

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Law Enforcement and Public Safety Committee
DATE & TIME: April 5, 2011 @ 6:30 PM
PLACE: Library Conference Room, 6th Floor, County Office Building

LEGISLATORS PRESENT: Chairman Jack Hayes, Deputy Chairman Thomas Briggs (left @ 7:20), Legislators Carl Belfiglio, Roy Hochberg, Hector Rodriguez, Michael Sweeney

LEGISLATORS EXCUSED: Legislator Kenneth Ronk

OTHERS ATTENDING: Sheriff VanBlarcum, Undersheriff Frank Faluotico, Legislator Michael Madsen, Deputy County Executive Robert Sudlow, District Attorney Holley Carnright, Patrick Sheehan

MEETING CALLED TO ORDER @ 6:45 PM

APPROVAL OF THE MARCH 1, 2011 COMMITTEE MINUTES:

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

RESOLUTIONS:

1. **Resolution Draft No. 0405, April 26, 2011** - Authorizing The Chairman Of The Ulster County Legislature To Amend An Agreement With New York State Division Of Criminal Justice Services (DCJS) - (Formerly New York State Division Of Probation And Correctional Alternatives - DPCA) For Year 2010 For The Ulster County Alternatives To Incarceration Programs - Department Of Probation And Department Of Public Defender

Motion offered by Legislator Rodriguez, Seconded by Legislator Belfiglio, (5 yes, 1 no/Hayes), Carried.

Discussion: Chairman Hayes stated that he would be a no vote on this Resolution. He supports the funding. The reason for the no is that he has contacted DCJS several times by letter with regards to the incident that took place at Renaissance Project and to date there has been no reply. He wants to know if New York State is doing an internal investigation at that Facility.

Legislator Rodriguez stated that he understands the reasoning behind the protest but that he does not necessarily see how refusing money for Probation and the Public Defender is accomplishing that.

Chairman Hayes said that it is the point of the matter that DCJS should be courteous and responsive.

2. **Resolution Draft No. 0406, April 26, 2011** - Authorizing The Chairman To Execute An Agreement And Any Amendments - Hudson Valley Interoperable Communications Consortium - Department Of Emergency Communications/Emergency Management

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

Discussion: Deputy County Executive Robert Sudlow explained that the funding that will be coming in the future, an unknown amount, will only be distributed through the Consortium to ensure that the collaboration takes place. He stated that the Committee will most likely see a similar Resolution that will include Sullivan, Delaware, and Greene Counties. This Resolution basically is creating the concept for this collaborative regional partnership to be put into place so when the funding is available they can move forward right away.

Chairman Hayes stated that he feels this Resolution is historic because it will have a big impact on the future because there is so much change with regards to communication. He stated that it is a very good piece of Legislation. It could create a big saving and working as a region is the way of the future.

Legislator Hochberg has concerns that the partnership included Westchester County with regards to their Nuclear Power Plant. He had questions/concerns about evacuation plans. He wants to be cautious with regards to being merged with that County.

Chairman Hayes further explained that this Resolution has to do more with Communication Systems rather than overall Emergency Management.

3. **Resolution Draft No. 0412, April 26, 2011** - Amending The 2011 Ulster County Budget For Investigative Services For Department Of Social Services - District Attorney

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

Discussion: District Attorney Holley Carnright spoke on the Resolution and due to ongoing investigations and confidential material asked that his comments not be added to the minutes. He stated that the Detective is doing phenomenal work for the Department and believes that work will continue.

Legislator Rodriguez asked about the funding and from what lines in the Budget the funding is being appropriated. The DA explained the process.

New Business (2 items)

Ulster County Comptroller withholds funding to Ulster County Sheriff / Chairman Hayes explained to the Committee that he has addressed the situation with the UC Comptroller with regards to him withholding funds and feels that it has created a public safety issue. He

explained that the URGENT Team works undercover, and by withholding these funds, and as a result has made front page news in the Freeman, that news is outing a concealed identity person. He said that is very dangerous. He stated that there were further discussions with the Sheriff and the Comptroller with regard to protocol that the Comptroller was interested in and stated that for the moment it is resolved. The Sheriff and the Undersheriff spoke about the situation and stated that they have had two meetings with the Comptroller and that the funding is now available to the URGENT Team. The Undersheriff stated that they have protocol in place and do not intend to change it. The Sheriff's main concern is stopping it from ever happening again and that the whole situation could have been handled without the press being involved. Chairman Hayes also explained that some of the DA's funding was similarly reviewed by the Comptroller and there was discussion by the Comptroller as to whether the DA was operating with proper protocol. Chairman Hayes has a Legislative concern as to whether the Comptroller can singularly stop funding on any issue without the Legislature having a formal way to take issue. He stated that this issue needs to be part of the review of the Charter. There was discussion as to the fact that the Comptroller does not in fact have singular power to stop funding. The Executive Office, the Legislature, and the Sheriff's Office have all approved the Budget with regards to funding. Chairman Hayes stated that there needs to be an appeals process. The Sheriff stated that with regards to an appeals process, his would have to be immediate, with regards to the URGENT Team and his confidential funding. The Sheriff suggested looking into how other Agencies operate and how they issue funding with regards to confidential funding. In Conclusion, the Committee suggested that both the County and Legislative Counsels give an opinion on the matter; not just with regards to the Sheriff's Office, but to address all Departments and that the Charter Review Committee should also address the issue.

District Attorney Holley Carnright also addressed the situation with the Committee with regards to what similarly happened in his Office. As a result of the "Matthews" investigation, the Comptroller met with the DA to address certain concerns. He stated that a thorough look was made to his Accounts. His confidential funding is handled differently then the Sheriff's. The DA stated that it was his understanding that after the Comptroller made his review that everything was in good order. He read later in the paper that the Comptroller stated that the DA's protocols are inaccurate. The DA stated that the Comptroller has still not released the money that he is holding on his account. The DA has written to the Comptroller three times asking what the problems in his protocol are, and to date has received no reply. The DA believes that this mimics the same problem that the Sheriff is experiencing. The DA agrees with the Committee to ask for an opinion from both Counsels. He stated that he firmly agrees with the idea that Government needs to work together, not against each other. He stated that with regards to protocol, that he is concerned with not only the practice, but the perception of the practice.

Ulster County Executive Michael Hein & Legislative Chairman Frederick Wadnola have asked the Law Enforcement & Public Safety Committee to review Police Services in Ulster County / Chairman Hayes explained that they will start to look into the inquiry of creating a County Police Force. The Chairman stated that about every ten years or so this is asked, and the pros and cons of the matter are endless. It is very cost prohibitive. He stated that he spoke with Gerald Benjamin at SUNY New Paltz about the matter and that he will also bring up the inquiry

at the Chief's Meeting tomorrow. Basically tonight the Chairman just wanted to bring the idea forward.

Old Business (7 items)

Update on Ulster County Ag Vehicle Safety Program SUNY Ulster 3-23-11 / Chairman Hayes stated that the Vehicle Safety Program was a collaborative effort and that they had an outstanding turnout. Over 50 people attended the program and that it received very positive reviews. He hopes that this can become an annual program that is given.

Update by Legislator Roy Hochberg on CREO Criminal Justice Courts Program SUNY New Paltz 3-23-11 / Legislator Hochberg updated the Committee to the findings. He stated that several recommendations about building case management tools, and to share a single Justice in the smallest court. The discussions on merging Justice Courts broadened to the discussion of arraignments being done at the Law Enforcement Center where the Town Judges would then take on a rotating schedule. He explained that there are some legal issues that need to be addressed first. He stated that Town Judges, Town Supervisors, The DA's Office, and the Sheriff's Office attended the meeting, and that they all had good comments. He stated that there will be a summary made of the key notes and comments of this meeting, and will let everyone know when those become available and can then review those notes with the Committee. The Sheriff commented to the Committee on the status of video arraignments and his hope is to have it up and running in the next couple of months.

Update Federal Emergency Management Agency meeting regarding the Technical Assistance initiative for a Comprehensive Emergency Response Plan for the New York City Department of Environmental Protection, Merriman Reservoir, Delaware Aqueduct System 3-17-11 / Chairman Hayes stated that this Plan is moving forward, he stated that this meeting was very well attended. They have received the funding and are going to look at from the Reservoir to New York City, and what happens if they do not have the Tunnel structure. He stated that he received a letter from the DEC, and they are offering their assistance with regards to incorporating the Emergency Response Study that they are working on. He stated that they have Emergency Evacuation Plans for Dam failures, but not for Tunnel failures. He stated that one should be attached to the other. He stated that good progress is being made.

Update Ulster County Security Working Group County Office Building Review / Chairman Hayes stated that Dennis Young from the Sheriff's Department spent about a week in the COB and pointed out a lot about the building with regards to security. He made a lot of good recommendations and many of these recommendations are not costly. A secure meeting will have to take place to discuss that information.

Update Review of Alternate to Incarceration Facilities and Implementation of Nuisance Abatement Law / Chairman Hayes stated that at this point the Governor or the Office of Alcoholism and Substance Abuse Services have not responded to his letters. He stated that he will continue to pursue the matter.

Nuisance Alarm Law / Legislator Rodriguez asked the Sheriff and Undersheriff where they were with regards to the Nuisance Alarm Law. They stated that they would like to see it move forward. Legislator Rodriguez suggested that Abe (who gave a prior Power Point presentation to the Committee, from the Sheriff's Office) contact the Legislative Counsel and to start a review to see what Towns/Villages already have this Law on their books. There was also discussion on the Nuisance Abatement Law.

Funeral Protests / Legislator Hochberg shared with the Committee an Article titled, "Saratoga County officials weigh limits on funeral protests". Saratoga County is considering adopting a local law that could limit protests at military funerals in the wake of a US Supreme Court ruling that declared such protests constitutionally protected free speech. He asked if Ulster County has a protocol in place if this were to happen and if not, would the Committee pursue this matter. The Sheriff stated that no such protocol to his understanding is in place. He has seen in the past that if protests were to happen that perimeters have been put in place. Legislator Hochberg stated that he believes Federal Law states 300 feet, he has concerns that this may not be adequate. Legislator Sweeney stated that this may be a local Town issue rather than a County issue. Legislator Hochberg stated that Saratoga County is concerned because they have a National Veterans Cemetery there but added that Ulster County has a Veterans Cemetery in New Paltz. The Sheriff stated that he would speak to the Sheriff of Saratoga County to see what direction they should follow. Legislator Madsen stated that in recent days Phelps and company have pushed the envelope at military funerals. He stated that Phelps and family have been doing this systematically for decades for other groups of people. He stated that even though he is an advocate for free speech; he understands why the Courts came up with their conclusion. He stated that the new provisions are still only focused on Military, and he would like to see those provisions expanded to include any funeral service. Chairman Hayes asked if funerals fall under State Law, and thought that there were guidelines and/or statutes. The Sheriff stated that there are Laws with regard to disrupting a church service, funeral service or funeral procession. Chairman Hayes suggested further research be done.

Motion to adjourn meeting @ 8:00 PM

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

Respectfully Submitted,
Tammy Wilson, Senior Legislative Employee
