

The Legislature of Rockland County



JAY HOOD, JR.

Legislator – District 3

Chair, Public Safety Committee

MINUTES
PUBLIC SAFETY COMMITTEE
TUESDAY, FEBRUARY 14, 2012
5:00 PM

MEMBERS PRESENT:

Leg. J. Hood, Jr., Chair
Leg. C. Carey
Leg. E. Day
Leg. T. Earl
Leg. A. Wieder
Leg. A. Paul

MEMBERS ABSENT:

Leg. A. Wolfe

OTHERS PRESENT:

E. Yeger, Esq.
T. Grosselfinger
Hon. D. Fried
Leg. D. Jobson
R. Smith
A. Connors

ADOPTION OF MINUTES, MEETING OF DECEMBER 13, 2011

**MOTION TO ADOPT:
DAY/CAREY**

UNAN

1. REF. #6704 - APPROPRIATION OF FEDERAL FORFEITURE FUNDS REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY FOR ALTERNATIVE TO INCARCERATION CASE MANAGEMENT SERVICES PER RFP-RC-2011-025 (OFFICE OF THE DISTRICT ATTORNEY) (\$140,000) (THOMAS ZUGIBE, DISTRICT ATTORNEY)

**MOTION TO APPROVE:
DAY/CAREY**

**UNAN
TRANSFER TO B&F 2/14/12**

ADDED SPONSORS: LEGS. HOOD, JR., CAREY, DAY, EARL, PAUL, WIEDER, JOBSON

2. REF. #9478 - *DISCUSSION ITEM:* EXAMINING THE RULES, PROCEDURES, AND SAFETY GUIDELINES ASSOCIATED WITH ANY/ALL UTILITY DIGGING JOBS IN ROCKLAND COUNTY (HON. JAY, HOOD, JR., HON. D. JOBSON, LEGISLATURE)

Chair Hood, Jr. explained he brought this discussion to the committee to ensure that safety guidelines are adhered to so that the risk of an accident such as the one occurring in West Haverstraw on Monday, January 16, 2012 are eliminated.

Terry Grosselfinger, Director Consumer Protection, stated that you needed an excavator's license (sub-classification of home improvement contract license) in order to do excavation work more than 4 feet deep on residential property. Excavation work of less than 4 feet can be done with a landscaper's license.

Mr. Grosselfinger also explained that you do **not** need an excavator's license to work on commercial property. Permits for excavation work are done at the town/village level; the county does not issue work permits except for when utilities need to rip open the surface of a county roadway. Whether a work permit is required for a utility doing work on private property is up to the individual municipality.

Mr. Grosselfinger stated his understanding of what occurred in West Haverstraw was that the contractor called for utility markers; some were done and some were not completed. The mark-out, done by the utility, shows location of underground utilities and without it excavators who are digging are at greater risk of striking gas, power, water, telephone and other lines.

Leg. Day questioned whether Calling 811 Before You Dig is a rule of law. Mr. Grosselfinger said he was not sure whether this was enforced by Orange and Rockland or the Public Service Commission. Leg. Day suggested that if there is no area of law the PSC was a good place to start.

Chair Hood, Jr. stated that he would like everyone to give their input as to where they want this to go. There will be a meeting in the future with the utilities included in the discussion.

ACTIONS:

- **COUNSEL TO RESEARCH WHETHER THE PUBLIC SERVICE COMMISSION (PSC) HAS REGULATIONS AS RELATES TO DIGGING**
- **COMMITTEE CLERK TO INVITE MEMBERS OF ALL UTILITIES (O&R, VERIZON, UNITED WATER) TO A FUTURE MEETING FOR FURTHER DISCUSSION**
- **COUNSEL TO RESEARCH IF ANY OTHER JURISDICTIONS HAVE LAWS REGARDING DIGGING IN COMMON AREAS**

3. REF. #8455 - *DISCUSSION ITEM: A REVIEW OF THE NEW YORK CITY AND ROCKLAND COUNTY LAW REGULATING REPLICAS, TOYS, AND IMITATION GUNS (HON. JAY HOOD, JR., LEGISLATURE)*

Chair Hood, Jr. wanted to bring this subject to the attention of the Public Safety committee members due to the severity and degree of danger to all individuals and police in Rockland County that these imitation guns pose and specifically what happened on January 24th in Stony Point.

David Fried, Sheriff's Dept., stated that in 2006 when he was Chair of the Public Safety Committee, he introduced a local law known as the "Imitation Weapon Safety Act". Now in his capacity as a Judge, he feels the problem is not with the law but the enforceability of the law. The local law imposes civil penalties for a non-criminal violation. Mr. Fried thought it might be useful to speak to Mr. Grosselfinger about enforcement through his Consumer Protection office. He also explained that any penalties collected were given to the District Attorney's office to be used for programs associated with illegal firearm trafficking investigation and prosecution. Mr. Fried stressed that there is no need for a new law just enforceability of the present law. Mr. Fried felt the Legislature was a good place to start discussion on policy.

Leg. Day suggested that we might ask the Towns to incorporate this as part of the DARE programs taught in the schools.

Leg. Wieder questioned whether there was any data available on enforcement since this law has been on the books. Mr. Fried stated that information would be available through the Office of Consumer Protection.

ACTION:

- **COUNSEL TO RESEARCH PENDING FEDERAL AND STATE LEGISLATION ON REGULATING REAL GUNS THAT LOOK FAKE**

**MOTION TO ADJOURN: 6:10 PM
CAREY/WIEDER**

UNAN