



Public Safety Committee

411 Main Street
Catskill, N.Y. 12414

Committee Meeting
<http://greenegovernment.com/>

~ Agenda ~

Wednesday, June 4, 2014

6:00 PM

Caucus Room 468

Public Safety Members: Chairperson Lawrence; Legislators Martinez, Handel, Hatton, Kozloski and H. Lennon

Call to Order

Proposed Agenda Items

1. Authorizing Application To The New York State Division Of Criminal Justice Services For Alternatives To Incarceration Funding
2. Authorizing Training Attendance Greene County Sheriff's Department Deputy Andrew Overbaugh
3. Amend Resolution No. 64-14, Budget Amendment, Greene County Emergency Services, RACES
4. Budget Amendment - Greene County Public Defender - Indigent Legal Service Funds

Informational Item

Exemption Of Greene County From Town Land Use Laws - Town Of Jewett

Adjournment



Public Safety Committee
411 Main Street
Catskill, N.Y. 12414

Meeting: 06/04/14 06:00 PM
Department: Probation
Category: Authorizing Application

Resolution No.

DOC ID: 1141

Authorizing Application To The New York State Division Of Criminal Justice Services For Alternatives To Incarceration Funding

WHEREAS, the Director of Greene County Probation requests permission to submit an application to the New York State Division of Criminal Justice Services in order to receive funds in the maximum amount of \$5,998.;

NOW, THEREFORE, BE IT RESOLVED, that the Administrator of Greene County is hereby authorized and directed to execute and submit an application, subject to approval as to form by the County Attorney, to the New York State Division of Criminal Justice Services, Alfred E. Smith Building, 80 South Swan Street, Albany, NY 12210 for receipt of funds in the maximum amount of \$5,998. for Alternatives to Incarceration funding for a term commencing July 1st, 2014 and terminating June 30th, 2015; and be it further

RESOLVED, that upon notification of the award of said funds, the Administrator of Greene County is hereby authorized and directed to execute any and all documents on behalf of Greene County, subject to approval as to form by the County Attorney.



Public Safety Committee
411 Main Street
Catskill, N.Y. 12414

Meeting: 06/04/14 06:00 PM
Department: Sheriff & Jail
Category: Policy

2

Resolution No.

DOC ID: 1119 B

Authorizing Training Attendance Greene County Sheriff's Department Deputy Andrew Overbaugh

BE IT RESOLVED, that Deputy Andrew Overbaugh with the Greene County Sheriff's Department be and hereby is authorized to attend the Drug Recognition Expert Certification training in Rensselaerville, NY to be held June 9th through June 20th, 2014 and Phoenix, Arizona for Phase II to be held in August 2014; and be it further

RESOLVED, that this training is being reimbursed 100% through the Governor's Traffic Safety Board.

ATTACHMENTS:

- #1119 (PDF)

TRAVEL/CONFERENCE REQUEST AND REIMBURSEMENT FORM

TODAY'S DATE : 5/01/14

REQUEST FROM : Undersheriff Steven Worth-Sheriff's Office
(Name of Department Head and Department)

NAME(S) OF PERSON(S)
ATTENDING CONFERENCE: Deputy Andrew Overbaugh

DATE(S) AND TIME(S)
OF CONFERENCE: 6/9/14-6/20/14 and August 2014 (dates TBD)

PLACE OF CONFERENCE: Rensselaerville, NY and Phoenix, AZ

TOPIC OF CONFERENCE: Drug Recognition Expert (DRE) Certification

REGISTRATION FEE: _____

HOTEL/MOTEL ACCOMMODATION FEE REQUESTED: YES NO _____

HOTEL/MOTEL ESTIMATED COST: \$ _____

TRAVEL EXPENSE REQUESTED: YES: NO: _____

PERSONAL CAR _____ MILEAGE & TOLLS ONLY

COUNTY CAR (if available) _____ TOLLS (If applicable)

AIR FARE _____ ESTIMATED COST ROUND TRIP: _____

TRAIN/BUS _____ ESTIMATED COST ROUND TRIP: _____

MEAL EXPENSE REQUESTED: YES _____ NO

CONTINUING EDUCATION CREDIT: YES _____ NO

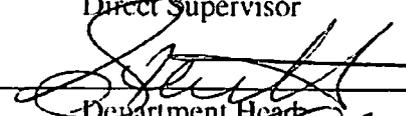
ADDITIONAL INFORMATION: Any fees incurred that are associated with this training will either be paid up front or reimbursed. AIR FARE WILL BE REIMBURSED.

APPROVED _____ NOT APPROVED _____

APPROVED NOT APPROVED _____

APPROVED NOT APPROVED _____

Direct Supervisor



Department Head

County Administrator

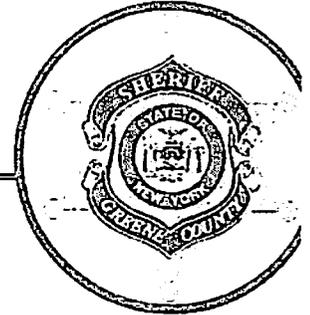
Attachment: #1119 (1119 : Authorizing Training Attendance Deputy Overbaugh)

Reimbursements are to be claimed on a monthly basis using this form and a voucher. Please list a reimbursable expenses, including meal costs, the cost of tolls and parking expenses, related meeting expenses, and personal automobile reimbursement. Both forms must be clearly itemized, approved by the Department Head, accompanied by actual receipts and are subject to audit by the Deputy Budget Office before payment can be made. All requests for travel reimbursements are required to be submitted within sixty (60) days after the expense is incurred, pursuant to IRS Rule 1.62-2(c)(5).

OUT OF STATE TRAVEL/CONFERENCE REQUIRES A RESOLUTION BY THE LEGISLATURE. PLEASE BE SURE TO REQUEST THIS IN A TIMELY MANNER.

Greene County SHERIFF'S OFFICE

80 Bridge Street -- PO Box 231
Catskill, New York 12414



GREGORY R. SEELEY
SHERIFF

Administrative & Law Enforcement Dept. — 943-3300
Civil Dept. — 943-3301

STEVEN W. WORTH
UNDERSHERIFF

Correction Dept./Jail — 943-3527
(518) 943-3302

MICHAEL SPITZ
JAIL SUPERINTENDENT

Fax (518) 943-6832

BONNIE ZILIANI
CIVIL ADMINISTRATOR

To: Undersheriff Steven Worth

From: Lieutenant Adam Brainard

Subject: Drug Recognition Expert Training

Date: 5/2/14

Earlier this year we put in a request to the New York State Governor's Traffic Safety board for consideration in sending Deputy Andrew Overbaugh to a drug recognition expert (DRE) certification course that was being offered. This course would enable the person who was trained to be certified in identifying impairment by drugs, and what type of drug is causing the impairment based off only their observations of someone who is impaired by a drug. This certification would allow the person trained to be able to testify as an expert witness in a criminal proceeding as to their observations, training and expertise in this field.

Last week we heard back that Deputy Overbaugh has been accepted pending some other minor paperwork prior to the start of the training. Becoming a DRE is a prestigious certification and the opportunity to attend this training does not occur very often. Currently in Greene County there are no police officers from any agency that have this certification. When we were organizing our request for acceptance into the training, Acting District Attorney Charles Bucca provided us with a letter that we attached to the application where he wrote that the certification is a needed and whoever trained would be an asset in drug related law enforcement situations in the county. Having someone certified as a DRE would be a huge asset to our law enforcement operations.

Attachment: #1119 (1119 : Authorizing Training Attendance Deputy Overbaugh)

I have attached the course information e-mail, a request to send Deputy Overbaugh to the training and letter from DA Charles Bucca to this memo for your review. Any fees associated with this training are either paid up front by the Governor's Traffic Safety board or will be paid to us after a request for reimbursement is completed to New York State. If you have any questions please let me know.

Attachment: #1119 (1119 : Authorizing Training Attendance Deputy Overbaugh)

District Attorney of Greene County

411 Main Street
Catskill, New York 12414

Acting District Attorney
CHARLES O. BUCCA

Telephone
(518) 719-3590

Facsimile
(518)719-3792

Assistant District Attorneys
Ann-Marie B. Rabin
Danielle D. McIntosh
Sarah A. Leggio
Clement M. Lalor

February 18, 2014

New York State
Governor's Traffic Safety Committee
6 Empire State Plaza – Room 410B
Albany, New York 12228

RE: Drug Recognition Expert (DRE) Program

To Whom It May Concern:

As the Acting District Attorney for Greene County, I am writing this letter in support of the Greene County Sheriff's Office sending a member to participate in the New York State Drug Recognition Expert School.

The diagnostic skills and knowledge of drug symptoms will enable the Greene County Sheriff's Office to make highly accurate assessments of persons who may be under the influence of drugs or alcohol. Additionally, the ability to differentiate between drug influence and medical and/or mental disorders will be invaluable.

With an increase in the use of illicit and illegal drugs, as well as a rise in the use and abuse of prescription drugs, having a Drug Recognition Expert (DRE) in Greene County will help facilitate the successful prosecution of countless cases. Specifically, when individuals are arrested for driving under the influence of drugs, an examination by a DRE will be advantageous. In some instances it may be just the tool we need to strengthen our proof.

In light of the fact that there is not currently a Drug Recognition Expert (DRE) in Greene County, I am supportive of sending a member of the Greene County Sheriff's Office to participate in the school.

Very Truly Yours,



Charles O. Bucca, Esq.
Acting District Attorney

Attachment: #1119 : Authorizing Training Attendance Deputy Overbaugh)



Public Safety Committee
411 Main Street
Catskill, N.Y. 12414

Meeting: 06/04/14 06:00 PM
Department: County Administrator
Category: Amendment

3

Resolution No.

DOC ID: 1152 A

Amend Resolution No. 64-14, Budget Amendment, Greene County Emergency Services, RACES

WHEREAS, Resolution No. 64-14, adopted February 19, 2014, authorized a Budget Amendment regarding the replacement of the High Hill antenna and transferred a balance left for this project of \$4,031.52; and

WHEREAS, said balance of \$4,031.52 did not take into consideration an outstanding purchase order, which left an actual balance of \$1,624.26; and

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 64-14 be amended by deleting the figure of \$4,031.52 and replacing it with the figure of \$1,624.26.



Public Safety Committee

411 Main Street
Catskill, N.Y. 12414

Meeting: 06/04/14 06:00 PM
Department: Public Defender
Category: Budget

4

Resolution No.

DOC ID: 1125 B

Budget Amendment - Greene County Public Defender - Indigent Legal Service Funds

WHEREAS, Greene County Public Defender's Office was awarded \$16,907.00 additional funding under the 2011 Indigent Legal Services Funds, Contract T-000015; and

WHEREAS, this contract has been extended through 2014; and

WHEREAS, the balance of this funding is \$12,229.14 as of December 31, 2013;

BE IT RESOLVED, that the Greene County Treasurer be authorized to make the following budget amendment:

INCREASE REVENUE:

A 1170 2000	Public Defender Equipment	\$12,229.14
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INCREASE APPROPRIATION:

A 1170 3025	Indigent Services Fund	\$12,229.14
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**RESOLUTION
EXEMPTION OF GREENE COUNTY FROM TOWN LAND USE LAWS
TOWN BOARD OF THE TOWN OF JEWETT
August 14, 2013**

WHEREAS, Greene County has requested that the Town Board of the Town of Jewett make a determination with regard to whether it shall be exempt from the applicability of the Town's land use laws in relation to its proposal to construct a new emergency communications tower near the summit of Windham Mountain and within the Town of Jewett; and

WHEREAS, the Town Board recognizes that there is significant case law on point, with regard to the exemption of such a project including In the Matter of the County of Monroe, 72 NY2d 338 (1988), which held that a balancing test must be performed to determine whether a project of a municipality or agency thereof, is exempt from the local land use regulation weighing the following factors: 1) Legislative intent; 2) Nature and scope of the instrumentality seeking immunity; 3) The kind of function or land use involved; 4) The extent of the public interest to be served; 5) The effect local land use regulation would have on the enterprise; 6) Impact on legitimate local interests; 7) Alternative locations for the facility in less restrictive zoning areas; 8) Alternative methods of providing the needed improvement; 9) Intergovernmental participation in the project development process; and 10) Opportunity of the public and others to be heard; and

WHEREAS, Greene County is a municipal corporation duly organized under the laws of the State of New York and is the County government within which the Town of Jewett is located; and

WHEREAS, specifically the project includes a proposal to construct a new tower on which emergency communication antennas shall be placed, and it is contemplated that other providers may lease space on the tower in the future as co-locators; and

WHEREAS, the Town of Jewett has a zoning law and a communications tower local law which would require a site plan review and special use permit for the construction of the project by the Jewett Planning Board and Zoning Board of Appeals, respectively, and

WHEREAS, the Town caused a notice to be published in the official newspaper of the Town notifying the public of the public hearing on the issues herein and allowed the public an opportunity to be heard and there being testimony from several members of the public in favor of the project and no opposition voiced either against the project or against the granting of an exemption pursuant to the County of Monroe, and

WHEREAS, following a discussion and analysis of the aforementioned issues and testimony, _____ offered a motion which was seconded by _____ and carried:

NOW, THEREFORE, BE IT RESOLVED, that the Board finds that the Legislative intent as it relates to the within matter is found in the Zoning Law of the Town of Jewett at Section 165-3 as follows:

The purpose of this law is to promote the health, safety, morals, and general welfare of the community. In accordance with the town's comprehensive plan this law is designed to secure safety from fire, flood, panic and other dangers (Emphasis added); to promote health and general welfare; to provide adequate light and air; to prevent crowding the land and undue concentration of population; to facilitate transportation, water, sewage, schools, parks and other public services; to assure privacy for residents and freedom from nuisance and things harmful to the senses..

Clearly, the Zoning Law contemplates the safety of the residents as paramount; and

IT IS FURTHER RESOLVED, that the Town Board finds that the nature and scope of the instrumentality seeking immunity, the kind of function or land use involved and the extent of the public interest to be served are as follows: Greene County is a municipal corporation duly organized under the laws of the State of New York and is the County government within which the Town of Jewett is located. The Town and County have a long history of cooperating with and supporting one another. The property is already being used for communication tower purposes and the project contemplates the construction of a new tower on which to place emergency communication antennas.

The County has examined the current tower and determined that co-location thereon is not possible, and

IT IS FURTHER RESOLVED, that the Town Board finds that the effect local land use regulation would have on the enterprise would be minimal since as discussed above, the current and future proposed use as emergency communications towers to help secure the safety of the residents of the Town of Jewett, and

IT IS FURTHER RESOLVED, that the Town Board finds that there shall be no impacts on legitimate local interests of any kind. As mentioned above, the current and future proposed use as emergency communications towers to help secure the safety of the residents of the Town of Jewett and the County has expressed its intention to fully cooperate with the Town and provide all information it might otherwise be required to provide to the Town in the context of formal site plan and special use permit applications, and

IT IS FURTHER RESOLVED, that the Town Board finds that there are no alternative locations for the facility in less restrictive zoning areas and that there are no alternative methods of providing the needed improvement. The Town communications tower law requires co-location on existing towers whenever possible. However due to the build-out of the current tower and the needs of the County emergency communications system, co-location is not possible. Further, the new proposed tower shall not impact the environment or sight considerations based upon the proposed negative declaration prepared by the County as Lead Agency in the SEQR process and by previous determinations made by the Town for the existing tower; and

IT IS FURTHER RESOLVED, that the Town Board finds that there has been and shall continue to be considerable intergovernmental participation in the project development process. Both the Town and the County have been contemplating, discussing and planning the action which is proposed for several months. Both parties recognize the need for increased communication

capabilities based upon the experience of all county residents and municipalities following several recent emergency situations, and

IT IS FURTHER RESOLVED, that the Town Board finds that there has been ample opportunity for the public and others to be heard. The public hearing was conducted in an open meeting at the Town Board’s regular meeting, following notice thereof being published in the Town’s official newspaper and there was wide-spread support for the project during public comment, and

IT IS FURTHER RESOLVED that the Town Board of the Town of Jewett hereby finds that upon the balancing of all factors in relation to the site plan review and special use permit applications, the County is exempt from the applicability of the Town of Jewett zoning law and communications tower local law and thus approval by the Planning Board and Zoning Board of Appeals is not required; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to file this Resolution in the appropriate index within five (5) business days.

COUNCILMAN McCRARY	AYE	NAY	ABSENT/OTHER
COUNCILMAN TRACH	AYE	NAY	ABSENT/OTHER
COUNCILMAN PELLITIRI	AYE	NAY	ABSENT/OTHER
COUNCILMAN JACOBS	AYE	NAY	ABSENT/OTHER
SUPERVISOR MUTH	AYE	NAY	ABSENT/OTHER

AYE _____ NAY _____ ABSENT/OTHER _____ CARRIED _____ DEFEATED _____

Unanimous vote of 5 to 0. The Town Board of the Town of Jewett hereby determines under the County of Monroe “balancing test” that the construction of a new emergency communications tower and associated antennas, together with possible future co-location of other carriers thereon, is exempt from the applicability of the Town of Jewett zoning law and communications tower local law for site plan review and special use permit approvals.