

**Law Enforcement & Public Safety Committee
Regular Meeting Minutes**

DATE & TIME: June 5, 2018 – 5:15 PM
LOCATION: COB, 6th Floor, KL Binder Library
PRESIDING OFFICER: Chairwoman Mary Beth Maio
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Collins, Eckert & Haynes
ABSENT: Legislator Fabiano
QUORUM PRESENT: Yes

OTHER ATTENDEES: Sheriff Van Blarcum and First Lieutenant Soule – UC Sheriff's Office, Director Peterson – UC Emergency Management/Communications, Director Schmidt & Deputy Director Naccarato – UC Probation, Deputy County Executive Marc Rider

Chairwoman Maio called the meeting to order at 5:19 PM.

Motion No. 1: **Moved to APPROVE the Minutes of the May 1, 2018 meeting**

Motion By: Legislator Collins
Motion Seconded By: Legislator Haynes

Discussion: None

Voting In Favor: Legislators Collins, Eckert, Haynes & Maio
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Minutes APPROVED**

Resolutions for the June 19, 2018 Session of the Legislature

Resolution No. 210: Adopting Proposed Local Law No. 9 Of 2018, A Local Law To Adopt Countywide Notification Requirements For The Trapping of Free Roaming, Feral And/Or Stray Cats

Resolution Summary: This resolution adopts Proposed Local Law No. 9 of 2018.

Motion No. 2: **Moved to POSTPONE Resolution No. 210**
Motion By: Legislator Eckert
Motion Seconded By: Legislator Collins

Discussion:

Chairwoman Maio advised the members that amendments were made to the law in the Public Health & Social Services Committee meeting the evening before. She informed the members that that the primary change was the elimination references to TNR throughout the law. She explained that counsel has determined that the changes were not substantive enough to require an additional public hearing and asked if the members had any questions.

Legislator Haynes stated that she had a number of concerns with the proposed law and questioned whether the elimination of TNR references and the other changes should be re-heard in another public hearing. She advised the members that she was concerned that the law created potential property rights issues, specifically regarding what property owners are permitted to do when stray or feral cats are encountered on their private property. She added that there were still a number of references to TNR in the law that should be corrected, including Sections 3B, 4C, 4E, and 5A(vi). She added that the Notification Section of the law requires individuals to disclose their address, which she felt was an invasion of privacy. Legislator Haynes also questioned the financial liability of individuals who capture a cat and bring it to a veterinarian for assessment and possibly euthanization. She stated that she understood the good intentions of the law, but feared that people would simply not follow it which would create even worse demises for feral and stray cat populations. She added that rather than complying with the law and facing veterinarian expenses, individuals may just attempt remove or kill cats themselves.

Legislator Haynes stated that possible inconsistencies with Public Health Law should also be considered. She added that the law does not require cats be assessed for any diseases before being returned which could make it more difficult for the animal to survive. Legislator Eckert shared Legislator Haynes concerns that increased bureaucratic oversight and obligation may discourage people who are trying to do the right thing by spaying or neutering cats. She added that she understood that the law aimed to make sure that people were doing the right thing but was not sure if it will ultimately help in that regard or would make matters worse. She continued by saying that she agreed that an organization should have some regulation, but felt individuals should not and questioned whether the law was clear in that regard. Legislator Haynes commented that language in the law was amended to include any trapping organization in order to cover TNR as well as euthanization groups, but questioned whether the definition was now too broad and included trapping of animals other than cats, for example trapping by pest management companies, or hunters.

Chairwoman Maio asked the members if they would be open to postponing the law while staff prepares a list of their questions and concerns for the sponsor.

Voting In Favor:	Legislators Collins, Eckert, Haynes & Maio
Voting Against:	None
Votes in Favor:	4
Votes Against:	0
Disposition:	Resolution POSTPONED

Resolution No. 242: Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – Correctional Medical Care Inc. – Ulster County Sheriff

Resolution Summary: This resolution approves the execution of a contract amendment to exercise the county's option to extend the term of agreement with Correctional Medical Care, Inc. for inmate medical services for one year ending April 30, 2019 in the amount of \$2,831,690.42.

Motion No. 3: Moved to ADOPT Resolution No. 242

Motion By: Legislator Eckert

Motion Seconded By: Legislator Collins

Discussion:

Chairwoman Maio advised the members that the County Executive's Office sent a letter to the committee about an hour before the meeting and asked Sheriff VanBlarcum if he would like to speak to the letter. The Sheriff informed the members that he just received the letter when he arrived at the meeting. He added that it appeared at quick glance like an issue between the Executive and Comptroller. He added that his office was satisfied with the services the vendor has provided and stated that the NYS Attorney General has given directions which his Department has followed. He informed the members that an extension through the end of the year was being requested and a RFP for the services beginning in 2019 would be commenced in the coming months.

Legislator Eckert asked if there existed independent verification that CMC has corrected the issues that resulted in the Attorney General's involvement. She questioned whether the Comptroller's Office has or could conduct an audit to address the concerns expressed in the Executive's letter.

Deputy County Executive Rider advised the members that the Executive is not necessarily suggesting that the Legislature seek the Comptroller's assistance, but rather that the Legislature should request any information, reports, audits, etc. that the Comptroller has prepared since expressing his concerns with CMC beginning in 2010. He added that the Executive also suggested using funding in the legislature's budget earmarked for auditing to commission an outside firm to complete and audit of the services. He added that he had a conference call with the Attorney General's Office the prior week during which it was stated that the conduct of the CMC in Ulster County was no better or worse than in the eleven other counties they were reporting on. He added that it was suggested that CMC continue to be monitored for another year. He informed the members that the RFP targeted for late summer – early fall would contain additional reporting and oversight requirements. He added that CMC has been the only respondent in the past. Sheriff VanBlarcum informed the members that he is aware of other companies interested in bidding on the contract. He added that there is someone in the Sheriff's Office who completes a report each month on CMC performance.

Mr. Rider informed the members that the contract expired in April but that the county has a 60 day continuation of services clause in its contracts. He added that there is not sufficient time to prepare and process a RFP before the termination of the contract which would create a serious situation in the jail. Chairwoman Maio asked Sheriff VanBlarcum and Mr. Rider if their offices were comfortable with the extension and both responded they were.

Voting In Favor: Legislators Collins, Eckert, Haynes & Maio

Voting Against: None

Votes in Favor: 4

Votes Against: 0
Disposition: Resolution ADOPTED

Resolution No. 243: Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Division Of Homeland Security And Emergency Services, Office Of Interoperable And Emergency Communications, For The 2017 Statewide Interoperable Communications Grant – Amending Capital Project 482- Amending The 2018 Capital Fund Budget – Department Of Emergency Communications / Emergency Management

Resolution Summary: This resolution authorizes the Chairman to execute an agreement with NYS DHSES in the amount of \$524,993 for participation in the 2017 Interoperable Communications Grant, and amends Capital Project 482 and the 2018 Capital Fund Budget accordingly to make improvements and provide for sustainment of Land Mobile Radio Systems (LMR), implementation and maintenance of components supporting interoperability, continuous training and exercise, sustainment and further development of the governance structure.

Motion No. 4: Moved to ADOPT Resolution No. 243
Motion By: Legislator Eckert
Motion Seconded By: Legislator Collins

Discussion:
Emergency Management/Emergency Communication Director Peterson advised the members that the capital project is to move the common police frequency to a simulcast solution which will provide better coverage and is in keeping with the Interoperable Communications grant requirements.

Voting In Favor: Legislators Collins, Eckert, Haynes & Maio
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: Resolution ADOPTED

Resolution No. 245: Appropriating Funds From The District Attorney Forfeiture Account - Amending The 2018 Ulster County Budget – Ulster County District Attorney’s Office

Resolution Summary: This resolution amends the 2018 Ulster County Budget to transfer funds from the District Attorney’s Forfeiture account in the amount of \$7,000 to cover the cost of a car lease through the end of the fiscal year for a new investigator.

Motion No. 5: Moved to ADOPT Resolution No. 245
Motion By: Legislator Collins
Motion Seconded By: Legislator Eckert

Discussion:

Chairwoman Maio read the members an email sent by Mr. Weishaupt from the District Attorney's Office explaining that the office leases vehicles for police/investigative staff and the resolution is requesting funding for an additional lease for a new investigator.

Voting In Favor: Legislators Collins, Eckert, Haynes & Maio
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 246: Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With New York State Division Of Criminal Justice Services — Project GIVE — District Attorney, Sheriff And The Department Of Probation

Resolution Summary: This resolution authorizes the Chairman to execute an agreement with NYS DCJS in the amount of \$141,650 (\$81,600 – DA, \$23,300 – Sheriff, \$36,750 – Probation) for the Gun Involved Violence Elimination (GIVE) Initiative for the period July 1, 2018 – June 30, 2019.

Motion No. 6: **Moved to ADOPT Resolution No. 246**
Motion By: Legislator Eckert
Motion Seconded By: Legislator Collins

Discussion:

Chairwoman Maio recognized Probation Director Schmidt who explained that her Department uses the grant to fund a portion of two specialized domestic violence officers to cover those specific caseloads. Legislator Eckert asked what the interface was between the Probation Department and URGENT. Director Schmidt responded that there is a GIVE group made up of the various agencies that receive the state funding, but each agency manages their funding differently. She added that her Department dedicates the funding to domestic violence in large part because of research that showed that more than 50% of the aggravated assaults in the City of Kingston were domestic violence related. Sheriff VanBlarcum explained that the District Attorney's Office prepares the grant application and mentioned that some of the funding had gone to URGENT in the past but that it is currently being used for domestic violence initiatives.

Voting In Favor: Legislators Collins, Eckert, Haynes & Maio
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 247: Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Ulster County Board Of Cooperative Educational Services To Provide A Deputy Sheriff As A School Resource Officer – Ulster County Sheriff

Resolution Summary: This resolution authorizes the Chairman to enter into an agreement with UC BOCES to provide a Deputy Sheriff to serve as a part-time School Resource Officer for the term July 1, 2018 through June 30, 2019 in an amount not less than \$49,186.99.

Motion No. 7: Moved to ADOPT Resolution No. 247
Motion By: Legislator Eckert
Motion Seconded By: Legislator Collins

Discussion:

Legislator Eckert asked if these officers were already in place. Chairwoman Maio explained that they were and that the service has been contracted for a number of years.

Voting In Favor: Legislators Collins, Eckert, Haynes & Maio
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: Resolution ADOPTED

Resolution No. 248: Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Onteora Central School District To Provide A Deputy Sheriff As A School Resource Officer – Ulster County Sheriff

Resolution Summary: This resolution authorizes the Chairman to enter into an agreement with the Onteora Central School District to provide a full-time Deputy Sheriff to serve as a School Resource Officer for the term September 1, 2018 through June 30, 2019 in an amount not less than \$97,572.03.

Motion No. 8: Moved to ADOPT Resolution No. 248
Motion By: Legislator Collins
Motion Seconded By: Legislator Eckert

Discussion: None

Voting In Favor: Legislators Collins, Eckert, Haynes & Maio
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: Resolution ADOPTED

Resolution No. 249: Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Rondout Valley Central School District To Provide Two Deputy Sheriffs As A School Resource Officers – Ulster County Sheriff

Resolution Summary: This resolution authorizes the Chairman to enter into an agreement with the Rondout Valley Central School District to provide two Deputy Sheriffs to serve as School Resource

Officers for the term September 1, 2018 through June 30, 2019 in an amount not less than \$191,275.87.

Motion No. 9: **Moved to ADOPT Resolution No. 249**
Motion By: Legislator Haynes
Motion Seconded By: Legislator Collins

Discussion:

Legislator Eckert questioned why there are two officers in Rondout compared to one in the prior school districts. First Lieutenant Soule responded that the request for two officers comes directly from the School District which, he added, fully funds the positions.

Voting In Favor: Legislators Collins, Eckert, Haynes & Maio
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution ADOPTED**

Chairwoman Maio asked Sheriff VanBlarcum if he had anything to add to the report. The Sheriff responded that there was an uptick in the number of board ins which resulted in an increase in the telephone revenue. He added that they believe that the level of board ins they have currently will remain level for a number of years. He informed the members that they have about 35 per day from Greene County and 5-8 per day from Dutchess County.

Chairwoman Maio asked if there was any old or new business or any events around the county they would like to discuss. Sheriff VanBlarcum advised the members that his office conducted a Narcan training for 60 civilians at the Law Enforcement Center a couple weeks ago and said they were working on scheduling one at the Falcon in Marlborough and in Marbletown later in the month.

Legislator Collins asked how the kits were being dealt with. Sheriff VanBlarcum responded that a card is given out with each kit requesting that call to report when a kit is used. He stated that his office is responsible for collecting statistics on Narcan usage for all the law enforcement agencies in the County and are now trying to collect data from civilians as well. He added that part of the training they give covers the Good Samaritan Law to encourage contact with law enforcement when an individual is in an overdose situation. He added that the information is confidential and no names are associated with the use of a kit.

Chairwoman Maio informed the members that the next meeting was scheduled for Tuesday, July 3rd at 5:30 PM and asked if there was any other business. Hearing none;

Adjournment

Motion Made By: Legislator Collins
Motion Seconded By: Legislator Eckert

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 5:47 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: July 3, 2018

ULSTER COUNTY EXECUTIVE

244 Fair St., P.O. Box 1800, Kingston, New York 12402

Telephone: 845-340-3800

Fax: 845-334-5724

MICHAEL P. HEIN
County Executive

ADELE B. REITER
Chief of Staff



ROBERT SUDLOW
Deputy County Executive

KENNETH CRANNELL
Deputy County Executive

June 5, 2018

RECEIVED

JUN 05 2018

ULSTER COUNTY LEGISLATURE

Hon. Kenneth J. Ronk, Jr.
Chairman of the Ulster County Legislature
P.O. Box 1800
Kingston, New York 12402

Re: Contract Amendment with Correctional Medical Care

Dear Chairman Ronk:

I write for the purpose of advising the Ulster County Legislature that an amendment to the contract between the County and Correctional Medical Care (CMC) is being submitted to the Legislature for its consideration.

CMC provides medical services to inmates at the Ulster County Jail, and has done so for a number of years. The contract is administered by the Ulster County Sheriff's Office. I believe that any amendment or extension of the agreement with CMC requires a heightened level of review in light of past concerns.

As you may be aware, the Ulster County Comptroller raised concerns regarding CMC's billing in 2010 and provided the Ulster County Sheriff with recommendations for future compliance. By letter dated January 12, 2012 the Comptroller reminded the Sheriff of the need to address concerns with CMC billings and then approved an amendment with CMC for the term April, 30, 2014 to August 31, 2014; subsequently the Comptroller approved an amendment again for the term from September 1, 2014 to April 30, 2015.

Additionally, in 2014 a New York State Attorney General investigation documented that CMC, who had contracts with eleven counties (including Ulster) in New York, provided substandard medical care. This led to a settlement that requires CMC to hire an independent monitor to oversee its activities for three years as well as the payment of monetary penalties. Of particular note, the Attorney General's Office required its prior approval before any execution of a new

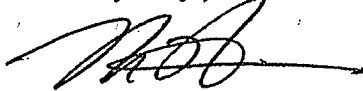
contract between the County and CMC. After Ulster County obtained the Attorney General's approval in March 2015, it was then approved by County Comptroller Auerbach, and the County entered into a new three year contract with CMC for the term May 1, 2015 to April 30, 2018.

On May 31, 2018, a telephone conference with the Attorney General's Office took place regarding CMC and its provision of services. The Attorney General's Office raised concerns in regard to the adequacy of staffing levels and the provision of contracted services. CMC is also being required to submit to continued oversight by the independent monitor for another year. In addition, it was recommended that enhanced oversight of billing and services rendered be performed at the County level. The Attorney General's Office approved the County's proposed continued utilization of CMC to provide medical services at the Ulster County Jail for the amendment term and any future services provided by CMC going forward.

During the Legislature's upcoming deliberations, I strongly urge the Legislature to immediately obtain from County Comptroller Auerbach any audits, reports, findings, notes, documents, analysis, or other information of any kind that he has regarding the contract with CMC. I anticipate that this material will be voluminous as the Comptroller issued a concern in 2010 and reiterated it again in 2012; and as such, I am confident that he would not ignore the County's exposure in the face of the state investigation and approve CMC's amendment without first addressing his concerns. Additionally, it may also be beneficial for the Legislature to request any information regarding remedial action taken by the Sheriff as his office is responsible for the oversight and administration of this contract.

Lastly, in light of the fact that there is no public audit made available by the Ulster County Comptroller and in an effort to ensure that the County meets its obligation of providing quality medical care at the Ulster County Jail and receives the services paid for, I respectfully suggest that the Legislature utilize a portion of the funds earmarked in the 2018 budget to hire an independent auditor to provide oversight of the implementation of the CMC amendment that runs until April 30, 2019.

Very truly yours,



Michael P. Hein
County Executive

DA Res 245: Law Enforcement & Public Safety Committee - Tuesday, June 5

William Weishaupt

Mon 6/4/2018 4:22 PM

To: Jay Mahler <jmah@co.ulster.ny.us>;

Jay:

The purpose of this repositioning of Forfeiture Funds in to increase the existing vehicle lease line so that it contains the proper amount of money to support lease payments through end of fiscal year.

As the committee is aware the DA has been leasing vehicles for its police/investigative staff for a number of years. The purpose of the institution of a lease program was to save county taxpayer dollars, reduce operating costs and maintain an efficient vehicle fleet. To date the program has fully accomplished all these goals. This year we have added a new investigator under a fully funded state pilot program; this lease is for that investigator.

Should anyone have any further questions please feel free to give me call.....b

W.J.Weishaupt, Esq.
Chief – Investigations
URGENT TF - Cmdr
County of Ulster
Office of the District Attorney
275 Wall Street
Kingston, New York 12401
845-340-3315 (O)
845-334-5577 (D)
845-901-9056 (M)

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From: Michael Kavanagh
Sent: Monday, June 04, 2018 1:39 PM
To: William Weishaupt <wwai@co.ulster.ny.us>
Subject: Fwd: Law Enforcement & Public Safety Committee - Tuesday, June 5

Bill – this is your area do you think you could send an email responding to this? Thanks.

Sent from my iPhone

2018 Sheriff's Telephone/Board In revenue

Telephone Revenue

	Budget	Actual	Variance
January	\$18,747.83	\$18,109.00	(\$638.83)
February	\$18,747.83	\$17,261.00	(\$1,486.83)
March	\$18,747.83	\$18,690.00	(\$57.83)
April	\$18,747.83	\$18,080.00	(\$667.83)
May	\$18,747.83	\$20,083.00	\$1,335.17
June	\$18,747.83		(\$18,747.83)
July	\$18,747.83		(\$18,747.83)
August	\$18,747.83		(\$18,747.83)
September	\$18,747.83		(\$18,747.83)
October	\$18,747.83		(\$18,747.83)
November	\$18,747.83		(\$18,747.83)
December	\$18,747.83		(\$18,747.83)
Year to Date	\$224,973.96	\$92,223.00	(\$132,750.96)

Board in Revenue

Budget	Actual	Variance
\$16,425.00	\$27,705.00	\$11,280.00
\$16,425.00	\$11,050.00	(\$5,375.00)
\$16,425.00	\$10,170.00	(\$6,255.00)
\$16,425.00	\$34,480.00	\$18,055.00
\$16,425.00	\$92,490.00	\$76,065.00
\$16,425.00		(\$16,425.00)
\$16,425.00		(\$16,425.00)
\$16,425.00		(\$16,425.00)
\$16,425.00		(\$16,425.00)
\$16,425.00		(\$16,425.00)
\$16,425.00		(\$16,425.00)
\$16,425.00		(\$16,425.00)
\$197,100.00	\$175,895.00	(\$21,205.00)

Board in Counts

ADUC	ADBI	TDA
268	8	276
265	4	269
250	4	253
258	14	272
254	36	290

Total
Budgeted

SCAP

55 percent