

PUBLIC SAFETY COMMITTEE MEETING

**AGENDA**

February 13, 2012

Committee Chairperson Lawrence called the meeting to order at \_\_\_\_\_ p.m.

Committee Members: Chairperson Lawrence; Legislators Martinez, Deyo, Handel, Cotten and Pfister.

-----

**AGENDA ITEMS:**

1. Proposed Resolution "Setting Public Hearing On Local Law Introductory Number 2 Of 2012 (A Local Law Pertaining To Restrictions Regarding Residency, Loitering And Disclosure Of Status At Emergency Shelters Applicable To Registered Sex Offenders)."
2. Proposed Resolution "Authorizing Contract And Appropriating Funds Greene County Emergency Services NYS Division Of Homeland Security And Emergency Services." Backup Attached.
3. Proposed Resolution "Authorizing Greene County Sheriff To Execute Annual Mandated / Court Ordered Contracts And/Or Memorandums Of Understanding (MOU'S) On Behalf Of Greene County."
4. Proposed Resolution "Authorizing Out Of State Travel John Farrell, Director Greene County Emergency Services."

-----



**A LOCAL LAW PERTAINING TO RESTRICTIONS REGARDING  
RESIDENCY, LOITERING AND DISCLOSURE OF STATUS AT  
EMERGENCY SHELTERS APPLICABLE TO REGISTERED SEX OFFENDERS**

**ARTICLE I: Residency Restrictions**

**1. Legislative Intent.**

A. This Legislature hereby finds and determines that sex offenders pose an unreasonable threat to the safety and well-being of children.

B. This Legislature also finds and determines that the County of Greene has gone to great lengths to protect the children of this County from sex offenders, such as assigning a full-time deputy to monitor sex offenders living in the County.

C. This Legislature further finds and determines that information is currently available to the public regarding these high-risk offenders, which information is available through the internet and other sources.

D. This Legislature finds that it is imperative that the County of Greene takes all steps necessary to protect the most vulnerable residents of the County.

E. Therefore, the purpose of Article I is to restrict all registered sex offenders from residing within  $\frac{1}{4}$  of a mile of any school, licensed day-care center, playground or prior victim workplace or residence.

**2. Definitions.**

**DAY-CARE CENTER** -- Any program or facility caring for children for more than three hours per day per child, as those terms are defined in §390 of the New York Social Services Law.

**HOUSING ACCOMMODATION** -- Any building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more human beings.

**LOITER** -- To remain in a certain place for no apparent reason or purpose.

**PLAYGROUND** -- Any public land designated for recreational or athletic purposes by any school district, library district or by the County of Greene or any town or village located wholly within the County of Greene.

**PUBLIC SWIMMING POOL** -- A swimming pool operated by the County of Greene or any town or village located within the County of Greene, for the use of the general public, with or without charge.

**REGISTERED SEX OFFENDER** -- Any person who has been convicted of an offense and is registered with the State Division of Criminal Justice Services pursuant to the provisions of Article 6-C of the New York Correction Law.

**SCHOOL** -- Any institution, building or structure used for teaching children or imparting an education.

**SHELTER** -- Any residential facility providing temporary housing, for which such temporary use and occupancy of the housing facilities the owner or primary tenant of the property receives compensation, either directly from the temporary occupant or through reimbursement from a third party on behalf of such temporary occupant, or both.

VIDEO ARCADE -- Any premises where 10 or more video game machines or devices are operated.

VIDEO GAME MACHINE -- Any mechanical amusement device, which is characterized by the use of a cathode ray tube display and which, upon the insertion of a coin, slug or token in any slot or receptacle attached to or connected to the machine, may be operated for use as a game, contest or amusement.

YOUTH CENTER -- Any public or private facility that is primarily used to host recreational or social activities for minors.

**3. Residence Limitation.**

A. It shall be unlawful for all registered sex offenders to reside within ¼ mile of the property line of any school, including, but not limited to, any public or private nursery, elementary, middle or high school; or a licensed day-care center; or a playground; or the residence or principal place of employment of the victim(s) of their crime(s).

B. No shelter or housing accommodation shall permit or cause the placement of any registered sex offender if such shelter or housing accommodation is within ¼ mile of the property line of any school, including, but not limited to, any public or private nursery, elementary, middle or high school; or a licensed day-care center; or a playground; or the residence or principal place of employment of the victim(s) of their crime(s).

C. SEX OFFENDERS MAY NOT LIVE IN CLOSE PROXIMITY (¼ of a mile) to their prior victims' current homes and workplaces.

D. The residence prohibition established by this section shall remain in effect for as long as the offender is classified as a registered sex offender.

**4. Exceptions.**

A. The provisions of this article shall not apply to any registered sex offenders who have established a residence prior to the effective date of this article.

B. The provisions of this article shall not apply if a public or private nursery, elementary, middle or high school, or a licensed day-care center, or a playground is newly constructed and is within ¼ mile of the residence of a registered sex offender who has previously established a residence in that location.

C. The provisions of this article shall not apply to any registered sex offender who is required by court order to reside at a certain location.

**5. Penalties for Offenses.**

A registered sex offender who violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by no more than one year in jail.

**6. Applicability.**

This article shall apply to all actions occurring on or after the effective date of this article.

**7. Reverse Preemption.**

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative

agency issues and promulgates regulations preempting such action by the County of Greene. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted, for the purpose of triggering the provisions of this section.

**ARTICLE II: Other Restrictions-Loitering**

**8. Legislative Intent.**

A. This Legislature hereby finds and determines that subsequent to their release from incarceration, sex offenders pose a continuing threat to the safety of the public at large, and to children in particular.

B. This Legislature further finds that when sexual predators put themselves in situations where they are in close proximity to children, they increase the not-so-remote possibility that they will act on their unsavory impulses and harm a child.

C. This Legislature further finds that it is prudent to enact further restrictions against sex offenders and to provide stronger protections for children.

D. Therefore, the purpose of this local law is to prohibit Level 2 and Level 3 sex offenders, the most dangerous offenders and most likely to re-offend, from loitering on or about the grounds of a playground, day-care center and other locations where minors gather.

**9. Loitering Prohibition.**

It shall be unlawful for any sex offender who has been given a Level 2 or Level 3 designation, pursuant to the New York Sex Offender Registration Act, to loiter within 100 feet of any playground, day-care center, public swimming pool, video arcade or youth center.

**10. Penalties for Offenses.**

A Level 2 or Level 3 sex offender who violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by no more than one year in jail.

**ARTICLE III: Notification, Removal and Monitoring at Emergency Shelters**

**11. Legislative Intent.**

A. This Legislature hereby finds and determines that in the event of a natural or man-made disaster, the residents of Greene County may avail themselves of shelters.

B. This Legislature further finds that the Greene County Department Emergency Services provides support for these shelters.

C. This Legislature also determines that during an emergency, registered sex offenders could be housed in close proximity to children, and those operating the shelter would not be aware of this potentially dangerous situation.

D. This Legislature further finds and determines that in order to protect the residents of Greene County, particularly children, registered sex offenders should not be housed in a general-population shelter but rather should be placed in a separate facility during a public emergency.

E. Therefore, the purpose of this law is to require sex offenders to disclose their status when checking into an emergency shelter. Further, this law will mandate responsible County departments to maintain a separate shelter for sex offenders and require the removal of sex offenders to this shelter to the fullest extent practicable.

**12. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

**DEPARTMENT** -- The Greene County Department of Emergency Services.

**PUBLIC EMERGENCY** -- An emergency declared by the Governor of the State of New York or the Greene County Executive as a result of an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including but not limited to fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, epidemic, air contamination, explosion, radiological accident or water contamination.

**REGISTERED SEX OFFENDER** -- Any person who has been convicted of an offense and is registered with the New York State Division of Criminal Justice Services pursuant to the provisions of Article 6-C of the New York Correction Law.

**SHELTER** -- A facility operated by the County of Greene, the American Red Cross or any other emergency services organization to provide temporary housing to members of the public in response to a public emergency.

**13. Disclosure Requirement.**

A. When checking into a shelter during a public emergency, registered sex offenders shall immediately notify the shelter manager, a shelter employee or a shelter volunteer of their sex offender status.

B. The shelter operator shall notify the Department of Social Services when a registered sex offender has checked into the shelter during a public emergency.

**14. Removal of Sex Offenders to Separate Shelter; Monitoring.**

A. The Department is hereby authorized, empowered and directed to establish and maintain a shelter that will be used solely to house sex offenders during a public emergency.

B. Upon being notified that a registered sex offender is present at a general-population emergency shelter, the Department shall cause the sex offender to be removed to the shelter established pursuant to Subsection A of this section. If the Department determines that the sex offender cannot be moved safely, the Department shall take all steps practicable to have a law enforcement officer assigned to the shelter to monitor the sex offender.

C. The Department of Probation is hereby authorized, empowered and directed to monitor the registered sex offenders that are housed at the shelter established hereunder.

**15. Penalties for Offenses.**

The failure of a registered sex offender to comply with the requirements of 13A of Article II of this law shall constitute an unclassified misdemeanor punishable by a fine of \$1,000.

**16. Applicability.**

This law shall apply to actions occurring on or after the effective date of this law.

**17. Effective Date.**

This local law shall take effect immediately

February 15, 2012

FS

2

RESOLUTION NO.

AUTHORIZING CONTRACT AND APPROPRIATING FUNDS  
GREENE COUNTY EMERGENCY SERVICES  
NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

Legislator offered the following resolution and moved its adoption:

WHEREAS, the Greene County Department of Emergency Services applied for an \$893,000.00 grant from the New York State Division of Homeland Security and Emergency Services Office of Interoperable and Emergency Communications for the FY2010 Statewide Interoperable Communications Grant (SIGC). This funding was applied for as a regional effort by the Catskill Consortium as authorized by resolution #180-11 on May 18, 2011. The purpose of this grant is to facilitate the development, consolidation and/or improve the operation of public safety communications to support and enhance statewide interoperable communications for first responders throughout New York State.

WHEREAS, Greene County has been notified that this grant has been awarded;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Greene County Legislature be authorized to execute a contract subject to approval as to form by the County Attorney, to accept a grant from the New York State Division of Homeland Security and Emergency Services in the amount of \$893,000.00; and if further be

RESOLVED, that the Greene County Treasurer be authorized to increase the following accounts to accommodate this grant;

REVENUE:

A 3645 3410 4307	HLS Federal Aid	\$893,000.00
------------------	-----------------	--------------

APPROPRIATION:

A 3645 3410 2000	HLS Equipment	\$550,000.00
A 3645 3410 4000	HLS Contractual	\$343,000.00

Seconded by Legislator

Ayes	Noes	Absent	CARRIED.
------	------	--------	----------

Approved by Public Safety Comm.:  
Approved by Finance Comm.:



NEW YORK STATE  
DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES  
OFFICE OF INTEROPERABLE AND EMERGENCY COMMUNICATIONS

Andrew M. Cuomo, Governor

Jerome M. Hauer, Commissioner

December 20, 2011

Wayne Speenburgh  
Chair, Greene County Legislature  
411 Main Street  
Catskill, New York 12414

Dear Chairman Speenburgh:

I am pleased to announce that Greene County has been awarded \$893,000 to support the application you submitted for funding from the FY2010 Statewide Interoperable Communications Grant (SICG). There is no cost share associated with this grant. Funding for this grant program is provided by the State of New York. SICG funding is provided to facilitate the development, consolidation and/or Improved operation of public safety communications to support and enhance statewide interoperable communications for first responders throughout New York State.

In order to provide these funds to you as quickly as possible, our program office will work with your designated SICG point of contact, to provide additional administrative guidance and to develop a grant contract.

On behalf of Governor Cuomo, the Division of Homeland Security and Emergency Services remains committed to providing outstanding support in the administration of your public safety first responder initiatives. If you have any questions, please feel free to contact me at 518-242-5000, or my OIEC point of contact, Mr. Robert Barbato, at 518-322-4911.

Thank you for your cooperation in this important public safety endeavor.

Sincerely,

Jerome M. Hauer  
Commissioner

Cc: Robert M. Barbato, Director, Office of Interoperable and Emergency Communications  
Shaun Groden, County Administrator  
John Farrell, Director of Emergency Services  
Gregory R. Seeley, Greene County Sheriff

JMH/clp

May 18, 2011

RESOLUTION NO. 180-11

AUTHORIZING CATSKILL INTEROPERABLE COMMUNICATIONS CONSORTIUM AGREEMENT

Legislator Cotten offered the following resolution and moved its adoption:

WHEREAS, the New York State Division of Homeland Security and Emergency Services (DHSES), through its Office of Interoperable and Emergency Communications (OIEC), have implemented a grant program to facilitate the development, consolidation or operation of public safety communications to support statewide interoperable communications for first responders; and

WHEREAS, six (6) counties and three (3) law enforcement agencies collectively known as the Catskill Consortium (Delaware, Greene, Otsego, Schoharie, Sullivan and Ulster Counties and New York State Police, New York State Parks Police and New York City Department of Environmental Protection) believe it would be in the best interest of their respective public safety first responders if the Catskill Region worked as a consortium to develop an improved interoperable wireless communications system for governmental public safety/service agencies throughout the Catskill Region (hereinafter referred to as the CONSORTIUM); and

WHEREAS, the need for collaborative partnerships has been expressed in the National SAFECOM program, and is encouraged by the State and Federal Government through a number of state/federal grant programs, and is well recognized as the standard for implementing interoperable communications systems; and

WHEREAS, the consortium is submitting an application for the FY2010-2011 Statewide Interoperable Communications Grant as a regional effort;

NOW, THEREFORE, BE IT RESOLVED, that Greene County is hereby authorized to enter into an Interoperable Communications Consortium Agreement with the following Counties: Delaware, Otsego, Schoharie, Sullivan and Ulster, subject to approval as to form by the County Attorney.

Seconded by Legislator Doyo (10,000) Ayes 14 Noes 0 Absent 0

CARRIED. APPROVED AS TO FORM

Approved by Public Safety Comm.: 5/9/11
Approved by Finance Comm.: 5/16/11

Handwritten signature of County Attorney and text: COUNTY ATTORNEY

I, the undersigned,

DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted May 18, 2011 with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said Greene County Legislature this \_\_\_ day of May, 2011.

Tammy L. Scavillo
Acting Clerk, Greene County Legislature

February 15, 2012

Public Safety  
③

RESOLUTION NO.

AUTHORIZING GREENE COUNTY SHERIFF TO EXECUTE  
ANNUAL MANDATED / COURT ORDERED CONTRACTS  
and/or MEMORANDUMS OF UNDERSTANDING (MOU's)  
ON BEHALF OF GREENE COUNTY

Legislator offered the following resolution and moved its adoption:

WHEREAS, it has been the past practice of Greene County for the Greene County Sheriff to enter into reoccurring contracts which are mandated/court ordered; and

WHEREAS, these contracts are required in order to fulfill federal and state obligations and must be executed in a timely manner; and

WHEREAS, each of these contracts is reviewed and approved by the Greene County Attorney before being signed by the Sheriff and each of these Contracts is provided for in the annual Greene County Sheriff's budget; and

WHEREAS, the Greene County Administrative Manual was adopted by Resolution No. 279-11, on August 17, 2011, and included a section which called for all agreements and contracts which cite the County of Greene as a party, to be approved by the Greene County Legislature with the Legislature authorizing the Chairman or another official, by Resolution, to enter into the agreement or contract; and

WHEREAS, said section did not take into account the mandated and court ordered Contracts and MOU's being signed by the Greene County Sheriff and the Sheriff is requesting continued authority to sign said Contracts and MOU's for the year 2012, and will make this request by Resolution every year; and

WHEREAS, the Greene County Legislature recently adopted Resolution No. 14-12 on January 18<sup>th</sup>, 2012, which Resolution amends the Administrative Manual to include the above procedure;

NOW, THEREFORE, BE IT RESOLVED, that the Greene County Sheriff is hereby authorized to execute annual mandated / court ordered Contracts and/or Memorandums of Understanding (MOU's) on behalf of Greene County for the year 2012.

Seconded by Legislator

Ayes      Noes      Absent

CARRIED.

Approved by Public Safety Comm.:

(4)

PS

February 15, 2012

RESOLUTION NO.

AUTHORIZING OUT OF STATE TRAVEL  
JOHN FARRELL, DIRECTOR  
GREENE COUNTY EMERGENCY SERVICES

Legislator offered the following resolution and moved its adoption:

WHEREAS, the Greene County Director of Emergency Services has been invited to represent Greene County, as the key note speaker for opening ceremonies at the Firehouse Exposition, to take place at the Baltimore Convention Center, Baltimore Maryland on Thursday, July 19, 2012; and

WHEREAS, Director Farrell has been requested to conduct a presentation on Tropical Storm Irene, to include the immediate effects of the storm and the subsequent recovery efforts made by Greene County; and

WHEREAS, all costs incurred by this trip, (travel, hotel, meals) will be paid for by Firehouse Magazine;

NOW, THEREFORE BE IT RESOLVED, that the Director of Emergency Services be authorized to represent Greene County at the Firehouse Exposition.

Seconded by Legislator

Ayes                      Noes                      Absent                      CARRIED.

Approved by Public Safety Comm.:

Approved by Finance Comm.: