

**PROTECTIVE SERVICES COMMITTEE MEETING  
PUTNAM COUNTY OFFICE BUILDING  
ROOM #318  
CARMEL, NEW YORK 10512**

**Members: Chairman Gross & Legislators LoBue & Oliverio**

**Tuesday**

**November 12, 2013**

The meeting was called to order at 6:30p.m. by Chairman Gross who requested Legislator Oliverio lead in the Pledge of Allegiance. Upon roll call, Chairman Gross and Legislators Oliverio and LoBue were present.

Legislator Oliverio made a motion to accept the additional and waive the rules; Seconded by Legislator LoBue. All in favor.

**Item #3) Approval/Protective Services Committee Meeting Minutes:  
September 10th & October 7th 2013**

The minutes were approved as submitted.

**Item #4) Approval/Re-Appointment Putnam County Traffic Safety  
Board/Lieutenant James Oster**

Chair Gross made a motion to approve the Re-Appointment of Lieutenant Oster to the Putnam County Safety Board; Seconded by Legislator LoBue. All in Favor.

**Item #5) Discussion/NYSAC Resolution No. 161/Calling on the Governor and  
State Legislature To Continue to Partner with Counties To successfully Reform  
Juvenile Justice Programs While Avoiding Cost Shifts To Counties Departments  
of Social Services**

Probation Director Funicelli stated that a lot of these matters would be better addressed by DSS, Mental Health & Youth Bureau Commissioner Mike Piazza. Unfortunately he had a conflict with his schedule and was unable to attend tonight's meeting. He stated that there is some overlap between the Probation Department and Social Services, when it comes to juvenile justice. Therefore he will provide his feedback. He stated that the message that they continue to give the State is, do not pass a lot of legislation at the expense of the Counties. The proposed item has value, but it will generate more expenses to the County. He stated that he has the most information on the item that addresses the matter of raising the age of criminal responsibility to the age of 18. He did provide the Legislature with correspondence addressing this proposal, prior to tonight's meeting. He stated that New York is one of two States that still considers the age of criminal responsibility to be 16 years of age. He stated that North Carolina is the other State.

Legislator LoBue questioned what the hesitation would be to do this change.

Probation Director Funicelli stated that part of the hesitation is the fiscal issue. He stated that is his issue as well. He stated that the Probation Departments would be impacted. He explained currently a 16-17 year old goes through the Criminal Justice System like an adult. If this proposed change to the process were made, and the 16-17 year olds would be moved to go through the Family Courts System or a hybrid version of the Family Court System, it would have a direct impact on the Probation Departments work load. Essentially he explained that the intent is to treat them differently from an adult, because they are different from adults. They do not think the same and their behavior is different from adults. He stated the proposed design that is being laid out is a Criminal Court with a design of a Family Court. He stated that he fully supports that concept. He stated that this will have an impact on the Probation Department in that they would become more intake cases rather than criminal prosecution cases. He stated that the New York State Probation Department Association has clearly expressed that they need to be assured that funding will be provided to hire additional staff members to assist with the increase work load. He stated that they have been assured by the Office of Court Administration (OCA) that they would provide the funding. He stated that he is not aware of where the process is at this current time. He stated that Judge Jonathan Lippman is trying to move this forward. He stated that this has been a couple of years now that he has been trying to get this approved. He stated that the County wants to be a part of criminal justice reform that takes place at a State level. He stated that he does not want the result to be a financial burden on the County.

Legislator LoBue questioned if the funding issues are addressed in this proposed Resolution.

Probation Director Funicelli stated it is not.

Legislator LoBue stated that she strongly recommends that Putnam County add a clause to the NYSAC resolution referencing the need for the State to provide funding.

Legislator Oliverio stated that Commissioner Piazza will be attending the Health Meeting on November 14<sup>th</sup>, Thursday, he can provide his feedback and input on this matter at that time.

Legislator LoBue stated that she does not want this to become another unfunded mandate.

Chair Gross stated that they will not take any action on this item. He stated that it will be on the Health Meeting agenda on November 14, 2013, and they will have Commissioner Piazza provide his professional input on this proposal and take it from there. There was further discussion on the possible benefits of this amendment to the current State Law.

Probation Director Funicelli stated that he did want to point out that this amendment would not apply to all 16 & 17 year olds. He stated that the magnitude of the crime will be a key component to which processing would be appropriate.

**Item #6) FYI/Correspondence/Re: Putnam County Emergency Response Team  
6a. Dated November 5, 2013 Fr: County Executive Odell, Legislative  
Chairman Othmer, Jr., Sheriff Smith To: Supervisor Schmitt & Town  
of Carmel Board Members**

**6b. Dated October 24, 2013 Fr: Supervisor Schmitt & Town of Carmel  
Board Members To: County Executive Odell, Legislative Chairman  
Othmer, Jr., Sheriff Smith**

**6c. Dated October 1, 2013 Fr: County Executive Odell, Legislative  
Chairman Othmer, Jr., Sheriff Smith To: Supervisor Schmitt & Town  
of Carmel Board Members**

Legislator Othmer stated that this is a program that was developed when he first became a Legislator in 2008. He stated that the main concern with this team is disability costs. He stated he will provide a fake scenario to articulate the concern: If a Kent Police Officer who is also a member of the County's ERT, responds to an emergency situation with the ERT in Patterson and he got hurt; who will take on the financial burden of the disability costs? He stated that he tried to pull together a solution to this matter with the Law Department. However it was never completed; it is very complicated. He stated that he urges the Legislators to continue to be attentive to this matter. There has got to be a solution. In today's world the ERT is necessary. He stated that possibly an Intermunicipal Agreement (IMA) would be the answer.

Chairman Gross facilitated further discussion on this matter. They all agreed that it is a matter that will be addressed.

Legislator Nacerino questioned if the Legislature will be seeking legal assistance on this matter from the County Attorney's Office.

Legislator LoBue stated that this item tonight on the agenda is an FYI. However she stated that she does agree with her colleagues and this is a matter that needs to be looked at. She stated that eventually, yes the Law Department will be requested to assist with this matter.

**Item #7) FYI/Correspondence From: NYS Comptroller Office, T. Blamah,  
Chief Examiner To: County Executive Odell Dated: September 9, 2013 Re:  
Selection of Putnam County Probation Department for an audit – Duly Noted**

**Item #8) Other Business - NONE**

**Item #9) Adjournment**

There being no further business, at 6:55p.m., Legislator Oliverio made a motion to adjourn; Seconded by Legislator LoBue. All in favor.

Respectfully submitted by Diane Trabulsy, Deputy Clerk of the Legislature.