

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

Members: Chairman Gouldman & Legislators Gross & Wright

Monday **6:30p.m.** **January 25, 2016**

(Audit & Admin Mtg. will immediately follow)

The meeting was called to order at 6:30p.m. by Chairman William Gouldman. He led in the Pledge of Allegiance. Upon roll call Legislators Gross and Wright were absent. Chairman Gouldman was present. At the request of Chairman Gouldman, due to the absence of his Committee members, Legislators Nacerino and Castellano served as temporary members of the committee panel.

Item #3 - Approval/Protective Services Committee Meeting Minutes/Nov. 9 & Dec. 10, 2015
The minutes were approved as submitted.

Item #4 – Approval/2016 STOP DWI Plan for Putnam County

Director of Probation Funicelli stated the STOP DWI is funded by all of the DWI or the impaired driving fines collected in Putnam County throughout the year. He stated the fines are sent to the State from the Putnam County Courts, and as long as there is an operating STOP DWI program in Putnam County the funds will be returned to the County on a quarterly basis. He stated the funds are applied to cover the costs of a variety of items: Prosecution, Courts, Probation, Law Enforcement, Rehabilitation Programs, Public Information and Education, Administration and Evaluation. He stated as the STOP DWI Coordinator, he submits a plan yearly to the State of New York. He stated that once the State approves the submitted plan, then it is sent to the Legislature for review and approval.

Legislator Castellano made a motion to approve the 2016 STOP DWI Plan for Putnam County; Seconded by Legislator Nacerino. All in favor.

Chairman Gouldman made a motion to waive the Rules and Accept the Additional; Seconded by Legislator Nacerino. All in favor.

Item #5 - Approval/Budgetary Amendment (16A008)/To Establish the 2016 Asset Forfeiture Program/District Attorney's Office

- a) **Memo Dated: Jan. 20, 2016 To: District Attorney Tandy Fr: W. Gouldman, Chair Protective Services Committee Re: Protective Svcs. Mtg. 01-25-16/Cell Phones**
- b) **Memo Dated: Jan. 14, 2016 To: County Executive Odell Fr: W. Gouldman, Chair Protective Services Re: Protective Svcs. Mtg 01-25-16/Cell Phones**

District Attorney Tandy stated he would like the County Cell Phones for identified members of his department, the District Attorneys and the Investigators. He stated that he believes there are several reasons that support the need. He cited a case that occurred a year or so ago in which some of the Putnam County Assistant District Attorneys had been exchanging text messages with witnesses. He stated that should never be done under any circumstances. He stated as part of the Discovery Procedures all of those Cell Phones were taken for a period of time. He stated

from the standpoint of the personal contents on a personal cell phone such as contact information of family members is reason enough to see the need and justification of this request.

Legislator LoBue questioned if the phones were physically seized or were the records subpoenaed.

District Attorney Tendy stated that he was told that the phones were taken. He stated whatever scenario, taken or records subpoenaed; it is his opinion that it is a tremendous personal safety issue. He stated in terms of practicality when one of his employees is on call on the weekend he would require that person have their phone with them in order for him to have access to that person. He stated he does not have the jurisdiction to tell an employee that they must have their personal cell phone with them. He stated that he can tell them to have their work cell phone with them. He stated that he must apologize, he was not aware that he could not buy the Cell Phones for his department members. He stated that they already have them and are using the Cell Phones. He stated for the reasons of: security, practicality, business emails, personal reasons, safety reasons and evidentiary reasons he believes this request to be professionally appropriate.

Legislator Nacerino stated that she realizes the nature of the work of the District Attorney Office is highly confidential. She stated with that said, she believes all employees run the same risk. She stated the level of confidentiality certainly may be greater in some instance with the work of the District Attorney's office. She stated that her personal cell phone could be seized as well.

District Attorney Tendy stated it is his opinion that the Legislators should get County issued 'work' Cell Phones.

Legislator Nacerino stated that there are budgetary constraints preventing that.

District Attorney stated it is his opinion that budgetary constraints should not get in the way of what is safe and practical, that is his personal opinion.

Chair Gouldman stated in response to a request from Legislator Wright, referencing this matter, a list of County issued Cell Phones was requested from the Administration and the Sheriff's Department. He stated that there are 84 issued County Cell Phones and 79 issued County Cell Phones in the Sheriff's Department. He stated the practice of issuing County Cell Phones is already in place.

Legislator LoBue stated in reference to the list of County issued Cell Phones provided by the Administration she would like to request additional information. She stated that she was shocked by the employees on the list who have a County paid Cell Phone. She requested that a memo be sent by Chair Gouldman to the Administration and request what the dates were of when the phones were issued. She stated that she does agree and understand the need for the District Attorney's and the Sheriff's employees to have County paid Cell Phones. She stated in terms of the Legislators it is the discretion of each Legislator as to whether they receive their work e-mails or data on their personal Cell Phones.

Chair Gouldman confirmed that he would send a written request for the issuance date of the phones on the Administration's list. He requested a change be made for the review of the 2017 Budget and forward. He stated that he would like there to be a budget line listed for Cell Phones, in the departments it applies to. He stated currently Cell Phones are included under the "Telephone" budget line.

Commissioner Carlin stated he will look in to that for the 2017 Budget. He stated that he will have to look at the format that the bill comes in, that will determine the ability to separate the budget lines.

Legislator LoBue stated the Legislature's main responsibility is tracking the County spending. She stated the Legislature should have been notified of the issuing of the County Cell Phones. She stated she understands that certain employees in law enforcement, the highway department and the emergency services department need to have separate Cell Phones.

Chairman Gouldman confirmed that he will send the letter to the Administration. He stated he would like to focus back on the request in front of the Committee tonight. He questioned if there are any further questions on this matter.

Legislator Nacerino stated for the record, that she has no problem with District Attorney Tandy's request. She stated that she believed it necessary to point out the fact that there are many people throughout the County that transmit work information on their private Cell Phones. She stated that she agrees that no employee's safety should be jeopardized. She stated as the list is reviewed there may be some employees identified as not having the need, and that will be addressed at another time.

Chairman Gouldman made a motion to approve Budgetary Amendment (16A008)/To Establish the 2016 Asset Forfeiture Program/District Attorney's Office; Seconded by Legislator Castellano. All in favor.

**Item #6 - Approval/Resolution Authorization Inter-Municipal Agreement with The Board of Education of the Brewster Central School District For Emergency Shelters/
Commissioner Sutton**

Commissioner Sutton stated that the original resolution was amended in terms of not limiting it to one (1) reason for wanting to use the Schools for Shelters or warming centers or cooling centers or anything of that nature. Also, it was amended so it would not be limited to one (1) School Building. This matter has been worked on through the joint efforts of the County Law Department and the School District's Attorney. He stated the resolution in front of this Committee tonight is the final version that has been approved by the Schools. He stated that he believes moving forward this resolution will serve as a template as the County moves forward to work with other districts and municipalities in the County.

Chair Gouldman stated that this resolution puts the County in the role of taking full responsibility of this function.

Commissioner Sutton stated, basically that is correct. He stated that there were discussions regarding for example, custodial work at a school that would be used as a Shelter. He stated originally the document stated that the County would bring their staff in. However, after discussions it was decided that the Schools custodial teams, who are there every day know how to clean the schools better than an outsider. He stated in terms of liability the County has that responsibility. He stated in terms of expenses, if the incident is declared a Federal Emergency all expenses would be reimbursable.

Chairman Gouldman stated so presently there is no need. This request is so the proper paperwork will be in place in the event there is a need.

Commissioner Sutton stated that is correct. He stated that this will be a standing document that will be put into play when/if needed. He stated making the contacts with the School Staffs has been beneficial to this point.

Legislator LoBue stated that there was a reference made that this matter was discussed prior to tonight's meeting. She stated that she was not aware of that. She questioned when it was previously addressed.

Commissioner Sutton stated that there was an agreement, however the one in front of the Committee tonight is substantially different. He stated the previous document was very specific to the Schools and Indian Point related matters. He stated the wording in tonight's document runs the gamut.

Legislator LoBue stated that there was an issue with the distribution of handing out dry ice and water at the Mahopac Falls School after the last big storm. She stated she hopes this planning and communication will alleviate the confusion and issues that occurred.

Commissioner Sutton stated that folks often gravitate to the use of Schools in the times of disasters. However, when a community wants to return to normalcy as quickly as possible; if a School was used and there is a concern that as a result of the type of disaster, ex: biological agent, the School has been tainted and makes returning to normalcy difficult. He stated for that reason he has been working with the Administration to develop relationships with Community Centers, and other areas that could be called upon. He stated that he will look into the matter that occurred with the dry ice and water distribution, referenced by Legislator LoBue. He stated with his years of experience in this field, usually when there is a problem most of the time it comes down to a breakdown in communication. He stated that planning ahead and designating the location (s) that the distribution of needed supplies will occur and notifying all the necessary agencies is critical to avoiding any problems or confusion.

Legislator LoBue stated that she agrees and in addition that information of the designated locations should be advertised to the residents pending a forecasted storm.

Legislator Nacerino stated that the same issue existed in her Legislative District with the coordination and distribution of the dry ice and water. She stated that she is glad to see that steps

are being taken to correct that. She questioned if the Administration is looking to move forward to get agreements with other School Districts.

Commissioner Sutton stated yes. He stated there have been conference calls taking place with the Superintendents. He stated the next one, which he believes is tomorrow, is scheduled with the Garrison Schools Superintendent. He stated the purpose of the calls with the Superintendents is to go over contact information and discuss what the Schools' expectations are of the County and what the County expects from the Schools in terms of an emergency situation. He stated that there is an advantage that Putnam County is one (1) of the four (4) "Radiological Counties" (The Four Counties are: parts of Westchester, Putnam, Rockland and Orange) because it puts a lot of structure and awareness to the need for preparedness. He stated that the State Education Law requires School Districts to participate with local Emergency Managers on plans and the School Facilities must be made available in times of a declared disaster.

Chairman Gouldman made a motion to Approval/Resolution Authorization Inter-Municipal Agreement with The Board of Education of the Brewster Central School District For Emergency Shelters; Seconded by Legislator Nacerino. All in favor.

Item #7 - Approval/Budgetary Amendment (16A002)/To Account for the Grant Procured Pursuant to the Award Letter (Reso #277/2015 Grant Application)

Legislator Nacerino made a motion to Approve and move to the Audit & Administration Committee Budgetary Amendment (16A002)/To Account for the Grant Procured Pursuant to the Award Letter; Seconded by Legislator Castellano.

Item #8 - Approval/Budgetary Amendment (16A004)/NYS Governor's 2015-2016 Police Traffic Services Grant has been Reduced-This Amendments will adjust the current 2016 Budget to the approved level of Federal funding/Sheriff's Department

Undersheriff Convery stated that this is a standing Grant that is used to fund different details in the Sheriff's Department. He stated that this is a Police Traffic Services Grant. He stated as an example funding from this grant could go towards Seat Belt Enforcement. He stated he would like to introduce Captain Christian who is the Acting Road Patrol Captain and was in attendance with him. He stated these State funds are utilized to a great degree within the Sheriff's Department.

Legislator Nacerino made a motion to Approve and move to the Audit & Administration Committee; Seconded by Legislator Castellano. All in favor.

Undersheriff Convery requested confirmation that the Legislature has received the Board-In Report. He stated that it is a positive report, the goal for the year was met.

Legislator Castellano stated that the report has been received and will be addressed by the Audit & Administration Committee immediately following this meeting.

**Item #9 - Approval/Budgetary Amendment (16A007)/FY15 Homeland Security Grant
Awarded to Bureau of Emergency Services Grant Period 09-01-2015 through 08-31-2018
(Reso #91/2015 Grant Application)**

Chairman Gouldman made a motion to Approve and move to the Audit & Administration Committee; Seconded by Legislator Castellano. All in favor

Item #10 – Correspondences/FYI: - Duly Noted

- a) **Date: Jan. 8, 2016 To: NYS Emergency Medical Services Council Fr: County Executive Odell Reg: Putnam County seeking a Municipal Certificate of Need (County EMS Services)/FYI**
- b) **Date: Dec. 30, 2015 To: County Executive Odell Fr: Town of Carmel Supervisor Schmitt Re: Police Consolidation Study- Recommendation to Terminate Current Study/FYI**
- c) **Date: Jan. 7, 2016 To: Town of Carmel Supervisor Schmitt Fr: County Executive Odell Re: Consolidation of Police Services/FYI**

Item #11 - Other Business

- a) **FYI/Response from First Deputy Negro Re: Transcare Corporation Lawsuits – Duly Noted**

Item #12 – Adjournment

There being no further business, at 7:00 P.M., made a motion to adjourn; Seconded by Legislator Nacerino. All in favor.

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