

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

Members: Chairman Jonke & Legislators Nacerino & Sullivan

Tuesday

December 8, 2020

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

Item #3 - Approval/ Protective Services Committee- Police Policy Review Panel Meeting Minutes/ Nov. 10 and Nov 24, 2020

Chairman Jonke stated the minutes were accepted as submitted.

Item #4 - Discussion/Approval/ Proposal: Putnam County Automated License Plate Reader (ALPR) Equipment & Policy/Legislators Nacerino & Sullivan

Chairman Jonke stated he would provide a brief timeline of this matter that led to it being on this agenda. He stated in October of 2019 the Sheriff's Department requested the Legislature reinstate \$15,000 in the Sheriff's Department Other Equipment budget line for the purchase of Automated License Plate Readers (ALPR). He stated at that time the Sheriff was asked to create an ALPR Policy before we would entertain the purchase of any more ALPRs. He stated December 2019 the District Attorney attended a Legislative meeting and expressed his support for the use of ALPRs and stated they are truly useful law enforcement tools. He stated the District Attorney listed the different types of cases the ALPR has proven to be very useful on: Amber Alerts, Homicides, Kidnapping, Drug Trafficking Cases etc. He stated the Putnam County Sheriff's Department had a Policy Manual regarding ALPRs. He stated the District Attorney also stated there are currently Departments in Putnam County who are lawfully using ALPRs and he believed it would be dangerous to tell a Law Enforcement Agency to stop the use the ALPRs. He stated at the December 2019 meeting Captain Babcock stated he had a copy of the Sheriff's proposed policy that would be sent to the Legislature for review. He stated at the December 2019 Meeting the District Attorney wished to use Asset Forfeiture Funds for the Cold Spring Police Department to purchase ALPRs. He stated Legislator Sullivan requested at the December 2019 meeting that he wanted it to be a requirement that the Cold Spring Police Department be required to adhere to the Sheriff's Department ALPR Policy. He stated at the February 2020 Protective Services meeting he reported that in January of 2020 he went to a presentation at the Sheriff's Department about the ALPR. He stated his support of the ALPR. He stated at the March 10, 2020 Protective Services Meeting Deputy County Attorney Conrad Pasquale provided a lengthy discussion about ALPRs and policies. He stated Legislator Nacerino at the March 10th meeting stated the Committee was voting to adopt a policy as is, with minor provisions being addressed by the April 7, 2020 Full Legislature meeting. He provided the lists of revisions the Sheriff's Department was requested to make. He

confirmed the revisions were made in time for the April 7, 2020 Full Legislature Meeting. He stated at the Full Meeting resolution #70 of 2020 was unanimously reviewed. He stated the resolution approved the District Attorney request to give Asset Forfeiture Funding to the Cold Spring Police Department to purchase ALPRs. He stated there was further discussion at the Protective Services Meeting in April of 2020 and in August of 2020 Deputy County Attorney Pasquale sent him a Revised ALPR Policy. He stated it was too late to be put on the August meeting agenda for Protective Services. He stated he was advised by Deputy County Attorney Pasquale that the request for the revised ALPR Policy came from the County Executive. He stated there have been numerous communications between he and the Chairwoman of the Legislature, the County Executive, and the Sheriff since the September 2020 Protective Services Meeting. He stated it appears some of the funding is being withheld until we move forward with a County ALPR Policy and not the Sheriff's ALPR Policy. He stated that brings us to this evenings meeting, December 2020.

Legislator Nacerino agreed the ALPR Policy has been being discussed for months. She stated the integrity of the ALPR Policy has been being discussed. She stated she believes the revised County Policy, in essence mirrors the Sheriff's Policy, and in her opinion supersedes a Department policy. She stated she finds the proposed County Policy to be more precise, and not left up to interpretation. She stated she will support the County ALPR Policy because it meets our objective and protects our risk and liability.

Legislator Sullivan stated we have been working on this matter since November 2019. He stated we all know that ALPRs are important to the Sheriff's Department as well as the other Policy Agencies. He stated he has mentioned over the past year and on many occasions, we believe they are useful tools to be used by law enforcement agencies when the proper policies and procedures are in place. He stated there are many issues surrounding ALPRs. He listed some of the issues he believes need to be addressed by a clear policy prior to the use of ALPRs: collection of the data, the retention of the data, accountability and safeguard over the data, the releasing of the data. He stated he always looked at this as one (1) policy that we were working with the Sheriff together to develop. He stated he does not think we ever asked the Sheriff to put together a separate policy. He stated the County Attorney and the County Executive have provided valuable revisions as this review process has gone along. He stated at the end of the day liability rests with the County, the County Attorney, and the taxpayers. He stated it is up to the Legislature to protect our taxpayers. He stated ultimately, the liability does not end up at the Sheriff's Department. He stated the Executive Order #203 places a great responsibility on law enforcement and the Legislative Body. He continued to express his support for getting the proper equipment to the Sheriff's Department to assist them in doing their job. He stated he is in favor of the County ALPR Policy that is in front of the Committee this evening. He stated there are a few minor tweaks that can be addressed in the future to be more specific on a few things. He stated he does not support having two (2) separate Policies. He stated he supports this Policy being the County's ALPR Policy for the County and the Sheriff's Department moving forward. He stated he wants to make that extremely clear. He

stated as this is voted on tonight, it will be with the intention of this being the Sheriff's ALPR Policy as well as the County's. He stated he wants to make that crystal clear, it will be the one and only ALPR Policy for the County.

Legislator Nacerino stated she agrees with Legislator Sullivan. She stated that is why she stated a County Policy would supersede any Department Policy.

Legislator Albano stated the priority is to protect the public. He stated the ALPRs need to be put into use. He stated there is a policy in place and he will support having one (1) policy in place. He stated it can be revised if/when needed. He stated they are a tremendous law enforcement tool and he wants to move forward so they are used.

Chairman Jonke stated he agrees we need to get this moving.

Legislator Montgomery stated her appreciation of Chairman Jonke's brief timeline overview. She questioned what section of the Sheriff's Policy did Legislator Nacerino and the Committee Members perceive as being vague. She stated she has had conversations with members of the Sheriff's Department and the Cold Spring Police Department. She stated this all came about because there were ALPRs requested for the Cold Spring Police Department. She stated the Town of Kent and Carmel were given ALPRs with no questions. She stated it does seem odd that Cold Spring has been made to wait a year and a half.

Chairman Jonke stated the ALPRs were received by the Cold Spring Police Department last week.

Legislator Montgomery stated that is great news. She stated she does not agree that the ALPR data should be managed by anyone outside of the Sheriff's Department. She stated her opinion is the data retention should be driven by policy set by the Department of Justice and the Attorney General, not the Commissioner of Education, as this proposed Policy says. She stated the Commissioner of Education's records retention schedule appears to apply to government records, not law enforcement and criminal records. She stated this governance of records retention for law enforcement should be verified and reported before we make a switch to a potentially non-relevant guideline. She read the last sentence of the proposed policy that references a "records maintenance and release policy", we do not have a copy of that policy. She stated for the record, she would like to receive a copy of the referenced "records maintenance and release policy". She stated she believes we should have an opportunity to review the "records maintenance and release policy" before placing a vote on this proposed policy. She questioned if there is another records retention schedule that is missing, per the reference in the proposed policy, that this is guided by the Commissioner of Education's Records. She stated if so this portion of the proposed policy seems to leave a gaping hole into which outside agencies and for profit agencies will be able to access the Sheriff's ALPR data. She stated she sees nothing in the proposed policy that would prevent that. She stated she believes there is a loop hole that would permit for profit agencies partnerships to gain access to this data. She stated she believes it would be

reckless to move forward with adopting this proposed policy, before getting a comment from the Department of Justice or the Attorney General.

Chairman Jonke questioned if anyone from the County Attorney's Office was on the call to address these points. He reported there was not a representative from the County Attorney's Office on the call.

Legislator Montgomery stated she questioned over 28 Counties and none of them have a records retention policy for criminal activity or ALPR outside of the law enforcement agencies. She stated there is no other County that has a policy like the one being proposed.

Chairman Jonke stated the answers to the questions can be looked into. He stated funding for this critical equipment is being held up right now. He stated it is his opinion that it would be more advantageous to move forward with this at this time.

Legislator Sayegh stated to her knowledge the Town of Carmel and the Town of Kent did not purchase their ALPRs with County funding. She stated this began when the County's District Attorney requested a transfer of Asset Forfeiture funding to purchase ALPRs for the Cold Spring Police Department. She stated she wanted to make that distinction for the record. She stated the Sheriff's policy and the proposed County policy are very similar. She stated in her opinion the County Executive's version, the one being considered this evening, may safeguard the taxpayers better. She stated in the proposed policy on page 3 there has been an Audit section added, which she supports. She stated the Sheriff's policy does not have an Audit section. She stated she supports having checks and controls in the ALPR Policy, especially when it involves the privacy of our taxpayers. She stated in the proposed policy on page 3 under the "Audits conducted by the Sheriff shall include the following:" (h) speaks to the number of the number of Freedom of Information (FOIL) requests. She stated she does not believe the ALPR data should be permitted through the FOIL process and does not agree that should be in the ALPR Policy. She stated it is her opinion only members of law enforcement should have access to the ALPR data. She stated she would like to know what other agencies this data would be shared with. She stated the Sheriff's policy specifies the ALPR data is for those in the Sheriff's Department and law enforcement. She stated she supports that. She stated if the Sheriff's Department shares the ALPR data with other law enforcement agencies, she supports us knowing that information. She stated she would not accept this proposed County Policy in its entirety, she believes there are some tweaks to be made.

Chairman Jonke stated in the proposed policy on page 3 under the "Audits conducted by the Sheriff shall include the following:" (i) does address Legislator Sayegh's recommendation that what law enforcement agencies requested the ALPR Data, and if they were granted the Data.

Legislator Albano stated he agrees with Chairman Jonke in that whatever it takes to keep this process moving. He stated the policy could continue to be refined, but he

does not want another three (3) months to go by. He stated in regard to FOILs, there is a whole separate set of regulations. He stated we need to get this equipment in place to assist our law enforcement in their efforts of providing protection to the public.

Chairman Jonke agrees, that these are valuable tools for law enforcement. He questioned if anyone from the Sheriff's Department would like to speak.

Sheriff Langley stated he conducted a survey through the New York State Association of Sheriffs' from the 27 responses there is not one (1) County that has a County Policy for the ALPRs. He stated at least since 1971 the Sheriffs have been designated as "Joint Public Employers" with their County. He stated the Appellate Division reasons the Sheriff is an instrumentality of government and under the State Constitution, the Sheriff Elected Public Officer who exercises governmental powers granted by statute, and the Sheriff position is not comparable to that of a Department Head or Supervisor. He stated in 2000 PERB (Public Employment Relations Board) held that the Putnam County Sheriff must be designated as a Joint Public Employer. He continued and read from the State Constitution, the *Office of Sheriff is an elective office under Article 13 of the State Constitution in contrast to an appointed Sheriff who serves at the pleasure of the County Executive who appointed him or her. A Sheriff can only be removed from Office by the Governor. There is no higher executive office or official in a County to which the Sheriff is accountable. Therefore, the Sheriff is the Chief Executive Officer of the Sheriff's Office.* He continued. He stated Legislator Nacerino has recognized previously, that the Sheriff has the sole authority to set policy for the Sheriff's Department, not the County. He stated in his opinion, it is apparent there is an overreach of authority here, which would violate PERB. He stated again we get into liability, what will this cause the taxpayers in court having it mitigated. He stated he would like to address Legislator Sayegh's concern about FOILs that may be submitted. He stated a person can only FOIL, from ALPR Data, information related to their own license plate and a person can FOIL how many license plates have been read by an ALPR unit. He stated under law, no information on anyone else's license plate number through a FOIL request from ALPR Data. He stated the Sheriff's ALPR Policy follows Federal and State standards and complies with the State Retention Laws. He stated there were some statements made in a memorandum from County Executive Odell with no supporting documentation supporting her claims. He stated giving access to a County Department that is outside of the Sheriff's Department, he believes will compromise the protection of the ALPR Data. He questioned if Legislators Nacerino and Sullivan lacked trust in him as the Sheriff to properly secure and protect the ALPR Data.

Legislator Sullivan stated that he finds it scary that no other County in New York State has an ALPR Policy. He stated the Department of Criminal Justice Services (DCJS) came out with guidance in 2011 related to LPRs. He stated there are concerns around the use of LPRs, and the proposed County Policy addresses those concerns. He stated he is insulted by the Sheriff's reference of himself and Legislator Nacerino in this discussion. He stated we all want to protect our residents. He stated but it must be done in a smart and procedural manner that protects the integrity of the data, access to

the data, and protects the County from any future liability. He stated there is plenty of evidence from many different organizations that emphasize the need to protect the data with a comprehensive policy. He stated in Putnam County we are leaders. He stated whether it comes to 2nd amendment rights, protecting the privacy of our residents, video arraignment, and dispatch consolidation that is currently being worked on. He stated because other Counties do not do something, does not mean then it will not be done in Putnam County. He stated in accordance with the Governor's Executive Order #203 Legislatures' have the power to conduct investigations into policing practices and policies. He stated it has given Legislatures' the power to address concerns that they have through legislation. He stated the Legislature makes the rules that the County and its employees including the Sheriff's Department must abide by.

Legislator Nacerino stated she echoes some of the sentiments expressed by Legislator Sullivan. She stated we are supportive of License Plate Readers and the value they provide, that is without question. She stated this is not a matter of personal trust, this is a matter of implementing a policy that has integrity and protects against risk and liability. She stated the Legislative Body is the policy making body of the County Government. She stated she would like to move this along. She stated it is a policy which can be revised if needed.

County Attorney Bumgarner stated, regardless of the case law the Sheriff read from earlier, subsequently the Governor adopted Executive Order #203 (EO#203). She stated EO#203 requires the Legislature conduct a review of all the policies and internal administrative rules and techniques used by the Sheriff's Department. She stated the Sheriff, as a Constitutional Officer, is a Joint Employer with the County of Putnam. She stated the Sheriff indicated therefore he is not accountable to anybody at the County level. She stated what needs to be remembered is he is accountable from a fiscal perspective, because the Legislature controls the money. She stated he may believe that the Legislature should not be the body adopting or imposing the policy on the Sheriff's Department and it should be him directly. She stated however, until the Legislature is satisfied not a single License Plate Reader will be purchased.

Chairman Jonke stated for the record on September 22, 2020 he sent a memorandum to the County Executive, because of EO#203 and the formation of the Police Policy Review Panel (PPRP), requesting the ALPR Policy be reviewed by the PPRP. He stated for some reason this needs to be done in advance to release the funding and purchase this equipment.

Sheriff Langley stated EO#203 requires a review of the policies and procedures be conducted and that the County must adopt. He stated EO#203 does not state that the Sheriff has to adopt. He stated County Attorney Bumgarner is correct. He stated if the policy is not approved the Legislature can decide not to release the funds, which will result in delaying this work. He stated he is aware that the County controls the Fiscal end of this. He stated he controls the policy and procedures and day to day operations of the Sheriff's Office. He stated he would like to point out that the Sheriff's Department did work with the Protective Services Committee regarding the Sheriff's ALPR Policy.

He stated said the Committee made recommendations for changes to the Policy and the Sheriff's department adopted and made the requested changes. He stated and the Protective Services Committee approved that policy. He stated now the County Executive has decided to write a policy for the Sheriff's Department, he sees that as an overreach of her authority. He continued to express his disagreement with the proposed policy stating he believes the changes open the County to civil litigation in certain matters. He stated his recommendation is that we stay with the Sheriff's ALPR Policy, and as it has been stated, as we move forward, we can sit down and discuss this matter further and make necessary tweaks. He stated but "tweaks" that will not compromise the safety and security of the data. He stated he is confident a compromise can be reached.

Legislator Sayegh stated in EO#203 it states *local and elected officials must work together with their community and their police forces to develop and implement reforms for a safer, fairer policing standard*. She stated we have to work together with the Sheriff's Department and the Sheriff's Department has to work with the elected officials. She continued to quote from the press release. She pointed out needing transparency in the Sheriff's Department. She stated as she compares the Sheriff's ALPR Policy and the one being considered tonight, the County's ALPR Policy, she believes the County's version offers more transparency.

Chairman Jonke stated at the beginning of this, it was more of a collaborative effort in that the Sheriff's Department came to the Legislature with an ALPR Policy, we asked for amendments be made to the Sheriff's Policy and graciously they agreed and made the changes, and then COVID-19 hit. He stated then we were no long meeting in person and everything went to being done via letters and emails, it is his opinion the process has suffered because of it.

Legislator Montgomery recommended changing the resolution that was passed (R#70/2020). She stated there is a Sheriff's Policy in place. She stated she believes before considering any department outside the Sheriff's Department having access to this information we should hear from DOJ or AG. She stated she is in support of the Executive Order. She stated she believes the ALPR Data should be only accessed by law enforcement agencies. She stated the last sentence of the proposed policy: "Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy". She stated she has a problem on basing a policy on a policy we do not have for review. She stated she also sees this as a loophole for the for-profit agencies that come before the Legislature. She stated it occurred just this year. She stated she does not believe enough research has been done on this.

Chairman Jonke requested County Attorney Bumgarner speak to the last sentence, "Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy".

County Attorney Bumgarner stated the language can be changed. She stated the information, if made confidential by statute or if it is not otherwise permitted to be released, it will not be released. She recommended keeping the current wording and add "the New York State Freedom of Information Law and any other Federal State Law applicable to the disclosure of any such information." She stated then everything would be encompassed. She stated therefore if we are not entitled to turn over the information then we will not. She stated in regards to comments about securing the information. She stated the Sheriff's Department is leery of having the County's IT Department involved in the securing of ALPR Data information. She stated the IT Department has the expertise to ensure that it is maximally protected. She stated the IT Department has access to the County Law Department documents, Personnel Department personal files, litigation records. She stated, the Director of IT, has access to everything that is confidential. She stated there is a level of trust and the requirements of the Director of IT that said information be kept confidential. She stated the IT Director has the level of expertise to assure that the Data is optimally secured and that it is not vulnerable to be accessed by outside sources. She stated she works with IT Director regularly to find out who accessed buildings and so forth. She stated also it tells us that data is being stored and maintained effectively and without corruption. She stated it is her opinion that it is effective to have the IT Department ensuring firewalls, encryption, and virus protection etc. She stated we are not asking anything that does not already occur Countywide in terms of the IT Department having access to very confidential information.

Sheriff Langley expressed concern with the use of the wording under "Operations" on the proposed County Policy. He questioned what is meant by "shall result in disciplinary action"? He questioned the need for under heading "Data Collection and Retention" which stated, "The Director of IT/GIS shall have access to the storage hardware and data as necessary to perform maintenance, repairs, or auditing when required". He stated he would like an explanation of that.

County Attorney Bumgarner stated the level of disciplinary action would be based upon the type of infraction. She provided some examples. She stated the language in the policy is entirely up to the Legislature. She stated with respect to the auditing, she believes that is related to different reports that the Legislature would like. She explained the different ways she uses the IT Department ability to do searches related to personnel issues, discipline, and litigation. She stated that she finds that very helpful for the different information that she needs to gather for the many jobs she has to perform as County Attorney.

Legislator Albano stated he believes we should move the policy forward tonight to get things moving forward and get these funds issued. He stated if things need to be revised that can be done at a later date.

Chairman Jonke stated that he agrees with Legislator Albano.

Chairman Jonke made a motion to Approve the Proposed Putnam County Automated License Plate Reader (ALPR) Equipment & Policy with the amendment to the last sentence on page 4 add: and New York State Freedom of Information Law as well as any other applicable law; No Second, motion failed.

Legislator Sullivan made a motion to Approve the Proposed Putnam County Automated License Plate Reader (ALPR) Equipment & Policy, which will be the policy for the County and the Sheriff's Department for the usage of ALPRs; Seconded by Legislator Nacerino. All in favor.

Roll Call Vote:

Legislator Nacerino – Aye

Legislator Sullivan – Aye

Chairman Jonke - Aye

Item#5 - Discussion/ Approval Fund Transfer (20T213)/ Transfer of Overtime Jail Funds to Road Patrol Overtime (*Tabled from 10/22/20 Audit Meeting, Motion failed no second at 11/10/10 Protective Mtg*) / Sheriff Langley

Chairman Jonke made a motion to waive the rules and accept the additional; seconded by Legislator Nacerino. All in favor.

Legislator Nacerino referenced the additional item just accepted, a memo from she and Legislator Sullivan. She stated since the November 10th meeting they have looked into the request from the Sheriff.

Legislator Sullivan stated he agrees with Legislator Nacerino. He stated at the November 10th meeting we asked the Sheriff to supply additional information and offered to meet with him. He stated but we have not heard from the Sheriff. He stated it is not clear, to him, the need for this Overtime. He stated he finds it neglectful to spend the highest amount on Road Patrol Overtime without contacting the Legislature and offering to provide an explanation. He stated he will ask the Sheriff again tonight, why are the Road Patrol Overtime amounts increasing. He stated given the fact that you are at your budgeted limit, what is being doing to control it.

Sheriff Langley stated Legislator Sullivan has not reached out to his office to set up a meeting. He stated he is aware that Legislator Sullivan did contact the Undersheriff, but again did not try to schedule a time to come and have a meeting. He stated the Sheriff's Department has a lot of responsibility protecting the County and addressing all of the issues going on in the County. He stated the memo Legislators Sullivan and Nacerino sent requesting information included a request he cannot provide. He stated information on 207C/COVID-19, cannot be provided, that would be in violation of HIPAA. He continued to speak to the different items requested in the memo. He summarized that the majority of overtime is as a result of covering open shifts.

Legislator Nacerino thanked Sheriff Langley and explained they are reaching out in good faith. She stated the Legislature has a job to do and she hopes the Sheriff can

respect the job they need to do by providing the answers to their questions for gainful understanding and to make an informed decision. She stated we are looking at the next two (2) payrolls for December and trying to grasp an understanding or projected amount the Sheriff anticipates, not based on hypothetical situations or speculations, but rather concrete assessment.

Sheriff Langley requested clarification of what is being asked.

Legislator Nacerino stated the question is what is the Sheriff's assessment of monies that will be needed to get through the next two (2) payrolls. She stated the request that has been submitted appears to be a "pie in the sky" request for \$100,000. She stated she would like a request submitted on past payrolls. She questioned if \$90,000 could get the Sheriff through the end of the year.

Sheriff Langley stated half of the payroll for 2020 goes into 2021. He stated at the recommendation of his Fiscal Manager \$90,000 would be acceptable.

Legislator Sullivan stated he agrees with Legislator Nacerino, but he would like to address some of the items the Sheriff mentioned. He stated at the November Protective Services meeting he requested that the Sheriff meet with them to go over those items. He stated the Sheriff did not reach out. He stated we all understand that Comp Time is a big issue, but it is not what is being discussed. He stated also the Legislature is privy to receive the 207C reports including name, date and, reason the individual is out of work. He stated there is nothing the Legislature cannot see in executive session whatsoever, unless it has to do with an ongoing criminal investigation, and we would never ask for that. He stated Carmel and Mahopac School Districts have announced they will be closing now through the year end. He questioned if the SROs (School Resource Officers) can be used on Road Patrol to alleviate some of the overtime burden the department is facing.

Sheriff Langley stated the Schools are not releasing the SROs, they have said they want them in the schools, there are teachers and staff members in the building, while the online teaching is conducted. He stated Comp Time is an issue when discussing Overtime because the funding for Comp Time comes out of the Sheriff's Overtime Budget Line.

Legislator Sullivan thanked the Sheriff for the clarification on the SROs. He stated he is aware that Comp Time has an effect on the Overtime lines. He stated that he has a report for the past five (5) years of Comp Time payouts, they are not that significant: 2015 - \$33,000, 2016 - \$77,000, 2017- \$72,000, 2018- \$87,000, 2019 -\$71,000 and 2020 to date \$38,000. He stated he completely understands how Comp Time effects the Overtime, but what we want to know more about, and we will eventually get that the information that affects the overtime such who is on 207C, how long have they been out, who is on military leave, how long have they been out, and how are you making up for that with your existing staff. He also understands there is an employee still going through the academy. He stated if he had that information, which he has been

requesting for months, he could do the math. He stated he likes to work with detail, he stated he is a CPA. He stated once the facts are assessed the Legislature can do everything on their end to make sure adequate funds will be available to run Road Patrol and your other divisions. He stated there is one big item he wants to discuss, not tonight, but in the near future. He stated that is the Jail Budget. He stated the Jail Budget is an \$11million expense to the County and currently at only about 40% occupancy. He stated there must be a way to save the taxpayers money in the Jail Budget. He stated with less inmates, there must be reduced expenses. He stated he is leaving this up to Sheriff Langley to contact the Legislature to set up an appointment, so there can be a meeting at the Sheriff's Department. He stated he is busy but will remain flexible. He will be awaiting a memo or invitation from the Sheriff to schedule a meeting to go through the Jail. He stated that is the next big item. He stated Legislator Nacerino mentioned revising the requested amount to \$90,000, which based on his calculations, he agrees with that amount. He stated for the record, he is not happy about having to increase the funding over the budgeted amount, considering how much we have focused on this.

Legislator Nacerino stated to stay on task we are appropriating this funding through year end. She stated she wishes there would not be so much divisiveness about this. She stated in the future she would like us to be more collaborative in our common goal in understanding each other's positions.

Legislator Albano stated he appreciates the Sheriff's explanation this evening. He stated he also would like the amounts reported earlier by the Sheriff to be submitted in writing to the Legislature. He stated he will support the modified amount of \$90,000.

Legislator Montgomery stated she would like a better understanding of what the Protective Services Committee Members are looking for from the Sheriff. She stated it has been her understanding that the cause of the overtime was deployment, was injury, was retirement and in her opinion not enough Sheriff Deputies on staff and comp time. She stated and now COVID-19 has been added to the situation. She stated she agrees the amount of Overtime amount is shocking. She stated it was one of the budget lines, when she first joined the Legislature, that she began to investigate. She stated that each time the matter of Overtime has come before the Legislature, the Sheriff has provided the information. She stated and when she has a question, because the Sheriff is an elected official, she calls his office directly and he gets her answers to her questions. She stated the access and transparency exists. She requested that the Committee clearly say in detail what they are looking for. She stated she does not agree that the detail of an employee's name is information that the Legislators need.

Legislator Sayegh stated the numbers the Sheriff provided this evening are exactly what has been being requested. She stated this is useful factual information that will be helpful. She stated she believes the consultants will be able to assist. She stated she has never seen a Deputy hire request from the Sheriff's Department. She stated there appears to be a need for a lot of shift coverage, and maybe an additional Deputy is

needed. She stated she believes the consultants will be able to provide their profession opinion on it.

Legislator Addonizio stated she does not recall a request for names, an questioned if that can that be clarified.

Chairman Jonke stated that is requested in the memo dated December 4, 2020 from Legislators Nacerino and Sullivan.

Legislator Addonizio stated she is in support of moving this funding forward this evening.

Legislator Montgomery stated since 2019 to date the Administration said there would not be any new hires. She stated that is probably why there has not been a request for an additional Deputy in the Sheriff's Department submitted. She stated she would like to allow the Sheriff to speak again on the efforts and how this information has been presented over and over again.

Sheriff Langley stated he failed to mention earlier that there are two (2) new Deputies going through the academy. He stated unfortunately they have been quarantined due to a positive COVID-19 exposure to a classmate. He stated they will begin their work at the academy as soon as they get a COVID-19 test. He stated a retirement incentive package may be something the County could consider for the Sheriff Department Employees.

Chairman Jonke stated he would like the Sheriff to put together some facts and details on the type of retirement incentive the Sheriff would like the County to consider. He stated he would like the Sheriff's proposal to include who would be eligible, etc.

Sheriff Langley stated he would leave that to the expertise of the Commissioner of Finance, Bill Carlin.

Chairman Jonke stated he would ask that the Sheriff work with Commissioner Carlin, they are the Sheriff's employees.

Sheriff Langley stated he will put a call into Commissioner Carlin.

Legislator Sullivan stated he would like to speak to a matter that the Sheriff mentioned, COVID-19. He stated he would like to know the effects of COVID-19 on the Sheriff's Department. He stated today there was over an hour and a half Department Head call, which the Sheriff was on. He stated the County Executive, Commissioner of Health Nesheiwat, members of the Commissioner of Health's staff, County Attorney Bumgarner and many other people were on the call. He stated all of the issues related to COVID-19, and how it affects County employees, how they treat it, how long an employee is out related to contact with a person and 2nd contact with a person. He stated since the Sheriff brought it up, he would like to know how many hours have been lost due to

COVID-19, and how many people have been out. He questioned what policy is followed in his department. He stated all of this was discussed on the call. It was stated by Supervising Public Health Nurse Kathy Peracciolo that employees who are out, due to COVID-19, are still working unless they are on a ventilator, he believes she said. He stated he would like to know how many hours have Deputies been out related to COVID-19.

Sheriff Langley stated there have been seven (7) Officers: three (3) in the Jail and three (3) Deputies and one (1) Investigator that were exposed to a positive COVID-19 person. He stated due to their liability with the Jail, which there have been no positive cases in the Jail, they require to get them tested expeditiously. He stated it would be beneficial if the County would consider doing regular testing on all Emergency Service Personnel throughout the County Departments. He stated he does not have an exact number of hours at this time.

Legislator Sullivan stated the County has been working with Nuvance to try to set up a testing center in the County. He stated unfortunately Nuvance has decided not to move forward. He stated the County continues to try to get a facility set up. He questioned if the Sheriff is following the policies and the procedures the rest of the County is following and notifying the Health Department when one of his employees has been exposed to COVID-19.

Sheriff Langley stated his policy was submitted to the Risk Management and yes he does notify the Health Department. He stated in the case of his employees who live outside the County communication is had with the appropriate agency, outside of Putnam.

Legislator Nacerino made a motion to Amend and Approve Fund Transfer (20T213) to reflect \$90,000/ Transfer of Overtime Jail Funds to Road Patrol Overtime; Seconded by Chairman Jonke. All in favor.

Roll Call Vote:

Legislator Nacerino – Aye

Legislator Sullivan - Aye

Chairman Jonke - Aye

Item #6 - Approval/ Budgetary Amendment (20A072)/ Revenue from the Board of Elections for Security Services Provided at Various Polling Sites on Election Day/ Sheriff Langley

Chairman Jonke stated this is revenue to the 2020 Sheriff's Department Road Patrol Division received from the Board of Elections for security services provided at the various polling sites on Election Day. He stated it is in the amount of \$17,208.95 and there is zero fiscal impact.

Chairman Jonke made a motion to approve Budgetary Amendment (20A072)/ Revenue from the Board of Elections for Security Services Provided at Various Polling Sites on Election Day; Seconded by Legislator Sullivan. All in favor.

Roll Call Vote:

Legislator Nacerino – Aye

Legislator Sullivan - Aye

Chairman Jonke - Aye

Item #7 - Approval/ Budgetary Amendment (20A073)/ To Fund the E911 Consolidation Project/ Commissioner of Finance Carlin

Chairman Jonke stated this request will have a fiscal Impact to the 2020 budget in the amount of \$398,000.

Legislator Montgomery stated the amount requested in the budgetary amendment, as stated by Chairman Jonke is \$398,000, does not match the dollar amounts in the supporting documents that were provided for this item. She stated there is a \$50,000 discrepancy. She stated also the proposal addressed to Commissioner Clair is dated June 13, 2019 and was valid for 90 days from the date of the response. She questioned if we are going to take an outdated proposal.

Chairman Jonke stated he remembers that a contract was signed, and the number is strong. He stated that is how he remembers this.

Legislator Montgomery stated she does not recall that. She stated in her opinion it does not seem the proposal is up to date or acceptable with outdated supporting documentation to support the request of almost \$400,000. She questioned if the portions of the County's responsibility have been priced, on which the Motorola System relies.

Chairman Jonke recommended that Legislator Montgomery put her questions in writing and submit them to the proper Department Head to get the answers.

Legislator Montgomery questioned how this will affect the Radio Project.

Chairman Jonke stated this item is related to the E911 Consolidation project. He stated that is what is being discussed.

Legislator Montgomery stated this does involve the Radio Project. She continued to express her concerns with this request.

Legislator Nacerino stated if Legislator Montgomery is going to send a memo, perhaps the questions can be addressed at the Audit meeting. She stated right now we are addressing this budget amendment request.

Chairman Jonke stated this is important to the safety of our community and it is the fiscally responsible thing to do.

Chairman Jonke made a motion to approve Budgetary Amendment (20A073)/ To Fund the E911 Consolidation Project; Second by Legislator Nacerino. All in favor.

Roll Call Vote:

Legislator Nacerino – Aye

Legislator Sullivan - Aye

Chairman Jonke - Aye

Item #8 - FYI/ Budgetary Amendment (20A069)/ The Mary P. Dolciani Halloran Foundation Donation to Apply to Road Patrol Canine Unit/ Sheriff Langley

Captain Tompkins stated this is a donation from a county resident. He stated the timing is perfect. He stated they are planning to retire one of the Sheriff's Department K-9, Sentinel, due to some health issues. He stated this donation will be used to cover the costs of getting a Canine to replace Sentinel. He stated there is a plan to keep the K-9 replacements staggered. He stated also they did apply for a grant, with Legislative approval, to purchase a K-9 trained in detecting Explosives. He stated unfortunately they were not awarded the grant. He stated they are hoping to make another application for that. He stated that would be used sometime in 2022, if awarded, when the next canine will be phased out for retirement.

Chairman Jonke questioned what age does a canine age out.

Captain Tompkins stated, between the age of 8 – 10 years old. He informed them that Sentinel served as an Explosive Detection Canine along with Patrol.

Chairman Jonke questioned if Sentinel has ever detected an explosive device.

Sergeant Keith, handler of Sentinel, stated he has not found an explosive. He stated as a Patrol Canine he is used to recover evidence that has human odor on it and to track and or apprehend suspects. He continued to provide the different situations Sentinel is used for.

Legislator Sullivan stated he wanted to thank the Halloran Foundation for their generous donation of \$11,500. He stated it sounds like the dogs do excellent work and are a valuable asset to our Deputies.

Legislator Nacerino expressed her agreement.

Item #9 – Other Business - None

Item #10 - Adjournment

There being no further business at 7:59PM 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

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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

December 8, 2020

(Economic Development will Immediately Follow)

1. Pledge of Allegiance
2. Roll Call
3. Approval/ Protective Services Committee- Police Policy Review Panel Meeting Minutes/ Nov. 10 and Nov 24, 2020
4. Discussion/Approval/ Proposal: Putnam County Automated License Plate Reader (ALPR) Equipment & Policy/Legislators Nacerino & Sullivan
5. Discussion/ Approval Fund Transfer (20T213)/ Transfer of Overtime Jail Funds to Road Patrol Overtime (*Tabled from 10/22/20 Audit Meeting, Motion failed no second at 11/10/20 Protective Mtg*) / Sheriff Langley
6. Approval/ Budgetary Amendment (20A072)/ Revenue from the Board of Elections for Security Services Provided at Various Polling Sites on Election Day/ Sheriff Langley
7. Approval/ Budgetary Amendment (20A073)/ To Fund the E911 Consolidation Project/ Commissioner of Finance Carlin
8. FYI/ Budgetary Amendment (20A069)/ The Mary P. Dolciani Halloran Foundation Donation to Apply to Road Patrol Canine Unit/ Sheriff Langley
9. Other Business
10. Adjournment