

**ULSTER COUNTY LEGISLATURE  
COMMITTEE MEETING MINUTES**

**NAME OF COMMITTEE:** Law Enforcement and Public Safety Committee  
**DATE & TIME:** October 5, 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 @ 7:15 PM), Legislators Carl Belfiglio, Roy Hochberg, Hector Rodriguez (Arrived @ 6:40 PM, Left @ 7:20 PM), Michael Sweeney

**LEGISLATORS EXCUSED:** Legislator Kenneth Ronk

**OTHERS ATTENDING:** Deputy County Executive Robert Sudlow, Sheriff Paul VanBlarcum, Undersheriff Frank Faluotico, Director of Emergency Communications/Management Arthur Snyder

---

**MEETING CALLED TO ORDER @ 6:30 PM**

**APPROVAL OF THE SEPTEMBER 7, 2010 MINUTES:**

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

**RESOLUTIONS:**

1. **Resolution Draft No. 1009, October 19, 2010** - Adopting The Project Plan For The Arson Task Force And The Arson Task Force Board

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

Discussion: Chairman Hayes explained that Section 204-c of the General Municipal Law requires that each County develop a plan for arson investigation within the County and submit it to the New York State Office of Fire Prevention and Control for approval.

2. **Resolution Draft No. 1010, October 19, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With New York State Division Of Criminal Justice Services For The Aid To Prosecution Program - Ulster County District Attorney

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

Discussion: Legislator Belfiglio asked for clarification regarding this Resolution. He asked how the program improves the prosecution of repeat offenders. Chairman Hayes stated that on an annual basis repeat offenders, this funding is set up to assist in their prosecutions. Deputy County Executive Robert Sudlow explained that when the aid to prosecution came out it was a

result of law changes that dealt with second felony offenders. The District Attorney's Association said now that the changes took away their leeway on how they prosecute and that they would need additional funding.

3. **Resolution Draft No. 1011, October 19, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Contract With The New York State Department of Health For The Continuation Of The Rape Crisis And Sexual Violence Prevention Program - Department Of Probation

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

Discussion: Legislator Belfiglio asked if these funds were actually matching or is the County budgeting \$13,205.50. Legislator Briggs explained that half came from budgeted monies from 2010. Legislator Belfiglio asked if these Resolutions are ones that have been funded in the past and what the effectiveness of the program is. Deputy County Executive Robert Sudlow stated that the program that has been in existence with the County in excess of thirty years. Every County has a mandatory Rape Crises Hotline. The reported information is sent to the New York State Crime Victims Board and they set goals as to what needs have to be achieved. If the Committee is interested in a report, it can be provided by the Crime Victims Program at the Probation Department. He also stated that this program applies to anyone that calls, not necessarily for only a county resident or that the offense has to happen in Ulster County. Often people call for occurrences that happen while out-of- town; for example, college, concert, and vacation. He also explained that part of the Crime Victims Assistance Program is to provide prevention education.

Briggs: Q/Asked if there was any affiliation with the Family of Woodstock Hotline. A/Sudlow/Their hotline is independent and that it is a hotline for all topics.

Sweeney: Q/Asked if the County's Hotline provided any abortion counseling. A/Sudlow/No

Belfiglio: Q/Why the increase in funding? A/Sudlow/Stated that the timeframe of the Contract has changed. It was a one year contract, then a three year contract, now it is a five year contract. The dollars are only available on a yearly basis. If the funding for the program is eliminated, the program will be eliminated as well.

4. **Resolution Draft No. 1018, October 19, 2010** - Appointing Member To Fill Vacancy On The Ulster County Fire Advisory Board

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

Discussion: Chairman Hayes explained that this Resolution is appointing Kevin Keller. This is a vacancy that was created by the passing of Herbert Faurote. Mr. Keller will fill the remainder of the two year term. Because this Resolution is late, back up will be provided at Caucus.

**New Business:** Director of Emergency Communications/Management Arthur Snyder spoke briefly about the RFP that was awarded to Blue Wing Services, Incorporated. The Agreement

is for the Consultant (Blue Wing Services Inc.) to provide a review and analysis of the County's emergency radio communication system and to provide four (4) comprehensive reports of their findings. He also explained the process of the RFP. He explained that they received eight (8) responses. With all RFP's you can rank the responses based on the quality of the response. An added advantage to this company is that they will be also working with Greene, Delaware, and Sullivan Counties. They are based out of Minnesota but they have a heavy presence in New York.

Belfiglio: Q/Is this just going to be for the County or will all the Towns be included?  
A/Snyder/This is going to be a three (3) phase program: 1) reconfiguring the radio channels and the protocol has been completed and was implemented on September 1, 2010. 2) Is getting the Consultant to complete the review & analysis; this is in process. 3) Will be for both bodies of Government, Legislature and County Executive, to implement the recommendations.

Belfiglio: Stated that there has been talk that the smaller Fire Departments may not have the funding to afford the equipment that the larger departments can afford. A/Snyder/They are fully aware of that and will be proposing a system that will meet the needs for everyone and also be affordable across the board. Q/Will that be addressed also in the study?  
A/Snyder/Yes

Hayes: Q/Is there a major change in communications coming up in 2012? A/Snyder/January 1, 2013 the FCC Mandate will take effect. That Mandate will require narrow-banding. This will affect anyone using VHF high-band. This will also be included in the study.

Hochberg: Stated that apparently this study is to come out with recommendations for equipment and frequencies. Q/Will this be part of the Capital Programs for 2011?  
A/Snyder/At this point it would be too premature to have this added to the 2011 Budget. Once the cost analysis is complete, it will be added to the 2012 Budget.

**Additional New Business:** Chairman Hayes stated to the Committee that he would like to schedule a day that is best for everyone to meet with the Departments that answer to the Law Enforcement and Public Safety Committee for Budgetary Reviews. **It was determined that the Budget Reviews will take place on Tuesday, October 12, 2010, 4:00PM to 5:30PM, prior to Caucus in Chambers.**

#### **Sheriff VanBlarcum's Updates:**

- It was on the Mid-Hudson news that his Office has acquired a HumV from the Federal Government. Ulster County was instrumental in reinstating the 1033 Program. This is a program that allows Police Departments to acquire surplus military equipment. They used the HumV already in the Shandaken area as a result of the recent flooding.
- Stated they are a little low in their board-ins on the Correction side, they budgeted for 50 per day. For the first 9 months they are averaging 49 per day. If the high months outweigh the low months, then they should be right in the ballpark. This is an issue for him in the 2011 budget. They are going to try and be more aggressive in getting more

board-ins. They are pretty tight for general housing, they have room for minors. Unfortunately Dutchess County, which is their biggest supplier, does not have a whole lot of minors. There is a lot of competition now between Ulster County, Albany, Warren County, and Rensselaer County. He stated that it is a very cut throat business right now. He reiterated that their head count right now is looking for minors. For this year, he believes that their numbers will be very close to what was estimated (1.8). Next year he anticipates some issues because Albany and Rensselaer have opened new facilities with ample room.

- Briefly updated the Committee on his Office's 2011 Budget. He will speak at length at the above mentioned meeting on October 12, 2010.

Hochberg: Asked the Sheriff about the five vehicles that are in the Budget for this year. The Sheriff stated that historically over the years, even prior to him being the Sheriff, four to six vehicles is what was continually received. His hope is that in 2011 or 2012 and beyond that vehicle amount could be lowered because they now have a vehicle replacement program in place. Additionally these vehicles would be financed at 1½% instead of paying up front.

Hochberg: Asked the Sheriff about the retirements and the one lay-off happening at the Sheriff's Office. The Sheriff stated that these topics are what he was going to talk about at the Budget Review Meeting but that he would briefly update them on some of the issues tonight.

Sheriff VanBlarcum: 1) Stated that three people were zeroed out anticipating their retirements, and those retirements have not been confirmed yet. If they do not retire then those lines will have to be put back into the Budget. He added that if these Employees do in fact retire, the part-time line will need to be increased to replace these positions. He stated that this may eliminate security here at the County Office Building for next year, especially in the evenings when there are Legislative meetings going on. 2) Stated that his Office is very good at estimating the board-in revenues and usually within 1 or 2 percent are correct. They never go over Budget, only under Budget. They budgeted for next year at 1.2. He stated that the County Executive's Office increased the revenues by another \$109,000. He stated that those revenues are unrealistic and that there is no justification for this. 3) Handed out a letter from the Commissioner of Corrections stating that you cannot eliminate the position of Warden. That position is required by the Commission's Position and Staffing Analysis for the Ulster County Jail. He stated that you do not take a 33 year employee and call him the day before the Press Conference releasing the Budget that you are eliminating his position. He was very upset that his Office was completely unaware of these changes until the day before the Press Conference. He does not support the elimination of this employee or the position. He stated that for his Office, it is not a valid budget.

Briggs: Q/What is the difference between the Superintendent and the Warden? A/They are both assigned separate duties. The Superintendent position is a position that he inherited.

Hayes: Q/If the position is eliminated; does that necessarily mean that you lose the person? Could the person be reassigned? A/If you eliminate the person (Ray Acevedo), and it turns out

that you can, then Ray does have retrieval rights. He would retrieve back to a Captain. You would end up losing the lowest paid employee. The Superintendent would not have retrieval rights because that is an appointed position.

Hochberg: Asked about certain positions. The Sheriff clarified, that there are 3 Entry Level Correctional Officer positions being filled, 3 Security Guards are in the Budget to retire, one lay-off, the Wardens position. He explained that the Correction Division is separate from the Security Division. Undersheriff Faluotico explained that they are hiring three Corrections Officers because they are using excessive overtime, using part-timers. Trying to fill these positions with part-time overtime has become too costly. The County Executive's Office has agreed with them that they need to hire full timers so that they are permanently in the slots. The three Correctional Officers are strictly for the running and operation of the jail.

Sweeney: Q/Can't you just hire as many part-timers as you need? A/Not for Corrections, it is Contractual. They are in Contract negotiations now and are looking to change that.

Hayes: Asked the Sheriff about Contract negotiations. A/The CWA, which represents the Correctional Officers, their Contract expired at the end of last year. PBA has not had a valid Contract for eight years, the Agreement that they were working under has expired. Chairman Hayes stated that there seems to be a lot of grey area there. He asked if there was a number of a possible liability, what he sees happening is the Mid-Management Contract coming up again, and there are no funds budgeted for these Contracts. Chairman Hayes stated that he has concerns regarding these Contracts and is trying to form financial liability.

#### **Old Business:**

**Dam Safety- Update** - Director of Emergency Communications/Management Arthur Snyder stated that Chairman Hayes approached him about the topic and he stated that it really came to the forefront because in August new regulations that had been put forth by NYSDEC went into effect. NYSDEC is the regulatory agency over Dams in New York State. He showed the Committee a list of Dams in Ulster County that was three pages long. Of those, there are 102 Dams that are Class A (low hazard), 28 Dams that are intermediate hazard, and 9 Dams that are Class C (high hazard). High hazard does not mean that there is imminent danger failure; it means that should they fail, there is a significant population or significant community in the area or down stream of the Dam. He stated that when you look at the list and see that a Dam is owned by NYCDEP he is much more comfortable, than a Dam that is owned by a private resident. He stated that he has nothing against these individuals but what are their capabilities financially to meet the regulations or to put together an action plan, or to ensure that the Dam will have an Engineering Analysis to make sure that it is safe. If a Dam is owned by NYCDEP then they have the capabilities to make the repairs that are necessary and to make sure that a plan is in place to protect the public. It is important to him who owns the Dam. He stated the scariest thing to him on the list is where it states owner not found. When people become aware of their liability and potential to exposure if they own a Dam, they walk away from it. If you look at all the Dams that are in Ulster County, of those 9 that are Class C, many of them are owned and maintained by NYCDEP. The nine listed are Tillson Lake Dam owned by the Palisades Interstate Park Commission, Pine Hill Dam owned by the NYCDEC, Sturgeon Pool Dam owned by

Central Hudson, Honk Falls Dam owned by Individuals, Merriman Dam & the Ashokan Dam owned by NYCDEP, Cooper Lake Dam and West Dike owned by City of Kingston, Diamond Mills Paper Company Dam owned by Leading Edge Developers, Kingston Reservoir #2 Dam owned by City of Kingston. All but one is owned by a Municipality or Government Agency. As of August 19<sup>th</sup> of this year any of the owners of a high hazard or Class C Dam have to file an Emergency Action Plan. That Emergency Action Plan had to be filed with NYSDEC. In developing that plan the owner operator was supposed to involve Emergency Services in the development of the plan. He stated that this was done to varying degrees. Central Hudson has been a very good partner; they have conducted Tabletop Drills. NYCDEP has brought in Consultant Firms, done some significant analysis. City of Kingston has completed one of their plans, but he does not have it yet. Next year all the 28 owners of the Class B Dams will have to supply an Emergency Action Plan. He will receive all of these plans and will acknowledge receipt of them. He does not acknowledge approval; he will work with them to discuss issues that need improvement. He stated that he is not qualified to do an analysis on a Dam, DEC has Engineers that do that, and they have regulations that require that Dam owners have PE's to certify their Dams. He stated that many of these new regulations are a result of Katrina. He stated that you can't have a discussion about Dams without talking to NYCDEP and thinks it is appropriate to say here today, eight days after 8 inches fell in the Western part of the County, that the people down stream would have been severely affected if the Reservoir/Dam had not been there. DEP is managing water resources the best they can. The use of the Dam and the Reservoir allows them to do that. He stated that there were also concerns about the Round-out West Branch Tunnel. There was a concern expressed about what happens if the Round-out West Branch Tunnel collapsed. He stated that if that tunnel were to collapse, they would have the capability to turn off the water that comes out of the Reservoir. His primary concern wouldn't be what happens in Wawarsing, his greater concern would be for the people in Marlborough, and their sole source of drinking water comes from that system. If that tunnel were to be shut down, for whatever reason, an alternative drinking source has to be found for the community of Marlborough.

Hayes: Ask again about them having the capability of shutting the valves off. A/Yes they absolutely can do that.

Hayes: Q/Can they tell if there has been a failure of that tunnel? A/Yes, they will be able to tell by the usage at the monitoring stations. They have acknowledged that there is probably a 35mgd leak from the Round-out West Branch Tunnel and that this leak has been going on for a long time. He stated that 35mgd sounds like a big number, but it has been a fairly constant number. They know that everyday about 700 million gallons goes down that tunnel and about another 500mgd goes down the Catskill Aqueduct, they meet in Gardiner and NYC uses about 1.1 billion gallons a day.

Hayes: Stated that he down loaded the DEP Engineer Report for 2010 and it states that the Contingency Response Plan requires ongoing communication, training, desktop exercises and planned updates. He asked, which Emergency Responders, because he has not been able to get anyone to respond or share information with him. A/He stated that information is being shared more than ever. Mr. Snyder stated that he gets daily reports from the DEP regarding the amount of water that has come in through runoff, the water that goes out through the tunnels, and water that goes out through the waste channels. These daily reports are for each one of

the reservoirs. He stated that he has a lot of respect for the NYCDEP Deputy Commissioner, Paul Rush and trusts the information that he receives from him.

Sweeney: Stated that as far as a catastrophic failure goes, say at Ashokan, the DEP can have all the plans they want, but stated that the people in this room, meaning Mr. Snyder as the Director of Emergency Management and the Sheriff's Office will be the first responders. A/The Emergency Action Plan that any of the Dam owners produce is only required to really identify what they are going to do and how they will work with the local community. From there on, he stated that they have to come up with plans. His Office, the Sheriff's Office, the State Police, and some of the Municipal Police Departments, Fire Service, and EMS have worked with detour routes, road closure points for Dams like the Ashokan and the Merriman Dam. They have pages worth of road check points. The inundation maps that were supplied tells what the water levels will be at various points along the course of the water, where it will expand to, what the depths will be, and an approximate time that it would get there.

Hayes: Stated that one of the reasons why he is concerned about the Round-out West Branch Tunnel is that NYS Comptroller, Thomas DiNapoli's Audit Report of 2007 states, the chance of catastrophic failure is medium to high from 2010 forward. When he wrote the plan he stated that within the next three years it goes from low to medium to high. Based on this report, he would like to have input from DEP saying that that's not true or some sort of response to those comments. A/That is a fair question to ask and it deserves an answer. He stated to Chairman Hayes that if he were to address this question to Mr. Rush, he believes that he would get an honest answer.

Sweeney: Stated that he seems to still have concerns about the possibility of a catastrophic failure happening and asked if they can have drills, which would involve communication systems, so that anybody down stream from a Dam could receive phone calls. Q/Is there anyway, maybe next year that this system could be tested? A/Suggested that everyone signs up to New York Alert, it is free; it can be sent to your phone, computer, and blackberry. It is a great way to receive emergency alerts. You can sign up by going to NYALERT.gov and supply the necessary information. He stated that the drills that they have been doing with Central Hudson, in addition to the tabletop drills, for the last two years have involved notification drills to the volunteer Fire Departments, and the Police Departments. Q/Isn't there a reverse 911 system where pinpointed addresses can be contacted. A/NYALERT does part of that, they also have a system called City Watch that was purchased prior to the implementation of NYALERT, and it enables you to draw polygons around certain areas of interest.

Sweeney: Q/In the worst case scenario, could you estimate loss of life? A/No, but you could look at the populations in the concerned areas.

Hochberg: Q/In reference to the list of Dams, is there anything in the Law that states if you cannot find the owner, the ownership defaults to the Town? A/If someone owns a piece of property that contains a Dam, and the owner defaults, eventually it will become the property of a municipality. Legislator Hochberg requested a legal opinion regarding this matter.

Hochberg: When you talk about communities relying on the aqueduct for water supply, he pointed out that at a Public Works Committee Meeting there was talk of the UCCC tapping into the aqueduct in High Falls. They have already spent \$700,000 on the study and it will be another 3 million to make that connection. Q/Have you been involved in any of this and does what they are doing make sense? A/He stated that he has not been involved in that project. Legislator Hochberg stated that it is his understanding the reason for this project is safety and health, health from the standpoint of having a clean water supply for the students and staff. Safety from the standpoint that they are required to put sprinklers in any remodeling or new construction projects. Their two wells do not allow them to do that so it becomes very quickly a safety issue. He added that they have spent the last year working on the study and are now trying to secure funding.

Hochberg: Question not regarding the Dam topic. Q/Asked at what point is the County at regarding implementation of the new 911 system. Didn't the Legislature approve \$100,000? A/Currently the technicians are installing the phone system in their offices. It has to be installed at their building and SP Highland; there are fiber lines that go between. There were some difficulties getting the vendor that owns the light tower to get enough band width to be able to carry the traffic between the two. He explained the benefits of SP Highland and why the two destinations are important. Q/Is the project on track? A/Yes

Hayes: Thanked Art Snyder for coming to tonight's meeting and appreciated the knowledge that he brought forth.

**Bridge Safety- Update** - Chairman Hayes stated that he has received a couple of packets and now has a couple of contacts. NYSDOT has a tremendous amount to do with bridge safety; they are closely affiliated with the County. Bridge safety and bridge projects are part of Capital Projects. He will be contacting NYSDOT. In Ulster County there are five to nine bridges that need repairs. He has a copy of the ratings and will distribute that to the Committee.

**Electronic Intrusion Alarms Law - For discussion only** - Chairman Hayes stated that he is attending the Police Chiefs meeting tomorrow and would like to get some feed back from them on the topic. He would also like to gather some additional information from the alarm company industry.

**Medical Examiner Protocol - Update** - Undersheriff Faluotico stated that he is working on listing all the Agencies and what their Medical Examiner Protocol is. Once this is completed he wants to standardize a form that everyone can work with. He will be meeting with Dr. Heller to go over the new form to make sure it is answering all the questions that he requires. Chairman Hayes stated that Orange County has just implemented a new policy. The Undersheriff said that he would contact them for Chairman Hayes.

**Second Hand Dealers Law - Update** - Legislator Belfiglio stated that he was going to move forward on this and set up a meeting as soon as possible.

**Motion to adjourn meeting @ 8:00 PM**

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

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

---