels that from past experience that if this is the route taken to fill these security positions that the same problems are going to arise.

Hayes: Stated that he is not totally locked into the Sheriff's Office to provide security for buildings in the County. If there is the possibility to provide security more efficiently and still maintain a level of security that he is open to suggestions. He feels that the discussion has not taken place with the Committee to provide an adequate comfort level at this time to make the changes that are being presented in this Budget. He does not want to see a mistake made.

Sudlow: Suggested to the Chairman that if this Committee is going to review all County buildings and there is a need for security, that they need to look at the fact that there are many County employees that work in environments that have no security. Stated that when they look at the broader picture of what security is; you're talking about two major areas, dollars and resources.

Hayes: Q/Has there ever been a study with regards to County buildings and security? A/No

Hayes: After the Committee discussed other options with regard to meeting in other buildings, and shutting down the County Office building at night, the Chairman stated that after all their deliberations that this decision cannot be made at tonight's meeting. A Task Force is needed to look at building security and building usage. He stated that this cannot be resolved in 2010. The issue of the Budget requests/amendments still stands. He suggested that as a Committee they can either fund building security with part-timers, or put money back into the Sheriff's Budget. He will add the review of building security and building usage to next months Committee Agenda.

Hochberg: This is a classic example of Budget vs. Services. He stated that what they are being told is if they take the Budget cut, they take a reduction in services. He feels that other Counties are dealing with this issue far more harshly. He feels that there may be other alternatives to achieve what they are trying to achieve.

**The Committee decided to call a special meeting of the Law Enforcement and Public Safety Committee to make a final decision with regards to the Sheriff's Budget Amendments. This special meeting will take place on November 9<sup>th</sup> at 5:00 PM in the Legislative Conference room, prior to Caucus.**

- Financial Liabilities not identified in 2011 County Executive Budget
  - Potential contract settlements with UC Deputies, Correction Officers

Discussion: Chairman Hayes asked Bob Sudlow if there are any open contracts. A/Yes, PBA expired 12/31/07, CWA expired 12/31/09, Ulster County Staff Association expires 12/31/10, CSEA expires 12/31/10. Effective 1/1/11 every contract will be open. Sweeney: Q/How many of them are in arbitration? A/PBA, three years without a contract, they are in mediation as of now. Seventy-four employees fall under PBA. Ronk: Q/Has the County been negotiating with PBA? A/Yes that is why it is at the arbitration phase.

- Emergency Communication systems mandated upgrade/changes
- United States Government/NYS Government unfunded Mandates

Discussion: Bob Sudlow stated that this is in the planning stage and will be presented in the 2012 Budget. Hayes: Q/Will the Federal Government withhold funding if you do not comply? A/Yes. Briggs: Stated that the Fire Companies in his District have concerns with regard to funding this project.

### **3) Security at Alternative to Incarceration Facilities in Ulster County**

- Creation of an Investigative Subcommittee

Discussion: Chairman Hayes introduced Pat Cuomo and Keri Reynolds. He explained that Keri Reynolds survived a horrific attack earlier this month in Ellenville and that she and her Mom, Pat Cuomo, are here to speak about their concerns regarding why the person that attacked Keri, as a violent offender, was in the facility (Renaissance Project, Inc.) where Keri works. The Chairman's intent is to create an Investigative Subcommittee with regards to the Incarceration Facilities in Ulster County. He would like to know how many facilities we have in Ulster County that has that type of housing and what the criteria is for those facilities. What the security and safety is regarding those facilities and the surrounding communities. As a Committee we cannot discuss the incident that occurred with Keri.

Cuomo: Stated that the Alcohol & Drug Abuse Program licenses such facilities. She believes that the Renaissance Project was licensed within the last year. Until that point the facility did not accept patients through the Drug Courts, New York Road to Recovery Programs, and Drug Treatment Alternatives to Prison Programs (DTAP). These Programs are set in place for criminals that have drug addictions. The person that attacked Keri was a violent offender and should never have ended up in that facility. Her quest is to make sure that when the Drug Courts sentence to such a facility, that the security is investigated. For 103 patients, the only ones on those grounds are a nurse and an unarmed security guard. The state requires 24 hour supervision, and this is what they are accepting as 24 hour supervision. She has been researching other Counties to see if similar incidents have occurred and has found no information thus far. She finds it appalling that Rockland County Drug Court pushed this man through the system and placed him up here to commit the crimes that he did. She wants to make sure that this does not happen again.

Belfiglio: Asked Keri a couple of questions regarding the facility. Q/Are all patients allowed to come and go as they please? Do they have to sign out? A/Patients are supposed to stay on the property. Q/Are there leaves for good behavior? A/yes Q/What kind of supervision do the patients get? Social Worker? Psychologist? Q/How do they determine who is potentially dangerous or who may not belong there? A/Stated that she does not have all the answers, she works at night and is not familiar with how the facility runs during the day. There is a Psychologist on staff, but they are not there everyday.

Falutico: Explained that these are non-secure facilities.

Cuomo: The offenders are supposed to be non-violent. Keri added that when she first started working for the Renaissance Project, the patients were all non-violent. She was never made aware of the change that now permits violent offenders in the facility.

Briggs: Stated that as a driver for the ambulance service that they get called to the Renaissance Project minimal times in a year; they do, however, get called to the Samaritan Project quite often. He explained what it means to be a non-secure facility.

Cuomo: You can no longer have open door policies when dealing with criminals.

Briggs: With his experience working in Correctional Facility in and around Ellenville, a large number of his current and past inmates at some point in their career were at Renaissance or Samaritan before they became incarcerated.

Sweeney: Q/Who funds Renaissance? A/It's a not-for-profit organization. They are licensed and funded through the Office of Alcohol and Drug Abuse. Q/The state will sentence an offender to a rehab facility like this? A/Yes Q/Have you contacted anyone on the state level yet? A/Yes

Briggs: Stated that in the last three years, Renaissance and Samaritan have been completely renovated into state of the art facilities.

Hayes: Reiterated the reasons for forming the Subcommittee. Chairman Hayes appointed Legislator Briggs as the Chairman, Undersheriff Faluotico, as a liaison, and himself as a member. Legislator Briggs suggested that Legislator Stoeckeler, with his background, would also be a good candidate. **Legislator Briggs made the motion to create an Investigative Subcommittee, and Legislator Sweeney seconded the motion, All in favor, Carried.**

**Old Business: The following items were not discussed at tonight's meeting and will be added to next month's agenda for discussion.**

- Dam Safety - Update
- Bridge Safety - Update
- Medical Examiner Protocol - Update
- Second Hand Dealers Law - Update

**Motion to adjourn meeting @ 7:55 PM**

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

**Respectfully Submitted,  
Tammy Wilson, Senior Legislative Employee**

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