

ULSTER COUNTY LEGISLATURE

KENNETH J. RONK, JR., Chairman
JAMES F. MALONEY, Vice Chairman
MARY BETH MAIO, Majority Leader
HECTOR S. RODRIGUEZ, Minority Leader
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AGENDA

DECEMBER 13, 2016

PUBLIC HEARINGS

6:05 PM

PUBLIC HEARING CALLED TO ORDER BY CHAIRMAN: 6:12 PM

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Chairman Kenneth J. Ronk, Jr.

MOMENT OF SILENT MEDITATION:

ANNOUNCEMENTS

FIRE EVACUATION PLAN

PLEASE NOTE THAT IN THE EVENT OF AN EMERGENCY THE FIRE DEPARTMENT HAS REQUESTED THAT LEGISLATORS AND ALL OTHERS MOVE AT LEAST ONE BLOCK AWAY FROM THE COUNTY OFFICE BUILDING IN ORDER NOT TO IMPEDE THE FIREFIGHTERS IN THEIR DUTIES

CELL PHONES

Please silence cell phones for the duration of the Public Hearings.

ROLL CALL: Present: 17 Absent: 6 (Legislators Bartels, Fabiano,
Greene, J. Parete, R. Parete, Roberts)

Note: Legislator Greene arrived 6:21 PM. Legislator's Allen and Briggs left at 6:25 PM.

6:14 PM - CALL OF THE 1st PUBLIC HEARING BY CLERK: Proposed Local Law No. 14 Of 2016, (A Local Law Of The County Of Ulster For The Regulation Of Pet Sellers)

PUBLIC COMMENT: There were (3) speakers signed up for public comment.

1. Paul Fowler, Saugerties: Mr. Fowler a self-proclaimed supporter of animals and the SPCA, who also runs Fowler Advocacy, shared concern for the health of all animals. Mr. Fowler shared his experiences with a breeder and spoke in favor of Proposed Local Law No. 14 of 2016, noting Dutchess County will most likely adopt similar legislation.
2. Cynthia Wertheimer: Ms. Wertheimer stated conscientious dog breeding is not a lucrative business – noting it barely covers the bills. It takes an enormous amount of research, time and love matching the right person with the right dog. Breeders also act as a resource for the owner for the duration of the animal's life. Although adoption is encouraged, too often there are many unknowns when purchasing an animal from a kennel or pound.
3. Tom Delaney: Mr. Delaney thanked Chairman Ronk for his time and effort to understand the concerns of the breeding community resulting in multiple amendments made to the proposed local law. Mr. Delaney noted the whole industry is evolving, whereas only 40% of dogs in the United States are from breeders. Down the road possibly as a second step Ulster County can embrace all dogs making sure they are raised and cared for properly. Mr. Delaney offered his time and expertise when needed going forward.

Legislator Herbert Litts motioned, seconded by Minority Leader Hector Rodriguez to adjourn. All in favor.

PUBLIC HEARING ADJOURNED: 6:21 PM

MINUTES

PAGE 3

DECEMBER 13, 2016

6:21 PM - CALL OF THE 2nd PUBLIC HEARING BY CLERK: Proposed Local Law No. 17 Of 2016, (A Local Law Prohibiting Cyber-Bullying In Ulster County)

Chairman Ronk stated for the record that (18) members are currently in attendance with the arrival of Legislator Greene.

PUBLIC COMMENT: There were eleven (11) speakers signed up for public comment

1. Kristen A. Gumaer, Asst. UC Attorney: Ms. Gumaer introduced herself as an Assistant Ulster County Attorney who along with her partner Robert Fisher prosecute juvenile delinquent cases for the county and urge legislator's to ask any questions they may have, noting memos and letters have been circulating containing inaccurate information. Ms. Gumaer expressed the reason for this proposed local law is to fill a gap between the Dignity for All Students Act (DASA), and the current penal statutes. We are not looking to replace or replicate any laws currently on the books but to give schools another tool and another resource for law enforcement. It will help ease and comfort the family knowing there are steps to resolve the matter. Once this legislation takes effect a court can be asked to issue an order of protection. This legislation will help both the victim and perpetrator families receive additional help and education by filling the current gap.
2. Dr. Robert Beyer, PhD Clinical Psychologist, Gardiner, NY: Dr. Beyer a licensed psychologist has been in the practice for forty years mostly around children, and the last twenty five years in public education. Dr. Beyer has experienced the full spectrum of child behavior, noting this new forum of cyber-bullying non-existent fifteen years ago now feels in some sense like an epidemic both in school districts and at home. All school districts have staff assigned to address the state (DASA) law put into place in earnest in 2013 and it does a really good job addressing complaints including cyber-bullying. Dr. Beyer wrote a proposal position paper supporting this law. Looking at data from one Ulster County middle school and one high school over the course of the last three years, the middle school has averaged twenty five of these types of complaints and the high school forty five. In most instances the problem was resolved within the school. However five students in this district were placed out of their school district as a direct result of cyber-bullying, two being the perpetrator and three being the victim. The costs are extreme. District taxpayers are paying approximately \$500K extra for these placements. This proposed local law would serve as a tool for schools to utilize as a last resort as the exception to the rule, addressing students that may pose as a danger to the group.

3. James Shaughnessy, Kingston: Mr. Shaughnessy has been a trustee of the Kingston City School District since May, 2006, a member of the board of directors of the Mental Health Association in UC since September 2014, and a member of Ulster BOCES Board of Education since July, 2015. Mr. Shaughnessy noted his comments do not necessarily reflect the position of the boards he serves on. Mr. Shaughnessy is acutely aware of the impact emotional trauma has on the social and academic success of the students. Everyone agrees cyberbullying is a serious problem that causes emotional distress to many students and negatively impacts their lives both in and out of school. PLL No. 17 fails to consider the authority and requirements of DASA which does include cyberbullying. DASA gives school districts jurisdiction over cyberbullying occurring through any form of electronic communication and behavior which occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment. If a student is the target of cyberbullying and doesn't feel safe in school, or maybe even refuses to go to school, that is a substantial disruption within the school environment. The legislature is correct that cyberbullying is a broad societal problem. The county school superintendents were assured in January 2016 a short time after the PLL was announced that the county would consult with the school districts as consideration of this law went forward, however this didn't happen. Every effort should be made to have a coordinated approach to leverage all assets available and failure to do so may have unintended consequences. The county cannot take away the obligations that public school districts have under DASA. The solution needs to be cooperative rather than competitive, or unaware of what others are doing. Mr. Shaughnessy asked that the legislature delay approval of the PPL and convene a dialogue with the school districts and other agencies to better understand what gaps can be filled by county legislative action. Mr. Shaughnessy provided a copy of his comments and NYS Education Law Title I Article 2, Dignity for All Students Act, (DASA).
4. Christina Krauz: Ms. Krauz is a concerned parent. Cyberbullying usually exists in conjunction with face to face bullying and this is the demeanor of school administration. Ms. Krauz feels this law would have the unintended consequence of limiting effective measures, and the discretion of school administration to address bullying by funneling cases through county courts. It does not hold caregivers accountable, nor does it alter the effect of negative actions by victims. It further entrenches the judicial system as the primary means for handling juvenile interactions. When the day to day burden is the demeanor of those adults who have consistent and primary interaction with children, and study after study shows imprisonment of juveniles significantly increases the chances of the child being incarcerated for the duration of their life. Ms. Krauz advocates this PPL be postponed and rewritten with advocacy groups, school administration and impartial policy analysts.

5. Jeff Rindler, Kingston: Mr. Rindler is the Executive Director of the Hudson Valley LGBTQ Community Center on Wall St., Kingston. Mr. Rindler spoke in favor of Proposed Local Law 17 of 2016. He noted his office gets calls from concerned parents whose children are being cyberbullied and don't know what to do. Some schools tell parents they can't do anything because it's being done on line or on the web and that it's not in their jurisdiction. A recent study has shown 33% of students don't feel comfortable going to their teachers because they don't feel the situation will be handled properly. This law can deter the hateful attacks that innocent children face every day. Our children need to understand not only the consequences of their behavior but the consequences of those they are bullying that can create depression, anxiety, self-hatred, and putting themselves in harm's way. Harassing kids is no mistake and is a serious matter. This law will rehabilitate the child through divergence services and community service which should be added to this law. Sixty percent of children bullied are more likely to have missed a day of school in the past month; thirty five percent have no interest in going to college and countless higher rates of dropouts occur. As a proactive approach the LGBTQ Community Center would like to create and offer a cyber-bullying prevention education training program of tolerance and acceptance to school districts.
6. Jessica Marsico, High Falls: Ms. Marsico a parent who contacted LGBTQ regarding her child not wanting to go to school and whom is not in support of Proposed Local Law No. 17 of 2016 in its current form. Ms. Marsico feels the crux of the matter is eliminating private unmonitored access to the internet. The very last option should be the criminalization of children which widens the school to prison pipeline. Deleting the jail sentence means nothing. Children are not in jail but are in juvenile detention. Sometimes people lash out because they are hurt and sometimes we make mistakes understanding the stories and intertwined rumors. Clearly we have to do something. We can and have to do better than this.
7. Kris Ardahl, High Falls: Mr. Ardahl is a student at SUNY New Paltz and semi-parent to two children. This law is placing the burden of determining morality on the shoulders of children as young as ages 7 to 16. Children under 15years old could be detained by police and be a traumatic life altering experience. This would widen the school to prison pipeline. This proposed local law is taking power away from parents and schools whose job it is to teach children how to interact with other people and how to live their lives, and giving it to the police and family court system who are already over-burdened and not their job.
8. Kathleen Nolan, MD: Dr. Nolan is a board certified pediatrician with some specialized training in child development and is also a bioethicist – the study of moral values in the biomedical sciences. Dr. Nolan supports this legislation and feels there is existing tools however we need additional tools. We need to change the culture around bullying and cyberbullying similar to the cultural change we've experienced for cigarette use. Children need to be told that cyberbullying is wrong, just like other moral questions such as stealing or

hitting people. Dr. Nolan expressed this is a sad but necessary step to say how wrong this action is and how seriously the adults in the community take it. If the law isn't exactly right we can rework it but need to have a tool to deal with extreme cases especially off school grounds. As a culture we need to take a stand and this is what this law does.

9. John Wilson, Kingston: Mr. Wilson is a youth counselor with a decade of experience, a certified social studies instructor, and worked in public and private schools. Mr. Wilson has witnessed cyber-bullying become a major issue. Mr. Wilson is against this proposed legislation as written. The majority of young people he knows or works with have had at least one experience in the past year where they or their friends have engaged in lewd or inappropriate or offensive behavior on line or through social media. The proposed legislation relies on the *intent* of the accused adolescent many or most of the young people could be charged with cyber-bullying and criminalized under the law. Intent is often hard to prove or understand with adults but even harder with teens who often don't even know what they are doing or the impact of their actions. Mr. Wilson wonders how law enforcement will determine teen intent or motivation as they themselves don't know why they do what they do - never mind a basis to build a law upon. How will law enforcement determine if messages or videos are jokes, threats or compliments as he struggles himself to understand the lingo, culture and media use of teens he works with. Studies have shown youth that engage in cyber-bully often struggle with mental health issues such as depression, divorce, abuse or suicidal behavior. This legislation could target youth with these issues and criminalize their actions which would be acceptable if the legislation guaranteed mediation, counseling, or training to avoid further incidence vs. a path of detention, court and probation. Mr. Wilson noted in his estimation and other professionals, punishment and legal consequences rarely motivate people to become more compassionate or healthy people. Mr. Wilson urged the legislature to vote against this measure until necessary changes occur.
10. Bob Fisher, County Attorney: Mr. Fisher and Ms. Gumaer in support of this legislation brought this legislation back from Albany for Ulster County consideration after years of work in family court he has found case after case where children will not attend school who are afraid to go to school have the common link of cyber-bullying due to pictures circulated, body shape, sexual orientation, race or religion. This proposed local law protects both the victim and the perpetrator. This law offers education and protection and does not encroach on schools oversight. The concept that schools can handle this completely is short sided, noting schools are not in session during summer. Mr. Fisher noted a person under 15 years of age cannot be charged with a criminal offense.
11. Anna Marsico, High Falls: Anna shared her story as a victim of cyberbullying and her anxiety, for if this law passes she could be sent to juvenile detention before an investigation can take place.

MINUTES

PAGE 7

DECEMBER 13, 2016

Legislator Herbert Litts motioned, seconded by Majority Leader Mary Beth Maio to adjourn. All in favor.

PUBLIC HEARING ADJOURNED: 6:57 PM

Please Note: Complete content of the public comment periods can be heard on the Ulster County Legislative website.

NEXT MEETING:

The next Regular Meeting of the Ulster County Legislature will be held on **Tuesday, December 20, 2016 at 6:30 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.