

THE PUTNAM COUNTY LEGISLATURE

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Toni E. Addonizio *Chairwoman*
Neal L. Sullivan *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Carl L. Albano	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Neal L. Sullivan	Dist. 9

AGENDA
PROTECTIVE SERVICES COMMITTEE MEETING
TO BE HELD VIA AUDIO WEBINAR
PURSUANT TO TEMPORARY EMERGENCY ORDERS
Members: Chairman Jonke & Legislators Nacerino & Sullivan

Tuesday

6:00PM

July 14, 2020

(Immediately Following Personnel Mtg @ 6:00PM)

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval/ Protective Services Committee Meeting Minutes/ June 9, 2020**
- 4. Approval/ FY2020 Emergency Management Performance Grant (EMPG) to the Protective Services/ Deputy Commissioner Bureau of Emergency Services Robert Lipton**
- 5. Other Business**
- 6. Adjournment**

July Protective
#3

PROTECTIVE SERVICES COMMITTEE MEETING
Held via Audio Webinar Pursuant to Temporary Emergency Orders

Members: Chairman Jonke & Legislators Nacerino & Sullivan

Tuesday

6:00PM

June 9, 2020

The meeting was called to order at 6:00PM by Chairman Jonke who requested Legislator Albano lead in the Pledge of Allegiance. Upon roll call Legislators Nacerino and Chairman Jonke were present. Chairman Jonke confirmed that Legislator Sullivan joined the Audio Webinar moments later.

Item #3 - Approval/ Protective Services Committee Meeting Minutes/ May 12, 2020

Chairman Jonke stated the minutes were accepted as submitted.

Item #4 - Approval/ Fund Transfer (20T103)/ Cover Overtime Expenses Due to Two Full-Time Dispatcher Vacancies for Month of May/ Sheriff Langley (also review by Personnel Committee)

Chairman Jonke stated this matter will also be reviewed by the Personnel Committee. He stated the fund transfer is in the amount of \$8,285.46.

Chairman Jonke stated he would like to digress a moment. He stated he would like to remind his colleagues of the following: please identify themselves when speaking, he will open up discussion on each item to the members of the Committee first and then open the discussion up to the other members of the Legislature, please mute your microphone when you are not speaking and please wait to be recognized by the Chair. He stated he does not believe this will happen, but if things get out of control, he will be forced to mute all the microphones.

Legislator Sullivan stated there have been many discussions regarding the Dispatchers. He stated Sergeant Monroe and several of the Sheriff's Deputies presented a plan to use civilians instead of deputies as Dispatchers. He stated also the nine (9) School Resource Officers (SROs) are available, since there are no schools in session. He stated to see overtime related to the Dispatchers is a little bit concerning. He requested that someone from the Sheriff's Department speak to what is driving the overtime.

Sheriff Langley stated the document clearly states the two (2) vacancies are due to retirement. He stated they have been utilizing three (3) SROs in the Communications Division to help alleviate the overtime. He stated they do have employees taking vacation, and those shifts are covered by overtime. He stated currently there is no Civil Rights List that has been released and the old list is expired. He stated so they cannot hire full-time dispatchers to fill those vacancies at this time.

Chairman Jonke made a motion to approve Fund Transfer (20T103) Cover Overtime Expenses Due to Two Full- Time Dispatcher Vacancies for Month of May; Seconded by Legislator Nacerino. All in favor.

Item#5 - Approval/ Fund Transfer (20T099)/ Cover Temporary Expenses Due to Two Full-Time Dispatcher Vacancies for Month of April/ Sheriff Langley (also review by Personnel Committee)

Chairman Jonke stated this fund transfer is in the amount of \$3,856.82.

Legislator Montgomery stated she did contact New York State regarding the availability of the Civil Rights List the Sheriff referenced. She stated that the Dispatcher test was issued in January 2020. She stated she asked them what is causing the delay of publishing the list. She stated they explained they have a new testing process and COVID-19 have both contributed to the delay. She stated she was told they should have an answer shortly of when they will be issuing the list.

Legislator Nacerino stated she had planned to contact Personnel Director Eldridge regarding the delay of the release of the Dispatcher List. She thanked Legislator Montgomery for that update.

Chairman Jonke made a motion to approve Fund Transfer (20T099)/ Cover Temporary Expenses Due to Two Full-Time Dispatcher Vacancies for Month of April/ Sheriff Langley; Seconded by Legislator Nacerino. All in favor.

Item #6 - FYI/ Fund Transfer (20T097)/ Purchase Vest for New Hire/ Sheriff Langley –

Duly Noted

Item #7 - Discussion/ Sheriff's Department Sharing of Disciplinary Records/ Sheriff Langley

Chairman Jonke stated the Legislature has requested the ability to examine disciplinary records pertaining the Sheriff's Department for quite some time. He stated the Legislature has never intended for any of this information to be made public. He stated that he believes it to be more important now for the disclosure of this information in light of the recent happenings in Minneapolis. He stated an Officer with a long history of complaints now faces murder charges. He stated you wonder if his Supervisors could have prevented this tragedy. He stated as elected officials, we become aware of incidents after litigation has begun. He stated as co-employers of the personnel in the Putnam County Sheriff's Office, the Legislators have an obligation to our constituents to be mindful of complaints of disciplinary charges. He stated the Sheriff has hidden behind Civil Rights Law 50-a to prevent the Legislature from learning about disciplinary actions at the Putnam County Sheriff's Office. He stated the legal basis has been proven to be refuted by both Legislative Counsel and the Putnam County Law Department. He stated personally he finds it outrageously reprehensible to have read a post, by our Putnam County Sheriff, on his social media page filled with out and out lies. He stated he believes our constituents deserve more from their elected officials. He stated Civil Right Law 50-a was repealed today from the democratically controlled Senate in New York State. He stated it will

soon be passed by the democratically controlled Assembly and it is promised to be signed by the democratic Governor Andrew Cuomo. He stated today is a sad day for the good men and woman of law enforcement in all of New York State. He stated as Chairman of the Protective Services Committee, for over two (2) years, he has done his best to help the Sheriff's Office. He cited the different matters he has supported and stated he always works to be in the corner of law enforcement. He stated he enthusiastically moved forward with the appropriation of almost \$10 million to build a new communications system which will benefit the County's Deputies, Emergency Services Personnel and our Constituents. He stated again the Legislature does not and never intended to make any information provided public. He stated the Legislature is a coequal branch of government and are entitled to the information to protect the public.

Legislator Nacerino stated she also read the social media posting by Sheriff Langley. She stated although she believes it was a good will effort to appease and offer reassurance it also seemed to incite and divide. She stated this Legislature never requested names and addresses of Deputies. She continued by stating nor would the Legislature be inclined to do so. She stated no member of this Legislature requested unfettered access to personnel records arbitrarily for members of the Sheriff's Department. She stated what the Legislature asked for was accountability. She stated this conversation ensued upon discussion of disciplinary actions taken when violations occur, should confidential data be exposed, or any wrongdoing occurs. She stated the Legislature, as a governing body, should be apprised of such information. She stated the matter also came into discussion with several lawsuits pending, which could ultimately cost the taxpayers thousands, and thousands of dollars. She stated the Legislature asked what measures are taken. She stated the response was that the information for those instances could not be divulged. She stated she does not believe the inquiry was off the mark. She stated there is certainly evidence now throughout the Country whereby calls for accountability and transparency are deemed paramount. She stated for the record, she supports law enforcement and does not support defunding the police departments. She stated she believes this matter took a negative spin because of rumors and miscommunication. She stated she looks forward to working with the Sheriff's Department in a mutual effort to best serve the People of Putnam County.

Legislator Sullivan stated that he agrees with much that has been stated. He stated the Legislature has never asked for personal home addresses or even their names. He stated over many years the Legislature has requested information and are stonewalled by the Sheriff. He stated in this instance the Sheriff stated the Legislature was not privy to the information that was being requested. He stated as County Legislators there is really no information anywhere in the County that this governing body cannot have access to. He stated especially when the matters would be addressed in executive session, which is a confidential meeting. He stated it has been a disheartening answer from the Sheriff, when the Legislators are working to gather critical information that would provide answers to situations that have occurred. He stated the County Legislature and the County Executive have stood behind the Putnam County Residents and Law Enforcement in terms of protecting personnel records. He stated there are circumstances when Legislators should be apprised of information. He stated that he looks forward to the future and the Sheriff providing much more information when it is requested.

Legislator Albano stated he agrees with his colleagues Jonke, Nacerino and Sullivan. He stated the County is exposed to a lot of litigation. He stated it is important that law enforcement acts in

an appropriate manner. He stated that he believes they do for the most part. He stated it is a moral obligation that things are done correctly.

Legislator Montgomery requested confirmation that Chairman Jonke and Legislator Sullivan did not request personnel records from the Sheriff's Department in the Fall of 2019 and again in April 2020. She continued requesting confirmation that the Sheriff informed them that information is protected under the Civil Rights Law 50-a.

Chairman Jonke stated he never asked for personnel records. He clarified the discussion which ensued in relation to the Sheriff Department's use of Automatic License Plate Readers (ALPR), is when the discussion of the Legislature receiving disciplinary reports.

Legislator Montgomery stated maybe it was Legislator Sullivan who requested the personnel records from the Sheriff's Department. She stated Sheriff Langley explained the personnel records of his employees were protected under the Civil Rights Law 50-a, at that time. She stated Civil Rights Law 50-a was put in place "to prevent unwarranted fishing expeditions into a police officer's personnel file". She stated that she believes that is what was being done specific to the discussion of ALPR.

Chairman Jonke stated Legislator Montgomery is twisting things. He stated for her to mix up the ALPR with disciplinary reports, is fictional. He stated Civil Rights Law 50-a was to protect officers in litigation. He stated again, it is a sad day for all law enforcement in New York State today, with the repeal of Civil Rights Law 50-a.

Legislator Montgomery stated at the March 2020 Full Legislature meeting she was chastised for raising questions about staffing, funding and preparedness of the County's Health Department in the face of COVID-19. She stated at said meeting Legislator Nacerino replied to her by stating the Legislature is not here to micromanage the County Departments, if there is a need demonstrated that the Legislature needs to take action then that would occur. She questioned why the Legislature is micromanaging the Sheriff's Department, if not to harass the County's Sheriff and his team. She questioned why Sheriff Langley is not trusted to deal with discipline matters in his own department. She stated Sheriff Langley has introduced a mandated de-escalation training. He stated this Sheriff took the initiative to bring the de-escalation training to his staff and has gotten the Deputies out of their cars and into our neighborhoods. She stated for the past two (2) weeks Sheriff Langley has stood at public protests. She stated she and his Deputies stood alongside of him. She stated no other Legislators attended in an act of showing support for the police or stood with the people at these protests or the vigils. She stated at every protest the Sheriff stated unequivocally the high ethical standards he holds for his department and his absolute intolerance of bad action among his ranks. She stated Legislator Sullivan seems obsessed with the possibility of a breach of protocol with the ALPR data by the deputies. She questioned what drives that obsession, what exactly is he worried about. She stated in all the ways this Legislature should be engaging with the our departments and show our support, why are you choosing this issue to cause a controversy. She stated the details were not vetted when the Legislature was addressing the Commissioner of Health's response to COVID-19. She stated there was no micromanaging done and the details were not a concern when he was appointed the Commissioner of Health without a Public Health Degree, et al. She stated now this Sheriff is all

about doing the right thing and is faced with micromanaging. She continued by quoting minutes of support for work done by members of the Sheriff's Department regarding the ALPR.

Chairman Jonke stated he does not agree that this Legislature is micromanaging the Sheriff's Department. He stated a request was made for a specific report. He stated a report is provided on a daily basis from the Health Department regarding the COVID-19 cases. He stated no one from the Health Department ever said the Legislature could not have a report or that the reports are protected. He stated there is no micromanaging. He stated Legislator Montgomery used the words "twisting things", he stated in his opinion that is what was just done by Legislator Montgomery.

Legislator Sullivan stated there were so many distortions in the comments made by Legislator Montgomery. He stated the general statements made by Legislator Montgomery, were made with no facts. He questioned if Legislator Montgomery has any documents showing that he and or Legislator Jonke had ever requested personnel files. He stated he has stated many times, he has no problem with ALPRs. He stated like anything else done in the County and in any business, you have to have policies and procedures that would control the data and discuss how the information will be treated. He stated there is an IT Policy, Personnel Policy and the Sheriff's Department has a book full of policies and procedures. He stated he wants the Sheriff's Department to have the ALPRs once a policy is in place. He stated as Legislators they can discuss and ask any questions of the different County offices. He stated that Legislator Montgomery has stated that there are Legislators who do not trust the Sheriff's Department. He stated he does not believe that Legislator Montgomery trusts the Health Department based on how she has treated the members of that Department. He stated that she has been unkind at the very least with the accusations made towards the County's Commissioner of Health recently and in the last year. He stated it is his opinion, that behavior is unbecoming of a Legislator. He stated he believes the Sheriff is doing a fine job. He stated with that said the Legislature is allowed to ask questions and get answers and information on circumstances. He stated a topic he would like to discuss with the Sheriff is his Department's Pursuit Policy. He stated he learned of an event that occurred and would like Sheriff Langley to explain more of this. He stated approximately two (2) weeks ago one (1) or two (2) Putnam County Deputies were involved in a pursuit that took them through several counties. He stated in the process there was a maneuver performed that damaged a Putnam County Sheriff's Department vehicle extensively. He stated he believes that is the type of information that should be brought to the Legislature's Protective Services Committee. He stated and perhaps it would require an executive session. He stated these events are very important. He stated the liability is extremely high for the County. He stated the number of cases and the amount of money the County has paid out on the Lawsuits is tremendous, and a waste of taxpayers' money. He stated as a Legislator he wants to know when things happen, what exactly occurred, what was the Sheriff's response, provide details of the circumstances and explain to this Legislature so that each Legislator is informed of matters that occur in our Sheriff's Department.

Legislator Nacerino stated to be honest this sounds more like a political rally than anything else, at this point in time. She stated that she stands behind what she said, "we do not micromanage Department Heads". She stated she has never made any overture to micromanage the Putnam County Sheriff's Department. She stated she and some of her colleagues did inquire about

whether or not disciplinary records can be shared with this Legislative Body. She stated there was no intent for the Legislature to have any enforcement over the actions or directives in relation to the action. She stated Legislators should be apprised of bad situations and kept informed on what is going on. She repeated the request that is the focus of this discussion, is whether the disciplinary information can be shared with the Legislature. She stated she took an oath of office and will continue in her capacity as a Putnam County Legislator to uphold that oath. She stated to say this Legislature is trying to infiltrate or tell the Sheriff what to do as a Department head, is a grand fallacy. She stated the intent is to be informed of what is going on in the County's Sheriff Department because it is important. She stated in light of the circumstances that have occurred in other areas of our country involving Police Officers, this is a matter of critical importance.

Legislator Albano stated he is saddened and frustrated that the Legislators do not stay on topic with the agenda items. He stated this topic is a discussion about the sharing of the Sheriff's Department Disciplinary Records. He stated in light of what has been happening across the Country in the past few weeks, as Legislator Nacerino stated, he does not understand how anyone can question this. He stated he believes it is important for the Legislature to be reviewing the Sheriff's Department Disciplinary Records. He requested his colleagues stick to the topic.

Legislator Addonizio stated she wanted to reiterate that this Legislature never requested any names, addresses or any confidential information to be released. She stated for clarification she is totally supportive of the Putnam County Sheriff's Department and Police Departments. She stated she has voted in support of the Sheriff's Department requests for K-9s, Drones, School Resource Officers and School Patrol Officers, just to name a few. She totally supports the Sheriff's Department. She stated she agrees with Chairman Jonke, this is a sad day, due to the repeal of Civil Rights Law 50-a. She stated for the record in light of the protests that are occurring, she has heard from many of her constituents, who have expressed grave concern, about the consideration to defund Police Departments.

Legislator Castellano stated back to the issue at hand, the talk about Police Reform is a Nationwide topic right now. He stated this discussion of providing the disciplinary records to the Legislature has been discussed in the past. He questioned the Sheriff as to whether it would be possible to provide the Legislature with a quarterly or semi-annual report with the necessary information redacted. He stated the Legislature does not need the Officers names. He stated a code could be set up by the Sheriff's Department identifying the Officers such as assigning a number to each officer. He further explained, just as an example, all the Legislators upon their review of such report see "Officer #1" is on the Disciplinary report more than once, they contact the Sheriff to get a status of the situation with said Officer and whether additional training is needed for "Officer #1". He stated that would be helpful to the Legislators as they work to protect taxpayer dollars. He stated he believes we are co-employers, and this is what he would propose be done.

Chairman Jonke stated it seems this Legislature was always entitled to the Disciplinary Records of the Sheriff's Department. He stated there was a dispute with the Sheriff as to whether that was the case or not. He stated unfortunately based on what is happening in our State Capital, all of this information will end up being open to the public. He stated that is why it is a sad day for law

enforcement in New York State. He stated he would next give Sheriff Langley the opportunity to speak to this matter.

Sheriff Langley stated he would like to begin by encouraging all the Legislators to read his post thoroughly and take a step back and read it again to clearly understand it. He stated at no time did he accuse the Legislative Body of wanting to release any information to the members of the Public. He stated if anyone has any questions about it, please contact him. He stated he would be happy to talk about it. He stated in his post that certain members of the Legislature did want access to that information, which has been admitted tonight. He stated Legislator Nacerino confirmed in her statement tonight that Personnel Records were requested. He stated in those Personnel Records there is personal information.

Legislator Nacerino stated that is not accurate. She stated that there have been instances and in moving forward, that the Legislative Body should be apprised of Disciplinary Action taken. She stated she did not ask for personnel files or personal information. She continued to explain the reason this committee is even having this conversation today is because of an opposing interpretation of the Civil Rights Law 50-a. She continued to reiterate her earlier statements.

Chairman Jonke read a portion of the Sheriff's post, "some members of the Legislature and other members of County Government want to have unfettered access to personnel records of the members of the Putnam County Sheriff's Department". He continued and read, "he has stood before the Legislature more than once on the record in public meetings opposing access to personnel records as some members persist to have those records released". He stated what he read from Sheriff Langley's post is 1,000% untrue.

Sheriff Langley stated there are past meetings when he was asked why the Legislature could not have access to personnel records. He stated that his response was always the same, "under the Civil Rights Law of New York State Section 50-a does not permit me to release them". He stated this Legislature could have issued a Legislative Subpoena. He stated this is all a moot point now. He stated the Legislative Body is good at sending resolutions to the State requesting certain laws not be passed. He stated he does not recall this Legislature sending a resolution to New York State asking and urging them not to pass the repeal of Civil Rights Law 50-a. He stated in reference to Legislator Castellano's request, he has an issue with giving information to the Legislative Body. He stated there has been confidential information shared, in the past, with certain individuals of the public and it has shown up on social media sites. He stated that he needs to determine where the leak is. He stated he is not accusing this Legislature of doing it. He stated by him withholding the information from this Legislature it eliminates the Legislators as a potential suspect of being the one giving the information to the public. He stated that he recognizes the problem may be in his Office.

Chairman Jonke stated he has never requested personnel records. He stated he cannot remember any other Legislator who requested personnel records, other than a disciplinary report. He stated in reference to the Sheriff's comment regarding the Civil Rights Law 50-a reform; the package was pushed through in a matter of a day or two (2). He stated it was pushed through by the Democratically controlled State Legislature and the Governor. He stated there were no public

hearings, no police unions were involved, it was done in a matter of days. He stated to imply this Legislature merely took no action is, in his opinion, disingenuous.

Legislator Sayegh stated to reiterate what was stated by Legislator Sullivan, no one is against the ALPR tool. She stated she wants to make sure that there is a sound policy in place. She stated also regarding the Sheriff posting on social media, Facebook, she is disappointed. She stated that she does not believe the County Sheriff in a professional manner, should be having discussions related to County business on such a platform. She stated this Legislative Body, the Sheriff and the members of the Public are much better served to have these discussions at a Legislative meeting. She stated that she too is saddened that the Civil Rights Law 50-a will be repealed. He stated the intent of said law was to protect law enforcement. She stated she is very supportive of the Putnam County Sheriff and the Deputies.

Legislator Gouldman stated he agrees with much of what was said this evening by his colleagues. He stated this is a moot point since the Senate, Assembly and the Governor will approve the Repeal of Civil Rights Law 50-a. He recommends the Protective Services Committee move forward with its agenda.

Chairman Jonke stated he is very supportive of the law enforcement. He explained that he has gone above and beyond to assist the Sheriff's Department in getting something accomplished this week, that fizzled away today. He stated Sheriff Langley is aware of the work that he put forward to help, he wants to be clear that he is in total support of the men and women of the Putnam County Sheriff's Department.

Legislator Montgomery stated in 2015 there was a case of police brutality in the Putnam County Sheriff's Department. She stated, as she recalls, that the Legislators at that time made no comment, nor any action that demonstrated that they were addressing it. She stated the current Sheriff of Putnam County has introduced training and needs more funding for the training in de-escalation. She stated that is critical training and very much needed. She stated someone made a statement about defunding the Police. She stated that she hopes that is not a consideration of the Legislature. She stated since Sheriff Langley has been in office, his budget has been cut. She stated her hope is that the Sheriff's Department will be provided the funding for the necessary tools and training that they need. She stated she has seen Sheriff Langley in the past few weeks getting berated by members of the public and he de-escalated the situations, one on one at the rallies. She stated he is standing with his rank and file and standing with his people, while following the letter of the law. She stated the Sheriff was following the Civil Rights Law 50-a when members of the Legislature were requesting information, said information was not legal for the Sheriff to share, now that will change.

Chairman Jonke stated the Sheriff's opinion that he was not permitted to share the requested information has been refuted by Legislative Counsel and the County's Law Department. He stated also for the record, the Legislature has not cut the Sheriff's Department budget.

Legislator Sullivan stated Legislator Montgomery mentioned that training is desperately need, he would like to know her basis for making that comment. He stated as Legislator Montgomery should know, part of the negotiated contract that was just agreed to with the Sheriff's Deputies

and Police Benevolent Association (PBA) included what was requested in terms of training. He stated it was totally based on the request made by the Sheriff's Department in terms of what they need. He stated to say training is desperately needed without any facts or backup is just a reckless comment. He stated he would like to request that the Sheriff repeat his comments about suspects and that he needs to eliminate the Legislature as a suspect.

Sheriff Langley stated his comments have been recorded, so they can be listened to for the exact wording. He stated what he was communicating is that there is a leak somewhere and ways to eliminate leaks you need to plug up certain areas to find where the leak is.

Chairman Jonke requested clarification that the Sheriff does not want to provide information to the Legislature because he is afraid the Legislators will leak it.

Sheriff Langley stated he needs to eliminate possibilities of where a leak is.

Chairman Jonke stated this is a yes or no answer.

Sheriff Langley stated it is not a yes or no answer. He stated also for clarification, the Legislators are not co-employers. He stated that the County Executive and Sheriff are co-employers. He stated in fact the Legislators stated that they are not co-employers during the contract negotiations, therefore they were not involved with the negotiation of contracts.

Legislator Nacerino stated for the record she was the one who stated she would not be in favor of defunding the Police Department. She stated tonight's conversation has been negative and she does not believe it has to be. She stated all we all want is what is best for the people of Putnam County. She stated the Legislature does respect the Sheriff's Department and she believes that respect has been demonstrated many times over. She stated the Legislature has confidence in our Sheriff's Department. She stated these are tough times that are upon us. She stated that she believes it would be better to join forces and work in a more coherent way for the betterment of the people in Putnam County. She stated the Sheriff is 100% correct, the Legislators are not co-employers.

Legislator Sayegh stated in reference to Sheriff Langley's statement about plugging up the Legislature by not providing information, the Legislature is an elected body of government that represents the taxpayers, the people who fund the County itself. She stated cutting off information deemed shareable with the Legislature is cutting off the taxpayers and the people the Sheriff's Department protect. She stated she disagrees with that aspect.

Legislator Addonizio stated she wanted to clarify that she has been contacted by many of her constituents after seeing the rallies and the vigils on Facebook and they had concerns because people were seen holding signs that read "defund the police". She stated for the record she does not support defunding the police, nor do her constituents.

Legislator Castellano stated he was the one who used the term co-employers. He stated for clarification he meant that Putnam County and the Sheriff's Department are obviously Putnam County Employees. He stated he recommends if New York State does repeal Civil Rights Law

50-a that this Legislature send a letter to the State and our local State representatives communicating that we are not in support of that. He stated he believes the Sheriff will also be willing to sign said letter. He stated he does not see why it would not be possible for the Legislature to receive even a semi-annual report to see what is going on in the Sheriff's Department. He stated he is not looking for the report to have any personal information. He stated the purpose for the Legislators is for the purpose of when Legislators need to vote on a settlement of a lawsuit and see the same names come up, it can be taken care of. He stated he sees that as being part of the financial responsibility to the residents of Putnam County. He stated he has no doubts that the Sheriff is doing a fantastic job. He stated but he would like to see a redacted report with no names on it and believes it can be easily done. He stated again he would like to be on record that he would be in favor of penning a letter to the State saying we are not in favor of the Repeal of Civil Rights Law 50-a.

Sheriff Langley stated he just received news that the Repeal of Civil Rights Law 50-a has been passed out of the Senate and Assembly, it is on its way to the Governor's Office. He stated the Governor has publicly stated he is in support of the appeal. He stated his appreciation to Legislator Castellano for his recommendation to send a letter, but it is too late.

Legislator Sullivan communicated that the Legislature has been responsive to the Sheriff's Department in many instances. He cited a time when an update was requested on a matter that occurred in Mahopac, but the Sheriff's Departments reached out to the Legislature and expressed concern about discussing the matter for safety reasons. The Legislature agreed. He stated unfortunately months later, there has been no information provided on the incident. He stated the Legislature needs to be informed, and there is no information that should not be shared. He stated with confidential information it will be addressed in Executive Session as it always it. He stated he wants to make sure the taxpayers are receiving the best services they can for the money.

Sheriff's Captain Ortolano stated for clarification, the actual bill to repeal Civil Rights Law 50-a, (50-a) was originated in the beginning of 2019. She stated the Sheriff's Association and the PBA submitted letters opposing the consideration of the repeal. She stated as far as the Law, 50-a, the position of the Sheriff's Department, which she acknowledged differs from the interpretation of others. She stated the Sheriff's Department position is that 50-a does not confer unrestricted and unfettered power. She stated the Sheriff's Department is not trying to hide bad acts. She stated their purpose is to protect the civil rights and the personal rights of the Sheriff's Deputies. She continued to explain her interpretation. She stated she acknowledge that the Legislature has the right to these documents if it is in furtherance of the Legislature's official functions. She stated pursuant to County Law 209 an investigation could be conducted and records can be requested and subpoena records. She stated that is what the Sheriff's Department wanted the request of the Legislature pursuant to an official function. She stated the fact that the matter is addressed in an Executive Session does not prove that it is part of an official function. She stated she knows that the County Attorney did provide a legal interpretation as well. She stated that that there is a section that they provided that reiterated what she stated. She explained the County Law Department cited that the only information to be turned over not only has to be done in Executive Session, but it should only consist of file determinations made to the Sheriff's Disciplinary Background not unsubstantiated complaints. She stated in summary an open

investigation, that information cannot be shared with the Legislature because it is not a final determination.

Chairman Jonke stated the Legislature was not requesting information related to an open investigation.

Captain Ortolano stated there was a mention of a quarterly report. She stated they could not include the unsubstantiated complaints.

Chairman Jonke stated there is some confusion with this request.

Senior Deputy County Attorney Dina DiBlasi stated the memorandum she submitted to the Legislature provided an explanation to the inquiry to the Law, which has now been repealed, and what the cases say, offering in support of the law itself, with the exception that applies to the disclosure of disciplinary records and the parameters that were outlined for that disclosure in the Attorney General's opinion for the purpose of an official government function.

Legislator Montgomery stated she is sensing that it was unclear what Protective Services Chairman Jonke and Legislator Sullivan were asking for. She stated to her as an employer in the past, she does know the real difference between records of disciplinary action and Personnel Records. She stated she believes they fall under the same lines. She stated she can understand the frustration of her colleagues requesting information and not getting it. She stated it is much like the information she has requested from the County's Health Department. She stated the response she received would be a violation of the HIPAA (Health Insurance Portability and Accountability Act) Rights. She stated that she believes we can do a better job about getting information from the different County Departments, because we need the information to do our jobs as Legislators.

Chairman Jonke stated he would next be asking Under Sheriff Cheverko to address this matter. He stated he is on the line and has been waiting to speak.

Under Sheriff Cheverko stated in his many years in different roles in Law Enforcement in Westchester County, he can say he never provided a briefing to the Board of Legislators in Westchester County on ongoing or current investigations. He stated those are not privileged conversations. He stated discipline is an adverse employment action and subject to lawsuits, he wanted to provide that information to this discussion. He recommended that as a group a meeting be held with the County Attorney to discuss what information is permissible to be shared.

Legislator Albano stated we all understand that ongoing investigations cannot be shared. He stated the information that has been requested is once a decision is made on a disciplinary action matter, he would like to know what disciplinary action was taken.

Under Sheriff Cheverko stated even the final outcome is subject to litigation and a federal lawsuit. He stated as an employer they need to adhere to the strict guidelines.

Legislator Montgomery stated the 50-a law has been repealed, so the information that was requested is available. She stated she hopes moving forward we can all do a better job in communicating with the different departments to get information that is needed. She stated she was directed to go to the Health Department's website to get the information she was looking for and stop requesting it from the Health Department. She stated maybe the Sheriff's Department could do the same. She stated she wanted to thank the Sheriff and his Deputies for all they do and particularly in the past weeks. She stated on behalf of her district she thanked the Sheriff and his Deputies for attending the many rallies that were very moving and very peaceful. She stated at times she knows the Sheriff was up against some aggression, but his handling of those incidents kept things very calm. She stated she wanted to thank Sheriff Langley from the bottom of her heart for keeping the people safe and allowing them to exercise their first amendment right.

Chairman Jonke read a portion of the legislation that was passed in the Senate today. He stated again he sees this as a sad day for law enforcement and is ashamed that New York State did this.

Sheriff Langley explained the repeal of 50-a will also affect Firefighters and the EMS Personnel.

Legislator Sullivan stated that Legislator Montgomery listed Chairman Jonke and himself only. He stated Legislator Nacerino is a member of the Protective Services Committee also. He stated over the past three (3) years the Legislature has never received a report about any disciplinary action taken by the Sheriff. He stated he would like this to change moving forward. He stated he would like to see this as part of a normal report that the Legislature receives directly from the Sheriff's Department. He stated that he would also like to thank the Sheriff and his Deputies for their hard work this past week. He stated it is a tough time in this area and in the rest of the Country. He stated their efforts allowed people to do what they wanted in a safe and healthy manner.

Item #8 - Update/ NYS Commissioner of Corrections Evaluation of the Inmate Population in Putnam County Jail - Recommended Number of Officers on Duty/ Sheriff Langley

Chairman Jonke stated this came from a conversation at the May 12th Protective Services Committee Meeting. He stated Legislator Sullivan requested that an evaluation be conducted by the Commissioner of Corrections of the County's Inmate population versus the number of Officers required to be on duty. He requested that Sheriff Langley provide a status of this matter.

Sheriff Langley stated after the May 12th meeting he contacted the Director of Operations for the NYS Commissioner of Corrections. He stated the response was that they would be happy to conduct a staffing analysis, but they are not available to do it until sometime in 2021. He stated if the Legislature would provide a letter requesting a staffing analysis be conducted, he would be happy to follow up with the Director of Operations and get the analysis scheduled. He stated since COVID-19, they are cancelling their yearly cycle reviews for 2020.

Item #9 - Update/ Town of Southeast Fireworks Event- Projected Security Costs/ Sheriff's Department/ Sheriff Langley

Chairman Jonke stated that he and Legislator Castellano serve on the Southeast Fireworks Committee. He has asked Legislator Castellano to speak to this item.

Legislator Castellano stated he would like to begin by stating Sheriff Langley has done a wonderful job the past years with providing security at this annual event and at a much more manageable price. He stated as always, the Fireworks Committee began planning this event in January 2020. He stated the firework company was selected and the date, July 3 was chosen to hold the event. He stated unfortunately the event cannot be held, unless the County is in Phase IV of the COVID-19 Re-Opening, which is being run by the Governor. He stated the projection is that Phase IV will begin July 7th. He explained he had been told that the Phase IV date was going to move up to start on July 3rd. He stated at this point with no confirmation of that a decision had to be made. He stated the Fireworks Company has been working with them and the fund raising fell short compared to past years. He stated they have decided to move the Fireworks Celebration to August 22, 2020. He stated that date will coordinate with the Brewster Fire Departments 150 anniversary. He stated this will be a great celebration of our First Responders, Essential Workers and America. He stated that it will be in honor of their sacrifice and dedication through the past months. He requested that the Sheriff's Department plan to provide the coverage as in past years at the August 22 event.

Sheriff Langley requested that the request be sent in writing. He stated he will draw up a response plan.

Item #10 - Other Business

Chairman Jonke made a motion to waive the Rules and approve the Other Business; Seconded by Legislator Nacerino. All in favor.

- a) **Approval/ Revise Resolution #99 of 2020- Budgetary Amendment (20A022)/ Sheriff's Department BCI Public Safety NYS Division of Criminal Justice Services Grant**

Chairman Jonke explained a correction must be made to resolution #99 to make sure the funding comes out of the appropriate budget line.

Chairman Jonke made a motion to approve Revise Resolution #99 – Budgetary Amendment (20A022); Seconded by Legislator Sullivan All in Favor

Item #11 - Adjournment

There being no further business at 7:25PM Chairman Jonke made a motion to adjourn; Seconded by Legislator Nacerino. All in favor.

Respectfully submitted by Deputy Clerk of the Legislature Diane Trabulsy.

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

Toni E. Addonizio *Chairwoman*
Neal L. Sullivan *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Carl L. Albano	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Neal L. Sullivan	Dist. 9

AGENDA
PROTECTIVE SERVICES COMMITTEE MEETING
TO BE HELD VIA AUDIO WEBINAR
PURSUANT TO TEMPORARY EMERGENCY ORDERS
Members: Chairman Jonke & Legislators Nacerino & Sullivan

Tuesday **6:00PM** **June 9, 2020**

1. Pledge of Allegiance
2. Roll Call
3. Approval/Protective Services Committee Meeting Minutes/ May 12, 2020
4. Approval/ Fund Transfer (20T103)/ Cover Overtime Expenses Due to Two Full-Time Dispatcher Vacancies for Month of May/ Sheriff Langley (also review by Personnel Committee)
5. Approval/ Fund Transfer (20T099)/ Cover Temporary Expenses Due to Two Full-Time Dispatcher Vacancies for Month of April/ Sheriff Langley (also review by Personnel Committee)
6. FYI/ Fund Transfer (20T097)/ Purchase Vest for New Hire/ Sheriff Langley
7. Discussion/ Sheriff's Department Sharing of Disciplinary Records/ Sheriff Langley
8. Update/ NYS Commissioner of Corrections Evaluation of the Inmate Population in Putnam County Jail - Recommended Number of Officers on Duty/ Sheriff Langley
9. Update/ Town of Southeast Fireworks Event- Projected Security Costs/ Sheriff's Department/ Sheriff Langley
10. Other Business
11. Adjournment



PUTNAM COUNTY
BUREAU OF EMERGENCY SERVICES

MaryEllen Odell, County Executive

CC: SW Protective 7-14-20
APPROVE
#4



Kenneth W. Clair
Commissioner

Robert A. Lipton
Deputy Commissioner

Casey B. Quake
Director of EMS

MEMORANDUM

To: Paul Jonke, Chairman, Protective Services
From: Robert A. Lipton, Dep. Comm.
Re: August Protective Services
Date: July 7, 2020

2020 JUL - 7 AM 10:43
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

I would like to add the FY2020 Emergency Management Performance Grant (EMPG) to the Protective Services agenda for August. The performance period for this Grant is from January 27, 2020 through July 31, 2021.

The amount of the Grant is \$21,798 with 50% matching in kind and it will be used for salaries. The information package is attached.

Thank you.



**Homeland Security
and Emergency Services**

FY2020

Local Sub-Recipient Program Guidance

**Emergency Management Performance Grant
COVID-19 Supplemental (EMPG-S)**

NYS Division of Homeland Security and Emergency Services (DHSES)

Applications Due by 5:00 p.m. on July 16, 2020

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Program Overview and Requirements

Overview

The FY2020 Emergency Management Performance Grant COVID-19 Supplemental (EMPG-S) provides funding to assist local emergency management agencies with their public health and emergency management activities supporting the prevention of, preparation for, and response to the ongoing Coronavirus Disease 2019 (COVID-19) public health emergency. Through this funding opportunity, funding will be made available to county emergency management agencies to support planning and operational readiness for COVID-19 preparedness and response, development of tools and strategies for prevention, preparedness, and response, and ongoing communication and coordination among federal, State, local, and tribal partners throughout the response.

The authorizing authority for this program is the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Div. B (Pub. L. No. 116-136); section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), as amended (Pub. L. No. 109-295) (6 U.S.C. § 762); Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.); Earthquake Hazards Reduction Act of 1977, as amended (Pub. L. No. 95-124) (42 U.S.C. §§ 7701 et seq.); and National Flood Insurance Act of 1968, as amended (Pub. L. No. 90-448) (42 U.S.C. §§ 4001 et seq.). The appropriation authority for this program is the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Div. B (Pub. L. No. 116-136).

Priorities

In general, the priorities under this funding opportunity will address the State and local response to the COVID-19 public health emergency. In keeping with FEMA Administrator Gaynor's priorities as outlined in his April 28, 2020 letter to EMPG-S grant recipients, FEMA, as the lead federal agency coordinating the nation's response to COVID-19, has identified the areas most needed to continue an effective response and meets the CARES Act EMPG-S requirement that the funding must be used to prevent, prepare for, and respond to COVID-19: These areas are:

1. Review, modify and/or execute logistics and enabling contracts to increase capability to stockpile and provide the necessary resources needed to stabilize lifelines (e.g. PPE, food, water, buildout of medical facilities, etc.);
2. Modify evacuation plans to account for limited travel options and increased time needed for health care facilities in a COVID-19 environment;
3. Identify mass care and shelter options that meet CDC guidance and mitigate risks to your communities and most vulnerable citizens; and
4. Emphasize collection, analysis, and sharing of data to strengthen decision support capabilities.

EMPG-S funding also can be used to assist emergency managers with implementing community lifelines to prevent, prepare for, and respond to the COVID-19 public health emergency. The lifelines concept simplifies incident information to provide decision makers with clearly identified impacts to critical community services and root causes that inform response and recovery actions. FEMA's [Community Lifelines Implementation Toolkit](#) provides whole community partners the information and resources to understand lifelines and to coordinate with entities using lifelines. The toolkit serves as basic guidance for how to implement the lifeline construct during incident response. Examples of areas eligible for funding under this funding opportunity include, but are not limited to:

1. Data Collection and Analysis
2. Plan Development
3. Jurisdictional Recovery
4. Information Sharing
5. Emergency Public Information and Warning and Risk Communication
6. Logistics and Supply Chain Management
7. Development of Distribution Management Plans

Consistent with 2 C.F.R. Part 200, none of the funds awarded under the EMPG-S program may duplicate the same costs already paid for with funding from FEMA's Public Assistance Program or any other Federal program. In addition, funding in this grant program is not eligible to be used to pay the non-Federal cost share under other Federal grant programs and/or pay back loans with the Federal government, unless expressly allowed under the terms of the Federal award.

EMPG-S sub-recipients may only fund activities and projects that are for the purpose of preventing, preparing for, and responding to the coronavirus and are allowable within the rules prescribed by FEMA under the EMPG-S program. Funds from this award shall not be used for activities unrelated to coronavirus prevention, preparedness, or response.

Program Requirements

NIMS Implementation

All sub-recipients must ensure and maintain adoption and implementation of the National Incident Management System (NIMS). Emergency management and incident response activities require carefully managed resources (personnel, teams, facilities, equipment, supplies) to meet incident needs. Information on FEMA's NIMS Resource Typing can be accessed online: <https://www.fema.gov/resource-management-mutual-aid>. DHSES engages counties statewide regarding NIMS and annually captures information regarding NIMS compliance. Updates to NIMS Typing have occurred this year, please review carefully. Every county must maintain a NIMS point of contact and supply DHSES with any requested information in support of the NIMS compliance reporting.

Cost Match

The FY 2020 EMPG-S program has a cost-share requirement. The recipient contribution can be cash (hard match) or third-party in-kind (soft match). The federal share of funds made available under the program shall not exceed 50 percent (50%) of the total budget. Unless otherwise authorized by law, Federal funds cannot be matched with other Federal funds. FEMA administers EMPG Program cost matching requirements in accordance with 2 C.F.R. §200.306.

To meet matching requirements, the sub-recipient contributions must be verifiable, reasonable, allowable, allocable, and necessary under the grant program and must comply with all Federal requirements and regulations.

Environmental and Historic Preservation

Sub-recipients proposing projects that have the potential to impact the environment, including, but not limited to, modification of existing buildings, structures, and facilities, must participate in the DHS/FEMA EHP review process.

The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by DHS/FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties. Please contact your Division of Homeland Security and Emergency Services (DHSES) Grants Program Administration (GPA) Contracts Representative if you have questions or if your project will require an EHP review.

Single Audit Report

For fiscal years beginning on or after Dec. 26, 2014, recipients that expend \$750,000.00 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report, also known as a “single audit” report.

The audit must be performed in accordance with the requirements of Government and Accountability Office’s (GAO) Government Auditing Standards, located at <https://www.gao.gov/yellowbook/overview>, and the requirements of Subpart F of 2 C.F.R. Part 200, located at <http://www.ecfr.gov/cgi-bin/textidx?node=sp2.1.200.f>.

Disability and Limited English Proficiency Integration

Preparedness grant recipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, recipients are encouraged to consider the needs of individuals with disabilities and limited English proficiency in the activities and projects funded by the grant.

FEMA expects that the integration of the needs of people with disabilities and limited English proficiency will occur at all levels, including planning, alerting, notification, public outreach, training, and protective action implementation.

The following are examples that demonstrate the integration of the needs of people with disabilities and limited English proficiency in carrying out FEMA awards:

- Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
- Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
- Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
- Ensure shelter-specific grant investments are in alignment with FEMA's Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters.
- Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
- Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
- Establish best practices in inclusive planning and preparedness that consider physical access, language access, and information access. Examples of effective communication access include providing auxiliary aids and services such sign language interpreters, Computer Aided Real-time Translation (CART), and materials in braille or alternate formats.

EMPG-S grant sub-recipients can fund projects towards the resiliency of the whole community, including people with disabilities and limited English proficiency provided that the project aligns with the EMPG-S program.

Application Format and Content

Eligible Applicants

Counties and the City of New York are eligible to apply for funds to assist emergency management agencies with preventing, preparing for, and responding to the COVID-19 public health emergency. An allocation derived from a population-based formula will be provided to each potential applicant under separate cover.

Applications must be completed in the required format described below and submitted via email to the DHSES Grants Inbox at Grant.Info@dhses.ny.gov. **Applications that are not received by the due date may not be considered for funding.**

Period of Performance

The period of performance for the EMPG-S local grant program is from January 27, 2020 through July 31, 2021. Applications should only include projects that can be completed by July 31, 2021.

Application Requirements and Due Date

All applications must be submitted by 5:00 p.m. on July 16, 2020. Applicants must use the EMPG-S Application Worksheet (Microsoft Excel format spreadsheet) to submit all required information. Applications must be submitted to DHSES by emailing the EMPG-S application worksheet in Microsoft Excel (not pdf) format to grant.info@dhses.ny.gov.

The Local EMPG-S application worksheet must include the following details:

- Programmatic, fiscal, and signatory points of contact on the “Contact Information” tab (mandatory for all applicants)
- Staff and budget data for EMPG-S and non-EMPG-S funded staff on the “Personnel Data Table” tab (all fields are mandatory for all applicants)
- A roster of EMPG-S funded staff and staff utilized as match on the “Staffing Roster” tab. All fields on this form including salary information are required if staff are being funded by EMPG-S or being used as match.
- A short narrative summary (250 words or less) of the proposed project for which Local EMPG-S funds will be used and budget information on the “Budget” tab (mandatory for all applicants). **Description must include how the proposed use of EMPG-S funds will help you prevent, prepare for, and respond to COVID-19.**

Applicants are encouraged to consult with their DHSES Contract Representative at 1-866-837-9133 to discuss the eligibility of potential projects. For more information on allowable costs, please refer to Exhibit A: Allowable Cost Guidance.

Grant Contracting Process

Any resulting contract or agreement for the EMPG-S program is contingent upon the continued availability of funding and will be effective only upon approval by the New York State Office of the Comptroller and the Office of the Attorney General.

DHSES will use the E-Grants system to contract with local applicants. Once the projects have been approved by DHSES, GPA staff will enter grant information into E-Grants and when complete, DHSES staff

will contact the sub-recipient's authorized point of contact to accept the certified assurances within the E-Grants system.

Sub-recipients must agree to DHSES terms and conditions included in DHSES grant contracts. Sample grant contract language, including but not limited to Appendices A-1 and C are available for review on the DHSES website at <http://www.dhSES.ny.gov/grants/forms-egrants.cfm>

Minority and Women-Owned Businesses

Pursuant to New York State Executive Law Article 15-A, New York State Division of Homeland Security and Emergency Services recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises and the employment of minority group members and women in the performance of New York State Division of Homeland Security and Emergency Services contracts. Minority and women-owned business enterprises can be readily identified on the directory of certified businesses at: <https://ny.newnycontracts.com/>.

All qualified Applicants shall be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Consistent with 2 CFR §200.321, non-Federal contracting entities must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

For purposes of this solicitation, applicants and subcontractors are hereby notified the State of New York has set an overall goal of **30% for MWBE participation** or more, **15% for Minority-Owned Business Enterprises**

("MBE") participation and **15% for Women-Owned Business Enterprises** ("WBE") participation, based on the current availability of qualified MBEs and WBEs for your project needs.

An Applicant on any contract resulting from this procurement ("Contract") must incorporate the affirmative steps above into its grant management policies and procedures.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Applicant and subrecipients will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Uniform Administrative Requirements, Costs Principles, and Audit Requirements

The U.S. Department of Homeland Security adopted 2 C.F.R. Part 200. Now that DHS has adopted 2 C.F.R. Part 200, these regulations will apply to all new Federal Emergency Management Agency (FEMA) grant awards that are made on or after December 26, 2014. These regulations will supersede 44 C.F.R. Part 13, and the Office of Management and Budget (OMB) Circulars A-21, A-87, A-89, A-102, A-110, A-122, A-133, and sections of A-50 for all FEMA awards made on or after December 26, 2014. This means that recipients of EMG-S funding must follow new administrative requirements and Cost Principles codified in 2 C.F.R. Part 200 instead of the previous regulations in 44 C.F.R. Part 13.

Quarterly Reports

The Division of Homeland Security and Emergency Services (DHSES) Grant Program Administration (GPA) unit will utilize the E-Grants system for quarterly reporting.

- ✓ **Please contact your DHSES Contract Representative at 1-866-837-9133 if you need assistance in completing the Quarterly Report.**
- ✓ **All applicants are required to complete and submit the EMPG Quarterly Reports (and applicable attachments) electronically. Submission of the materials must be completed in the E-Grants electronic grants management system.**

Completed work products, e.g., plan revisions, etc., that support the completion of a work item should be submitted with the report. DHSES Contract Representatives will verify program accomplishments during programmatic monitoring visits at the sub-recipient's offices.

Allowable Costs

Costs charged to this award must be consistent with the Cost Principles for Federal Awards located at 2 C.F.R. Part 200, Subpart E.

Management and Administration (M&A)

M&A activities are those directly relating to the management and administration of the EMPG-S funds, such as financial management and monitoring. The sub-recipient may retain a maximum of 5 percent of EMPG-S funds awarded for M&A purposes associated with the EMPG-S award.

Direct Costs

The following provides a summary of allowable direct costs under this program. Such costs are allowable only to the extent that they support activities associated with preventing, preparing for, and responding to the COVID-19 public health emergency.

- 1) Planning: Planning costs are allowed.
- 2) Organization: Organization costs are allowed.
- 3) Equipment: Equipment costs are allowed.
- 4) Training: Training costs are allowed.
- 6) Consultants/Contractors: Hiring of full-time or part-time contract planners or consultants to assist with planning and training activities is allowable under this program. Hiring public safety personnel fulfilling traditional public safety duties is not an allowable cost under this program.
- 7) Travel: Domestic travel costs are allowed. International travel is not an allowable cost under this program unless approved in advance by DHS/FEMA.
- 8) Rental of Real Property: Rental of real property space/locations is allowable under this program to support emergency management operations, including planning and training activities in a manner consistent with 2 C.F.R. § 200.432. Recipients are encouraged to use free public space/locations, whenever available, prior to the rental of space/locations.
- 9) Supplies: Supply costs are allowed.
- 10) Construction and Renovation: Construction and renovation costs are allowed.
- 11) Maintenance and Sustainment: Maintenance and sustainment costs are allowed.

Please refer to **Exhibit A** of this guidance document for additional information on allowable costs.

Unallowable Costs

Grant funds may not be used for:

- Supplanting – grant funding cannot replace (supplant) funds that have been appropriated for the same purpose.
- Costs to support hiring sworn public safety officers for the purposes of fulfilling traditional public safety duties.
- Activities and projects unrelated to COVID-19 planning, prevention, or response.
- Consistent with 2 C.F.R. Part 200, none of the funds awarded under EMPPG-S may duplicate the same costs already paid for with funding from FEMA's Public Assistance Program or any other Federal program.
- Exercises are not allowable under the EMPG-S program.

Exhibit A: Allowable Cost Guidance

Allowable costs under the FY 2020 EMPG-S program are limited to emergency management activities that support State, tribal, and local governments efforts relating to the prevention of, preparation for, and response to the ongoing Coronavirus Disease 2019 (COVID19) public health emergency. Consistent with 2 C.F.R. Part 200, none of the funds awarded under this NOFO may duplicate the same costs already paid for with funding from FEMA's Public Assistance Program or any other Federal program. Such costs generally fall within the following categories: Planning, Organization, Equipment, and Training. The following provides allowable cost guidance for each category:

Planning

Planning makes it possible to manage the entire life cycle of a potential crisis. Strategic and operational planning establishes priorities, identifies expected levels of performance and capability requirements, provides the standard for assessing capabilities and helps stakeholders learn their roles. The planning elements identify what an organization's Standard Operating Procedures (SOPs) or Emergency Operations Plans (EOPs) should include for ensuring that contingencies are in place for delivering the capability during a large-scale disaster. This includes development of policies, plans, procedures, mutual aid agreements, strategies, and other publications. Planning also involves the collection and analysis of intelligence and information to support development of Incident Action Plans and other strategic, operational, or tactical planning activities. Recipients are encouraged to refer to FEMA planning guidance available at:

www.fema.gov/plan, <https://www.fema.gov/national-preparedness-system>,

<https://www.fema.gov/national-planning-frameworks>. In addition, the U.S. Department of Health and Human Services (HHS) and Centers for Disease Control (CDC) offer a wealth of planning resources for health and emergency management officials at:

<https://www.phe.gov/emergency/Tools/Pages/default.aspx>, <https://asprtracie.hhs.gov/COVID-19>,

and <https://emergency.cdc.gov/planners-responders.asp>.

Allowable planning activities include the development or updating of plans required to support COVID-19 prevention, preparedness, and response. Such plans or planning activities may include, but are not limited to:

- Emergency Operations Plans (EOPs)
- Incident Action Plans
- Communications Plans
- Crisis/Risk Communications
- Emergency Public Information and Warning Plans
- Logistics/Supply Chain Management Planning
- Resource Management and Allocation Plans
- Distribution Management Plans
- Public Health and Safety Plans
- Responder Health and Safety Plans

- Fatality Management Plans
- Medical Countermeasure Plans

Organization

Per the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, (42 U.S.C. §§ 5121-5207) and Coronavirus Aid, Relief, and Economic Security (CARES) Act, Div. B (Pub. L. No. 116-136), EMPG-S funds may be used for emergency management operations, staffing, and other day-to-day activities in support of preventing, preparing for, and responding to the Coronavirus Disease 2019 (COVID-19) public health emergency. Proposed staffing activities must be linked to accomplishing the activities outlined in the applicant's EMPG-S proposed budget and work plan. Personnel costs, including salary, overtime, compensatory time off, and associated fringe benefits, are allowable costs with EMPG-S funds. Contracted personnel are also allowable under this category. These costs must comply with 2 C.F.R. Part 200, Subpart E – Cost Principles.

Equipment

Allowable equipment categories are listed on the web-based version of the Authorized Equipment List (AEL) at <https://www.fema.gov/authorized-equipment-list>. Unless otherwise stated, equipment must meet all mandatory regulatory and/or FEMA-adopted standards to be eligible for purchase using these funds. In addition, agencies will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment. Allowable equipment includes equipment from the following AEL sections:

- Personal Protective Equipment (PPE) (Section 1)
- Information Technology (Section 4)
- Interoperable Communications Equipment (Section 6)
- Detection Equipment (Section 7)
- Decontamination Equipment (Section 8)
- Medical Equipment (Section 9)
- Power Equipment (Section 10)
- Physical Security Enhancement Equipment (Section 14)
- CBRNE Logistical Support Equipment (Section 19)
- Other Authorized Equipment (Section 21)

General Purpose Vehicles: In addition to the above, general purpose vehicles may be procured in order to carry out the responsibilities of the EMPG-S. If recipients have questions concerning the eligibility of equipment not specifically addressed in the AEL, they should contact their DHSES Contracts Representative for clarification. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Large equipment purchases must be identified and explained. For more information regarding property management standards for equipment, please reference 2 C.F.R. Part 200, including 2 C.F.R. §§ 200.310, 200.313, and 200.316.

Critical Emergency Supplies: Critical emergency supplies such as shelf stable products, water, and basic medical supplies—are an allowable expense under EMPG-S. Each state must have DHS/FEMA’s approval of a five-year viable inventory management plan prior to allocating grant funds for stockpiling purposes. The inventory management five-year plan should include a distribution strategy and related sustainment costs if the grant expenditure is over \$100,000.

Training

EMPG-S funds may be used for a range of emergency management-related training activities to enhance the capabilities of state and local emergency management personnel assigned to support the COVID-19 public health emergency. Allowable training-related costs include the following:

- **Funds Used to Develop, Deliver, and Evaluate Training:** Includes costs related to administering training, such as planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment. Training should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills.
- **Overtime and Backfill:** Overtime costs, including payments related to backfilling personnel, which are the direct result of attendance at DHS/FEMA and/or approved training courses and programs are allowable. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of DHSES. In no case is dual compensation allowable.
- **Travel:** Travel costs (e.g., airfare, mileage, per diem, and hotel) are allowable as expenses by employees who are on travel status for official business related to approved training.
- **Hiring of Full- or Part-Time Staff or Contractors/Consultants:** Full- or part-time staff or contractors/consultants may be hired to support direct training-related activities.
- **Certification/Recertification of Instructors:** Costs associated with the certification and re-certification of instructors is allowed.

Construction and Renovation

Construction and renovation projects for a local government’s principal Emergency Operations Center (EOC), as defined by the State Administrative Agency (SAA) are allowable under the EMPG-S. However, such projects must be completed within period of performance of the FY 2020 EMPG-S grant program. Please contact your DHSES Contracts Representative for additional requirements if you are considering a construction or renovation program for your EOC with EMPG-S funds.

If you are considering applying for funds to construct communication towers, please contact your DHSES Contracts Representative for additional requirements related to the construction of communication towers.

Maintenance and Sustainment

Use of DHS/FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active grant awards.

EMPG-S grant funds are intended to support the Goal and fund activities and projects that build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats and hazards that pose the greatest risk to the security of the Nation.

Applicants are reminded that any proposed maintenance and sustainment projects must directly relate to the COVID-19 public health emergency.



Homeland Security
and Emergency Services

ANDREW M. CUOMO
Governor

PATRICK A. MURPHY
Commissioner

July 2, 2020

The Honorable MaryEllen Odell
Putnam County Executive
Putnam County Office Building
40 Gleneida Avenue, 3rd Floor
Carmel, NY 10512

Dear Ms. Odell:

I am pleased to inform you that Putnam County is awarded \$21,798 under the FY2020 Emergency Management Performance Grant COVID-19 Supplemental (EMPG-S) program. Funding for this grant is provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA). The New York State Division of Homeland Security and Emergency Services (DHSES) will administer this funding on behalf of FEMA. The performance period for this grant is from January 27, 2020 through July 31, 2021.

The FY2020 EMPG-S program provides funding for emergency management agencies to prevent, prepare for, and respond to the COVID-19 public health emergency. All proposed projects must have a clear nexus to COVID-19. The FY2020 EMPG-S application documents and grant guidance are being sent to your designated program points of contact. In order for DHSES to provide these critical funds to you as quickly as possible, your application must be submitted to DHSES no later than July 16, 2020. If you need assistance in completing your application, please contact the DHSES Grants Program Administration Office at (866) 837-9133.

Thank you for your continued support of New York State's homeland security efforts. DHSES remains committed to providing you with outstanding support in the administration of your homeland security programs. If you have any questions, please contact my Program Manager of Grants Program Administration, Eric Abramson, at (518) 402-2123.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick A. Murphy".

Patrick A. Murphy
Commissioner

cc: Robert Lipton, Deputy Commissioner, Putnam County Emergency Services

Please fill-in the appropriate contact information requested below:

Contact Information - Application

Jurisdiction Name	<input type="text"/>
Primary Point of Contact	<input type="text"/>
Responsible Agency	<input type="text"/>
Address	<input type="text"/>
Phone Number(s)	<input type="text"/>
E-Mail Address	<input type="text"/>

Contact Information - Fiscal

Fiscal Point of Contact	<input type="text"/>
Responsible Agency	<input type="text"/>
Address	<input type="text"/>
Phone Number(s)	<input type="text"/>
E-Mail Address	<input type="text"/>

Contact Information - Signatory

Authorized Signatory Contact	<input type="text"/>
Responsible Agency	<input type="text"/>
Address	<input type="text"/>
Phone Number(s)	<input type="text"/>
E-Mail Address	<input type="text"/>