

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Law Enforcement and Public Safety Committee
DATE & TIME: September 7, 2010 @ 6:30 PM
PLACE: Library Conference Room, 6th Floor, County Office Building

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

LEGISLATORS EXCUSED: None

OTHERS ATTENDING: Deputy County Executive Robert Sudlow, Sheriff Paul VanBlarcum, Undersheriff Frank Faluotico, Detective Abram Markiewicz (Sheriff's Office), Investigator William Weishaupt (District Attorney's Office)

MEETING CALLED TO ORDER @ 6:35 PM

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Chairman Jack Hayes

APPROVAL OF THE AUGUST 3, 2010 MINUTES:

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

RESOLUTIONS:

1. **Resolution Draft No. 0911, September 21, 2010** - Authorizing The Purchase Of A Portable Decontamination Shelter And Accepting Reimbursement From New York State Office Of Homeland Security FY09 Haz-Mat Grant Funds Via Lead Agency Orange County - Fire Coordinator

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

Discussion: None

2. **Resolution Draft No. 0912, September 21, 2010** - Requesting Transfer Of Funds From The Forfeiture Account For The Ulster Regional Gang Enforcement Narcotics Team's Confidential Investigations - Amending The 2010 Ulster County Budget - Ulster County Sheriff's Office

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

Discussion: Legislator Belfiglio asked for an explanation on how the forfeiture revenues are used towards Auto Leases. A/These funds are proceeds from URGENT cases only and can only

be used for the benefit of investigating drug and gang criminal cases. The forfeiture revenues will be appropriated to lease vehicles for URGENT for use in confidential investigations. Legislator Sweeney asked if it was cheaper to buy, rather than to lease a vehicle. A/No, if you buy a car, then you are stuck with that car. They need to change the identification of the cars often.

New Business:

- **Nuisance Alarms Law:** A Power Point Presentation was given by Detective Abram Markiewicz from the Sheriff's Office. (See attached) This presentation was handed out to the entire Committee. Sheriff VanBlarcum introduced Detective Markiewicz and thanked him for putting the presentation together. The Sheriff's Office would like to formulate a Local Law that has to do with Automated Intrusion Devices (AID's). The premise for this Local Law would be to put a fine system in place for Nuisance Alarms. Detective Markiewicz stated that Nuisance alarms, though not directly, but inherently costs the County money and some remedy on how to get this resolved. The following points were presented: Nuisance Alarms and the hidden costs to the County, background & statistics, proposal, implementation considerations, benefit to the County, success story for the Town of Esopus, and a summary.

The following questions and/or concerns were asked by the Committee:

Rodriguez: Asked Detective Markiewicz to take his questions as constructive criticism. He stated that he believes the concept is a good idea and would like to work with him to see it implemented. Q/Why does the County not have agreements with the Town Police stations? A/There are a number of Towns that only the Sheriff's Office or the State Police have jurisdiction. The Sheriff added that if a car is 50 miles away from a call, they would normally check and see if someone closer can respond, but most often they are not, and the Sheriff's Office is the one to respond. Whether you're going 2 miles or 50 miles, it is still a Nuisance Alarm. Legislator Rodriguez added that at the end of the day, one would think that were working in concert with other Law Enforcement Agencies, on those kinds of issues. The Sheriff replied that they are. On a day-to-day basis, no matter what the call is, they do a closest car respond. Legislator Rodriguez also stated that when you get into the different municipalities, if they already have a Law on the books, we then get into a preemption issue. It is his understanding that you cannot preempt another municipality.

Briggs: Q/If a County vehicle responds to a nuisance call in Esopus, who receives the fine, Esopus or the County? A/Under the Sheriff's proposal it would go to the County. Q/If it is the County then does it fall into that Village/Township Court? A/It would be like any other Law. For example, the Social Host Law, falls into the Township that it was committed in. Town Court is responsible for State, County, and Town Ordinances.

Rodriguez: Stated that they may want to recalculate the revenues that are being used in the proposal. You have demonstrated to a certain degree that calls are going down in the Esopus success story. As the calls go down, the revenues will go down.

Ronk: Although the Revenue numbers might not seem as high as they are on the sheet, if there is a decrease in calls, as a result of this Law, then there would be a significant decrease also in time/money that the Sheriff's Office spends on these nuisance calls.

Ronk: Q/Do you have a number of actual burglaries that the County & State Police have responded to with regards to Automated Alarms? A/Having done this for over a decade, when responding to an alarm call, 999 out of every 1000 calls are false alarms. To answer the question more directly, the difficulty that he would have in accurately answering that question with a number, even with their system is because if it is an unfounded alarm the incident type number would have to indicate in the narrative that they respond to an alarm call and it turned out to be a burglary, unless someone logs it as such. The system does not track if someone changes the alarm code to a burglary code. Could it be tracked? Perhaps, but it will not be necessarily that accurate as the way it is set up now. It would be a very labor intensive project to accurately answer that question. He stated that the last seven years that he was in uniform; he does not remember ever going to an alarm that turned out to be a burglary.

Hochberg: Stated, in this proposal you are putting the burden on the property owner. Q/What's the problem with putting it on the Alarm Company? A/No problem other than the false activation may not have anything to do with a failure on the part of the company. Legislator Hochberg stated that would be the company's decision. If it becomes that much of a problem then the company can remove the Alarm System. Legislator Sweeney stated that he has a system, and the Alarm Company is never at fault. If you start putting it on the company, then it is just going to come back at people like me. Legislator Hochberg stated that is what you are doing in this proposal.

Rodriguez: Stated that the only way you're going to get compliance is by unfortunately fining the user. It is the only way to ensure that compliance happens.

Ronk: Q/Would an animal setting off an alarm be considered an Act of God? A/Yes, if it is a deer running through your house. No, if it is your dog running around your house because you forgot to lock him up.

Hayes: Q/Does any other County have this Law? A/Not sure. The Sheriff stated that he would put out an e-mail to all the State Sheriffs and get an answer.

Ronk: Suggested reaching out to NYSAC for information.

Hayes: Thanked everyone for coming and for conducting the presentation.

Markiewicz: Stated to the Committee that if anyone has further questions to give him a call.

- **Dam Safety** - Chairman Hayes stated to the Committee that he attended the course training on "Dam Safety for Owners, Operators, and Emergency Management Officials" out at the UCCC on August 10, 2010. He received a report from the NYS Comptroller, Thomas DiNapoli, titled the "NYC Department of Environmental Protection, Delaware

Aqueduct System: Water Leak & Detection & Repair Program". He has a copy if anyone would like to read it or would like a copy. He stated that we have this situation in Wawarsing. There is a 35 million gallon leak daily. In DiNapoli's report it states that in a worse case scenario if there was a catastrophic failure, we would lose the tunnel. That could mean loss of life for the Rondout Valley. DiNapoli scathingly criticizes both New York State & New York City for not having an Emergency Action Plan. There is supposed to be an Emergency Action Plan on file and there is supposed to be interaction between the Community and the Dam owner. To his knowledge he believes this not to be the case. The Sheriff stated besides the Dam in Saugerties, he knows of no other plan. We have sink holes on top of the ground. If it has been leaking for twenty years at 35 million gallons a day, do we have sink holes underneath? He does not have an answer to that. In reading the report, he is not sure that there is an automatic emergency shut-off valve in the tunnel if there is a failure. He stated that he has a lot of questions and very few answers. He believes the problem is the Delaware Tunnel runs all the way over to Roseton in Orange County. They have problems there as well in regards to valves. He believes that it is worth asking NYC a few questions and bringing them to the table for a few answers. The Sheriff stated that his Office has contacted the DEP a couple of times when there have been issues on the Esopus Creek about how quickly you can shut down the valves. The only valves that he knows of are above the Reservoir in the Port Hole in Shandaken. They said it could take up to five hours by the time you could close that. As far as asking NYC for any plans or advice we should plan a drill first. Chairman Hayes absolutely agreed with the Sheriff. The Chairman stated that when he worked for the State Police, Indian Point drilled yearly. He is going to put the people that are supposed to be taking care of this situation on notice that this Committee is interested in some information.

Belfiglio: Q/Is it the Dam or is it the Tunnel that is in danger? Undersheriff Faluotico stated that you really have to be familiar with the whole Reservoir System and how one dumps into the other. Before you can answer that question you really have to take a look at how the water routing system works. Because there are Dams, Port-holes, there are portions where it goes 17 miles underground, and there are places that it just goes through different creeks and they all have different dump-off areas throughout the Ashokan where they can run water. That was one of the big concerns when it flooded across Route 28 years ago, that they didn't open certain areas, or that they released too much water in other areas. He stated that he has a video on how the whole water system works and that it is very educational. He would be happy to make it available to the Committee or any individual that is interested.

Faluotico: Stated that Chairman Hayes should reach out to Domenick Covello, the Building Inspector for the Town of Olive. He said that he is very familiar with the entire Reservoir System and works very closely with the DEP. He could tell you who all the Engineers are and who this Committee should contact.

Hochberg: This brings up a whole topic on Public Safety. It is his understanding that Art Snyder, the Director of Emergency Communications/Emergency Management has books/studies on the highest and lowest probabilities. It may be useful for us to refresh ourselves. Chairman Hayes stated to him that he will give him a copy of DiNapoli's full report. DiNapoli states that

the threat level increases substantially after 2008. It goes up on a faster gradient than it did prior to that and there is supposedly a two year geological study that should be out this year. He added that DiNapoli is very clear that it is not a good situation.

Hayes: We need to know what is going on below the surface of the Wawarsing Flats.

Hochberg: He stated that his point is that Art Snyder is the person that should be our expert on these problems in Ulster County. He added that before we go down this path we should understand where Dams fit in the scheme of things of some of problems that we have little authentic control over. Maybe Dams are too low on the priority list of problems or the priority list of exercises that we should be doing. Chairman Hayes stated that we have zero exercises now and any exercise would be a plus. Legislator Hochberg requested that Art Snyder attend a Committee Meeting. Chairman Hayes stated that he would invite him to attend for next month.

Sweeney: Q/Have we ever prepared for a failure of a Dam? A/Sheriff/The only Dam Preparedness Guide that they have is the one in Saugerties and all the years that he has been here the only Dam that has ever fractured was in Pine Hill. There was a lot of property and homes lost in that flood. So in Ulster County's history there have been Dam failures. Q/Specifically to the Reservoir, because of terrorism, has there ever been a Mass Casualty Drill? A/Sheriff/Not to his knowledge. The DEP does table-top exercises; they never do man power exercises. Chairman Hayes stated the problem with that is if they have a plan then they are not sharing the plan with the rest of us.

Belfiglio: Stated that his Town has designated the Town Hall in Esopus as their Red Cross Emergency Shelter. This was put in place because of the Dam on the Wallkill River. Chairman Hayes stated that you have knowledge of a contingency plan. We should all have the same knowledge.

Sweeney: Q/Can we respectfully request that the Sheriff make a few phone calls that this Committee could request to see what these Emergency Plans are? A/Sheriff/Yes and he stated that he would send the Committee a copy of the Mill Dam in Saugerties and he will contact the DEP and Art Snyder.

- **Bridge Safety** - Chairman Hayes stated that there is a Bridge Safety Report that comes out yearly. There are very dangerous bridges and dangerous bridges, and some bridges that are okay. He would like to contact the Public Works Committee and inquire what the significance of report is.

Rodriguez: If the Committee is already inviting Art Snyder to attend the next meeting, then maybe Commissioner Sheeley could also attend to report on the significance of that report.

Hayes: Stated that he will move forward on this and try to get some answers for the Committee.

- **Commercial Vehicle Safety Subcommittee** - Chairman Hayes stated that he has approached the Legislative Programs, Education and Community Services Committee about this topic and would like to partner with UCCC with regards to a place to conduct seminars for Commercial Vehicle Safety. He stated that he had some inquiries from Lee Reidy, the Director at Cornell Coop. in regards to Agricultural vehicles on the Highways and what is/isn't legal. He stated that he could get a speaker on that subject matter very easily.

Belfiglio: When this was last discussed, it was brought up that this subject matter could also be taught to students at the BOCES Votec Center. Continuing Education & the Adult Center at BOCES could also conduct seminars. They have the classrooms to provide these services.

Hayes: Proposed that a Subcommittee be formed that could pull in a variety of people who would be informative on this subject. He has spoken to a lot to people in and out of the Trucking Industry that would sponsor this. Central Hudson has Fleet Safety Employees that we could use as speakers. He feels that it can be done for little to no cost.

Motion was offered by Legislator Sweeney to form a Commercial Vehicle Subcommittee, Seconded by Legislator Belfiglio, All in Favor, Carried.

- **Supporting Statement/Letter** to Legislator Walter Frey's efforts of increased public awareness of retro viruses in high risk populations (jail inmates with substance abuse profiles) Chairman Hayes stated that he was contacted by Richard Engnath and what Mr. Engnath is trying to do is to raise awareness on the above mentioned topic. Chairman Hayes has had a few discussions with Mr. Engnath and it is his understanding that Legislator Frey, Chairman of the Health & Human Services Committee, is working with Mr. Engnath's on his endeavor. The Committee is supportive of Legislator Frey's efforts.
- **Legislator Ronk** informed the Committee that he was informed that the Sheriff's Office PBA has filed for Mediation with the County. Chairman Hayes stated that he also was informed of that information but has yet to see anything in writing. Legislator Ronk is concerned that this may become very costly for the County.
- **Legislator Ronk** asked Investigator William Weishaupt if they have received the Recruitment Retention Grant for this year. A/Has not come in yet, should be later this month or early October. It is a Federal Grant.

Old Business:

- **Medical Examiner Protocol:** Undersheriff Faluotico updated the Committee that at this point; he has received no input from any Agencies. He will proceed and update the Committee at next month's meeting.
- **Second Hand Dealers Law:** Legislator Rodriguez reported that at this time there is no information to report.

- **Legislator Hochberg** stated that the Shared Services Study for the Justice Courts is out. He asked Chairman Hayes if/when/how they would proceed with that information. Chairman Hayes added that it is his understanding that Mr. Benjamin is putting together a symposium with Judges, Attorneys, Police Personnel, and Legislators to see if there is any common ground with regard to making progress on some of the recommendations in the report. Chairman Hayes will be in contact with Mr. Benjamin.
- **There was discussion** amongst the Committee on the Resolution to combine County Administrative Units - Consumer Fraud and the District Attorney. They talked about the fact that Consumer Fraud would now fall under this Committee if it is approved. It would move everything to a Pre-Charter place.

Weishaupt: Stated that he is the Consumer Fraud Liaison. The District Attorney's Office only sees a portion of their complaints. Prior to the Charter, the DA's Office was able to assist Consumer Fraud early on in an investigation with Law Enforcement Specs to locate personal information with regard to businesses and the vendors are the targets of their complaints that the DA's Office would do some background on. It actually facilitated them contacting these businesses. He stated that his Office cannot do that now. He is restricted with the information that he takes in, which is Law Enforcement Sensitive and he cannot pass it off. So now it comes to the DA's Office as a matter of course; they open up an investigation on it and they have an over-flow of those types of investigations. There is a lot of White Collar Fraud that goes on in this County. Much of it goes uninvestigated and a lot of it will get referred back to Consumer Fraud. Consumer Fraud will try to handle it civilly, much of it is criminal. There is a nexus between Consumer Fraud and the Prosecutors Office. They do not get involved in any civil cases; those cases are handled by Consumer Fraud Advocates. If you get a vendor doing something two and three times and doing it to particular groups, like the elderly & immigrants; than those can be turned into a hate crime under the Statues. In most cases the goal is to try and recoup the money, rather than put them in jail. If cases are bad enough, or repetitive enough, they can go after them to return the money and for full Criminal Prosecution.

Hochberg: Q/Do we know what the DA's position on this Resolution is? A/Mr. Weishaupt made a statement as to what he believes is the DA's position but did not want to speak for the District Attorney. Mr. Weishaupt believes it is more appropriately fitted in the DA's Office. In most Counties they are part of the collateral arm of the DA's Office.

Ronk: Made the comment that getting a letter from the District Attorney's Office would carry more weight than a letter from the Office of Consumer Affairs. You would pay more attention to a letter from the District Attorney.

Motion to adjourn meeting @ 8:03 PM

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

Respectfully Submitted,
Tammy Wilson, Senior Legislative Employee
