

**PROTECTIVE SERVICES COMMITTEE MEETING
PUTNAM COUNTY OFFICE BUILDING
ROOM #318**

CARMEL, NEW YORK 10512

Members: Chairman Gross & Legislators Gouldman & Nacerino

Wednesday **6:30p.m.** **March 11, 2015**

(Personnel Committee Meeting to Immediately Follow)

The meeting was called to order at 6:30p.m. by Chairman Roger Gross. He requested that First Sergeant Paul Boscia lead in the Pledge of Allegiance. Upon roll call Legislators Gouldman, Nacerino and Chairman Gross were present.

Item #3 - Approval/Protective Services Committee Meeting Minutes/February 11, 2015

The minutes were approved as submitted.

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

Item #4 - Discussion /Proposed Resolution/NYSAC/ Opt-In Provision to Enact A Local Law Authorizing the Sale and Use of Smaller Fireworks, Such as Sparklers or Sparkler Devices

Chairman Gross read from each piece of correspondence regarding this topic.

a) Corres., From: Sheriff Smith To: Hon. R. Gross Dated: March 3, 2015 Re: Sheriff's Department opinion on the "Opt- In Provision.." Item #4

Chairman Gross stated that in the correspondence received from Sheriff Smith it states: "...even though there is some risk with any type of incendiary device, passing a County law authorizing the sale and use of these devices would not necessarily increase the risk." He stated the letter also highlights that there have been "...very few injuries pertaining to these devices..." and that the Sheriff "...cannot provide you a legitimate objection to passing such a law."

b) NYSAC new State Regulation Control Re: "Opt- In Provision.." Item #4

c) Corres., Provided by Leg. Nacerino/Received at Feb. 2015 NYSAC Conference Re: "Opt- In Provision.." Item #4

Chairman Gross read from this correspondence: "Due to the state regulation change any local law regarding this matter stating where businesses need to register (Section H(2) of the original local law draft) should be changed to the New York State Office of Fire Prevention and Control or in the alternative should read: 'All distributors, manufacturers, and retailers must comply with any and all state laws and regulations regarding registration requirements.'" He stated the Governor is in agreement with allowing certain fireworks to be sold in such a manner. He stated the type of fireworks this is regarding is handheld or ground based sparklers. He thanked

Legislator Nacerino for collecting information from the February NYSAC Conference with diagrams of these devices. He stated the diagram shows “cylindrical base fountains,” “handle fountains,” “spike fountains,” and “cone fountains.” He stated each of these are ground based and are allowed. He stated the diagram also shows “wooden sparklers/dipped sticks” and “party poppers” which would also be allowed. He stated devices that are prohibited are “sky rockets/bottle rockets,” “roman candles/reloadable shell devices,” “aerials,” “firecrackers,” “sparkling wheel devices,” “single tube devices,” “metal wire sparklers,” “ground sparkling devices/ball & disk/cylindrical,” and “smoke cones, balls, or candles.”

d) Corres., From: Deputy County Attorney Diaz To: Chairman of Protective Services Gross Dated: March 5, 2015

Chairman Gross stated this correspondence from the Deputy County Attorney Anna Diaz quotes: “Under New York State Chapter 477 of the Laws of 2014, New York State Penal Code Section 405(5)(b) was amended to state that “...no city or county shall be bound to include ‘sparkling devices’ in the definitions of ‘fireworks’ and ‘dangerous fireworks’ in Section 270 of this chapter.” He then went into detail of what is outlined in the chapter.

Chairman Gross stated the sale of these devices would only be permitted between June 1st-July 5th and December 26th – January 2nd of each year.

e) Corres., From: County Executive Odell To: Chairman of Protective Services Gross Dated: March 6, 2015

Chairman Gross stated County Executive Odell is in agreement with the proposed change to the local law.

f) E-Mail From: A. Logan To: Putcoleg Sub: Fireworks Legislation

Chairman Gross stated this correspondence is from B.J. Alan Company, a company that manufactures fireworks. He read from the letter: “By enacting this local law, many of your constituents who already travel out of state to purchase larger fireworks will stay right here at home and instead use these safer, smaller devices...” He read another section: “The Department of State requires any venue used for the sale or storage of sparkling devices must be compliant with National Fire Protection Association (NFPA 1124) standards.” He stated according to this company, this legislation would “...improve safety by encouraging New Yorkers to buy their sparklers and sparkling devices in state, thus bypassing the explosive fireworks...” He stated the letter also mentions that Connecticut, Pennsylvania, Rhode Island, and Vermont have all legalized these specific items.

Additional #4 – Corres., From: Edward Scott, Putnam County 911 Dispatcher 410 Dated March 8, 2015

Chairman Gross stated there is another piece of correspondence submitted as additional to tonight’s meeting. He stated Mr. Scott is the Recording Secretary of the Putnam County Fire Chiefs Association. He stated this association is made up of active and past Chiefs of the 13

Volunteer Fire Departments in Putnam County and active and past Captains of the four (4) Volunteer Ambulance Corps in Putnam County.

Mr. Scott stated he is an ex-Chief of the Mahopac Fire Department and has been in fire service for 38 years. He stated this is not the Fire Advisory Board. He stated the Fire Chiefs Association is opposed to this legislation. He stated the Fireman's Association of the State of New York (FASNY) consists of 60,000 members and the New York State Association of Fire Chiefs (NYS AFC) consists of 11,000 members and both organizations also oppose this legislation. He stated in 2011 there were 17,800 fires started by all types of fireworks. He stated there were 9,600 firework related injuries, 25% of those injuries being sustained by children under 15 years old. He stated the National Fire Protection Association (NFPA) reports that the common sparkler burns at over 1,200 degrees. He stated a report done by the New York State Consumer Safety Commission showed in 2013 there were eight (8) firework-related deaths and an estimated 11,400 emergency room treated injuries due to fireworks. He stated sparklers were responsible for 31% of these injuries. He stated a point made in the NYSAC briefing was that authorizing the sale of these devices within those two (2) time frames would have an economic impact as it would bring in sales tax. He stated the Putnam County Fire Chiefs Association does not feel the amount of revenue to be collected is worth the risks. He stated the law allows for temporary storage of these devices, such as tents, as well as permanent storage in other buildings. He stated the businesses selling the devices will be storing them before and after the allowed time frame, which increases the fire risk.

Legislator Nacerino stated from a statistical standpoint for Putnam County, she will be voting in favor of this legislation. She stated the Governor signed this into law in November. She stated from a safety perspective, having this within the County's borders will allow for more control to provide a safer environment. She stated Putnam County is in close proximity to state borders and other locations where residents may go and purchase more dangerous fireworks and having this legislation may deter people from buying the more dangerous products.

Mr. Scott stated people can purchase fireworks no matter where they are. He stated he would not like to make them readily available. He stated there are statistics that show the dangers of the devices.

Legislator Nacerino stated Sheriff Smith did not express concern either. She stated if there were incidents occurring, it would have been brought up by the Sheriff. She stated she believes this will do more good than harm in the sense that it will give more control over the devices that are allowed to be sold.

Mr. Scott stated people are still going to buy the bigger fireworks elsewhere.

Legislator Nacerino stated this legislation may lessen the impact.

Legislator Gouldman questioned if there have been any incidents within the past five (5) years.

Mr. Scott stated he does not have any statistics on that; however the 911 call volume does increase on the 4th of July.

Acting Commissioner of Emergency Services Bob Lipton stated about 15-20 years ago, there was an incident involving fireworks across the street from the Kent Schools. He stated statistically, the week of the 4th of July is the most active for the FDNY, with the actual 4th of July being the most active.

Legislator Gouldman questioned what types of fireworks were involved in the incident across from the Kent Schools.

Acting Commissioner Lipton stated the people were having a party and they had various fireworks. He stated it got out of hand and there was an explosion of fireworks and about 15-20 people were injured.

Legislator LoBue stated she is in agreement with Mr. Scott. She stated she has seen a lot of accidents involving fireworks within her own family. She stated the burden falls onto the fire department when incidents occur. She questioned who would enforce this law within the businesses to ensure they are only selling the products during the specific time period. She stated she understands the Governor's point of view in respect to the economic impact this may have, as it may bring in revenue. She stated she does not believe this should be done.

Chairman Gross stated vendors will have to be permitted to sell these items.

Legislator Nacerino questioned if that license would be through the State or the County.

Mr. Scott stated it would be through the OFPC (New York State Office of Fire Prevention and Control).

Legislator Albano stated he is in favor of this legislation. He stated he has five (5) children and never experienced an incident. He stated he respects Mr. Scott's opinion.

Chairman Gross stated having the smaller fireworks available may satisfy a person's desire to use fireworks, rather than having that person go out of State to purchase bigger fireworks. He stated if this legislation turns out to have negative outcomes, it can always be revisited.

Legislator LoBue stated this is an issue of safety.

Legislator Nacerino questioned if many calls are received at the 911 center regarding firework incidents.

Mr. Scott stated he is not authorized to speak to that.

Legislator Castellano questioned if any surrounding Counties have enacted similar legislation.

Mr. Scott stated it has been discussed in Saratoga County and Niagara County.

Chairman Gross stated he was under the impression that many counties had approved this already.

Mr. Scott stated he did not recall seeing that in the NYSAC information.

Legislator Addonizio stated she has seen sparklers and poppers in the dollar store.

Mr. Scott stated they are being sold illegally.

Chairman Gross stated he has also seen these items in the stores. He stated if this were to be approved, there would be a local law change. He stated section 95-96 would need to incorporate the terminology.

Legislator Gouldman questioned if this is approved, the state would grant licenses to those businesses wanting to sell the items. He stated this would allow for law enforcement to check these licenses, thus having more control.

Item #5 - Approval/Proposed Local Law/NYSAC/Opt-In Provision to Enact a Local Law Authorizing the Sale and Use of Smaller Fireworks, Such as Sparklers or Sparkler Devices (*drafted by Deputy Cnty Attorney Diaz*)

Legislator Nacerino made a motion to move the Local Law to the Full Legislative Meeting; Seconded by Legislator Gouldman. All in favor.

Item #6 - Discussion/Creation of Sheriff's Department Vehicle Tracking Report

First Sergeant Boscia stated a tracking report is compiled each month and is given to the Risk Department, Purchasing, and the Highway Department. He stated he has no qualms giving this report to the Legislature, however it cannot be posted on the website as it includes information about every police car in the County.

Chairman Gross stated perhaps the Legislature could have a report with mileage, etc. but not including descriptive details of the cars.

Legislator LoBue stated the report could also be marked confidential so the Legislature would be able to review it without being posted on the Internet.

Chairman Gross stated he wants the Sheriff's Department to feel comfortable that the report would not be made public.

First Sergeant Boscia stated he was notified earlier today that another car must be taken off the road due to severe rusting.

Captain Thomas Velotti stated the car First Sergeant Boscia is speaking about does not even have high mileage on it.

Legislator Nacerino questioned if the report would speak to the vehicle replacement schedule in helping the Legislature during the budget process.

First Sergeant Boscia stated each year will be the same. He stated outside of accidents, the Department purchases six (6) marked police cars each year. He stated if this is done each year, an active fleet can be kept, barring unforeseen circumstances. He stated if less cars are purchased in the interest of saving money, the cars already in the fleet are overused which causes them to break down faster and they do not last as long. He stated spare cars are needed for when cars are in the shop. He stated right now, there are two (2) spare cars. He stated one is a four (4) cylinder Chevy Malibu and the other is a six (6) cylinder Chevy Malibu. He stated they are not the ideal police cars, but they are the cars they have. He stated these cars are for the Investigators.

Legislator Nacerino clarified that six (6) cars are needed annually.

First Sergeant Boscia stated six (6) marked police cars are needed annually. He stated last year the Sheriff's car was replaced.

Legislator Nacerino stated she has no objection to the purchase of the vehicles; however when the requests come in, time is of the essence. She stated she would like to be more prepared to know what is coming down the line based on the inventory.

First Sergeant Boscia stated the inventory is always the same. He stated the Department counts on buying six (6) cars for Road Patrol each year and two (2) cars for BCI (Bureau of Criminal Investigation) every year. He stated when a brand new patrol car comes in, it is used for Active Patrol. He stated as it begins to fall apart it will be moved over to a Sergeant or a School Resource Officer. He stated the cars are used until they cannot be used any longer.

Legislator Nacerino questioned if the report includes vehicles purchased with asset forfeiture money.

Captain Velotti stated cars bought with asset forfeiture money are usually used for undercover. He stated when new vehicles are purchased; the old ones are taken off the road after inspection by the County garage.

Legislator Nacerino stated this is good information to have so the Legislature can know what to expect.

First Sergeant Boscia stated the Department has bought less than six (6) cars per year in the past, however they found themselves in a situation where cars broke down and they did not have enough to cover the fleet. He stated to catch up, they needed to buy eight (8) or nine (9) cars rather than six (6). He stated they are trying to purchase inexpensive cars. He stated Dutchess County has a Detective's Special where the cars cost \$23,000 with everything in it. He stated this is not a patrol car that drives 5,000 miles per month, but by purchasing these cars money is being saved.

Captain Velotti stated the car that was dead lined today was purchased with three (3) other vehicles. He stated because of the fate of this car, the other three (3) must go to the garage to be checked as well.

Chairman Gross questioned if this car is a Crown Victoria.

First Sergeant Boscia stated it is a 2007 Dodge Charger. He stated they are no longer purchasing the Crown Victorias. He stated the Fords are more expensive and the Dodges seem to have the best “bang for the buck.”

Chairman Gross stated a monthly report may not be necessary.

First Sergeant Boscia stated anytime the report is needed, he can get it to the Legislature.

Chairman Gross stated a quarterly report would be sufficient.

Item #7 - Discussion/Concern & Challenges facing Emergency Services in Putnam County

Legislator Nacerino stated she has attended many meetings with the Patterson Town Board regarding issues with Emergency Services. She stated one issue is the lack of volunteers. She stated people no longer have time to devote to volunteer. She stated the course to become an EMT (Emergency Medical Technician) is 150 hours. She stated she applauds the Town of Patterson because they have addressed their concerns about not being able to meet the needs of the public to the Patterson and Putnam Lake Fire Departments. She stated their response time to a call is about 30 minutes. She stated Town of Patterson Supervisor Michael Griffin sent a letter to County Executive MaryEllen Odell explaining that due to the lack of trained volunteers, as of April they would no longer be able to provide ambulance services to town residents. She stated there has been a steady increase in the amount of time it takes to become an EMT or volunteer firefighter, as well as a steady decrease in the amount of residents who have the time to commit to such a position. She stated this issue is not only within the Town of Patterson, but throughout all of Putnam County. She stated there must be a regional approach to this issue. She stated safety and welfare is paramount.

Chairman Gross stated the Town of Southeast is having the same issue.

Legislator Nacerino stated the Towns and the Fire Departments need to come together to discuss what can be done.

Chairman Gross stated as Legislator Nacerino mentioned, the training to become an EMT is 150 hours and there is a refresher course that requires many hours as well.

Acting Commissioner Lipton stated this issue is happening all throughout the County. He stated Supervisor Griffin wrote a letter to the County Executive requesting a meeting to be held with all Town Supervisors, Fire Chiefs, and the Bureau of Emergency Services so a dialogue may be started. He stated this is a good idea so everyone may voice their concerns and hopefully a solution can be reached. He stated the Towns are responsible for providing medical services and

fire services. He stated right now, this issue is at the Town level. He stated until the meeting is held and a solution is reached, the County is not involved; however it is important that the County is aware of what is going on.

Chairman Gross questioned if there is any support or funding from the County for this situation.

Acting Commissioner Lipton stated the County provides and pays for Advanced Life Support (ALS).

Legislator Nacerino stated the Town of Patterson is looking to outsource this service, which would cost \$293,000 per year. She stated this would cost the taxpayers a lot of money. She stated it is important to look at this from a safety perspective as well as a fiscal perspective.

First Sergeant Boscia stated the Towns must be equitable.

Legislator Nacerino stated this will not have an easy solution. She stated a lot of planning, discussing, coordination, and collaboration must take place before a solution is found. She stated the fact is that none of the towns are meeting 100% of their quota.

Item #8 - Update/Acting Commissioner Bureau of Emergency Services Lipton : Hazard Mitigation Grant Program, Ninham Tower Generator, Indian Point (Tour March 19th & Ingestion Pathway), Distribution of First Aid Kits To Various Departments & Fire Drills

Acting Commissioner Lipton stated the Hazard Mitigation plan has moved to the Federal Review at this point. He stated the next step after the Federal Review is to bring the plan before the Committee to be adopted by the Full Legislature and if so, Putnam County will have its first Hazard Mitigation Plan. He stated this may take another 30-60 days. He stated the Bureau is also working on getting a backup generator for the one at Ninham Tower. He stated this project was started by former Commissioner Adam Stiebeling, who had secured grant money for the project.

Chairman Gross questioned what Ninham Tower does and why a backup generator is necessary.

Acting Commissioner Lipton stated Ninham Tower is the key link for the County's microwave system (radio system). He stated if Ninham Tower stops working, all radio communications also stop working.

Chairman Gross questioned if this would affect law enforcement as well.

Acting Commissioner Lipton stated they do have equipment on the tower.

Legislator Gouldman questioned what the microwave system is.

Acting Commissioner Lipton stated it is a radio system that transfers a signal across the County. He stated former Commissioner Stiebeling felt very strongly that this tower needed backup generation.

Legislator Albano questioned if there are portable generators, such as the one at Board of Elections that could be utilized.

Acting Commissioner Lipton stated the Highway Department does have some. He stated they ran into a problem last winter (2013-2014) where a few towers shut down and portable generators were brought there to get the tower up and running. He stated the generator at the Board of Elections is a large one, meant for large buildings. He stated one of the reasons it was purchased was so it could be used at the Hospital in the case of an emergency. He stated if it is needed, the Bureau of Emergency Services will contact the Highway Department and they will transport it where it is needed and hook it up.

Legislator Albano stated if the County had generators that were portable and interchangeable they may be able to cover multiple sites.

Acting Commissioner Lipton stated he would like to speak about the upcoming Indian Point Tour (March 19, 2015). He stated it is important to dress appropriately in jeans, and cotton shirts. He stated do not wear polyester. He stated each person will go through a few checkpoints. He stated each person will have a base reading for the amount of radiation they have on them when they arrive. He stated this check will be performed again when leaving to ensure the radiation levels are not dangerous. He stated if the radiation level is too high, the person will need to stay until the level decreases.

Chairman Gross questioned why they cannot wear polyester.

Acting Commissioner Lipton stated the radiation clings to polyester. He also stated do not bring snacks. He stated there was someone who had a banana in their pocket, and bananas are very high in potassium which gives off radioactivity. He stated no one knew the banana was there until five (5) hours later.

Chairman Gross questioned what happened to the person.

Acting Commissioner Lipton stated they needed to keep the person there until their radiation level decreased to a safe level.

Legislator Castellano questioned if the employees must go through this process every day.

Acting Commissioner Lipton stated they do. He stated he believed the guests will be rather impressed by the security precautions taken by Indian Point. He stated they have also begun meetings regarding the Ingestion Pathway Drill, which covers a 50 mile radius. He stated the drill is to prepare for if there was ever a radiation leak that got into the soil and farmlands, affecting our food products. He stated it takes a long time to plan these drills and this drill is expected to go off in June of 2016. He stated the Bureau has started a program where they are

replacing first aid kits, or adding first aid kits around the County. He stated each County building has first aid kits that will be updated once a year.

Chairman Gross questioned what the date was in June 2016 that the drill would go off.

Acting Commissioner Lipton stated he did not have that information with him.

Chairman Gross questioned if this was a 24 hour drill.

Acting Commissioner Lipton stated it will be a full eight (8) hour drill. He stated they will simulate about a week or a month out so when the drill begins, it will be in real time. He stated they will then “move the clock ahead” to a week, and then a month after the “leak” so they can practice what to do at that time.

Legislator Gouldman questioned who inspects the fire extinguishers within the buildings.

Acting Commissioner Lipton stated a company is hired to come in once a year. He stated they will go throughout the County and inspect all fire related products and place a new tag on them as well as fill anything that has run out.

Chairman Gross questioned when fire drills would take place.

Acting Commissioner Lipton stated they will begin again in the spring. He stated they were started in the fall of 2014, but they were unable to finish due to the weather.

Chairman Gross questioned if the fire escapes are inspected.

Acting Commissioner Lipton stated they are being looked at.

Item #9 - Other Business - None

Item#10 – Adjournment

There being no further business, at 7:35 P.M., Legislator Nacerino made a motion to adjourn; Seconded by Legislator Gouldman. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.