

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

**CARMEL, NEW YORK 10512**

**Members: Chairman Gross & Legislators Gouldman & Nacerino**

**Monday**

**November 9, 2015**

The meeting was called to order at 6:30 p.m. by Chairman Roger Gross. He requested Commissioner of Bureau of Emergency Services Anthony Sutton lead in the Pledge of Allegiance. Upon roll call Legislator Nacerino, Gouldman and Chairman Gross were present.

**Item #3 - Approval/Protective Services Committee Meeting Minutes/Aug. & Sept., 2015**  
Chair Gross approved the minutes as approved.

**Item #4 – Approval/Fund Transfer (15T247)/Cover Internet To Y.E/Sheriff’s Dept.**  
Legislator Nacerino made a motion to approve; Seconded by Legislator Gouldman. All in favor.

**Item #5 – Approval/Fund Transfer (15T249)/Cover Overtime To Y.E/Sheriff’s Dept.**  
Legislator Nacerino made a motion to approve; Seconded by Legislator Gouldman. All in favor.

**Item #6 – Approval/Fund Transfer (15T259)/Purchase Vehicle to Replace Deadlined Vehicle**  
Legislator Nacerino made a motion to approve; Seconded by Legislator Gouldman. All in favor.

**Item #7 - Approval/Fund Transfer (15T260)/Replace Vehicle-No Longer Serviceable-Removed from 2016 Budget/Sheriff’s Dept.**  
Legislator Nacerino made a motion to approve; Seconded by Legislator Gouldman. All in favor.

**Item #8 – Approval/Fund Transfer (15T261)/Cover Overtime Due to open Personnel Line-July/Sheriff’s Dept.**  
Legislator Nacerino questioned Undersheriff Convery if the vacant positions have been filled yet.

Undersheriff Convery stated they are in the process of filling the positions.

Chair Gross made a motion to approve; Seconded by Legislator Nacerino. All in favor.

**Item #9 - Approval/Fund Transfer (15T262)/Cover Overtime Due to open Personnel Line-Aug./Sheriff’s Dept.**  
Chair Gross made a motion to approve; Seconded by Legislator Nacerino. All in favor.

Legislator Nacerino made a motion to waive the rules and accept the additional; Seconded by Legislator

**Item # 10 -Discussion/Constituent Concern-Firearm Use and Hunting within Putnam County**

Chair Gross stated that the constituent, who expressed his concern with hearing gunfire in the woods around where he lives, is unable to be present this evening. He read from the email that was sent to the Legislature November 9, 2015. He stated that the Director of Constituent Services Nick DePerno did contact the constituent. Director of Constituent Services Nick DePerno notified the constituent that it is illegal to discharge a firearm (shotgun) within 500 Feet of a dwelling. Chair Gross stated that Sheriff Smith has sent a correspondence that he has requested be read into the record by Undersheriff Convery.

Undersheriff Convery read the correspondence from Sheriff Smith. In summary the correspondence stated that in Putnam County proper gun safety is practiced and enforced.

John Green, resident, stated that he has been hunting in these woods for 20 plus years. He stated that the shotgun hunting season opens two (2) weeks from now. He stated this person must be hearing Water Fowl Hunting. He continued to share some of the Environmental Conservation Law facts. He stated because there are different laws pertaining to Water Fowl Hunting. He stated that hunting season in Putnam County brings a great deal of commerce to the area.

Nick Palalucca (not a resident) serves on the Board of Directors for Fish & Game, stated that he does do some hunting in Putnam County. He stated hunting is an important aspect to conservation. He stated as it has been mentioned this evening the deer population is out of control. He stated that residents do not want the natural predators, wolves, mountain lions, wolverines, bobcats etc. He stated that he believes it is much safer to have the shotgun shooters take out the deer. He stated this is a rural County and those who move here from the City need to accept the differences in the community.

Legislator Addonizio stated according to statistics of the DEC, hunting is one of the most popular activities in New York State. She stated that there are 700,000 New Yorkers and 50,000 non-residents that hunt in the Empire State.

Chair Gross stated in States such as Wyoming and Montana hunting is a major revenue source.

Steve Cloraflora, retired Police Officer and a Director of the Putnam County Fish and Game and a resident stated he wanted to thank the Legislature and Sheriff Smith particularly for always protecting the second amendment rights. He stated Sheriff Smith has done a wonderful job in keeping the residents of Putnam County safe along with Undersheriff Convery. He stated on behalf of the Putnam County Fish and Game Board he thanked the Legislature for supporting and protecting the second amendment rights and hopes that the Legislature continues to protect the privilege and rights to hunt in Putnam County. He stated in his opinion the amount of deer on the County's roadways present a much greater danger than any alleged hunting problems.

Chair Gross stated he would like to thank the members of the Putnam County Fish and Game Board for showing their support tonight. He stated that the residents of New York State are under attack by the State Administration with the very anti-gun attitude. He stated he believes it to be important to remain strong on second amendment issues.

Undersheriff Convery introduced the new addition to the Sheriff's Department. The Bloodhound, Chase, was brought into the meeting for a brief moment. He stated the dog will be used on human searches, which is what the Bloodhound Breed specializes in. He stated that Chase is 1 year old.

**Item #11 - Discussion/Proposal-Municipal County Wide EMS Operating Authority**

- a) **Date: 10/20/15 Fr: Comm. Sutton Re: Addit'l Info. Municipal County Wide EMS CON**
- b) **Email Date: 10/16/15 Fr: Leg. Wright Re: County Ambulance Svcs etc. Public Health Law**
- c) **Date: 09/14/15 Fr: Sr. Deputy Cnty. Attorney For Risk & Compliance Lotto Re: Proposal/Municipal County Wide EMS Operating Authority**
- d) **Draft/Resolution/Establish County Wide EMS Operating Authority (presented at August 2015 Protective)**

Chair Gross stated this matter has been discussed in the past. He stated that Commissioner Sutton provided the Legislature with a copy of the correspondences that depict that there is a valid concern with the fiscal stability of the current corporation that the County has providing Advanced Life Support (ALS). He questioned if the County needs to take this responsibility on. He stated as Legislator Wright has stated to have a County Wide EMS Operating Authority, it is a tremendous operation.

Commissioner Sutton stated the reason he brought this to the attention of the Legislature is due to the concern of the stability of the current vendor, Transcare. He stated it should be noted that Transcare is the ALS provider in Brewster and Patterson. He stated the concerns continue, as of today before he left his office, he received another cancellation notice for Transcare's Workers Compensation Insurance. He stated his concern is one morning he will wake up to find that Transcare has reached financial difficulty that will cause them to cease operation. He stated the alternative to Transcare in Putnam County; the administration is not advocating to create a Countywide EMS Service, there is an intention to put the County in a position where it can choose from a wide selection of vendors should the need arise. He stated currently there are very few companies that have a Certificate of Need (CON), which is required to operate according to article 30 of the Public Health Law, in Putnam County. He stated that one (1) vendor that has a CON for Putnam County is a company that the County previously worked with and was unhappy with the working relationship at that time. He stated there are two (2) other companies that have a CON. He stated that he would like to provide the County with the opportunity to go outside the County to select from a larger pool of vendors. He stated in order to do that, the County needs to have a CON to operate. He stated the first time he brought this matter forward, (August 2015 meeting) he had presented some questions to the State Department of Health, however he did not receive answers by the time of the Committee meeting, so he requested that the matter be tabled. He stated since then he has received assurances that the County would have the ability to assign any and all of the responsibility to a contractor, which includes vehicles, employees, billing, supplying of control substances for the paramedics to carry. He stated he will stress again, the intent of this proposal is not for the County to go and buy ambulances nor to threaten any volunteer organization. He stated if the County secures a CON, in the event there is a failure on the part of the current contractor the County could advertise, do a Request for Proposal (RFP) and get a much bigger response from qualified secure well established long term providers. He

stated it is his opinion that he would not be doing his job if he did not articulate his grave concerns with this matter. He stated he believes all of the Legislators would agree that it is not a positive sign when an organization begins to miss payroll and the Workers Compensation Insurance is discontinued. He stated that he believes this is the fourth time since June or July of 2015 that Transcare's Workers Compensation Insurance has been cancelled. He stated that the EMS providers that work for Transcare are excellent. He stated that they would be looked at to help cover the service during the interim period.

Legislator Nacerino stated that this is a very important and critical matter, which the Legislature needs to be clear on, as far as the intent. She questioned if her interpretation that this proposal would serve as a contingent plan, if the current contract with Transcare fails is accurate.

Commissioner Sutton stated that it is a matter of use it or lose it. Therefore, if the County is successful in obtaining the CON it would need to be used. He stated that he has had conversations with the Transcare Management representatives. He stated the new model would consist of the County holding the CON and Transcare would operate as a contractor and continue to supply the service. He stated that there would not be much of a difference, other than if Transcare goes away the County has the CON and has ability to bring a new provider on board, regardless of whether they have a CON.

Legislator Nacerino stated if that were to occur would it be a smooth transition with the Fire Departments in the Village of Brewster and Town Patterson Fire Departments and those who have Transcare and their employees. She questioned how would the transition take place.

Commissioner Sutton stated the biggest impact to the County would be "#1- we would lose the paramedics and fly car #2- Brewster would lose the two (2) EMTs that are there during daytime hours and Patterson would lose the staff and ambulance." He stated that it is not easy for these organizations to become employers overnight. He stated that Workers Compensation Employee Identification numbers would be needed etc. He stated that he does not believe that is an enticing option to the Fire Departments or Ambulance Corps in the County.

Legislator Nacerino questioned if the Towns agencies are receptive to this proposal. She questioned if by moving forward with this proposal, would the County be overriding their approval.

Commissioner Sutton stated no.

Legislator Nacerino stated that she would like to read from an e-mail that Legislator Wright wrote. She stated he is not present; however she would like to read the email and have Commissioner Sutton address it. She stated in essence Legislator Wright believes the way this matter has been presented to the Legislature has been oversimplified.

Commissioner Sutton stated the process to get a CON has always been the responsibility of the local EMS Council to vet and to ascertain fitness and competency of the principles of the organizations and the fiscal viability. He continued to explain that this particular process is a bit of a hybrid, it cannot be denied, unless there is something terribly flawed with it. He stated but a

clock is started and at the end of the two (2) year period the municipality must go through the same CON process that it would if it were a for-profit entity wanting to enter into the ambulance business.

Legislator Nacerino read further from Legislator Wright's email. She questioned if his comment regarding requirement of demonstrating the "two prong test"= *First A demonstrated absence of care in ambulance or emergency medical services available; or A reduced availability of care in ambulance or emergency medical service available; or an inadequate level of care in ambulance or emergency medical service available. Second Then only after you have received such persuasive evidence (and made a fact based determination as to 1 of those 3 criteria) are you able to proceed to a properly informed second deliberation to determine that, the one of those three criteria which you have selected and received proof of, "is not readily correctable through the reallocation or improvement of existing resources" (again based on actual evidence of the inability to meet the second prong of the test in your record of deliberations –not some hunch or rumor).*

Senior Deputy County Attorney for Risk & Compliance Adrienne Lotto stated that she has read through all of Legislator Wright's emails and is familiar with his concerns. She stated the process is that the application goes first. She stated the State would like a statement of need to be included in the Resolution. She stated that the "Quality of Reliability" is addressed by Commissioner Sutton's concern with the fact that the vendor has missed payroll and as had their Workers Compensation Insurance dropped.

Legislator LoBue stated Transcare is still operating and providing service. She questioned if the County would take over the financial responsibility of having to pay the EMTs that work during the day in the Town of Southeast and in Patterson.

Senior Deputy County Attorney for Risk & Compliance Adrienne Lotto stated that Commissioner Sutton is proposing this in a way that there would be no change in the financial responsibility. She stated it would serve as a backup. She provided the comparison as to how the County holds a liquor license as does the Catering Company at the Golf Course. She stated if the catering company went out of business the County would still be able to serve liquor at the Golf Course. She stated that is the similar type of legal structure that is being proposed.

Legislator LoBue stated that each Town has a Certificate to operate, so the County would be taking that over.

Commissioner Sutton stated that is not correct the County would have a CON and it would have no effect on the Towns BLS (Basic Life Support) certificates.

Brewster Fire Department Chief Tom Leather stated for clarification, the Brewster Fire Department has its own Certificate of Need for BLS service only. He stated it covers the Town of Southeast and the Village of Brewster. He stated that the EMTs went almost three (3) weeks without pay. He stated that the Brewster Fire Department would retain their CON and they would have to find another vendor to provide the BLS service. He stated that Commissioner

Sutton is trying to assure that the County has a CON for Advanced Life Support (ALS) services in the event that the current provider goes out of business.

Putnam County EMS Director Bob Cuomo stated he would like to speak to this matter.

Legislator LoBue questioned if Mr. Cuomo works for Transcare.

Putnam County EMS Director Bob Cuomo stated he does work for Transcare on a per diem basis. He stated that the County has been through four (4) ALS providers through the ALS contract. He stated through those changes most of the Paramedic responders have stayed on board, he stated that he is confident that they will again, if the need arises.

Legislator Gouldman stated he supports moving forward with this request. He stated what is being discussed in a demonstration of reliability and initiative. He stated there needs to be a quality of service available in Putnam County at all times.

Legislator Albano stated that he agrees with the comments made by Legislator Gouldman. He stated that he would support moving forward with this.

Legislator LoBue read the following from Legislator Wright's email dated October 8, 2015 *"Additionally there is no fiscal impact disclosed or discussed in the Administration's proposal, but the statute makes clear that municipality is responsible for training, equipment and all compliance with state standards and guidelines"*. She stated that would be a huge cost that the County would be taking over.

Commissioner Sutton stated that he has had at least a half a dozen conference calls with the State's Department of Health (DOH) and their Legal staff. He stated that the County can assign any and all of the responsibilities to a contractor.

Legislator LoBue questioned where is that stated in writing.

Senior Deputy County Attorney for Risk & Compliance Adrienne Lotto stated that she had the same concern and requested that Commissioner Sutton get a letter for the State DOH providing clarification in regards to the financial responsibility of the County. She stated that he did hear from Lee Burns from the State DOH who stated that it would be acceptable for Putnam County to hold the Ambulance Operating Certificate in contract for ambulance service as a part of the Contract the County may assign very specific duties to the chosen vendor, including but not limited to managing Patient billing. She stated that she did reach back to Lee Burns and requested that all of the provisions of the Public Health Law because she has the same concerns in terms of costs. She stated that she has not yet received a response that would address the training and equipment costs.

Legislator LoBue stated that she recommends to her colleagues that the Legislature hold a Public Hearing and have all of the stakeholders present, and not hear from them after the fact. She stated that she believes everyone in the fire community should know what is going on. She

stated or at the very least have all the affected parties to a meeting of this committee so they can have their voices heard.

Commissioner Sutton stated that he would like to reiterate that this proposal will have no impact on the existing BLS services in Putnam County. He stated his proposal only has an effect on ALS.

Legislator LoBue stated that she believes this all needs to be discussed and explained to the public and to those who work within our Fire Departments. She stated that she would like verification from the State DOH clearly documenting that Putnam County will not be responsible for the cost of the training or the equipment. She stated the medical billing is just one component.

Chair Gross read from Senior Deputy County Attorney for Risk & Compliance Adrienne Lotto correspondence regarding the liability component. In the correspondence dated September 14, 2015 it was stated “that obtaining the Certificate of Authority would not result in any increase in premium”.

Legislator LoBue stated that is only referring to the liability; she is referring to the financial responsibility of training and equipment costs.

Chair Gross facilitated further discussion on this matter.

Commissioner Sutton stated during his years of experience one (1) thing he has seen time and time again is the employees move to the new vendors. He stated the emergency service employees are dedicated to their profession. He stated the positive to that is that if the need occurs and Putnam needs to bring in a new ALS provider he is confident that the majority of employees will transfer to the new vendor. He stated that serves as a positive in many ways, especially in terms of the drivers, because they are familiar with the roads in the County.

Bill Walters, Chief of the Lake Carmel Fire Department stated that he agrees with the statement that Commissioner Sutton made regarding the responders. He stated he has seen the paramedics stay in the County while changing over and working for the different carriers that have come and gone over the years. He stated that he supports and the Lake Carmel Fire Department supports Commissioner Sutton and his idea of taking action to make sure that the County has a backup plan in the event Transcare is unable to maintain the level of service the residents of Putnam County are looking for.

Commissioner Sutton stated that this solution was developed in a joint conversation with the State Director of EMS. He stated that there were many conversations regarding the situation with Transcare and the suggestion was that Putnam County should ensure its future; go ahead and put in for a CON. He stated that he made it very clear to the State DOH that Putnam County does not want to go into the ambulance business. He stated he is very aware of the costs and the headaches that go into the ambulance business. He stated the message has been clearly communicated that Putnam County wants to hold the authority; not do the actual day to day operations; buying the equipment or do the training. He stated that he did receive confirmation

that Putnam County with a CON will be able to assign the entire operational responsibility to a successful vendor. He stated he could go back and ask for a detailed letter from the State DOH. He stated that he has worked with the State DOH when he worked in the State and when he worked with the department during the storm “Sandy”. He stated that he has respect for the members of the State DOH and their integrity. He stated he certainly respects and understands the responsibilities of the Legislature.

Legislator Albano stated he would like to keep this process moving and approve it to the December Full Legislature Meeting.

Legislator Nacerino stated again, she wishes that Legislator Wright were present tonight to embellish upon his concerns. She stated that she applauds Commissioner Sutton for his foresight. She stated should there be a disastrous occurrence Putnam County government should be assured that the County is equipped to handle it. She stated that she would like to thank Commissioner Sutton for bringing this proposal forward and for explaining it to them.

Legislator Castellano questioned how long would it take to get the CON if the decision is to move forward.

Commissioner Sutton estimated 90 – 120 days.

Legislator Castellano questioned how long it would take a vendor to apply and receive a CON.

Commissioner Sutton stated longer than the County. He explained they need to go through the commercial for-profit process.

Legislator LoBue stated that the main focus of the Legislature is the financial side of this matter. She stated she would like to see documentation clearly stating that the County will not be responsible for the equipment and training.

Commissioner Sutton stated once again this proposal was developed jointly with the State DOH. He continued to reiterate what he sees as a potential exposure for Putnam County. He stated that this is his third time addressing this Committee regarding this matter.

Senior Deputy County Attorney for Risk & Compliance Adrienne Lotto stated she would like to recommend sending the current contract the County has with Transcare and request Lee Burns, Director of Bureau of Emergency Medical Services for the NYS DOH, confirm that said contract adheres to all the requirements as specified in the New York Public Health Law. She stated that she will give Commissioner Sutton the section that Legislator LoBue is referencing. She stated it will be a “Yes” or “No” answer.

Commissioner Sutton thanked Senior Deputy County Attorney for Risk & Compliance Adrienne Lotto for that suggestion. He stated that in the packet that he sent to the Legislature there was an email from Lee Burns that basically stated that there is great concern with the future operations of Transcare.

Chair Gross proposed a compromise. He stated his recommendation is for the Committee to approve this item and move it to the December Full Meeting and get the financial overview demonstrating that the County would not be responsible for the training and equipment prior to the December Full Meeting. He stated that he is concerned by what could happen. Commissioner Sutton stated that he believes he would be able to get a letter from the State in time, he stated that he will work on it.

Legislator Castellano suggested having a Special Protective Services Meeting in November in two (2) weeks.

Legislator LoBue stated there is a Year End Meeting December 21, 2015 this matter could be addressed and voted on.

Senior Deputy County Attorney for Risk & Compliance Adrienne Lotto stated all that is being requested is that the Resolution be approved to move forward with applying for the CON. There is no budgetary amendment being requested to be approved. The Legislature has approval over the Contract line, which is where the funding would come from. She stated at any time the Legislature can rescind the resolution. She stated at this time there is no money associated with the approval of this resolution.

Legislator LoBue stated that she cannot approve the application of the CON when the financial responsibility which will be placed on the County as a result, is not clearly documented.

Legislator Nacerino stated that she would like to move this matter to the Full Meeting. She stated that she does not want to jeopardize the health and safety of the residents.

Chair Gross stated that he agrees with that. However he, as Legislator LoBue, would like to have the information regarding the financial side of this matter.

Legislative Counsel VanRoss stated that if the resolution is going to be approved tonight, he would recommend that dates be added to the wording where the "XXX" are.

Commissioner Sutton stated that there is a revised resolution which includes the dates, he will forward it to the Legislative Office tomorrow.

Chair Gross facilitated further conversation on the scheduling of a special meeting or forwarding this matter to the Full Meeting.

Legislator Nacerino stated that she believes that the different Towns EMS staffs are aware of this proposal. She requested that Commissioner Sutton confirm that.

Commissioner Sutton stated that it has been mentioned at the last three (3) or four (4) meetings the Chiefs meetings that this is an issue and the County is working on it. He stated also it has been mentioned at the EMS Council meetings.

Legislator Gouldman asked if there has been any negative feedback from the different discussions with the Chiefs and the EMS Council members.

Commissioner Sutton stated no.

The Committee Members agreed to have a Special Protective Services Meeting on November 19, 2015.

**Item #12 - Other Business**

**a) Discussion/Legislator Gouldman/Oscawana Lake Road**

Legislator Gouldman stated that on Oscawana Lake Road at the entrance to the Putnam Valley School Campus he would like to see a flashing light be installed. He stated that he believes it to be an area for a potential accident.

Legislator LoBue stated that Legislator Gouldman should bring this matter to the Traffic Safety Board.

Chair Gross stated that he agrees with that.

**Item #13 - Adjournment**

There being no further business, at 8:50 P.M., Chair Gross made a motion to adjourn; Seconded by Legislator Nacerino. All in favor.

Respectfully submitted by Deputy Clerk of the Legislature Diane Trabulsy.