

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Law Enforcement and Public Safety Committee
DATE & TIME: March 1, 2011 @ 6:30 PM
PLACE: Library Conference Room, 6th Floor, County Office Building

LEGISLATORS PRESENT: Chairman Jack Hayes, Deputy Chairman Thomas Briggs (left @ 7:40), Legislators Carl Belfiglio, Roy Hochberg, Hector Rodriguez, Kenneth Ronk, Michael Sweeney

LEGISLATORS EXCUSED: All Present

OTHERS ATTENDING: Undersheriff Frank Faluotico, Art Snyder (Director of Emergency Communications/Management)

MEETING CALLED TO ORDER @ 6:35 PM

APPROVAL OF THE FEBRUARY 8, 2011 COMMITTEE MINUTES:

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

RESOLUTIONS:

1. **Resolution Draft No. 0304, March 15, 2011** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Contract With The New York State Division Of Criminal Justice Services Byrne Jag Recovery Pursuant To New York's Rockefeller Drug Law Reform (RDLR) - Department Of Probation

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

Discussion: Legislator Ronk had a personnel question and stated that he would call the County Executives Office or Probation tomorrow to get an answer. He has concerns when you use stimulus money to pay for personnel because when the money runs out often so does the job.

2. **Resolution Draft No. 0305, March 15, 2011** -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 - Amending 2011 Ulster County Budget - Fire Coordinator

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

Discussion: Art Snyder explained that this is a multijurisdictional Grant. This Haz-Mat Grant Program will provide Orange, Sullivan, and Ulster Counties, through their regional collaboration, with enhanced capabilities for the response, detection and decontamination of incidents involving chemical, biological, radiological, nuclear, explosive and incendiary materials. Ulster

County will be purchasing a portable inflatable decontamination shelter for \$30,000.00. City of Kingston Fire Department will use the shelter in accordance with the agreement.

3. **Resolution Draft No. 0313, March 15, 2011** - Confirming Appointment Of Members To The Traffic Safety Board

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

Discussion: No Discussion

4. **Late Resolution Draft No. 0316, March 15, 2011** - Requesting Appropriation Of Funds From The Forfeiture Account For The Ulster Regional Gang Enforcement Narcotics Team -Amending The 2011 Ulster County Budget - Ulster County Sheriff's Office

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

Discussion: Undersheriff Frank Faluotico explained the Resolution. He stated that this started back in October of 2010 when a similar Resolution to the present one was passed. The URGENT car leases are coming to an end. They ran into serious difficulties with Contract Management; wording in the contracts needed to be changed. By the time it was resolved 2010 ended. All of their lease vehicles go back to the former lease companies. Since February 1st the URGENT Task Force does not have cars to drive. The money that was set aside from the Resolution from October went back into the 2010 left over part of the budget. This Resolution is taking the same money that has already been taken out, back in to pay for the leases.

Ronk: Q/Will this create problems with the current investigation by utilizing this money. A/Faluotico/No/the money that is in the URGENT account is the money that has been in the URGENT account. He said that it is not something that is new, it is not something that has not been discussed. These monies were discussed last year when they said that they had to replace the leases. It was okay then and it is still okay today. He stated that the investigation that is going on does not even start to touch these funds to a point that they cannot be spent. He stated that the Town of Ulster has a new Police Chief; the 2010 MOU (Memorandum of Understanding) was signed by their former Police Chief who was in place at the time the MOU took effect. The MOU clearly spells out that the Advisory Board can use the funds to keep the unit up and running. The Agreement was that the money would stay in URGENT to keep URGENT up and running so the Towns and the County does not have to contribute taxpayer dollars.

Sweeney: Q/Assuming that we spend this money, we don't have to worry about running out of money where we cannot reimburse the Town of Ulster and other locations. A/Faluotico/Absolutely not. He stated that currently they are in possession of over a quarter million dollars of asset forfeiture monies.

Ronk: Q/Asked for clarification/are we working on 2007 - 2008 forfeitures? A/Faluotico/There were no awarded forfeitures in 2007; 2007 is when the unit first took

organization; it wasn't until 2008 that the forfeitures started to come in. He stated that it has taken 3 to 4 years to get to where they are today.

Rodriguez: Q/He asked how many cars they were requesting for Leases. A/Seven cars for thirty-nine months. Q/New or Used? A/New. There was further discussion on the pros and cons of buying new rather than leasing new. At some point in the future the Undersheriff would like to see some changes made that would allow them to make purchases without it going out to bid. These are confidential cars and they need to stay confidential. He would like to work with this Committee to change Policy with regards to this issue. He would like to see the Sheriff able to make the determination to buy what his agency needs for his team out of his own direct funds. It would help to take the time constraints off. Chairman Hayes stated that he has already suggested to the Comptroller the policy changes that need to be made with regards to confidential funding.

Belfiglio: Q/How do you get the best priced leases? A/Research.

Ronk: Q/Do you use seized vehicles? The Undersheriff explained to the Committee the process that is used. Some are used, some are auctioned off. They utilize the cars to the best of their ability.

Rodriguez: Q/How much asset forfeitures have been received in 2008/2009/2010? Undersheriff Faluotico/received - $\frac{1}{4}$ million dollars, taken in - $\frac{1}{2}$ million dollars. He further explained the process.

New Business

1) Blue Wing Emergency Communication Survey (Hand Out / Art Snyder / See Below)

Overall radio enhancements in 3 steps:

- 1) Modifications to fire channel configuration/operations in 2010; EMS in 2011
 - Fire completed on September 1; more operations channels, command & response
 - FCC mandated narrow banding must be accomplished by 1/1/13 (EMS and common police)
- 2) Radio study
 - Blue Wing's scope of services:
 - A) Assessment of the existing radio system
 - Towers, consoles, bases stations, microwave links, licensing, channel configuration, operational protocols
 - B) Needs analysis of the end users
 - Operational needs, desired functionality, private channels, volume Survey tool
 - Sent out 11/23, return date of 12/22
 - Meetings
 - Status report for fire/EMS 1/19, police 2/2 (changed to 3/2 due to weather)
 - C) Suggested solutions
 - Comprehensive solution to include voice, paging and data

IMPROVED COVERAGE

Provide interoperability (both intra and inter-county) Discussions with all surrounding counties (potential partnerships; Blue Wing working in Greene, Delaware & Sullivan)

Identify appropriate spectrum, upgrades to tower sites and equipment
Migration plan

Advantages / disadvantages / costs by solution

D) Identify potential funding sources

Public and private sources, grants, low interest loans, bonding Final system design that represents the most feasible and affordable solution

3) Implementation of a new system

Future scope of services

Licensing, funding and construction are future considerations not part of the initial Blue Wing contract

Office of Interoperable and Emergency Communications

Created last year under the Division of Homeland Security and Emergency Services umbrella

Responsible for grant administration

Strong recommendation for consortiums (no template produced for Regional Partnership Agreements)

*Determination must be made regarding if funding will be extended to the field

End of Handout above and below is further discussion with regards to the topic:

* Art Snyder discussed what the above asterisk means. Two weeks ago he attended a Regional Conference. The players were Westchester, Putnam, Dutchess, Rockland, Orange, Sullivan, and Ulster Counties. Some Counties, such as Rockland have paid for their entire County Wide System but have also paid for individual agencies to replace their portable and mobile radios. Westchester did one per agency (one mobile, one portable). Stated for all those people that did not participate in the surveys the number of radios that they have and will need will increase exponentially. He stated that this is a decision that the Legislature will have to make. These agencies have been told for quite some time to create a capital reserve fund to pay for communications. So when the time comes they could pay for radios through those funds.

His goal is to have recommendations for the 2012-2018 Capital Program Budget.

The Committee has concerns about what the final cost will be to the County. Art stated that Onondaga and Rockland Counties are spending 50 million dollars for their systems. Sullivan County is expecting to spend around 10 million dollars. The price range will vary. Price will be driven by the band width that will be most usable for Ulster County.

The Committee had additional concerns and discussion with regards to the lack of participation to the Radio Study Survey. Chairman Hayes stated that at some point these agencies will have to become compliant. Art stated that all of these agencies are very aware that this is taking place.

Legislator Belfiglio asked Art about the VHF High Band and why there is such a lack of it. Art explained that the FCC takes every Band Width that is out there, and then they allocate

certain blocks for commercial applications and certain blocks for public safety applications. What ends up being for Public Safety is minimal. As a Public Safety Agency you cannot use Band Width that's been allocated for school buses, or utility companies. You are limited to the Band Width that can be used.

2) Ulster County Agricultural Vehicle Safety Seminar

- Chairman Hayes handed out the Ag Vehicle and Traffic Safety Registration Form and Agenda for the Seminar. This Seminar will be taking place on Wednesday, March 23 from 9:30 am to 2:15 pm at SUNY Ulster, 491 Cottekill Road, Stone Ridge. On the brochure it states that "This is your one stop program to get all the information about the regulations that affect farm trucks, tractors and implements on the road". This program is a collaborative effort of: Cornell Cooperative Extension, Governor's Highway Safety Council, SUNY Ulster, UC Clerks Office - Department of Motor Vehicles, UC Traffic Safety Board

3) 911 Attacks Tenth Anniversary Observances

- Chairman Hayes stated how important the observances of all 911 anniversaries are. He will contact other agencies to see what they are doing and will try to coordinate something with the County.

Old Business:

1) Ulster County Security and Safety Working Group

- Chairman Hayes updated the Committee with regards to their last meeting (2/10/11). Peter Brennan from Dow Jones Security was at the meeting and is working with the group to establish a comprehensive plan. He has met with Dennis Young from the Sheriff's Office; he is very well versed with regards to the County Office Building Security. Chairman Hayes will continue to update the Committee as the group moves forward. He stated that he received a quote from the Sheriff of \$69,000.00 for a FT Armed Officer at the County Office Building and feels that this may be in the best interest of everyone with regards to safety. His thought is that maybe half of this amount could be taken out of the Contingency Budget and the other half could be divided between all the Departments Budgets in the building. The Undersheriff reiterated to the Committee the difference between an Armed Deputy and an Armed Security Guard. The training and insurance is completely different.

2) Ulster County Alternative to Incarceration Facility Review

- Chairman Hayes handed out a copy of two letters that he wrote to Governor Andrew Cuomo and NYS Comptroller DiNapoli urging that further investigations be completed on both the State and County levels.
- Handed out a copy of the Nuisance Abatement Law that the City of Kingston uses to the Committee. He thinks that it may be helpful on a County basis. Will put on the Agenda for next months Committee Meeting. There was discussion as to whether this could be done on the County level. The Undersheriff thinks that the County would supersede the City of Kingston. The problem he sees would be who would be charged with the

enforcement of this Law. He recommended that the County Court Judge (Don Williams) who wrote the Law should come and speak to the Committee.

3) Town of Wawarsing site specific Emergency Action Plan for the Delaware Aqueduct, West Branch Tunnel Leak. United States Federal Emergency Management Agency Technical Assistance request/USGS status report.

- Art Snyder informed the Committee that he was invited to a meeting within the next month or so. He stated that most of this is being handled on the State level. He stated that Wawarsing is certainly a problem; his greater concern is with the residents of Marlborough with regards to water. The aqueduct that needs to be fixed is the only one that serves the Marlborough water district. When that is shut down there needs to be a contingency plan in place for them.

4) Medical Examiner Protocol

- Chairman Hayes stated that he will resend an e-mail with regards to Medical Examiner protocol.

Other Discussion: Legislator Belfiglio asked about the proposed Alarm Nuisance Law that was brought to the Committee's attention in 2010. Chairman Hayes stated that he would look into it.

Undersheriff Faluotico stated that a while back he brought information forward to this Committee when it was under different leadership and would like to bring that information forward again. He stated that every School District in Ulster County is required to have 'X' number of Fire Drills under State Law. He stated that there is no County or State Law that requires Lock Down Drills at Schools. He stated that as we worry about safety in schools that these drill are very relevant. He would like to propose that we require two drills a year. He stated that he would continue this discussion with Chairman Hayes and that he would bring the proposed Law to the next meeting.

Chairman Hayes gave accolades to the Sheriffs Office with regards to the outstanding recovery and investigation work the Sheriffs Office did regarding the aircraft that crashed in the Hudson River. The Undersheriff briefed the Committee with regards to the incident. He is estimating that they ruined about \$20,000.00 worth of equipment diving through the petroleum. No one was injured on the dive. The owner (Insurance) of the aircraft will be responsible for the loss of equipment and man power used. He stated that he is very proud of their Dive Team and all the other agencies that helped with the recovery efforts.

Motion to adjourn meeting @ 8:00 PM

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

Respectfully Submitted,
Tammy Wilson, Senior Legislative Employee
