

PROTECTIVE SERVICES COMMITTEE MEETING

Held In Room #318

PUTNAM COUNTY OFFICE BUILDING

CARMEL, NEW YORK 10512

Members:

Chairman Gross, Legislators LoBue & Wright

Tuesday

February 11, 2014

The meeting was called to order at 6:50p.m. by Chairman Gross. He requested that Legislator Wright lead in the Pledge of Allegiance. Upon roll call Legislators LoBue, Wright & Chairman Gross were present.

Chair Gross stated that he will be addressing agenda item #7 to start the meeting. The representatives from the Town of Carmel Government have a Town Board meeting to get to; however they would like to speak to this agenda item.

Item #7) Discussion/Emergency Response Team (ERT)/County Executive Odell

Chair Gross invited Town of Carmel Supervisor Kenneth Schmitt & Town of Carmel Councilman John Lupinacci to begin the discussion.

Supervisor Schmitt stated that he would like to start his discussion by stating that the Town of Carmel supports the Emergency Response Team (ERT). He stated that it is a critical tool in law enforcement today. He stated that the issue that has brought them here is the costs associated with the ERT have become astronomical. He stated that the cost has become a burden to the Taxpayers of Carmel. He stated that they can no longer afford to pay for these extreme costs above and beyond the financial grant funding for the ERT, which is Homeland Security Funds in the amount of \$25,000. He stated that does help to defray some of the costs associated for the training, but the totals are much more than that. He stated that the 2% Tax Cap is a challenge for the Town of Carmel to stay within, but not just because of the ERT, there are other challenges associated with the cost of operating the Town that are contributing to that challenge. He stated that they have nine (9) members of their Carmel Police Department who participate on the ERT. He stated that he does not believe that the financial burden of having the Town of Carmel Police Officers participating as members of the ERT should fall only on the Taxpayers of Carmel. He stated that the ERT is called out on calls throughout Putnam County. He cited a recent case that the ERT was called in on in the Cold Spring area which incurred \$11,000 to the Taxpayers of Carmel. He stated that there were members of the Carmel Police who serve on the ERT who were called out on a call in Philipstown and that call incurred \$6,000 to the Taxpayers of Carmel. He stated in approximately a two (2) month period \$17,000 of overtime costs was incurred by the Town of Carmel. He stated that they believe and support the ERT, but at what cost to the residents and Taxpayers of the Town of Carmel. He stated that he believes that the Towns of Kent and Carmel are being financially penalized by having member of their Police Department as members of the ERT. He stated that the way that the ERT is currently funded is resulting as a financial burden. He stated that he would like to thank the Legislature and the County Executive for funding \$90,000 in the County's 2014 budget to go towards the ERT. He stated even with that, assuming it will be split in half, \$45,000 plus the \$25,000 Homeland Security

funding, the Town of Carmel is still approximately \$150,000 that is not covered by any outside funding.

Legislator LoBue stated that in 2006, when the ERT was initiated, she does not believe that anyone realized what the costs would be. She stated that it is clear that there is a large deficit between the funding provided for the ERT and the cost going to the Carmel Taxpayers. She stated that she believes that Supervisor Schmitt is communicating that these costs are not sustainable for the Town of Carmel.

Supervisor Schmitt stated that is correct.

Councilman John Lupinacci stated that the ERT protects and supports Putnam County as a hole. He stated that the County residents would pay for the ERT in their tax bill. There are Towns in Putnam County that do not have involvement from a police force in the ERT, because they do not have a Police Department. He stated that they are receiving the services of the ERT, however currently; they are not paying for the services.

Legislator Gross stated that is his concern also. The Sheriff's Department is working along with members of two Town Police Departments but the whole County is benefiting. He stated that he believes this is a valid concern. He stated that the County Executive is not present tonight. However his recommendation is that the County Executive and the County Law Department need to be in the discussion to see if there is some type of reform that can be agreed to.

Legislator LoBue stated that in her opinion the costs will be shared throughout the entire County or there will need to be a discussion as whether we need to reduce this service. He stated that the Town of Carmel Police Department cost is approximately \$9 million, the Road Patrol out of the Sheriff's Department is at a cost of \$16 million and the jail at the Sheriff's Department is a cost of approximately \$10 million. She stated that she does not know where the ceiling is. She stated that she believes that we need to hear from the public on how they feel about it. She stated she does believe that the ERT is important, but the cost factor is critical. She stated that all of the Towns are struggling with their budgets. She stated that she is thankful that Supervisor Schmitt and Councilman Lupinacci brought this matter forward. She stated that the Towns rely on mortgage tax and property tax, there is not a lot of wiggle room.

Legislator Wright questioned if Legislator LoBue is referring that a Inter-municipal Agreement be created between the Towns.

Legislator LoBue stated this is a County wide program and the County Executive would need to be consulted on this.

Councilman John Lupinacci expressed a breakdown of calls that included three calls that were outside of the Town of Carmel. He stated that in his opinion that is not fair that the Town of Carmel residents pay for those calls.

Legislator Wright stated that it was mentioned that the ERT was called out on a Search Warrant execution. He stated why would the ERT need to be called out on such a matter.

Captain Velotti stated that it was a situation which involved three different locations at the same time, and they were considered high risk warrants due to the people involved. He stated that the information reported by the undercover officers was that they could be armed; making it a potentially dangerous situation. Therefore the decision was made that the ERT needed to be utilized for that particular Search Warrant.

Legislator Wright stated that he would like more background on that, only because it is contrary to the thirty years (30) in the business that he has spent; he has never heard of an ERT getting involved in a Search Warrant.

Legislator LoBue stated that when she thinks of the use of the ERT she thinks of them getting called into extreme circumstances, she stated that she believes that we need clarification on how and when the ERT is dispatched and what is appropriate in terms of utilizing these highly trained officers.

Chair Gross read from the contract "high risk calls, a barricaded subject, a mentally disturbed and homeland security situations".

Legislator LoBue stated that there is a letter from the County Executive (in the back up) and it is clearly stated in her correspondence that the ERT was never meant to be a County funded program. She stated again, when this was initiated in 2006 costs were not as expensive as they are now. She stated that she does believe that it needs to be looked at.

Chair Gross stated that he believes that we all agree that an ERT program is needed. He stated his question is "should the ERT program fall under the auspices of the Sheriff's Department". He stated that the Sheriff's Department is County funded.

Legislator Oliverio stated that he was a Legislator during the time that the ERT was created. He stated that he believes that it is a brilliant concept. He stated, as he states often the role of government is to provide for the health and safety of the people. He stated that this is a very important program. He stated that he would not agree to put the ERT program under the auspices of the Sheriff's Department. He stated that he believes that the way it is structured now is excellent. He stated that he would like the County to take from the excess Sales Tax and reimburse the Towns for their additional costs. He stated that every year there is an excess. He stated we could then build into the budget to cover the future costs of the Towns, above and beyond the reimbursement that they receive. He stated that he believes that it is unfair to make the Towns carry that additional financial burden. He stated that it is only fair that the cost for the ERT be shared between all of the residents of Putnam County.

Legislator Wright stated how about it stays as it was, not as it is. He stated this is a classic example of a program getting started from grant funds. He stated, the programs exponentially grow and the seed money grants are not paying for the pencils and the papers it takes to run the operation. He stated that he is not picking on this program, he stated generically across the board there is probably not a grant program that has started this way that has not grown by leaps and bounds.

Legislator Oliverio stated that he does not think that is the case with the ERT program.

Legislator Wright stated then he would fault the Legislators of 2006 who did not project that this program would grow exponentially over time.

Legislator Oliverio stated that times have changed. He stated that we have had mass killings since 2006.

Legislator Wright stated that he agrees. However most of the residents of Putnam County in 2006 had more disposable income. He stated he does not know how to answer to people who ask "how do you allow a program to grow and grow and grow". He stated especially when it was not intended at the outset to be of those proportions.

Legislator Oliverio stated that the program is here, it is an important program, it is here to protect our kids our families. He stated that he believes we need to be more novel on how we will pay for this essential program.

Legislator Wright questioned if the Inter-municipal Agreement addresses inter municipal payments to the Towns.

Supervisor Schmitt stated no, it only addresses the right of the Towns to participate in the ERT.

Chair Gross stated that there is also the concern of the financial burden of workers compensation, if an officer is injured while working in their role as an ERT responder.

Legislator Albano stated that he is not in favor of enhancing the current ERT program, unless something happens in the world which warrants that. He stated that it is unfortunate however once it is created it will be utilized. He stated that we need to be very careful on how we utilize the ERT. He stated that he believes that the costs should be shared amongst all of the County Taxpayers. He stated this is a program that serves the entire County.

Councilman John Lupinacci stated that they are here to ask that the Town of Carmel be reimbursed for the calls that are responded to by the ERT that are outside of the Town of Carmel. He stated they have no problem covering the cost of the ERT when the incident is in the Town of Carmel.

Legislator Tartaro stated that in reference to the workers compensation reference. He stated that is a huge financial burden to Taxpayers. He stated that if the ERT program specifics are going to be revisited he hopes that the issue of workers compensation be looked at.

Legislator LoBue stated that in her opinion there are two issues here either every Taxpayer pays proportionately, and long term funding needs to be addressed. In reference to Legislator Oliverio's early comment about using the surplus Sales Tax, she stated that there may not be a surplus next year. She stated that she does not see that as being a solution.

Chair Gross stated that he knows that the Town of Carmel representatives have a meeting that they need to get to. He stated that he will contact the County Executive on this matter and recommend that a meeting be set up with the County and the Towns in order for this concern to be communicated and addressed.

Chair Albano stated that he is not in favor of using the surplus Sales Tax. He stated that he believes that all Taxpayers should pay for this County service.

Councilman John Lupinacci stated that the Town of Carmel is of course open to that. However they did not come tonight to ask that. They want to amiable and they want to sit down and discuss all of these points. He stated that the Town of Carmel wants all parties to work together on this.

Supervisor Schmitt stated that he believes that the costs associated to operating the ERT are greater than anyone ever expected that they would become.

Legislator Nacerino stated that she believes that with everything that has been discussed tonight, there needs to be a regional approach to the situation; whatever that regional approach means at this time. She stated that all points made tonight were well taken. She stated that she would like to look at what the emergency calls are that define between the Police Department and or the ERT are dispatched to. She questioned in terms of the IMA, how binding is it; can it be redefined in a way that it will be better suited to meet the needs of the people in Putnam County. She stated that she would like to know the statistics of the out of Town Calls. She stated that there is a lot of discussion that needs to take place. She stated that the Legislature doe recognize the request for an equitable resolve to this matter.

Legislator LoBue stated to address Legislator Nacerino, everything in the IMA can be discussed. Currently the Towns that participate assume the liability for their Officers, and that is part of the issue.

Town of Kent Councilman Michael Tierney stated that they brought this subject up to the Sheriff approximately three years ago, regarding the costs that were coming to the Town. He stated that he believes that the \$90,000 that has been placed in the County's 2014 budget for the ERT was as a result of those discussions. He stated that the Town of Kent like the Town of Carmel would like to see a fair and equal share of this service. It is a County function all residents are reaping the benefits of the ERT. He stated that believes that if one of their Officers is injured while working in their role as a responder on the ERT the 207C costs should be picked up by everyone in the County. He stated that they do recognize that their Officers reap a benefit from this training and they are willing to negotiate.

Item #3) Approval/Protective Services Meeting Minutes/December 16, 2013
Chair Gross stated that the minutes were accepted as submitted.

Item #4) Approval/Sheriff's Department/Fund Transfer (14T013)/Transfer to Pay Janitorial Services

Legislator LoBue made a motion to approve Fund Transfer (14T013)/Transfer to Pay Janitorial Services, Sheriff's Department; Seconded by Legislator Wright. All in favor.

Item #5) Approval/District Attorney's Department/Budgetary Amendment (14A014)/DA Reserve Forfeited Asset Funds To Purchase 2014 Jeep Grand Cherokee for use as fleet car for the District Attorney's Investigator

Chair Gross questioned why the Cheep was going to be purchased in New Jersey.

District Attorney Levy stated that it went through the bidding process and it went through the County's Purchasing Department. He stated that it has not been purchased yet. He stated that this was just a quote received. He stated that he wanted it to go through the Legislature first.

Legislator Wright stated that his residual familiarity with the fact that past vehicles were purchased from that New Jersey dealer.

District Attorney Levy stated that he went through the County's proper channels with the bidding process through the Purchasing Department. He stated that there is zero fiscal impact. He stated since 2009 the Forfeiture Unit has been up and running and they use the monies generated through the Forfeiture Unit to partner with the County, the State Police and the local Law Enforcement Agencies in programs that benefit the people of Putnam. He stated that the money that they can give back to the County to lower those necessary expenditure, they do. He stated that the program has been going pretty well.

Legislator Wright questioned if this new Jeep will be replacing the Crown Vic (Crown Victoria).

District Attorney Ley stated that it is. He reported that the transmission just blew on that Crown Vic.

Legislator LoBue made a motion to approve District Attorney's Department/Budgetary Amendment (14A014)/DA Reserve Forfeited Asset Funds To Purchase 2014 Jeep Grand Cherokee for use as fleet car for the District Attorney's Investigator; Seconded by Legislator Wright. All in favor.

Item #6) FYI/Bureau of Emergency Services/Fund Transfer (14T005)/Cover Cost of Putnam Valley Tower/NYCOMCO Shortfall – Duly Noted

Item #8) Approval/Request to apply for John T. Sloper Community Fund Grant/ Sheriff's Department

Legislator Wright made a motion to approve Request to apply for John T. Sloper Community Fund Grant/ Sheriff's Department; Seconded by Legislator LoBue. All in favor.

Item #9) Discussion/Proposal-Jail Expansion/Sheriff's Department

Under Sheriff Convery stated that he had a correspondence from Sheriff Smith that he would like to present as additional to this agenda item.

Captain O'Malley stated that at this time the recommendation from the Sheriff's Department is not to go for the expansion at this time. He stated the costs that they are currently paying in boarding out the female population are manageable and more cost effective to the County at this time. He stated that the costs associated with expanding the facility, they do not believe

would be beneficial. He stated that you will see in the correspondence from Sheriff Smith that the total cost for boarding out Putnam County inmates in 2013 was \$126,030.

Under Sheriff Convery stated Commissioner Carlin stated that a small expansion in the amount of \$5 million dollars and the cost of the debt service of the bond would cost \$7 million dollars. He stated that after evaluating all of the facts it has been decided that Putnam County would not get the return on their investment of an expansion project at this time.

Chair Gross stated that he appreciates their candor on this matter. He stated that he recently was at the New York State Association of Counties meeting. He stated while there he learned that Broome County and Sullivan County are looking at a 256 bed expansion, Dutchess wants to go as high as 300 beds, and Rensselaer County Jail has found that it is cheaper to board rather than to build the large facility that they were looking at.

Legislator Oliverio stated that he would like to compliment the Sheriff on being so candid with this advice not to move forward at this time. He stated that this relates back to what was mentioned earlier by Legislator Wright, about programs that keeps expanding over time. He stated that here we have our Sheriff saying no to an expansion, at this time, because it makes no sense. He stated that he compliments the Sheriff on his decision.

Under Sheriff Convery stated that also, if an addition is put on the jail, it will increase the personnel costs. He stated that the New York State Commission mandates that a certain amount of personnel be on duty.

Legislator LoBue questioned how much it costs to house one inmate.

Captain O'Malley stated that at Rensselaer County Jail it costs \$85.00 a day.

Under Sheriff Convery stated that Orange County Jail charges \$130.00 a day.

Legislator LoBue questioned how much it costs to house an inmate in the Putnam County Jail.

Captain O'Malley stated approximately \$132.00 a day.

Item #10) Discussion/Restructuring of the DA's Office/District Attorney Levy

District Attorney Levy stated that he is asking the Legislature to allow him to effectuate his office. He stated as a result of several recent retirements he has had the ability to hire new Assistant District Attorneys. He stated that he now has an office of highly experienced Assistant District Attorneys. They have been in the criminal justice system as prosecutors; ranging from twenty-four (24), to fourteen (14) years, to twelve (12) years, and eight (8) years of experience. He stated that he works to stay within the footprint of the budget for his department and he has done that. He stated that he did explain to the people who came to

work in his office that he would not be coming and requesting additional money for the individual prosecutors, but he did tell them that when there came a time that he could restructure he would look at his office's budget for Personnel. He stated that he would take all of the salaries and put them in a big bucket and make a determination based on his experience, his role as District Attorney and as the elected member of that office to determine, based upon their experience level, based upon their responsibilities, based upon the number of years of service they have had and the benefits that the community receive as a result what is a reasonable figure and that is what he is asking that this Legislature allow him to do. He stated that he will stay within his footprint and make sure that there is no fiscal impact, he is not asking for any additional money. He stated that he wants the ability to simply to run his office the way he knows it needs to be run.

Legislator LoBue stated for clarity you are asking to reconfigure the pay for all of your department without going a penny over your budget.

District Attorney Levy confirmed that is correct.

Chair Gross stated that District Attorney Levy will also be addressing this matter with the Legislature's Personnel Committee at the February 18, 2014 meeting.

Legislator Oliverio stated that as the elected official for that department, that is his right, and he should be allowed to do that. He stated that he has no problem with that, and he agrees with D. A. Levy in that it is probably time for many of the individuals who have given that extra 110% to be rewarded.

District Attorney Levy stated that back when Dan Birmingham was on the Legislature, at that time there were several ADAs (Assistant District Attorney) coming in from other offices, specifically from the Bronx; they are now known as "Bronx North". He stated that he explained at that time that these ADAs were taking substantial pay cuts. He stated back at that time he had an opportunity, by way of a small grant to offer one a stipend and that was approved by the Legislature then in 2008. He stated that he made it clear to the Legislature that he would not be coming back for additional funding once the stipend runs out. He stated as Legislator Wright referred to earlier, many times in government seed money is provided, but then it is gone and then the County is left to make up the difference. He stated that he made it clear to Legislator Birmingham and the Legislature at that time that he would not do that; and he has not. He stated that in reference to the conversation that was just had with the Sheriff's Department representatives from the Correctional Facility, part of the reason that we are able to keep a lid on the Correctional Facility costs, even though we have seen in Putnam County, unfortunately, in the last two to three years such an increase of heroin in the area. He stated that there are new drug issues, that we did not have many years ago, we have mental health issues in our jails, because the State is closing the State Facilities and simply forcing the County level services to pick up that slack. He stated that there was an article in the

Associated Press in February 2014 announcing the closing of four more jails in New York State, minimum and medium security prisons being closed. He stated that is on top of the already nine that have already been closed. He stated that the closing of the State Jails forces the Counties Jails to house this additional population or come up with a solution. He stated that the State did that by the enactment of CPL Section 216 in 2009. He stated that allowed the Judiciaries to allow certain narcotic drug offenders into treatment court programs that we may not be so thrilled are participating; the reason is simple, there is no place else to put them. He stated since we partner in Putnam County with the Jail and Commissioner Piazza in the Mental Health Department Putnam has a vibrant program. He stated not only the Drug Treatment Court program but the Mental Health Program. He stated that Putnam County is addressing these changes through community based supervision outside of the Jail. He stated if Putnam County did not have the Mental Health Coordinator or the Driving While Intoxicated (DWI) Coordinator or the Coordinator from the Office of Court Administration you can rest assured that those inmates would be in our jails and we would have to request more money to build another jail. Because there is no place for these people at the State level.

Under Sheriff Convery stated that it is a joint effort in Putnam County between the Sheriff's Department, the Drug Court, the Probation Department and the District Attorney' Office.

District Attorney Levy stated that the Probation Department does a phenomenal job. He stated that when OCA (Office of Court Administration) suggested to Putnam County that we consider letting more people into our probation program, even though we were bursting at the seams as it was and we did not have the Personnel to handle more people; their response was to cut the amount of time that people are allowed to be in the probation program. He stated that the program in Putnam County is very successful; it currently has a rate of 12.5% recidivism down from 34% with an 18-24 month long program. He stated a heroin addict who has been an addict for many years and committing nonviolent crimes, according to some members of the State, after 28 days that should be plenty of time to get them cured. He stated that is not how we do business here in Putnam County. He stated that is something we should all be proud of, especially the Sheriff's Department, Probation Department and the Mental Health Department.

Legislator Wright questioned how many of his ADAs are going to be a part of this proposed reallocation of funds.

District Attorney Levy stated that there are five (5).

Legislator Wright questioned prior to the retirements there were how many.

District Attorney Levy stated that there were five (5).

Legislator Wright questioned didn't some of the retirees work part-time.

District Attorney Levy stated that some of them did, but that is not what he is including in this proposal.

Legislator Wright questioned if the proposal is to take funds from some of the ADAs and reallocate them.

District Attorney Levy stated that is not correct. He explained his proposal is to take the entire pool of monies for salaries, put it in a big bucket and this is just for the Managers, it is not for the CSEA Employees.

Legislator Wright so in the pot would be your Investigator's salary.

District Attorney Levy stated that is not correct. The Investigator is not included. He stated that it is only affecting the ADAs. He stated the ADAs who left offices, making substantially more than they are making to come here. Again he made it clear to them that he would not ask for raises along the way. However when there was a time that he may reorganize his office and the time is now, he stated that he committed that he would make this pitch.

Legislator Nacerino stated that she supports District Attorney Levy's overture to reallocate these funds within your Personnel Line. She stated as Chairwoman of the Personnel Committee, this item will be addressed at the February 18th meeting as well and this propolsa is vague. She requested that District Attorney Levy provide, as Legislator Wright addressed, the specifics of how much money and who the money will be broken down to.

Legislator Wright stated that he doesn't want to know what you are allocating person by person, but he is still confused on this proposal. He stated if you are starting with and addressing the same five attorneys are you looking to reward some; but wouldn't it have to come at the expense of others.

District Attorney Levy stated some people will be making more and some will be making less.

Legislator LoBue questioned the people who receive a reduction in their salary, would they be possibly be vacating their position.

District Attorney Levy stated if they are upset they will only be upset with one person, him.

Legislator Nacerino stated that this is a personnel issue that needs to be discussed a little more in depth at the Personnel Meeting. She stated as previously requested District Attorney will bring forward a salary schedule that will show the salary allocations. She stated that she agrees with the logic and rationale. She stated another thing that will be discussed in Personnel will be managerial salaries and raises a topic that was brought up in 2013 by

Legislator Oliverio. She stated that this kind of piggy backs on the school of thought where other Department Heads may be looking to restructure as well. She stated that she certainly supports the District Attorney's feelings of having people who are very important to the operations being compensated accordingly.

District Attorney Levy stated that the specifics will be saved for later. He stated that most important to him was that he could come before the Legislature and as far as the budget goes there was going to be a zero fiscal impact and he was not asking for a penny more. He stated that he wants the responsibility to allocate those monies the way that I, as the Elected Official, know how they should be allocated. He stated quite frankly it is a positive and negative. He stated that not everyone will be happy. He stated that he is not in the business of making people happy he is in the business of running an effective office. He stated making tough decisions is what he has to do in order to keep qualified staff.

Legislator Gross stated that he thinks this is creative and a change of pace, he thinks it is good.

Legislator Wright stated that he would caution the Personnel Committee not to extrapolate this office generally to the reward system across the board to the other departments across the County.

Legislator Nacerino stated that she must beg the question that there may be another Department Head who feels the same way as the District Attorney does; and they have employees who are instrumental to their departments operations and they may want to take a second look as well, that was the point that she was trying to emphasize.

Legislator LoBue stated she would like to reiterate her earlier statement. She stated that the reason she asked if the District Attorney will be staying within the boundaries of the Counties 2014 Adopted Budget for his Department, is because this opens pandora's box. She stated that it causes low moral for all of the County Employees to think that certain individuals are being "cherry picked" to be rewarded. She stated that the Legislature is not here to micromanage the District Attorney's Office, he knows his department best as long as he stays within the budget.

Item #11) Approval/Resolution/Restrict of County Seal

Chair Gross read from the proposed resolution.

Legislator LoBue stated that when she read this proposed resolution she thought that it was very good. There had been a situation involving the use of the County Seal without County approval. She stated that she would like to request that this proposal be amended to include both the Seals that are being used in Putnam County at this time. She questioned if the County Seal is registered with the State.

Legislator Oliverio stated that he recalls the County Seal was adopted at the time of the Charter Government's inception.

Legislator LoBue stated that the County Executive's Office is using a different Seal.

Legislator Oliverio has requested that something be addressed at the Rules Committee Meeting which Legislator LoBue Chairs and he believes this should be addressed along with the use of the County Seal.

Legislator LoBue questioned if this should be moved from this Committee to Rules.

Chair Gross stated that would be fine with him he suggested that the matter be moved to the Rules Committee with an addendum that would include both of the County Seals that are being used.

Legislator Wright stated that he is not sure if he is in agreement with this. He stated we may be setting the Legislature up to be the "Seal Police".

Legislator Oliverio stated that this would prevent the State of New York from putting our County Seal on any propaganda having to do with the Safe Act.

Legislator Wright stated as Legislator LoBue brought up if the County has the registered rights to the emblem, then a letter is sent to the Governor stating cease and desist you have no authority to use the Putnam County Emblem (Seal).

Legislator LoBue stated that this is coming as a result of a lot of incidents that have taken place that the use of the Seal has been questioned. She stated that an opponent that she ran against in the past was using the County Seal on political paper work and when she brought it up to the attention of the Board of Elections they stated that there was no law or mechanism in place that would prevent that from being done. She stated that she believes this is long overdue.

Legislator Tartaro stated that he looked up on Wikipedia, and it states that the original Seal of Putnam County New York is copyrighted and any commercial use is considered trademark infringement.

Legislator Wright stated that there are several different Seals that are used throughout the County. He stated that the Sheriff uses a Seal unique to that Department and the District Attorney uses a Seal unique to that Department.

Legislator LoBue stated that she believes that the Seal that is in question is the original County Seal. She stated as far as she knows there has not been any instances with the other Seals.

Legislator Wright questioned if we are saying that every County Department can have their own Seal.

Legislator LoBue stated no. The original proposal was sent to the Legislature from the County Clerk's Office in regards to the NY Safe Act. The Governor of New York wanted to put Putnam County's Seal on a resolution saying that Putnam County is in favor of the NY Safe Act. She stated that now it is getting combined with the issues that have been discussed over the past two years.

Chair Gross stated that he would like to move this to the Rules Committee for further discussion that would include also addressing the use of any County or County Department Seal for any private or political gain. After further discussion it was decided that a request will be given to the County Law Department to rewrite this proposed resolution and address the points discussed tonight, and then have it reviewed at the February 18th Rules Committee Meeting.

Item #12) Approval/2014 Stop DWI Plan- Duly noted

Legislator LoBue made a motion to approve the 2014 Stop DWI Plan; Seconded by Legislator Wright. All in favor.

Item #13) Other Business- None

Item #14) Adjournment

There being no further business, at 8:05P.M., Legislator LoBue made a motion to adjourn; Seconded by Legislator Wright. All in favor.

Respectfully submitted by, Deputy Clerk of the Legislature- Diane E. Trabulsky