

**PROTECTIVE SERVICES COMMITTEE
BUDGET MEETING
HELD IN ROOM 318 OF THE
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairman Gross, Legislators Gouldman & Nacerino

Thursday **October 15, 2015**
(Immediately Following Health Budget Mtg at 6:00 PM)

The meeting was called to order at 7:10 p.m. by Chairman Roger Gross. He requested that Legislator Gouldman lead in the Pledge of Allegiance. Upon roll call Legislators Gouldman & Nacerino and Chairman Gross were present.

Item #3 - 2016 Budget Review

Chairman Gross made a motion to waive the rules and accept the additional; Seconded by Legislator Gouldman. All in favor.

Judicial Expense – Account 1162 (page 2)

Legislator Gouldman questioned if the projected revenue amount in line 430211, State Aid Court Facilities, would be reached for 2015.

Commissioner of Finance Bill Carlin stated the amount would be collected.

District Attorney – Account 1165 (pages 3-4)

Legislator Gouldman stated there are no funds projected for 2016 in line 427152, Asset Forfeiture Program and questioned if the program would be in place for 2016 because there is nothing projected for it.

Commissioner Carlin stated the budget for the Asset Forfeiture Program is done at the beginning of each year. He stated the District Attorney reviews what happened throughout the year and checks how much money is left in his budget. He stated the revenue equals the expenses; therefore there is no fiscal impact.

Legal Aid – Account 1170 (page 5)

Chairman Gross questioned if State Aid Indigent Legal Services, line 430251, was money coming from the State.

Commissioner Carlin stated that is correct.

Legal Defense (County Appointed Indigents) – Account 1171 (page 6)

Chairman Gross stated there is a \$10,000 increase in Legal Services, line 54125.

Commissioner Carlin stated most of the bills come in at the end of the year for legal services and interpreters.

Coroners – Account 1185 (page 8)

Chairman Gross stated line 54151, Post Mortem Examinations, has decreased.

Commissioner Carlin stated the budget is based on projected deaths, which are down this year.

Sheriff – Account 3110 (pages 41-52)

Legislator LoBue questioned the \$10,000 increase in line 51094, Temporary.

Undersheriff Peter Convery stated the Sheriff's Department is experiencing an increase in pistol permits. He stated there are many upgrades. He provided an example of a person who may have a pistol permit for target and hunting, who would then be able to file for a full carry or business carry. He stated when an upgrade is filed for, the paperwork is then doubled. He stated there is currently one (1) full time employee handling pistol permits. He stated they have been innovative as far as utilizing interns from the County's PILOT (Putnam Invests in Leaders of Tomorrow) program to assist with the increasing volume of work in relation to pistol permits. He stated he would like to mention that Captain Martin does a wonderful job running the internship program for the Sheriff's Department. He stated the County Clerk has three (3) employees handling pistol permits. He stated in the Civil Unit, line 51094, Temporary was decreased from \$60,000 to \$30,000. He stated using temporary employees is very effective. He stated there are two (2) part time Corrections Officers, which help alleviate overtime costs as well.

Legislator Gouldman questioned what is included in Sheriff's Fees, line 415100.

Undersheriff Convery stated the funds collected for civil processing and pistol permits are under that line. He stated they are also charging for the pistol permit class. He stated the line has decreased slightly because the fees are down a little bit. He stated a majority of the funding comes from foreclosures on evictions. He stated there are currently 20 Board Ins and if the trend continues, he projects that the Sheriff's Department will collect over \$650,000 in Board In revenue for calendar year 2016. He stated they receive \$90 per night for each Board In.

Legislator Gouldman stated he would like to commend the Sheriff's Department on the overtime, as it seems to be down.

Undersheriff Convery stated they are doing everything they can to reduce the overtime cost.

Chairman Gross agreed with Legislator Gouldman. He stated the use of SPOs (Special Patrol Officers) helps with the reduce the overtime costs as well.

Undersheriff Convery stated the SPOs and the part-time Corrections Officers will help to reduce the cost of overtime for 2016.

Legislator Gouldman questioned what was included in Temporary, line 51094.

Undersheriff Convery stated those paid from the temporary line do not receive benefits.

Legislator Gouldman questioned if Holiday Pay, line 51096, was for the Christmas Season.

Undersheriff Convery stated yes, it is in the contract.

Legislator LoBue questioned line 52650, Motor Vehicles.

Undersheriff Convery stated two (2) vehicles will be purchased.

Legislator LoBue questioned how many vehicles were purchased in 2015.

Undersheriff Convery stated six (6) road patrol vehicles, one (1) BCI vehicle, and one (1) Narcotics vehicle were purchased. He stated through a Dutchess County grant, a fully loaded detective vehicle was obtained. He stated each vehicle purchased is done so in the most cost effective way possible.

Legislator LoBue clarified that two (2) vehicles would be purchased next year.

Chairman Gross questioned if the new vehicles would be replacing vehicles currently in the fleet.

Captain Vincent Martin stated one (1) vehicle being replaced has 199,000 miles on it and another has 141,000 miles. He stated the County garage has notified the Sheriff's Department that neither vehicle will pass inspection.

Chairman Gross questioned the make and model of the vehicles that will not pass inspection.

Captain Martin stated one (1) is a 2006 Chevrolet Impala and the other is a 2007 Dodge Charger.

Legislator Nacerino questioned if those vehicles were retired altogether.

Captain Martin stated the vehicles are currently being used, however they will not pass the next inspection.

Chairman Gross questioned if the new vehicles would be Dodge Chargers.

Undersheriff Convery stated they get a better deal with the Impalas.

Chairman Gross questioned if the Impala would be a road patrol vehicle.

Undersheriff Convery stated the vehicle would go to an Investigator. He stated according to the Head Mechanic, the best vehicle is the Dodge Charger. He stated the Crown Victorias are good vehicles as well, however the transmission must be replaced at about 70,000 miles.

Chairman Gross stated the vehicles are always idling, which takes a toll on them along with the high mileage.

Legislator LoBue questioned whether the Impala or Charger gets better miles per gallon.

Undersheriff Convery stated the Impala gets better miles per gallon.

Captain Martin stated the Impalas seem to have more mechanical issues including having to replace the transmission more frequently.

Legislator LoBue questioned what type of cars would be purchased with the money allocated in the budget.

Captain Martin stated Impalas would be purchased.

Chairman Castellano questioned if there is a warranty on the transmission up to 70,000.

Undersheriff Convery stated he would need to check. He stated the vehicle is not used like it would be for personal use. He stated the transmissions used to be a big issue with the Crown Victorias, however the transmissions in the Chargers hold up much longer. He stated the Charger is a very sturdy, solid vehicle that will help them a great deal.

Legislator LoBue questioned if the Impala is better in the snow.

Undersheriff Convery stated the Charger is better in the snow as it is a heavier car.

Chairman Gross questioned if the size of the back seats in the vehicles have been an issue.

Undersheriff Convery stated there have been no problems with the Chargers.

Captain Martin stated seats are being molded into the back of the seat.

Legislator Gouldman questioned if something would be purchased in 2015 under line 54782, Software Accessories.

Captain Martin stated a Social Media Network Investigation tool will be purchased.

Legislator Gouldman question if that would be purchased in 2016.

Captain Martin stated that is correct.

Legislator Gouldman commended line 51093, Overtime for Sheriff Communications (page 42) in 2015. He stated out of a budgeted \$145,000, about \$60,000 has been used this year.

Undersheriff Convery stated there is a great system in place and they are utilizing part-time and temporary employees. He stated in the Sheriff's Department, the part-time workers get the overtime first, then the temporary employees, then the dispatchers, and lastly a deputy.

Chairman Gross commended the Sheriff's Department for implementing this system.

Undersheriff Convery stated a Supervisor must authorize overtime, and the Captain makes the decision. He stated he signed every overtime sheet for everyone in the Department.

Legislator Gouldman stated the usage of Temporary, line 51094, is down as well.

Undersheriff Convery stated the internship program has been phenomenal.

Legislator Gouldman questioned if anything will be purchased in 2015 under line 52180, Other Equipment (page 43).

Undersheriff Convery stated chairs were replaced.

Chairman Gross questioned the increase in Personnel Services, line 51000.

Undersheriff Convery stated there are raises in the budget.

Chairman Gross questioned if line 422609, SRO/SPO Contracts (page 45) was money coming back from school districts.

Undersheriff Convery stated that is correct. He stated the schools also pay for the coverage of special events such as football games.

Chairman Gross questioned how marine patrol has been going.

Undersheriff Convery stated the patrol has been going well this year. He stated they are patrolling the Hudson River, Lake Oscawana, and Lake Mahopac at the same time.

Chairman Gross questioned what part of the Hudson River was patrolled.

Undersheriff Convery stated they worked out of Cold Spring.

Legislator Gouldman stated he went out on a boat in Lake Mahopac and the patrol was very effective.

Undersheriff Convery stated the marine units are very well trained.

Chairman Gross questioned line 52650, Motor Vehicles, under Sheriff Patrol (page 47).

Undersheriff stated those vehicles are utilized for road patrol and the budget shows the standard allotment the Department has had for the last several years. He stated they are all marked Chargers.

Legislator Nacerino questioned if the increase in Canine Stipend, line 51090, was due to the addition of the Bloodhound.

Captain Martin stated that is correct.

Undersheriff Convery stated the Bloodhound is going to an Investigator that works for Captain Martin.

Chairman Gross questioned if the Sheriff's Department is anticipating requests coming in from surrounding Counties or the State Police to utilize the Bloodhound.

Undersheriff Convery stated everyone helps each other. He stated if available, Putnam County always provides assistance in surrounding Counties.

Legislator Gouldman stated he watched a Bloodhound work very effectively with the Putnam Valley Fire Department at an exhibition. He stated once everything is in place, he would like to see a demonstration of the work this Bloodhound will do.

Chairman Gross directed the Committee's attention to page 50.

Undersheriff Convery stated through the Child Passenger Safety program, certified car seat installers assist parents with the proper installation of car seats. He stated this is a very effective program.

Chairman Gross questioned Nelsonville Court Security, account 10011 on page 51.

Undersheriff Convery stated the Sheriff's Department provides security at the Nelsonville court, however it is minimal.

Legislator LoBue questioned how often the Traffic Safety Board meets.

Undersheriff Convery stated the Board meets quarterly.

Jail – Account 3150 (pages 56-59)

Chairman Gross questioned Jail Medical Services, account 10008000.

Undersheriff Convery stated they have a very good provider and it is working out well. He stated the mental health service provided is phenomenal. He stated they work with Drug Treatment Court as well.

Legislator Goldman questioned the difference in the budget amount versus the amount spent thus far in 2015 in line 54646, Contracts. He also questioned why there was an increase in this line for 2016.

Undersheriff Convery stated medical comes out of that line and it is the biggest contract. He reiterated the great job done in regards to medical services. He stated there have been some seriously sick individuals that were taken care of properly. He stated the Office for Senior Resources also assists with transportation of individuals who may be disabled.

Chairman Gross questioned if contracts would include, for instance, Putnam Hospital if an inmate needed to be taken there.

Undersheriff Convery stated the medical contract covers the cost.

Legislator Nacerino questioned line 54152, Medical Exam Testing.

Undersheriff Convery stated those funds are for the exam tests of the Officers.

Legislator Nacerino questioned if the exam tests are new since the line has never been funded before.

Undersheriff Convery stated during the hiring process there are psychological and physical exams.

Chairman Gross drew the Committee's attention to the Jail budget on page 58. He pointed out the \$500,000 projected revenue in line 422643, Prisoner Board In US Marshal.

Undersheriff Convery stated they are hoping to exceed that amount in 2016.

Chairman Gross stated in 2015 about \$160,000 had been collected in the first three (3) quarters.

Legislator Gouldman stated the 2016 Requested Budget shows projected revenue of \$300,000, however the 2016 Tentative Budget shows a projected \$500,000 revenue. He questioned if the higher revenue is a realistic projection.

Commissioner Carlin stated the tentative amount is realistic. He stated the Administration went to each Department and requested that they look at their budgets and see if there was anything that could be done to close the budget gap. He stated Sheriff Smith, having the understanding of both sides of the budget, was very enthusiastic in terms of wanting to close the gap and combed through the budget along with Undersheriff Convery and the Captains. He stated Sheriff Smith came to the Administration with the new estimate.

Legislator LoBue clarified that Sheriff Smith was formerly Deputy County Executive, and therefore understands the budget process from the Administration's side as well as the Departmental side.

Undersheriff Convery reiterated that the Sheriff's Department is working toward expanding the Board Ins from the US Marshal Service. He stated Putnam County has a great relationship with the US Marshal Service and they are comfortable bringing their inmates to Putnam County. He stated it is easy for the Federal defense attorneys to come to Putnam. He stated the female population in the jail is down.

Commissioner Carlin stated Sheriff Smith projected the revenue numbers with confidence.

Legislator Castellano questioned why the US Marshals would need to Board In at the Putnam County Jail.

Undersheriff Convery stated Putnam is in the southern district of New York, which spans from Manhattan to Ulster County. He stated when metropolitan New York does not have the room in their correctional facilities, anyone arrested in this district and is held in Federal custody are boarded in local facilities.

Legislator LoBue questioned if Federal Board Ins are held for a longer period of time.

Undersheriff Convery stated the time period for Federal Board Ins is usually longer

Probation – Account 3140 (pages 53-55)

Legislator Nacerino questioned line 51000, Personnel Services.

Director of Probation Gene Funicelli stated this line increase is consistent with the contract increases.

Legislator Gouldman commended the use of Overtime, line 51093.

Director Funicelli stated the overtime is very controlled. He stated they are making a strong effort to have the Probation Officers out in the field more often, which is where a lot of the overtime is used. He stated the Officers are able to get a better sense of the probationer's situation if they are going to their house.

Chairman Gross questioned when Probation Officers go out in the field, if they go in pairs.

Director Funicelli stated they always go two (2) at a time.

Chairman Gross questioned if the Probation Officers are in uniform. He also questioned if they are armed.

Director Funicelli stated they are not in uniform and they are armed.

Legislator LoBue questioned line 54330, Medical Supplies, on page 54 under Probation.

Director Funicelli stated drug tests are given in the office and this line is for the drug test cups. He stated this is used mainly for probationers. He stated if the cup comes up negative, the sample is not sent through the machine. He stated this line also covers special tests. He stated these tests cannot be done with the onsite cup or with the drug testing machine; therefore they need to be sent out. He stated these special tests are rare.

Legislator LoBue questioned line 54445, Lab Analysis.

Director Funicelli stated the drug testing machine has been in use for a year now and they have a very good sense of what the costs are. He stated the number in the 2016 budget is accurate. He stated this includes the Treatment Court participants as well as all probationers.

Legislator LoBue stated previously, the Probation Department mailed the samples to a lab to be tested, which cost \$1,000 per month or \$12,000 per year. She stated the budget is now \$35,500. She questioned if line 54510, Machine Maintenance, was related to this drug testing machine as well.

Director Funicelli stated the Machine Maintenance line is for office equipment and has nothing to do with the drug testing machine.

Legislator LoBue questioned how many tests are done with the machine.

Director Funicelli stated the number of tests has increased. He stated the Treatment Court participants are tested more frequently and there are about 100 at any time. He stated there are about 600 probationers. He stated the Treatment Court participants are under more intensive supervision.

Legislator LoBue stated the in-house drug testing machine is triple the cost of sending the specimen to the lab.

Director Funicelli stated a Local Law was enacted which allowed the Probation Department to charge for drug tests. He stated they were charging \$10 per test. He stated this was not enough so a new format was put into place. He stated beginning in July, there is now a yearly fee of \$150.00 that is charged to each probationer and Treatment Court participant. He stated right now, it appears to be covering the costs and he will know better once it is in place for a whole year.

County Auditor Michele Sharkey stated the revenue from the drug testing fees are shown on page 53 in line 415898, Drug Testing Fees, and is in the amount of \$35,500.

Legislator Addonizio questioned what happens in the case of a probationer or a Treatment Court participant who does not have the money to pay the fee.

Director Funicelli stated the individual can apply for a waiver. He stated this involves showing financial documents that prove the person is unable to make the payment. He stated the waivers are reviewed after six (6) months and are adjusted if needed.

Legislator LoBue questioned how the Probation Department is managing with the machine being an extra task.

Director Funicelli stated they have a good system in place.

Stop DWI – Account 3315 (page 60)

Chairman Gross questioned line 426151, Stop DWI Fines.

Director Funicelli stated the Stop DWI program is 100% funded by DWI fines collected in Putnam County. He stated the Court sends the money to the State, and as long as the program is in place the money comes back to the County. He stated they use the funds from the prior year. He stated there is also a Reserve, line 426152, to offset the costs. He stated for instance, if the budget is \$200,000 and \$180,000 is spent, the extra money goes into the reserve fund that they can access. He stated for this budget, the tentative amount is \$194,370 and there is \$165,000 in funding. He stated the reserve fund will be used to balance the amount.

Legislator Goldman questioned why the 2015 amount for the Stop DWI Funds is low.

Director Funicelli stated there is a statewide phenomenon happening where fine money is down. He stated it could be because there are less arrests or less fines are being imposed.

Legislator Wright stated the revenue amount does not appear to be much different than the amount collected when the Stop DWI program began.

Director Funicelli stated the amount is not dramatically different.

Legislator Wright stated there has been State legislation every four (4) years or so that has increased the penalties and fines. He questioned if there was anything that could be done to increase the revenue.

Director Funicelli stated it is possible that the maximum fines are not being imposed. He stated there is also an issue of fines being collected. He stated if a fine goes unpaid it is the responsibility of the Court to pursue.

Legislator Wright questioned if this issue has been brought to the magistrate's attention.

Director Funicelli stated they do speak with them periodically, however they do not get to meet with them that often.

Legislator LoBue questioned what the maximum fine is for a DWI.

Director Funicelli stated the maximum fine is about \$1,000 for a felony and about \$500 for a misdemeanor.

Legislator LoBue suggested discussing this matter at a Protective Services Committee Meeting going forward.

Legislator Castellano questioned if the fines were set by the State.

Director Funicelli stated the County has no control over the amount of the fine as it is set by the State.

Legislator LoBue stated a discussion could be had regarding the Courts imposing the fine.

Director Funicelli stated he is working towards properly collecting the fines with the County Clerk and the District Attorney.

Bureau of Emergency Services – Account 3989 (pages 63-70)

Legislator Gouldman questioned if something new was being purchased with the funds in line 52120, Office Equipment, (page 64) under Emergency Services.

Commissioner Sutton stated the funds allocated in that line may be for the ID card machine.

Legislator LoBue questioned if this is for the security system for all County facilities.

Commissioner Sutton stated it is for Indian Point.

Chairman Gross questioned line 54540, Radio Communications.

Commissioner Sutton stated the bills for the radio tie lines are paid for through that line.

Legislator Gouldman stated for 2015, \$4,000 was budget for Office Supplies, line 54310, and so far this year, just under \$100.00 was spent. He questioned if \$4,000 would be needed in 2016.

Commissioner Sutton stated there may be an opportunity for savings in that line. He stated there has been cost savings in other aspects of the budget.

Legislator LoBue questioned Travel, line 54675. She stated there was \$5,000 allocated for 2015 and about \$1,300 has been utilized thus far. She stated the same amount has been allocated for 2016.

Commissioner Sutton stated the only travel expenses they have are for County Meetings in Albany. He stated the meetings in Albany are what would bring the amount to \$5,000.

Chairman Gross questioned if the meetings in Albany require an overnight stay.

Commissioner Sutton stated yes, typically it is a two (2) day meeting.

Legislator LoBue stated the requested amount in line 54710, Maintenance and Repairs, was \$25,000 which was lowered to \$5,000 in the Tentative Budget.

Commissioner Carlin stated the line was cut by the Administration. He stated Commissioner Sutton was asked to seek a member item for the fire training staff.

Legislator LoBue questioned what the member item is for.

Commissioner Sutton stated there are doors that need to be replaced and outside lighting to add. He stated there were steps to be installed or repaired and blocks to replace broken retaining walls. He stated this is for typical maintenance on the facility, which is showing signs of neglect.

Legislator LoBue questioned the \$11,000 allocation in line 54989, Miscellaneous. She stated thus far in 2015, \$4,300 has been spent and in 2014 about \$7,000 was spent.

Commissioner Sutton stated he is unaware of where the money was spent in the past.

Legislator LoBue questioned what this line is used for.

Commissioner Sutton stated it could be used for supplies for contamination drills.

Legislator Gouldman stated some of the discrepancy could be because the Department was in transition in the beginning of the year.

Chairman Gross stated the budget lines on pages 66 - 68 have nothing budgeted for 2016.

Commissioner Sutton stated these lines are funded by grants. He stated a number of grants are being closed out. He stated the grants are becoming stricter in regards to when the money must be spent by.

Chairman Gross directed the Committee's attention to page 69 and questioned the Overtime, line 51093. He stated \$130,000 was requested in the budget, however that number was lowered to \$50,000.

Commissioner Sutton stated it is very difficult to keep communication operators, there is a very high turnover rate. He stated there is a communication operator who left but is returning, which will help reduce the overtime cost. He stated they are also looking into utilizing temporary employees to save on overtime costs.

Legislator Gouldman stated looking at the 2015 amount; about \$86,000 has been spent in overtime in just three quarters. He questioned if the Department would be able to cover their overtime costs for 2016 with the \$50,000 allocated for overtime.

Commissioner Sutton stated the person who is returning will go back into a full time position, which will help.

Legislator LoBue questioned who left that will be returning.

Commissioner Sutton stated it is a dispatcher.

Legislator LoBue questioned if there are any vacancies.

Commissioner Sutton stated there is currently one (1) vacant dispatcher position.

Legislative Clerk Diane Schonfeld stated there is a time sensitive memorandum from the Bureau of Emergency Services regarding the contract line with TransCare.

Commissioner Sutton stated about two (2) months ago he had come before the Committee to discuss concerns with the Contractor. He stated there were very few alternative agencies to choose from should a replacement agency be needed. He stated the establishment of a County wide Certificate of Need (CON) operated EMS system would provide the ability to have a company come into the County and operate under the County's certificate as opposed to searching for someone to come in who has their own certificate to operate in Putnam. He restated that there are few agencies to

choose from and by the County becoming the entity, it provides a larger option in terms of vendors. He stated one (1) of the existing vendors had serviced the County before and did not fare so well. He stated one (1) is the Presbyterian Hospital system, which he does not believe is a healthy development in the County for the existing hospital. He stated the third certificate that he is aware of is the Old Alamo certificate, which belongs to the network with St. Francis and Vassar. He stated there have been developments within the past few weeks where the County was in receipt of cancellation notices concerning the Contractor and their insurance coverages. He stated any one (1) of these developments is a red flag, especially when there is a trend. He stated he would like to address this issue before it is too late.

Chairman Gross questioned if this would be financed through contracts to each municipality.

Commissioner Sutton stated it would be no cost to the County. He stated there would be a short-term contract to fill the gap while the RFP is put out. He stated it is hard to tell if it is a cost neutral situation, however the action he is requesting is definitely cost neutral. He stated Legislator LoBue had a concern regarding liability for the County. He stated he believes this is a good, sound business practice to have more options available should a problem arise. He stated ultimately, if the RFP was answered by a contractor at a higher cost than it is currently, then it would not be cost neutral.

Legislator Gouldman questioned what the next step would be and when it would be done.

Commissioner Sutton stated the next step is to file an application with the State Department of Health. He stated the Legislature's vote on the resolution is the first step.

Legislator Wright stated he circulated a copy of the underlying statutory regulations under which the designation can be made in an email on October 8, 2015. He stated there are essentially two (2) ways, one (1) being an involved process which attends to garner the best available information from all related service providers. He stated there is an extensive notice and opportunity to be heard before a municipality makes a judgment that there is a demonstrated need for the County to go into the ambulance business. He stated with all respect to Commissioner Sutton, in order to look favorably on the recommendation, it must be acknowledged that this is a several-month process of due diligence and need assessment. He stated the County Legislature's knee jerk affirmative vote to make this designation would substitute for public input. He stated there are many indirect costs. He stated as Commissioner Sutton stated, as presently contemplated, this is cost neutral. He stated however, the County becomes bound under that statute to meet all present and future training and equipment regulations for personnel under the purview of the County's ambulance system. He stated he believes passing this through so quickly would be disregarding the statutory framework for what is being requested. He stated he is very much opposed to doing this in a way other

than soliciting the input from all stakeholders before determining if this designation of need is appropriate to be made.

Legislator LoBue agreed with Legislator Wright. She stated in the past the County had taken over Advanced Life Support (ALS) services, which ended up costing over \$400,000. She stated she would like to be very careful so this is not repeated. She stated this must be thoroughly vetted. She stated she has been contacted by members of the Mahopac and Mahopac Falls Fire Departments. She stated the public should have a chance to state their opinions on this matter.

Commissioner Sutton stated the facts as they are being presented are a little misleading. He stated in the State of New York there are EMS Councils which were established in the 1970's. He stated the Councils are set up under Article 30 of the Public Health law and are composed of members of volunteer ambulance corps, fire-based ambulance, health department representatives, uninvolved citizens, hospital representatives, hospital-based EMS, etc. He stated the EMS Council is the body that decides whether there is a need for a service or not. He stated there is a fitness and competency test for the principals in the organization. He stated the EMS Council takes a vote to decide whether the agency gets the CON for their area. He stated about 20 years ago the City of Troy had an EMS crisis where their vendor went out of business on short notice and the City petitioned the State Health Department, which is where the municipal CON process began. He stated if the County is successful in getting a CON, it can operate for two (2) years. He stated after the two (2) years are up, the County would need to go through the process again, however since the County will have the prior experience, it will be easier to obtain the CON. He stated the County is not going into the ambulance business. He stated the only difference is instead of contracting with TransCare to provide ALS transportation and using their CON, the County would be getting their own CON and the contractor would still have a slightly modified contract with the same responsibilities in terms of liability and indemnification. He also stated the same would be a guarantee of Certificate for all providers, a guarantee of operational capability of the ambulances, and a guarantee of their narcotics programs. He stated his concern was the possible liability of behalf of the County, however the State Department of Health has provided the assurance that it is okay to assign all of those responsibilities to the chosen vendor, just as happens now. He restated his concern with the possibility of TransCare failing because of the sparse agency choices of the ones that have a CON. He stated he believes that this is the right thing to do to position the County should the current vendor have business difficulties.

Legislator LoBue questioned why the current vendor may have issues.

Commissioner Sutton stated the vendor failed to meet payroll and the State Department of Health sent a letter to the Bureau of Emergency Services stating the vendor was not meeting their financial obligations. He stated he also recently received a notice that the vendor's worker's compensation plan had been cancelled.

Legislator Albano agreed with Commissioner Sutton and stated the County should be prepared.

Chairman Gross suggested having stakeholders attend the November Protective Services Meeting to get another perspective.

Commissioner Sutton stated his biggest concern is that the company is not paying payroll taxes, and if that is the case, it may turn out that the company suddenly goes out of business. He stated if that were to happen the County would have no ALS coverage.

Legislator LoBue questioned if Commissioner Sutton had reached out to the company.

Commissioner Sutton stated he has had meetings with the company. He stated he had a very frank meeting with the President where he asked that he be reassured that there would be no surprises. He stated the President responded by saying the company was in good health and there was no need for concern. He stated it was that same day he received the notification that their worker's compensation policy had been cancelled.

Legislator LoBue stated paperwork does sometimes lapse. She stated that she is concerned that this item was not listed on the agenda and therefore the public has not had a chance to voice their opinion.

Chairman Gross stated he would like to review this matter at the November Protective Services Meeting to allow for public input.

Legislator Wright requested that the statutory scheme be followed for notification to interested stakeholders.

Commissioner Sutton stated that would be after two (2) years.

Legislator Wright stated that would be after an emergency designation.

Commissioner Sutton stated it is not an emergency designation; it is something that would be put in place where a municipality can get it and not have to go through the process until two (2) years later.

Legislator Wright stated it is substitute of judgment that the County is making without the benefit of that information.

Commissioner Sutton disagreed with Legislator Wright. He stated the process Legislator Wright is describing, would entail submitting an application to the local EMS Council and they would have to notice everyone in the Council that the application had been submitted. He stated if anybody responded to that notice that would trigger the public hearing process and then a vote. He stated for a municipality to apply, it does not trigger that process until the end of two (2) years.

Legislator Wright stated he fails to see the Legislature's ability to come to the conclusion, which is the end of that process, without similar input that the Council would have. He stated the Legislature would be making a substitute of judgment for a decision that the Council would have a great deal of input before making their determination of need. He stated the Legislature is being asked to make a determination of need without the Council. He stated there are numerous stakeholders involved in the process and this is not yet on anyone's radar. He stated more information produces better legislation.

Commissioner Sutton stated recognition of the need for this is what needs to be achieved rather than triggering the process. He stated his job is to explain to the Legislature that there is some trouble he sees and in his opinion, something must be done. He stated the vendor is good and they have done a great job to date, but his concern is that it will become his responsibility to create a solution on very short notice choosing from agencies that he would not pick otherwise. He stated he has had extensive conversations with the State regarding this matter and they have agreed that this path is the right choice. He stated TransCare is important to Putnam, but it is far more important to New York City. He stated they have about 36-40 trucks in the City that are part of the 911 system down there. He stated it is not all done by the New York Fire Department or the hospital services. He stated the Fire Commissioner of the City of New York is taking steps to isolate them also.

Legislator Nacerino agreed that this discussion should continue at the November Protective Services Meeting so more people can be notified of the situation. She applauded Commissioner Sutton for his foresight of this potential problem. She stated by looking ahead, the people of Putnam County will not be jeopardized.

Legislator LoBue questioned if the Ambulance Corps are experiencing issues with their service. She stated that although a notice was sent, Commissioner Sutton did speak with the company. She stated Putnam County and New York City are very different.

Commissioner Sutton stated the reason he brought up New York City was to emphasize the potential impact their failure may have. He stated the service they provide to Putnam is the ALS transportation. He stated because there has been a rise in call volume and a decline in volunteerism, last time the contract was renewed another basic life support ambulance was added. He stated they are not the main transporting component of the EMS system. He stated the volunteer ambulance corps and the fire-based ambulance services are the primary transporting agencies.

Chairman Gross stated the critical aspect is to be able to service the community.

Legislator Scuccimarra thanked Commissioner Sutton for providing insight into this matter and stated she has a lot of confidence in his opinion. She stated the Emergency Service providers in Philipstown share the same concerns with TransCare. She stated if all of a sudden TransCare goes out of business, the health and safety of those in our

community are then at risk. She stated she would like to follow Commissioner Sutton's suggestions.

Legislator Albano stated he is in favor of discussing this again in November to finalize it.

Commissioner Sutton stated the paperwork could be ready; however the application can wait to be submitted once the Legislature votes.

Legislator LoBue stated there have been no issues with the company in regards to fulfilling their duties. She stated she would not want to take on something that may not be necessary.

Chairman Gross stated he would like to continue this discussion in November with the stakeholders present.

Legislator Wright requested that the service be compared to the surrounding Counties in time to be reviewed at the November Protective Services Meeting.

Approval/ Child Passenger Safety Program/ Reduced Amount

RG made a motion to reduce lines 443892 10023 and 54989 10023 each by \$3,000; Seconded by Legislator Gouldman. All in favor.

Item #4 - Other Business - None

Item #5 - Adjournment

There being no further business, at 8:45 p.m., Chairman Gross made a motion to adjourn; Seconded by Legislator Nacerino. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.