

LAWS & RULES COMMITTEE MEETING
Wednesday, October 18th at 6:30 PM.

NEW BUSINESS

1. Proposed Changes to Arraignment Procedures - B. Graves-Poller

OLD BUSINESS

1. Sale of Jervis Street
2. Vacant Property and Foreclosure Issues

(L+R)

CITY OF KINGSTON
Office of Corporation Counsel
bgraves@kingston-ny.gov



Steven T. Noble, Mayor

Barbara Graves-Poller, Corporation Counsel

September 26, 2023

Aldерwoman at Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Re: Changes to local court procedures that require local legislative approval

Dear President Shaut,

Kyle Barnett, representative of the Ulster County Magistrate's Association, reached out to my office to discuss proposed changes to arraignment procedures. New York State law allows counties to create off-hours, centralized arraignment "parts," or divisions, to facilitate timely court processing and an individual's right to counsel at first appearance after arrest. This change, which Mr. Barnett already discussed with the Mayor and potentially affected Town Supervisors, requires the approval of all covered jurisdictions.

I ask that you please forward this communication and the attached supporting documentation to the next regularly scheduled Laws & Rules Committee for consideration and that Mr. Barnett be invited to speak to the Committee about the proposed changes. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Barbara Graves-Poller
Corporation Counsel

MEMORANDUM OF AGREEMENT

Between

THE ULSTER COUNTY SHERIFF

And

LOCAL AND STATE LAW ENFORCEMENT AGENCIES

POLICY: Establish an Agreement between the Ulster County Sheriff's Office (hereinafter "UCSO") and all local and state law enforcement agencies, hereinafter referred to as "law enforcement," operating within Ulster County allowing the law enforcement agencies to utilize the Ulster County Jail (hereafter, "UCJ") in pre-arranged circumstances, as outlined below.

INTENT: The intent of this Agreement is to allow use of the UCJ by law enforcement for holding arrestees who require an arraignment in Ulster County.

AGREEMENT: The UCJ agrees to accept arrestees in custody of law enforcement to be temporarily housed within the UCJ and to safely, and securely, maintain custody of these individuals under the terms and conditions of the Agreement.

PROCEDURE: The following terms and conditions shall remain in effect for the duration of this agreement.

1. Arrestees in custody of law enforcement shall be accepted into the UCJ seven days a week, including holidays and weekends.
2. Prior to transporting an arrestee to the UCJ, the law enforcement agency will contact the UCJ at (845)340-3644 and request to speak with the Zone 2 Supervisor to confirm the availability of a holding cell.
3. The UCJ vehicular sally port will be utilized to provide a secure transfer from law enforcement to the booking area.
4. Any personal property of the arrestee should be logged in and secured in a property envelope by the law enforcement agency. The property envelope will be brought to the UCJ along with the arrestee in the event the arrestee makes bail or is released.
5. Arrestees with immediate medical needs will not be accepted for admittance to the UCJ. In the event the arrestee presents in need of immediate medical attention, UCJ medical provider will facilitate treatment until local EMS personnel arrive. Law enforcement will retain custody of the arrestee.
6. All bail eligible offenses, all Class A, B, C, D felonies, mandatory remands, and warrants are eligible for pre-arraignment detention. However, the following may be accepted for admission subject to the terms and conditions of the Agreement.

9. Law enforcement may choose to hold an arrestee in their custody until the Centralized Arraignment Part is available if the arrestee does not meet the requirements of this Agreement. If law enforcement elects to hold the arrestee, they must notify the Zone 2 Supervisor at (845)340-3644 of their intention to arraign the arrestee at the next scheduled arraignment time. The Zone 2 Supervisor will make the proper notification to all parties needed to conduct the arraignment.
10. The UCSO will conduct transfers from the UCJ to the Central arraignment part located in the Ulster County Law Enforcement Center. The UCSO will not be responsible for any transportation of any arrestee to any other court, the law enforcement agency originating arrest are responsible for such transportation.
11. If an arrestee is released at arraignment, UCSO will provide said arrestee with a phone call to obtain a ride. However, if the arrestee is unsuccessful in obtaining a ride, UCSO will provide (contracted) cab service request to any Ulster County destination only.

Signature/Printed name of Authorized City, Town, or Village Official

Date

Signature of Ulster County Sheriff

Date

Signature of Chair of the Ulster County Legislature

Date

A RESOLUTION TO AUTHORIZE THE SUPERVISOR/MAYOR FOR THE CITY/TOWN/VILLAGE OF _____ TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ULSTER COUNTY SHERIFF'S OFFICE PERTAINING TO THE TRANSFER OF CUSTODY OF ARRESTEES FOR ARRAIGNMENT BEFORE THE ULSTER COUNTY CENTRALIZED ARRAIGNMENT PART LOCATED AT THE ULSTER COUNTY LAW ENFORCEMENT CENTER

WHEREAS, New York State law allows counties to create off-hours, centralized arraignment parts ("CAP courts") to facilitate timely court processing and an individual's right to counsel at first appearance after arrest; and

WHEREAS, CAP courts aim to foster efficiency and ease logistical and administrative burdens by assigning off-hours arraignments to local criminal court judges according to a rotating, predetermined schedule; and

WHEREAS, CAP courts ensures that a judge within the county is always available to handle an arraignment; and

WHEREAS, the Ulster County Magistrate's Association ("UCMA") has approved the creation of a CAP court in Ulster County ("Ulster CAP court") and submitted a proposal to the Hon. Gerald W. Connolly, Administrative Judge New York State Third Judicial District for approval; and

WHEREAS, the Third Judicial District is in the process of approving both the plans and the protocol for the Ulster CAP court to be located at the Ulster County Law Enforcement Center ("UCLEC"); and

WHEREAS, the Ulster County Legislature has approved the funding for the assignment of Court Clerks and a public defender to be available for the Ulster CAP court; and

WHEREAS, a Memorandum of Understanding, ("MOU"), attached as Exhibit A, is now required to be executed between each municipality with a police agency located in Ulster County ("police agency") and the Ulster County Sheriff's Office ("UCSO"); and

WHEREAS, the MOU has been reviewed and approved by the Ulster County Attorney's Office and will be presented to the Ulster County Legislature for formal approval; and

WHEREAS, the MOU will permit the UCSO to take custody of the arrestees of a police agency and temporarily house the arrestee within the UCLEC; and

WHEREAS, the USCO agrees to safely, and securely, maintain custody of these individuals under the terms and conditions of MOU; and

WHEREAS, the Ulster County CAP court shall assure consistency in representation as well as the afterhours schedules of the city, town and village justices; and

WHEREAS, the Ulster County CAP court will result in a more efficient and effective police agency by removing the burdensome and time-consuming task of attempting to recruit a local Judge and public defender to perform an afterhours arraignment; and

WHEREAS, the Ulster County CAP court will allow the members of a police agency to more quickly return to other duties once the arrestee has been processed and transferred to the UCSO; now

OLD BUSINESS

1

CITY OF KINGSTON
Office of the Assessor
assessor@kingston-ny.gov

Steven T. Noble, Mayor



Daniel Baker, City Assessor

8/11/2023

Common Council President Shaut
City Hall
420 Broadway
Kingston NY 12401

Re: The Common Council Request to Value Property known as Jervis St (about 2,500 sqft +/- or 0.057 Acres +/-) adjacent to property owned by Boyd (SBL# 56.34-7-20), as described by City Engineer John Schultheis in the attached Schedule B.

Dear Madam President:

As requested I have completed the Determination of Value analysis of the above referenced property in accordance with the City of Kingston Code. In order to determine the value this Jervis St. section it was first necessary to determine the current market value of the property and then apply the valuation standards set forth in the City of Kingston Code. The City of Kingston Code requires that in determining the "price", the assessor shall consider "the reuse of the parcel for which it lends itself" and "the quality of the title".

The following assumptions are made in determining the value of the street:

- 1) The reuse of the property will be a used as a side yard/driveway and NOT as a separate developable piece of land.
- 2) The quality of the title will be "good, clear and marketable title"

This "Determination of Value" report sets forth the pertinent data gathered, the valuation technique used and reasoning leading to the determination of value in accordance with the City of Kingston Code.

It is my conclusion that value to the City of Kingston of the fee simple interest of the subject property (Property known as Jervis St (about 2,500 sqft +/- or 0.057 Acres +/-) adjacent to property owned by Boyd (SBL# 56.34-7-20)) described by City Engineer John Schultheis in the attached Schedule B with the assumptions as directed by the City of Kingston Code is:

SIX THOUSAND SEVEN HUNDRED DOLLARS
(\$6,700)

Please feel free to contact me or call me to committee with any questions.

Sincerely,

Daniel P Baker II
Assessor, City of Kingston

CITY OF KINGSTON
Office of the Assessor
assessor@kingston-ny.gov

Steven T. Noble, Mayor



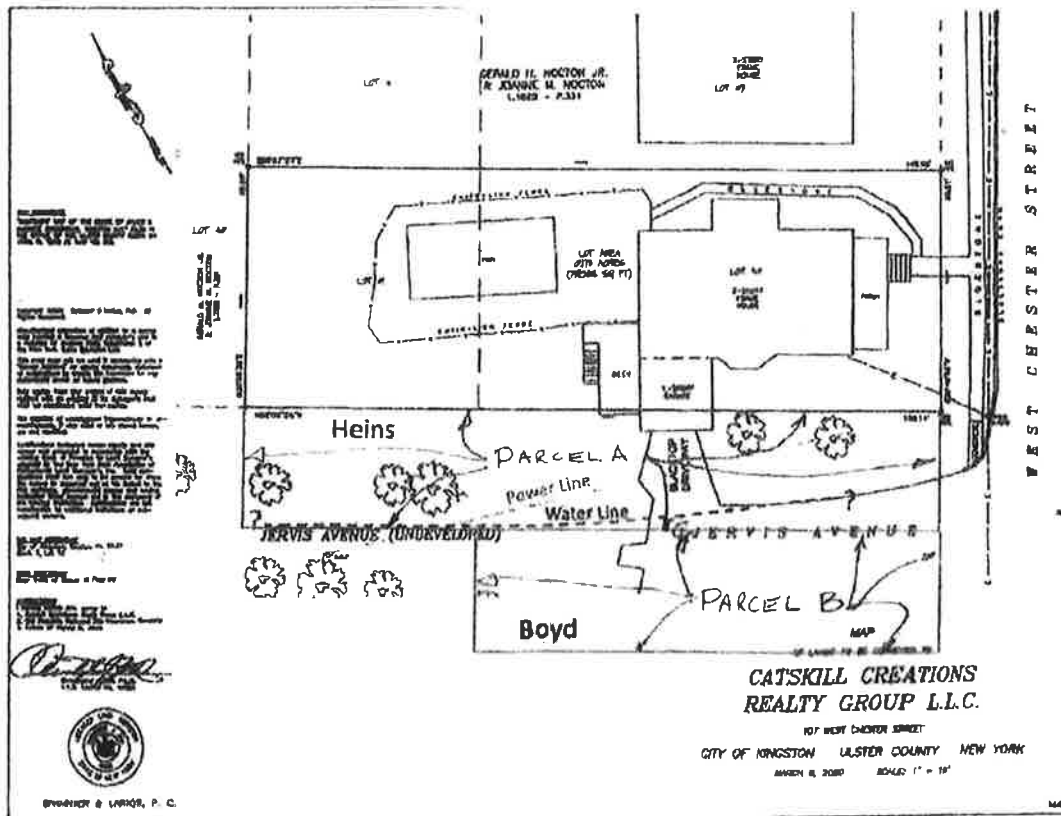
Daniel Baker, City Assessor

Determination of Value

Real Property owned by the City of Kingston

Property known as a portion of Jervis St (about 2,500 sqft+ or 0.057 Acres +/-) adjacent to property owned by Boyd (SBI.# 56.34-7-20).

City of Kingston, Ulster County, New York



Prepared in accordance with the City of Kingston Code

Part II: Article XIII, Section 335-61

CITY OF KINGSTON
Office of the Assessor
assessor@kingston-ny.gov

Steven T. Noble, Mayor



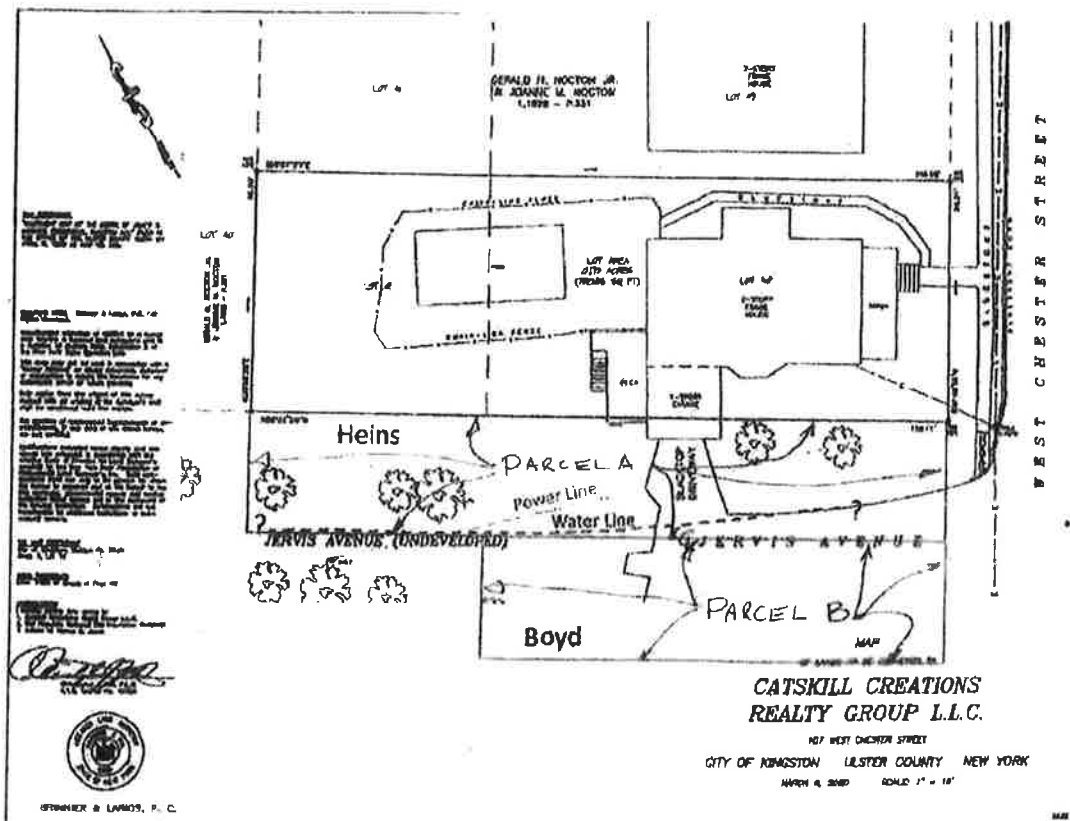
Daniel Baker, City Assessor

Determination of Value

Real Property owned by the City of Kingston

Property known as a portion of Jervis St (about 2,500 sqft+- or 0.057 Acres +-) adjacent to property owned by Boyd (SBL# 56.84-7-20).

City of Kingston, Ulster County, New York



Prepared in accordance with the City of Kingston Code

Part II: Article XIII, Section 335-61

2

CITY OF KINGSTON
Office of Corporation Counsel
bgraves@kingston-ny.gov

(L.R)

Steven T. Noble, Mayor



Barbara Graves-Poller, Corporation Counsel

June 26, 2023

Alderwoman At Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, New York 12401

Re: Vacant Property and Foreclosure Issues

Dear President Shaut:

My office has been working with the City's Assessor, Comptroller, Director of Building Safety, and Director of Housing Initiatives to strengthen aspects of the City's in-rem foreclosure processes, as well as our enforcement of Code provisions related to abandoned and vacant properties. We anticipate proposing a series of Administrative Code and fee schedule changes as part of this effort. As a first step, I ask that the following items be placed on the July 2023 Laws & Rules Committee agenda:

- Updating Chapter 178 of the Administrative Code: The Code's current procedures for appealing unsafe building determinations are outdated.
- Implementation of Chapter 179 of the Administrative Code: The Office of Corporation Counsel recommends conducting a joint discussion with the Director of Building Safety and Director of Housing Initiatives on resources required to better identify buildings that are not subject to vacant property registration by a bank and, more broadly, procedures to enhance the existing enforcement frame work.
- Amending Section 360-22 of the Administrative Code: The City needs to align its in-rem procedures with recent appellate authority.

If placed on the agenda, my office will circulate committee reports and proposed Code revisions at least 48 hours before the meeting. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Barbara Graves-Poller
Corporation Counsel