

Legislative and Research Committee Minutes
August 9, 2016 – 4:30 p.m.

Present: Chairman Dan Lewza; Supervisors Phil Barrett, Vince DeLucia, Dan Pemrick and Matt Veitch; Spencer Hellwig, County Administrator; Steve Dorsey, County Attorney; Lt. Zieske, Sheriff Department; Oscar Schreiber, Public Defender; Press.

Chairman Lewza called the meeting to order and welcomed all in attendance.

On a motion made by Mr. DeLucia, seconded by Mr. Barrett the minutes of the February 9, 2016 meeting were approved unanimously.

Mr. Dorsey said it had been a couple of months since the topic of Pawn Shops and Second Hand Dealers had been discussed. He distributed copies of the proposed local law to Committee members. The purpose of this law would be to establish recording requirements for businesses engaged in pawn shop transactions and second hand dealers. This would require dealers to take photographs of the merchandise that they purchase; take a photo of the ID of the person selling the merchandise and that information would be reported to the Sheriff's Department to compare it with reports of stolen property in the area. All dealers would be required to have a license issued by the Sheriff's Department. The law includes the procedure for acquiring a license. Mr. Dorsey highlighted other sections of the law such as penalties and revocations of licenses. He then introduced Lt. Zieske who spoke with counties where this type of local law has been adopted.

Lt. Zieske distributed a written report on her findings. She gave a brief overview of her findings including the yearly licensing fees charged in other counties. She said after having been an investigator in Saratoga County for 13 years, crimes have been solved because items have been sold in neighboring counties that have the law. The Sheriff's Department receives the list of items and has been able to find property to successfully solve cases. Staffing to handle this data will depend on how many businesses would be required to report. Mr. Peck asked how the proposed law got to the County. Mr. Lewza said the Ballston Spa Police Department met with him about it. He said they had several cases where stolen merchandise was coming to the village shops and being sold before the police department was able to get a report on it. Mr. Dorsey said that within 24 hours the stolen property was being melted down. The proposed local law requires dealers to hold merchandise for 14 days. Mr. Dorsey said there is the option of outsourcing the monitoring of this and certainly the Sheriff's Department can do the monitoring as well.

Mr. Barrett asked if all the businesses and jewelry stores that buy used jewelry would have to register. Lt. Zieske said that would be a determination that would be made in the law. Mr. Barrett said while he understands the need for protection, this is a fairly large new regulation on small businesses we need to be careful and take the proper amount of time to research the law and implications. Mr. Dorsey said there is no question it will put an obligation on these businesses to purchase software or whatever they need to report to the Sheriff's Department or a third party so there will be an expense to the retailer.

Mr. Pemrick asked if this proposed local law was an ‘in-house’ document. Mr. Dorsey said when it was first reported in the press that the County may consider this law there was some reaction from the public. Mr. Lewza asked Mr. Dorsey what the next step in the process would be. Mr. Dorsey suggested the proposed law go on the website for 60 days asking for comments. The comments would go directly to him. He would review all the comments and make necessary amendments. All Committee members agreed the next step will be to place the proposed law on the website and ask for comments. In 60 days the Committee will meet and review the proposed law and comments. Mr. Dorsey will also explore the cost of the software needed for the Sheriff’s Department as well as the retailers.

Mr. Dorsey gave an overview of the Public Defense Mandate Relief Act. He said the Senate and Assembly have passed a Bill which is waiting for the Governor’s signature. This Bill would essentially call for a phased-in takeover of the expenses of the indigent defense representation system for all of the counties in the State. This would start next year with all counties receiving 25% reimbursement for their counsel and related services. It would rise about 10% each year until 2023 when it will be at full reimbursement. Mr. Schreiber provided background on this Act and the costs as well as providing information on grants he has received.

A motion was made by Mr. Barrett, seconded by Mr. Peck to approve a resolution urging Governor Cuomo to sign into law the Public Defense Mandate Relief Act. Unanimous.

Mr. DeLucia said he provided a resolution the Town of Malta passed. The resolution erroneous asks for repair to the Nelson Avenue Extension Bridge. This bridge must be replaced. He asked that the County resolution of support include that the bridge will need to be replaced. Mr. DeLucia said this has become an issue with a number of the residents in the Town of Malta as well as the City of Saratoga Springs. He said some residents will feel stranded if this bridge was to be closed. Public safety is an issue as well.

A motion was made by Mr. Barrett, seconded by Mr. Pemrick to approve a resolution opposing the closure of the Nelson Avenue Extension Bridge. Unanimous.

On a motion made by Mr. Pemrick, seconded by Mr. Peck the meeting was adjourned unanimously.

Respectfully submitted,

Pamela Wright, Clerk