

**REGULAR MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
HELD IN THE
HISTORIC COURTHOUSE
CARMEL, NEW YORK 10512**

Tuesday July 2, 2013 7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairman Othmer who led in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Oliverio, Nacerino, Albano, Gross, Castellano, LoBue, DiCarlo and Chairman Othmer were present. Also present was Legislative Counsel Van Ross.

PROCLAMATIONS

Chairman Othmer requested that Legislator Gross present the first proclamation to the Director of Probation, Gene Funicelli.

RECOGNIZING PRETRIAL, PROBATION, PAROLE SUPERVISION WEEK JULY 21-27, 2013

WHEREAS, Pretrial, Probation, and Parole Officers are all intricate and crucial professionals of the community corrections team; and

WHEREAS, community corrections is an essential part of the justice system; and

WHEREAS, community corrections professionals uphold the law with dignity, while recognizing the right of the public to be safe-guarded from criminal activity and are responsible for supervising adult and juvenile offenders in the community; and

WHEREAS, community corrections professionals are trained professionals who provide services and referrals for offenders and work in partnership with community agencies and groups; and

WHEREAS, community corrections professionals promote prevention, intervention and advocacy and provide services, support, and protection for victims; and

WHEREAS, community corrections professionals advocate community and restorative justice and are a true Force for Positive Change in their communities; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim the week of July 21-27, 2013 as Pretrial, Probation, Parole Supervision Week and encourage all Putnam County residents to honor these community corrections professionals and to recognize their achievements.

Chairman Othmer presented the next proclamation to Ms. Marjorie Nichols Keith, the Executive Director of Cornell Cooperative Extension and some of the 4-H Fair Youth Leaders from Carmel and Mahopac.

DESIGNATING JULY 22nd through 28TH 2013 AS "PUTNAM COUNTY 4-H FAIR WEEK"

WHEREAS, the Putnam 4-H Fair, sponsored by Cornell Cooperative Extension of Putnam County, has showcased for the past forty-two years, the many interests and accomplishments of Putnam's children, adults and programs; and

WHEREAS, the Putnam County 4-H Fair continues to grow as an educational, cultural and fun event that provides a wholesome experience for families from Putnam and the surrounding region;

WHEREAS, the Putnam County 4-H Fair enjoys the support and dedication of 4-H Club Leaders, members and families, Master Gardeners volunteers, and community service organizations including Rotary Clubs, Lions Clubs, as well as many local businesses; and

WHEREAS, the Putnam County 4-H Fair provide a unique opportunity to learn about our community and view educational displays and exhibits created by the many talented young and young at heart residents of Putnam; and

WHEREAS, the Putnam County 4-H Fair's Shady Grove Theater provides a showcase for Putnam youth in the performing arts and an array of accomplished performers from the Hudson Valley Region; and

WHEREAS, the Putnam County 4-H Fair delights fairgoers throughout the weekend with activities at the Discover Putnam, Creative Corners, and Games Tents, Livestock Pavilion, Rabbit and Poultry Barn, Dog Obedience Trials, Country Living Auction and more; now therefore be it

RESOLVED, that the week of July 22nd - July 28th 2013 will be designated "Putnam County 4H Fair Week"; and be it further

RESOLVED, that the Putnam County Executive and the Putnam County Legislature recognize and congratulate the 42nd Annual 4-H Fair and invite all Putnam County residents to attend.

Item #3 – Approval of Minutes – Special Meeting – June 5, 2013
Regular Meeting – June 5, 2013
Budget & Finance Mtg – June 5, 2013

The minutes were approved as submitted.

Item #4 - Correspondence

a) County Auditor

There was no activity during the reporting period.

Item #5 - Pre-filed resolutions:

BUDGET & FINANCE COMMITTEE
(All Legislators)

Item #5a – Approval/2014 Decentralized Budget Review Process for Preparation and Adoption of the 2014 County Budget was next. Chairman Othmer moved the following:

RESOLUTION #133

APPROVAL/ 2014 DECENTRALIZED BUDGET REVIEW PROCESS

WHEREAS, the Budget and Finance Committee has reviewed and recommended the adoption of the attached Decentralized Budget Review Process for implementation in 2013 for the 2014 budget; now therefore be it

RESOLVED, that the Putnam County Legislature hereby adopts the attached budget review process; and be it further

RESOLVED, that pursuant to Putnam County Charter Section 7.04 the Putnam County Legislature hereby adopts and notifies the County Executive of the policy and practice guidelines contained in Section E of this Decentralized Budget Review Process/2014 to be complied with by the County Executive.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**PROTECTIVE SERVICES COMMITTEE
(Chairman Gross, Legislators LoBue & Oliverio)**

Item #5b – Approval/Re-Appointment/Putnam County Traffic Safety Board was next. Chairman Othmer recognized Legislator Gross, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators LoBue and Oliverio, Legislator Gross moved the following:

RESOLUTION #134

APPROVAL/RE-APPOINTMENT/PUTNAM COUNTY TRAFFIC SAFETY BOARD

RESOLVED, that the following be re-appointed to the Putnam County Traffic Safety Board:

John Van Tassell, Town of Philipstown, for a three (3) year term, said term to expire December 31, 2015.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE
(Chairman Oliverio, Legislators DiCarlo & Scuccimarra)**

Item #5c – Approval/Memorialization/NYSAC Resolution/Calling on the Governor and State Legislature to Further Reduce the County Share of Medicaid Costs by Passing Along to Counties a Share of the Savings that Automatically Accrue to New York Upon Implementation of the Affordable Care Act (ACA) and by Leveraging all Additional Flexibility Allowed under the ACA that can Lead to Lower State Medicaid Costs was next. Chairman Othmer recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #135

APPROVAL/MEMORIALIZATION/NYSAC RESOLUTION/CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO FURTHER REDUCE THE COUNTY SHARE OF MEDICAID COSTS BY PASSING ALONG TO COUNTIES A SHARE OF THE SAVINGS THAT

AUTOMATICALLY ACCRUE TO NEW YORK UPON IMPLEMENTATION OF THE AFFORDABLE CARE ACT (ACA) AND BY LEVERAGING ALL ADDITIONAL FLEXIBILITY ALLOWED UNDER THE ACA THAT CAN LEAD TO LOWER STATE MEDICAID COSTS

WHEREAS, Medicaid is a federal and New York State designed and controlled health care program, whose costs represent the largest component of the State and county fiscal relationship, with total Medicaid program costs exceeding \$54 billion annually; and

WHEREAS, the Governor and State Legislature have made important strides controlling cost growth in this program by fundamentally realigning the delivery of health care services in New York, while implementing a zero annual growth cap of local Medicaid costs effective in 2015; and

WHEREAS, the county and New York City costs to support the State's Medicaid program will be \$7.6 billion annually when the cap is fully implemented; and

WHEREAS, this \$7.6 billion in local costs is built into each counties' permanent tax base, and for a typical county Medicaid costs equal about one-half of the property tax levy; and

WHEREAS, even after implementation of the local Medicaid cost growth cap, the county share will represent about 28% of the total State match necessary to draw down available federal funds to support this program; and

WHEREAS, the state and federal governments are in the process of implementing the Affordable Care Act (ACA), which is designed to expand health insurance coverage to low income uninsured individuals and families; and

WHEREAS, New York State has indicated, upon full implementation, it will save \$2.3 billion per year in lower Medicaid costs because of automatic higher federal matching rates provided under the ACA; and

WHEREAS, these savings can easily grow to \$3 billion annually if the Governor and State Legislature allow the new federal health insurance options provided under the ACA to act as the health insurer of first resort for low income uninsured individuals in New York; now therefore be it

RESOLVED, that Putnam County supports the New York State Association of Counties' (NYSAC) call on the Governor and New York State Legislature to pass through a share of the savings generated by the new federal Medicaid match rates (upon implementation) to counties and New York City proportionate to the share counties will continue to pay to support the State's Medicaid program as the next phase in the State's continuing efforts to reform the financing of Medicaid as included in the final recommendations of the Medicaid Redesign Team to the Governor; and be it further

RESOLVED, that in an effort to lower the property tax burden in New York, Putnam County supports NYSAC's call on the Governor and Legislature to continue to:

- Fully leverage all federal health reform flexibilities and enhanced payment rates available under the ACA,**
- Maximize federal resources available through the 1115 Medicaid waiver process,**
- Lower state and local Medicaid costs by examining current State eligibility and benefit levels in Medicaid that can be shifted to health insurance coverage supported with federal dollars under the ACA,**
- Maximize expenditure controls through enhanced Medicaid program integrity efforts in conjunction with the counties and New York City, and work to direct a portion of any further savings from these actions toward lowering and eventually eliminating the local contribution counties and New York City provide to support the State's Medicaid program; and be it further**

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader and Speaker of the Assembly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5d – Approval/Memorialization/NYSAC Resolution/Urging the Governor and State Legislature to Avoid Shifting New Costs to Counties as they Implement a State Takeover of Local Medicaid Administrative Functions was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #136

APPROVAL/MEMORIALIZATION/NYSAC RESOLUTION/URGING THE GOVERNOR AND STATE LEGISLATURE TO AVOID SHIFTING NEW COSTS TO COUNTIES AS THEY IMPLEMENT A STATE TAKEOVER OF LOCAL MEDICAID ADMINISTRATIVE FUNCTIONS

WHEREAS, State legislation has been enacted that calls for the New York State Commissioner of Health to create and implement a plan for the State to assume the administrative responsibilities of the medical assistance program (Medicaid); and

WHEREAS, the State Legislature touted this administrative takeover as a way to provide more consistency in the administration of Medicaid and as a way to direct cost savings to counties and New York City; and

WHEREAS, the implementation of the federal Affordable Care Act also provides funding incentives and opportunities to centralize certain aspects of Medicaid administration; and

WHEREAS, counties support efforts to streamline government operations in a way that can improve the delivery of services and responsiveness to recipients' needs, while not shifting costs to counties; and

WHEREAS, the State has enacted a cap in reimbursement to counties and New York City related to Medicaid administrative claiming, but this cap has been implemented in the absence of any meaningful takeover of local Medicaid administrative functions by the State in nearly every county; and

WHEREAS, this scenario of capped reimbursement with minimal relief from administering the State's Medicaid program creates significant fiscal liability for counties and is counterproductive in the current property tax cap environment; and

WHEREAS, county officials continue to work in close cooperation with State health officials on the rollout and implementation of the State takeover of local Medicaid administration; and

WHEREAS, it is now apparent the State will need to significantly boost its own resources and capacity (and on an accelerated time frame) in order to ensure costs are not shifted onto county property taxpayers because the state falls short in its attempt to takeover local Medicaid administrative functions; now therefore be it

RESOLVED, that Putnam County supports New York State Association of Counties (NYSAC) urging the Governor and State Legislature to provide sufficient state resources to prevent cost shifts to counties during this transition and to continue to work with counties on takeover plans that are fair for both state and county tax payers and recipients; and be it further

RESOLVED, that no reductions in reimbursement to counties for Medicaid administrative costs shall be made without commensurate reductions in local administrative responsibilities to avoid cost shifts and align the value of the responsibilities supported by counties across the State; and no district shall be required to perform Medicaid functions unless performance of those functions is cost neutral to the district; and be it further

RESOLVED, that the Department of Health should provide specific time frames to counties to ease in the transition of personnel currently associated with the Medicaid program on a local level; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader and Speaker of the Assembly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5e – Approval/Memorialization/NYSAC Resolution/Urging the Governor and State Legislature to Continue to Work with Counties to Encourage Self Sufficiency and Long Term Independence for Recipients of Temporary Assistance and Safety Net by Encouraging Employment was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #137

APPROVAL/MEMORIALIZATION/NYSAC RESOLUTION/URGING THE GOVERNOR AND STATE LEGISLATURE TO CONTINUE TO WORK WITH COUNTIES TO ENCOURAGE SELF SUFFICIENCY AND LONG TERM INDEPENDENCE FOR RECIPIENTS OF TEMPORARY ASSISTANCE AND SAFETY NET BY ENCOURAGING EMPLOYMENT

WHEREAS, Temporary Assistance for Needy Families (TANF) and the Safety New Program are federal and state designed programs administered by counties and New York City at the direction of the State and serve as a last line of services and support for low income families and singles in the State of New York; and

WHEREAS, caseload levels for both the Family Assistance and Safety New Assistance Programs have grown significantly over the past four years for many jurisdictions, placing additional strain on county budgets and administrative responsibilities; and

WHEREAS, New York State continues to devolve away from their historic and constitutional responsibilities of providing social services and supports for low income families and individuals, as demonstrated through significant reductions in State funding for Child Support Enforcement, Family Assistance and Safety Net Assistance program and administrative costs; and

WHEREAS, local Departments of Social Services have demonstrated significant success in achieving self-sufficiency when program resources are dedicated to employment and supporting the needs of individuals and families as they return, or connect, to the workforce; and

WHEREAS, the Day Care Subsidy Program with significant local flexibility remains an essential component of supporting low income families as they return to the workforce; now therefore be it

RESOLVED, that Putnam County supports the New York State Association of Counties' (NYSAC) call on the Governor and State Legislature to prioritize employment

as a key to achieving self-sufficiency and long term independence for consumers receiving Family Assistance and Safety Net Assistance; and be it further

RESOLVED, that Putnam County calls on the Governor and State Legislature to recognize that effective public assistance policies are grounded in accountability and supporting the needs of recipients in entering the workforce; and be it further

RESOLVED, that Putnam County calls on the Governor and State Legislature to recognize that legislation and regulations that remove local flexibility, or limit accountability for recipients in gaining employment, self-sufficiency and long term independence from assistance ultimately hinders the success of the Family Assistance and Safety Net Assistance Program recipients in gaining self-sufficiency; and be it further

RESOLVED, that Putnam County urges the Governor and State Legislature to recognize the importance of maintaining funding for and ensuring flexibility for districts in administering the Day Care Subsidy Program, to address unique local challenges in supporting low income families as they return to the workforce; and be it further

RESOLVED, that Putnam County urges the Governor and State Legislature to reverse the recent withdrawal of state funding for public assistance programs and administration, and begin to restore state supported administrative costs to counties in order to maximize effective and efficient management of the state's public assistance programs and to help ensure the joint state and local goal of achieving long term independence from public assistance for families and individuals; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader and Speaker of the Assembly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5f – Approval/Memorialization/NYSAC Resolution/Urging New York State to Restore the Historic 50/50 State/Local Cost Sharing for the State's Safety Net Program, and Provide More Program Control to Local Social Service Districts Commensurate with Counties' Increased Fiscal Responsibility for the Program was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #138

APPROVAL/MEMORIALIZATION/NYSAC RESOLUTION/URGING NEW YORK STATE TO RESTORE THE HISTORIC 50/50 STATE/LOCAL COST SHARING FOR THE STATE'S SAFETY NET PROGRAM, AND PROVIDE MORE PROGRAM CONTROL TO LOCAL SOCIAL SERVICE DISTRICTS COMMENSURATE WITH COUNTIES' INCREASED FISCAL RESPONSIBILITY FOR THE PROGRAM

WHEREAS, the 2011-12 final State Budget dramatically lowered the State's fiscal and administrative support in the Safety Net Program by shifting the cost to 71% county / 29% State, severing the historic 50% county partnership; and

WHEREAS, the State Division of the Budget and Legislature stated that this funding shift, in conjunction with fully federalizing New York's TANF (Family Assistance) costs, would generate tens of millions of dollars in net cost reductions for counties and New York City in the 2011-12 State fiscal year; and

WHEREAS, current data indicates that counties' and New York City's aggregate costs were not reduced, but actually increased by tens of millions of dollars in the first full year of implementation, making an existing unfunded state mandate worse and forcing more costs on local taxpayers; and

WHEREAS, with the continuing economic downturn, Safety Net Assistance enrollment has increased across the State in record numbers, which will shift even more costs from the State to local taxpayers to support this State program; and

WHEREAS, technological system limitations of the aging Welfare Management System (WMS) creates significant inefficiencies in administering the Supplemental Nutrition Assistance, Safety Net and Family Assistance Programs on a local level; and

WHEREAS, the steady pullback in State funding support for a variety of human services programs including child welfare, adoption subsidies, food stamp administration, Family Assistance, Safety Net, Child Support Enforcement, juvenile justice and programs designed to help recently released State incarcerated offenders return to the community creates an environment in which the State is directly moving away from its constitutional requirement to care for the needy, forcing this State constitutional responsibility on county government and local property taxpayers; now therefore be it

RESOLVED, that Putnam County supports New York State Association of Counties' (NYSAC) call on the State to restore the historic 50/50 State/county cost sharing, and grant greater decision making authority and administrative flexibility over program management to ensure costs are not shifted to local tax payers in support of this state mandated program; and be it further

RESOLVED, the State of New York should prioritize the modernization of the Welfare Management System (WMS) to promote efficiencies in the administration of the Supplemental Nutrition Assistance, Safety Net and Family Assistance Programs; and be it further

RESOLVED, that the State of New York must take on a greater fiscal and programmatic responsibility in ensuring incarcerated offenders returning to the community are provided appropriate state support including housing, work supports and training, health care, counseling, substance abuse and other critical services to prevent recidivism and reduce the impact on local district fiscal and service capacity, which is already strained due to increased caseloads and years of reduced state financial support; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader and Speaker of the Assembly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5g – Approval/Memorialization/NYSAC Resolution/Urging New York State to Renew its Commitment to the Safety, Service Delivery, Permanency, Continuing Care/Adoption, and well-being of Children by Prioritizing and Adequately Funding Child Welfare Financy in 2013 and Beyond was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #139

APPROVAL/MEMORIALIZATION/NYSAC RESOLUTION/URGING NEW YORK STATE TO RENEW ITS COMMITMENT TO THE SAFETY, SERVICE DELIVERY, PERMANENCY, CONTINUING CARE/ADOPTION, AND WELL-BEING OF CHILDREN BY PRIORITIZING AND ADEQUATELY FUNDING CHILD WELFARE FINANCING IN 2013 AND BEYOND

WHEREAS, the safety and welfare of New York children should remain a high priority for the State; and

WHEREAS, State funding for child welfare and related foster care programs has decreased by tens of millions of dollars over the past three years through a reduction in the State's matching rate (down from 65% to 62%), despite the increase in child welfare protective service cases; and

WHEREAS, the State has also eliminated state administrative funding to support a wide variety of state and federally designed and mandated social service programs, in addition to capping program reimbursement for youth detention, foster care and other critical social services; and

WHEREAS, the State has failed to provide dedicated funding for its Kinship Guardian Assistance Program, further increasing fiscal pressure and risks for counties and children in need of services; now therefore be it

RESOLVED, the State must work to renew its commitment to the safety, service delivery, permanency, continuing care/adoption, and well-being of children by prioritizing child welfare financing by gradually restoring the historic child welfare state funding match to 65%, maintain funding for the Foster Care Block Grant, while maximizing local social service district flexibility to request a "carve out" for innovative projects; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader and Speaker of the Assembly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5h – Approval/Memorization/NYSAC Resolution/Urging the Governor and State Legislature to Continue to Work with Counties to Successfully Reform Juvenile Justice Programs While Avoiding Significant Cost Shifts to Local Governments was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION # 140

APPROVAL/MEMORIALIZATION/NYSAC RESOLUTION/URGING THE GOVERNOR AND STATE LEGISLATURE TO CONTINUE TO WORK WITH COUNTIES TO SUCCESSFULLY REFORM JUVENILE JUSTICE PROGRAMS WHILE AVOIDING SIGNIFICANT COST SHIFTS TO LOCAL GOVERNMENTS

WHEREAS, the State of New York has made important progress in addressing the needs of juvenile delinquents placed into the care and custody of New York State; and

WHEREAS, as New York State continues to reform the juvenile justice system through the development of the Close to Home Initiative for children served by the City of New York; and

WHEREAS, New York State has begun to develop pilot sites for addressing the age of criminal responsibility, developing a commitment to raising the age of majority from 16 to 18 years of age; and

WHEREAS, New York State, in an effort to reduce State costs and risk, has instituted capped funding streams for non-secure and secure detention costs, shifting risk and responsibility to counties across the State; and

WHEREAS, New York State has continued to struggle with maintaining rate setting in a timely manner, placing counties across the State at risk of significant retroactive financial liabilities by not publishing rates in a timely manner; now therefore be it

RESOLVED, that Putnam County supports the New York State Association of Counties' (NYSAC) call on the Governor and State Legislature to continue to work with counties in addressing juvenile justice reform in a way that avoids shifting costs and risk to county taxpayers; and be it further

RESOLVED, that Putnam County is calling on the Governor and State Legislature to support reform of the system for youth at risk of entering the juvenile justice system that achieves services provided as close to home as possible, that includes innovative and effective practices, and emphasizes prevention through flexible funding; and be it further

RESOLVED, that Putnam County is calling on the Governor and State Legislature to engage counties while considering proposals to change the age of criminal responsibility, including the need to align and provide sufficient State funding under the proposal to support needed services for 16 and 17 year olds at risk, while not shifting new costs to county taxpayers; and be it further

RESOLVED, that Putnam County urges the Governor and State Legislature to support the Close to Home Initiative, comprehensive after care and regional planning/advisory groups that promote coordination without a duplication of efforts; and be it further

RESOLVED, that Putnam County urges the Governor and State Legislature to hold counties outside New York City harmless for increased costs as New York City proceeds through the Close to Home Initiative, as well as for the Governor's Budget proposal to close all non-secure OCFS beds, as a reduction in the number of youth in New York State Office for Children and Family Services placements will significantly increase the per diem cost to upstate counties, unless the State moves quickly to eliminate these increases; and be it further

RESOLVED, that Putnam County urges the Governor and State Legislature to reconsider efforts that hinder juvenile justice reform that places financial limitations on counties in their efforts to address the needs of juvenile delinquents, including the detention block grant and Supervision and Treatment Services For Juveniles Program funding caps; and be it further

RESOLVED, that Putnam County urges the Governor and State Legislature to prioritize rate setting for State Training Schools, removing the potential financial liability of significant retroactive rate adjustments, which place significant strain on local budgets and accounting procedures; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader and Speaker of the Assembly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5i – Approval/Memorialization/Ulster County Resolution/Opposing Governor Cuomo’s Proposed 2014 Budget Cuts to the NYS Office of People with Developmental Disabilities’ Budget was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #141

APPROVAL/MEMORIALIZATION/ULSTER COUNTY RESOLUTION/OPPOSING GOVERNOR CUOMO’S PROPOSED 2014 BUDGET CUTS TO THE NYS OFFICE OF PEOPLE WITH DEVELOPMENTAL DISABILITIES’ BUDGET

WHEREAS, Governor Cuomo has submitted an amendment to the 2013-2014 proposed New York State budget that makes additional cuts in funding to OPWDD and voluntary agencies that serve people with developmental disabilities; and

WHEREAS, the effect of these proposed funding cuts is that reimbursement for services by agencies will be reduced by \$120 million, or 6% below the current level effective April 1, 2013; and

WHEREAS, Putnam County Legislature realizes that a reduction in funding to voluntary agencies in Putnam County will create hardships to families, lost services for people with disabilities, health and safety risks, layoffs, and critical staff shortages; and

WHEREAS, Putnam County is committed to actively support legislation, regulations and policies that are in the interests of the citizens of Putnam County; now therefore be it

RESOLVED, that Putnam County is hereby opposed to further reductions in funding for NYS OPWDD volunteer agencies, and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader and Speaker of the Assembly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5j – Approval/Putnam County Solid Waste Management Plan (SWMP) was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio made a motion to table Item #5j. He stated that more time is needed for review by the Law Department and the Legislature. Seconded by Legislator LoBue. All in favor.

Legislator Oliverio stated that it would be tabled to the August Health Committee meeting and forwarded for consideration at the September Full meeting.

APPROVAL/PUTNAM COUNTY SOLID WASTE MANAGEMENT PLAN (SWMP)

WHEREAS, the New York State Department of Environmental Conservation requires each Planning Unit to develop and adopt a multi-year Solid Waste Management Plan to:

1. Take into account the objectives of the State’s Solid Waste Management Policy;
2. Provide for, or take into account, management of all solid waste within the planning unite; and

3. Embody sound principles of Solid Waste Management, natural resources conservation, energy production, and employment creating opportunities; and

WHEREAS, the County of Putnam is a designated Planning Unit; and
WHEREAS, a ten year Solid Waste Management Plan for Putnam County has been drafted and reviewed; now therefore be it

RESOLVED, that the Putnam County Solid Waste Management Plan be adopted; and be it further

RESOLVED, that Putnam County will implement the Solid Waste Management Programs, Projects, and Plans as identified in the Solid Waste Management Plan.

PROPOSED REVISION

APPROVAL/PUTNAM COUNTY SOLID WASTE MANAGEMENT PLAN (SWMP)

WHEREAS, the New York State Department of Environmental Conservation requires each Planning Unit to develop and adopt a multi-year Solid Waste Management Plan to:

1. Take into account the objectives of the State's Solid Waste Management Policy;
2. Provide for, or take into account, management of all solid waste within the planning unite; and
3. Embody sound principles of Solid Waste Management, natural resources conservation, energy production, and employment creating opportunities; and

WHEREAS, the County of Putnam is a designated Planning Unit; and
WHEREAS, a ten year Solid Waste Management Plan for Putnam County has been drafted and reviewed and is annexed hereto; and

WHEREAS, by Resolution 97 of 2010 the Putnam County Legislature designated itself as Lead Agency for this plan; and

WHEREAS, by Resolution 97 of 2010 the Putnam County Legislature issued a Negative Designation for the update of the County's Solid Waste Management Plan, now therefore be it

RESOLVED, that the Organizational Chart contained as Figure 1 in the Putnam County Solid Waste Management Plan is hereby amended to show the County Legislature equal to and not under the County Executive, and be it further

RESOLVED, that the Putnam County Solid Waste Management Plan as amended be adopted; and be it further

RESOLVED, that Putnam County will implement the Solid Waste Management Programs, Projects, and Plans as identified in the Solid Waste Management Plan.

PERSONNEL COMMITTEE (Chairman DiCarlo, Legislators Gross & Nacerino)

Item #5k – Approval/Authorizing the “Putnam County Voluntary Targeted Retirement/Resignation Incentive Program” was next. Chairman Othmer recognized Legislator DiCarlo, Chairman of the Personnel Committee. On behalf of the members of the Committee, Legislators Gross and Nacerino, Legislator DiCarlo moved the following:

Legislator LoBue stated that for clarification purposes, this did not involve any people currently retired and their insurance costs.

RESOLUTION #142

APPROVAL/AUTHORIZING THE “PUTNAM COUNTY VOLUNTARY TARGETED RETIREMENT/RESIGNATION INCENTIVE PROGRAM”

WHEREAS, the Nation, our State and our Putnam County community have been impacted by the National economic recession; and

WHEREAS, Putnam County has experienced a dramatic shortfall in revenue sources; and

WHEREAS, mandated expenses for items such as retirement and health insurance are showing or are projected to show double digit increases in 2014, expenses that must be paid on behalf of our employees and retirees; and

WHEREAS, such expenses and revenue shortfalls will require the cutting of expenses, new revenue streams and innovative ideas to minimize the impact of such expenses and revenue shortfalls; and

WHEREAS, in an effort to reduce the number of layoffs of County employees, action by the County is required; and

WHEREAS, the County Executive has proposed and announced the “Putnam County Voluntary Targeted Retirement/Resignation Incentive Program” which has resulted in numerous employees opting for such program; and

WHEREAS, the Personnel Department has formulated this program for our County employees and has worked with County Department Heads and employees interested in this program; now therefore be it

RESOLVED, that the County Legislature does hereby adopt the “Putnam County Voluntary Targeted Retirement/Resignation Incentive Program” as formulated by the Personnel Department and as presented by the County Executive, the parameters of which shall be in substantial conformance with the attached and made a part of this resolution.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

NOTICE TO PUTNAM COUNTY EMPLOYEES

Putnam County will implement, subject to approval by the Putnam County Legislature, a voluntary separation program (Putnam County Voluntary Targeted Retirement/Resignation Incentive Program) designed to achieve savings to address the County’s fiscal concerns for the 2014 budget. This program will offer an incentive payment in one or two installments. This program will be available to employees in fully County-funded positions or positions with less than 50% federal and/or state funding. Please review the criteria below for eligibility.

Each applicant will be considered on a case by case basis for eligibility. Decisions as to an applicant’s eligibility to retire/resign under this program will be made solely by the County, based upon the needs of the County, Departmental needs and the necessity of backfilling the position. All positions vacated through this offer will most likely not be refilled for 12 months or more. Some positions may be abolished.

This County incentive payment will not effect the calculation of your retirement pension benefit with the NYSLERS.

To be eligible to participate in the Putnam County Voluntary Targeted Retirement/Resignation Incentive Program, you must:

- Must be in a budgeted position and work twenty five (25) or more hours per week.
- Be vested in and eligible to retire pursuant to the rules of the NYSLERS; or have at least the equivalent of ten (10) years of full-time service with Putnam County.
- Have an effective retirement date on or before November 1, 2013, or later if approved by County Executive but in no event later than 12/31/13, and have an effective resignation date by close of business October 31, 2013.
- Be currently employed in a duly established budgeted position as of July 1, 2013 and at the time you elect to participate in the program.
- Submit a letter of interest to retire/resign to the Putnam County Personnel Department on or before Friday, August 30, 2013 (an example is attached).
- Deliver an irrevocable notice of intent to retire/resign to the Putnam County Personnel Department by Friday, Sept. 20, 2013 (a copy of the required form is attached). *Note: If there is a sudden and unexpected illness or accident, or other similar extraordinary/unforeseeable event beyond the control of the employee, such employee may request the withdrawal of their "Notice of Intent to Resign/Retire." Acceptance of such withdrawal will be at the sole discretion of Putnam County.*

Elected officials, at-will appointees who serve at the pleasure of elected officials, as well as temporary employees are not eligible to participate in this program.

The incentive benefit will be calculated on fully completed years of service. For eligible employees the payment will be: \$1,000 per year for the first 10 years; \$1,250 per year for 11 through 15 years; \$1,500 per year for each year in excess of 15 years. For example, for an employee with 22 fully completed years of service, the incentive payment would be \$26,750.

However, the total incentive payment shall not exceed 50% of the employee's annual base salary as of the effective date of retirement/resignation, or \$30,000, whichever is less.

Employees considering participation in the Putnam County Voluntary Targeted Retirement/Resignation Incentive Program should:

- Consult with their personal financial planner and/or a New York State & Local Employees' Retirement System (NYSLERS) representative as soon as possible to obtain information that will assist them in making a decision to participate. (The attachment contains information about NYSLERS resources available to employees.)
- Submit a letter indicating their interest in participating in the program to the Putnam County Personnel Department on or before Friday August 30, 2013. The Personnel Department will advise you of your eligibility.
- Deliver an irrevocable notice of intent to retire/resign using a prescribed form letter to the Putnam County Personnel Department on or before Friday, Sept. 20, 2013.

- As appropriate, submit a retirement application to the NYS Local Employees' Retirement System no later than 15 days prior to their planned effective retirement date. The retirement date must be no later than November 1, 2013.
- As appropriate, submit a resignation letter to their Department Head no later than 2 weeks prior to their effective date of resignation. The resignation date must be no later than October 31, 2013.

For your assistance in calculating an estimate of your retirement pension, you may contact either the NYS Retirement System's website, www.osc.state.ny.us/retire/members to use their calculator, or call the System's Call Center at 1-866-805-0990 (you may schedule an appointment at Poughkeepsie site on 8/9 or 8/23). In either case you will need the following items for the calculation: your years of service, your final average salary, and have your Member Annual Statement available for use.

Item #5L – Approval/Standard Work Day and Reporting Resolution was next. On behalf of the members of the Personnel Committee, Legislators Gross and Nacerino, Legislator DiCarlo moved the following:

RESOLUTION #143

APPROVAL/STANDARD WORK DAY AND REPORTING RESOLUTION

WHEREAS, the New York State and Local Employees' Retirement System requires the County to file the Standard Work Days for elected and appointed employees based on time and attendance records or the records of activities maintained and submitted by these officials to the Clerk of the Legislature, and

WHEREAS, a copy of this report was contained in Resolution #195 of 2010 and Resolution #286 of 2010 (one employee only), and

WHEREAS, a copy of this report was contained in Resolution #338 of 2011 correcting Resolution #190 of 2011, and

WHEREAS, a copy of this report was contained in Resolution #218 of 2012 correcting Resolution #155 of 2012, and

WHEREAS, it is now time to file the report for 2013, now therefore be it

RESOLVED that the County of Putnam hereby established the following as standard work days for the listed elected officials in Schedule "A" and will report the following days worked to the New York State and Local Employees' Retirement system based upon time and attendance records or on the record of activities maintained and submitted by these officials to the Clerk of this body.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

PHYSICAL SERVICES COMMITTEE
(Chairman Albano, Legislators Othmer & Scuccimarra)

Item #5m(1) – Approval/Amending Resolution #206 of 2011/Putnam County Golf Course Paving Project was next. Chairman Othmer recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

Legislator LoBue wanted clarification in terms of the credits for the impervious surface.

Deputy County Executive, Bruce Walker, stated that presently there are 33,000 square feet credits at the Golf Course. 4,000 is allocated to soccer fields which leaves approximately 29,000. We will be using all 29,000 for the paving of the parking lot. The remaining 10,000 that we have for the 40,000 square foot parking lot will get covered by the use of this pervious paver with infiltration system underneath it. The Golf Course still has 120,000 square feet of cart paths that are available to be removed if we need to cover the barn.

Legislator LoBue stated that she was concerned about Hill Agor and the credits available for the barn that was removed. She stated that as long as we won't be jeopardizing those credits. It seems like this will be in two pieces and that this resolution is just one component. The County can go back at another time to pull up the cart paths and would then have additional credits which will also cover the ball fields.

Deputy County Executive Walker stated that the ball fields are already accounted for in the contract with the Town of Carmel. He stated that the 120,000 square feet will adequately cover the 2500 square feet needed for the barn.

The Legislature approved the REVISED resolution Item #5m(2).

APPROVAL/AMENDING RESOLUTION #206 OF 2011/PUTNAM COUNTY GOLF COURSE PAVING PROJECT

WHEREAS, by Resolution #260 of 2009, which was adopted by the Putnam County Legislature ("Legislature") on September 16, 2009, the Department of Highways and Facilities was authorized to apply for a grant from the New York State Department of Environmental Conservation ("NYSDEC") Water Quality Improvement Project Grant Program in the amount of \$578,000 for a paver project at the Putnam County Golf Course's parking lot to prevent erosion of the parking lot, thus reducing pollutant runoff from entering adjacent streams; and

WHEREAS, the NYSDECs Water Quality Improvement Project Grant Program funds projects that reduce polluted runoff and improve water quality, such as Municipal Separate Storm Sewer Systems ("MS4") projects; and

WHEREAS, by Resolution #206 of 2011, which was adopted by the Legislature on August 2, 2011, the Legislature committed the sum of \$266,850 of East of Hudson Water Quality Investment Program Funds ("WQIP Funds") to fund its portion of the cost for the paving project at the Putnam County Golf Course, which sum constituted a 50% local match of the funds allocated by the NYSDEC; and

WHEREAS, this project is a retrofit project, identified as "PC-1", and included in the East of Hudson Watershed Corporation's MS4 Retrofit Program; and

WHEREAS, subsequently, the County, after thorough consideration of the various aspects of the above-referenced paving project, has hereby determined that the scope of the project should be revised and changed; and

WHEREAS, the revised project at Putnam County Golf Course, PC-1, will replace the existing compacted earth on the parking lot with a subsurface infiltration system and traditional asphalt surface, including drainage infrastructure to route runoff into the infiltration system to reduce phosphorus and other pollutants in stormwater runoff, while contributing to groundwater recharge.

WHEREAS, the County has further determined that this grant requires a 25% local match of the total award; and

WHEREAS, the County thereby determined that it commit the amount of \$88, 950 of WQIP Funds for the revised project, which constitutes a 25% local match of funds; now therefore be it

RESOLVED, that Resolution #206 of 2011 is amended to indicate that the scope of work for the paving project at Putnam County Golf Course has been revised and changed to include replacing the existing compacted earth on the parking lot with a subsurface infiltration system and traditional asphalt surface, including drainage infrastructure to route runoff into the infiltration system to reduce phosphorus and other pollutants in stormwater runoff, while contributing to groundwater recharge; and be it further

RESOLVED, that Resolution #206 of 2011 is amended to indicate that the County hereby commits the amount of \$88, 950 of WQIP Funds for the revised project at Putnam County Golf Course, which constitutes a 25% local match of funds.

Item #5m(2) – Approval/Amending Resolution #206 of 2011/Putnam County Golf Course Paving Project (Revised) was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #144

APPROVAL/AMENDING RESOLUTION #206 OF 2011/PUTNAM COUNTY GOLF COURSE PAVING PROJECT

WHEREAS, by Resolution #260 of 2009, which was adopted by the Putnam County Legislature (“Legislature”) on September 16, 2009, the Department of Highways and Facilities was authorized to apply for a grant from the New York State Department of Environmental Conservation (“NYSDEC”) Water Quality Improvement Project Grant Program in the amount of \$578,000 for a paver project at the Putnam County Golf Course’s parking lot to prevent erosion of the parking lot, thus reducing pollutant runoff from entering adjacent streams; and

WHEREAS, the NYSDECs Water Quality Improvement Project Grant Program funds projects that reduce polluted runoff and improve water quality, such as Municipal Separate Storm Sewer Systems (“MS4”) projects; and

WHEREAS, the County’s grant application for the paver project at the Putnam County Golf Course was approved to receive grant funds in the amount of \$266,850, which was based upon the total eligible (revised) project cost of \$355,800; and

WHEREAS, by Resolution #206 of 2011, which was adopted by the Legislature on August 2, 2011, the Legislature committed the sum of \$266,850 of East of Hudson Water Quality Investment Program Funds to fund its portion of the cost for the paver project at the Putnam County Golf Course, which sum constituted the local match; and

WHEREAS, this project is a stormwater retrofit project, identified as “PC-1”, and included in the East of Hudson Watershed Corporation’s (“EOHWC”) MS4 Retrofit Program; and

WHEREAS, the EOHWC, of which the County is a member of, was established to organize, administer and implement the MS4 Stormwater Retrofit Program, on behalf of its members, in order to facilitate the administration, design, construction, implementation and operation & maintenance of the stormwater retrofit projects included in its MS4 Stormwater Retrofit Program; and

WHEREAS, subsequently, the County, after thorough consideration of the various aspects of the project, has hereby determined, together with the EOHWC, that the scope of the project should be modified and changed; and

WHEREAS, the modified stormwater retrofit project at the Putnam County Golf Course, PC-1, will consist of replacing the existing compacted earth surface on the parking lot with a combination of traditional asphalt and porous pavers, which includes a subsurface infiltration system under the porous pavers; and

WHEREAS, the modified stormwater retrofit project described above will also include drainage infrastructure to route runoff into the infiltration system to reduce phosphorus and other pollutants in stormwater runoff, while contributing to groundwater recharge; and

WHEREAS, the County has further determined that this grant requires a 25% local match of the total eligible (revised) cost of the project (\$355,800), which results in \$88,950; and

WHEREAS, the County, together with the EOHWC, thereby determined that the EOHWC will fund a portion of the cost of the modified stormwater retrofit project and commit funding in the amount of \$88,950, which constitutes the 25% local match; now therefore be it

RESOLVED, that Resolution #206 of 2011 is amended to indicate that the scope of work for the paver project at the Putnam County Golf Course has been modified and changed to specify that it is a stormwater retrofit project at the Putnam County Golf Course, identified as PC-1, and consists of replacing the existing compacted earth surface on the parking lot with a combination of traditional asphalt and porous pavers, which includes a subsurface infiltration system under the porous pavers; and be it further

RESOLVED, that the modified stormwater retrofit project described above will also include drainage infrastructure to route runoff into the infiltration system to reduce phosphorus and other pollutants in stormwater runoff, while contributing to groundwater recharge; and be it further

RESOLVED, that Resolution #206 of 2011 is amended to indicate that the County, together with the EOHWC, thereby determined that the EOHWC will fund a portion of the cost of the modified stormwater retrofit project at the Putnam County Golf Course and commits funding in the amount of \$88,950, which constitutes the 25% local match.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairwoman Nacerino, Legislators Castellano & DiCarlo)**

Item #5n – Approval/Local Law to Amend Article 2, Section 2.02 of the Putnam County Charter Entitled “Term” was next. Chairman Othmer recognized Legislator Nacerino, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislator Castellano and DiCarlo, Legislator Nacerino moved the following:

Legislator Nacerino stated that it came to our attention that our previous resolution did not have the necessary six votes needed in order to change the Charter. The language has been changed somewhat by the Rules Committee to define the term limits more clearly and to indicate that any Legislator shall not serve more than a maximum of 12 years. She stated that one exception was added that “any person serving more than four (4) terms or twelve (12) years as a Legislator at the time of the adoption of this local law, shall be permitted to run for one (1) additional three (3) year term”.

Legislator Oliverio questioned if Section E could be removed. He believed that it applied to him.

Legislator Nacerino believed that it also applied to a potential candidate. In all fairness to that candidate we included this language.

Legislator Albano stated that he was originally against term limits. Although, he believed term limits were very important when dealing with higher levels of government. It was his concern that there will come a time when a good Legislator will not be able to run again regardless of what the voters think. It would then give the opportunity for someone else to become a Legislator who may not be as qualified. However, based on his conversations with his colleagues, he would be voting yes. He believed that was what the public wanted.

Legislator Oliverio stated that he was always leery of term limits; however, he would support this. He was hoping that this would influence our Albany representatives. He believed it was at the State and Federal levels where criminal acts occurred. He hoped Putnam County was setting the standard.

Chairman Othmer supported the term limits. He believed there should be new individuals moving up in the ranks of politics. It doesn't give anyone a chance to set up empires and it brings forth new ideas.

RESOLUTION #145

A LOCAL LAW TO AMEND ARTICLE 2, SECTION 2.02 OF THE PUTNAM COUNTY CHARTER ENTITLED "TERM".

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Article 2, Section 2.02 of the Putnam County Charter is hereby amended to read as follows:

§ 2.02. Term.

A. The County Legislators shall be elected for terms of three (3) years at the general elections hereinafter provided and every three (3) years thereafter as follows:

- (1) At the general election held in November of 2002, County Legislators from Legislative, Districts Two, Three and Eight shall be elected for said term of three years.**
- (2) At the general election held in November of 2003, County Legislators from Legislative Districts One, Four and Seven shall be elected for said term of three years.**
- (3) At the general election held in November of 2004, County Legislators from Legislative Districts Five, Six and Nine shall be elected for said term of three years.**

- B. The County Legislators shall serve a maximum of four (4) terms, regardless of the fact that a “term” may not have been three (3) years, and whether or not consecutive, in his/her lifetime.**
- C. For the purposes of this Section, the service of any portion of a term, no matter how small, shall be considered a full term.**
- D. In no instance may a Legislator serve more than four terms or 12 years, whichever is less.**
- E. Any person serving more than four (4) terms or twelve (12) years as a Legislator at the time of the adoption of this local law, shall be permitted to run for one (1) additional three (3) year term.**

Section 2.

This Local Law shall take effect February 1, 2014, and is subject to referendum on petition in accordance with the provisions of Section 24 of the New York State Municipal Home Rule Law.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #50 – Approval/Local Law to Amend Chapter 195 of the Putnam County Code Entitled “Precious Metals and Gems” was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Castellano and DiCarlo, Legislator Nacerino moved the following:

Legislator Nacerino stated that this law is to protect the public by enabling law enforcement to better identify stolen jewelry. She commended Criminal Investigator Henry Lopez, Investigator John Alfano, Detective Jerry Locascio, Detective Robert Bagnarol, Director of Consumer Affairs Jean Marie Noel and Deputy County Attorney Jonathan Engel on their efforts in making changes to this existing law which was introduced in 1983.

RESOLUTION #146

APPROVAL/LOCAL LAW/AMEND CHAPTER 195/ CODE OF PUTNAM COUNTY ENTITLED “PRECIOUS METALS AND GEMS.”

A Local Law to Amend Chapter 195 of the Code of Putnam County entitled “Precious Metals and Gems.”

**BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM, as follows:
Section 1.**

Chapter 195 of the Code of Putnam County entitled “Precious Metals and Gems” is hereby amended to include the following changes, which read as follows:

The title of Chapter 195 of the Code of Putnam County is hereby amended to be entitled "Secondhand Dealers."

§ 195-1. Legislative intent.

It is hereby declared and found that, because of the increase of incidents of property theft, the increase in the price of precious metals and gems and the ease with which some secondhand dealers buy and sell precious metals and gems without requiring identification or proof of ownership, these secondhand dealers represent to persons involved in crime an opportunity to dispose of stolen property. For business enterprises to be allowed to continue to operate without laws to control and regulate the purchase of such articles not only jeopardizes the property rights of many people, but also extremely hampers law enforcement agencies in their efforts to recover stolen property and identify suspects. If law enforcement agencies are to function in this area, a local law regulating secondhand dealers is necessary. Thereby, the public health, morals and general welfare of the County of Putnam will be protected and promoted and the best interests of the people would be served by control and regulation of secondhand dealers. It is the intention of the Legislature of Putnam County that this Local Law be established and shall constitute the complete law in relation to the control and regulation of secondhand dealers for the County of Putnam.

§ 195-2. Definitions; applicability.

A. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. Whenever used in this Local Law, the words "secondhand dealers" shall mean any person, corporation, partnership, unincorporated association and the agents or employees of such entities, engaged in the commercial exchange, purchase and/or sale of secondhand articles for any purpose and whatever nature, including and limited to any person dealing in the purchase or sale of any secondhand manufactured article composed wholly or in part of gold, silver, platinum or other metal, or in the purchase or sale of gold, silver or platinum, or dealing in the purchase of articles or things comprised of gold, silver or platinum for the purpose of melting or refining, or engaged in melting precious metals for the purpose of selling, or in the purchase or sale of pawnbrokers' tickets or other evidence of pledged articles or, not being a pawnbroker, who deals in the redemption or sale of pledged articles.
2. The term "gems" or "precious stones" as referred to herein shall include, but is not limited, to mean diamonds, alexandrite, cymphophane, ruby, sapphire, opal, amethyst, smoky quartz, citrine, rose quartz, spinel, malachite, turquoise, emerald, aquamarine, morganite, garnet, lapis lazuli, jadeite, kunzite, topaz, tourmaline, zircon, amber, jet, pearl, coral, tanzanite.
3. The term "precious metals" as referred to herein shall mean gold, silver, platinum, iridium, ruthenium, osmium, or any alloys of any one or more of said metals.
4. The term "Department" as referred to herein shall mean the Department of Consumer Affairs.

5. The term " Director" as referred to herein shall mean the Director of Consumer Affairs.

B. This Local Law shall not apply to or include the following:

1(a) The sale is held on property occupied as a dwelling by the seller or owner or rented or leased by a charitable or non-profit organization (i.e.—yard sale, moving sale, garage sale, and the like); AND

(b) The items offered for sale are owned by the occupant or seller; AND

(c) That no sale exceeds a period of ninety-six (96) consecutive hours; AND

(d) That no more than three (3) sales are held in any twelve (12) month period; AND

(e) That none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.

2. The sale of goods at an auction held by a licensed auctioneer, provided the auctioneer complies with all requirements of Article 3 of the New York State General Business Law and any other applicable statutes, rules and regulations pertaining to auctions and auctioneers.

3. Goods sold as bona fide antique, with the exception of antique jewelry, or used furniture (i.e. a business in which at least seventy-five percent [75%] of the business' revenue is derived through the sale of antiques, or used furniture).

4. Any not-for-profit or charitable organization that receives or sells secondhand articles.

5. Any junk dealer or scrap processor licensed pursuant to Article 6 and/or Article 6-C of the New York General Business Law.

6. Coin shows, where

(a) The term "coin show" is defined as a gathering of coin dealers and collectors with the purpose of dealers displaying their merchandise for the general public to view and/or purchase;

(b) Where the coin show is conducted by a New York State coin club, such as the Empire State Numismatic Association;

(c) Where the coin club holds the coin show for one day and only once per calendar year; and

(d) Where the coin club conducting the coin show provides the Putnam County Department of Consumer Affairs and the law enforcement agency for the jurisdiction with written notice of the time and place of the coin show at least ten (10) business days prior to the coin show.

7. The acceptance of merchandise which is not secondhand as a return, exchange, or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving same, nor to the resale of such merchandise.

(a) The burden of proof that an article was originally purchased from the person accepting it or receiving it, that it was the first subsequent sale or exchange thereof to a person other than an ultimate consumer, or that it was a first sale at retail of such factory rebuilt merchandise shall be upon the person asserting the same.

§ 195-3. License required; display.

- A. No person shall, within the County of Putnam, establish, engage in or carry on, directly or indirectly, the business of dealing in secondhand articles either separately or in conjunction with some other business, without first having obtained and having in full force and effect a license as provided herein.**
- B. Such license shall be displayed in a conspicuous place at the designated place of business of the licensee.**
- C. Such license shall not in any way supplant the licensing and display requirements of any applicable State or Federal laws.**

§ 195-4. Application for license; fee; bond.

- A. Applications for secondhand dealer licenses shall be made to the Director of Consumer Affairs (hereinafter the "Director"). The application shall contain the following information:**
 - 1. Name and description of the applicant's business enterprise. Individuals operating under a trade name shall present a certified copy of the trade name certificate filed in the Putnam County Clerk's office. A partnership conducting business, whether or not under a trade name, shall submit a certified copy of the partnership certificate which was filed in the Putnam County Clerk's office when the partnership was formed. A corporation shall furnish a copy of its certificate of incorporation, as well as its certificate of good standing and, if a foreign corporation, its application for authority to do business in New York State.**
 - 2. The applicant's legal address and address of all places of business within Putnam County and the address of a designated agent for service of process.**
 - 3. A description of the nature of the business to be conducted and/or being conducted by the applicant in Putnam County.**
 - 4. The name and address of the owner or owners of the business premises and the nature of the right of occupancy of the applicant to the use of said premises.**
 - 5. A statement that the applicant is at least eighteen (18) years of age.**
 - 6. A statement as to whether or not the applicant has, within the past ten (10) years, been convicted of a crime or violation of any municipal ordinance,**

the nature of the offense and the punishment or penalty assessed therefore and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

7. Two (2) photographs of the applicant, taken not more than sixty (60) days prior to the date of application, which clearly depict the head and shoulders of the applicant and which shall be two (2) inches wide by two (2) inches tall.
- B. Such application for a secondhand dealer's license shall be accompanied by a non-refundable application fee of \$250.00.
 - C. Every applicant shall submit a bond or other surety to the County of Putnam in the sum of five thousand dollars (\$5,000.00), or for a renewal license, evidence of a bond issued in favor of the licensee. The bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the licensee in exchange for the purchase of secondhand articles. All bonds must be conditioned so that the licensee will observe all laws in relation to secondhand dealers and will conduct business in conformity thereto. Such bond shall remain in force during the entire period for which the license is valid. The Director may establish rules and regulations concerning the amount of a bond to be posted, upon proper notice to the licensee.

§ 195-5. Issuance of license.

- A. Upon receipt of the license application, fee and bond(s) required of the applicant, the Director shall review the application and, if appropriate, issue a license to the applicant.
- B. The Director shall keep a record of all licenses issued, as well as any other matters herein described.
- C. If a license hereunder shall be lost, stolen, or destroyed; a duplicate may be issued by the Director on; (a) the filing of an affidavit satisfactorily explaining the facts of such loss or theft, and (b) the payment of a \$25.00 fee.

§ 195-6. Expiration and renewal of license.

Every license shall expire one (1) year after its issuance. Every license may be renewed upon payment of the required renewal fee in the amount of \$250.00, and filing a renewal application with the Director no earlier than thirty (30) days, and no later than fifteen (15) days before the license is due to expire.

§ 195-7. Denial or revocation of license; appeals.

- A. A license may be denied, suspended, or revoked for any of the following reasons:

1. Fraud, misrepresentation or false statements in the application for license;
 2. Fraud, misrepresentation or false statements made in the course of carrying on the licensed business;
 3. Any violation of this Local Law; or
 4. Conviction of a crime that involves theft, larceny, burglary, robbery, and possession of stolen property or any other fraudulent dealing within the past ten (10) years, subject to a review consistent with the provisions of Article 23-A of the New York Corrections Law.
- B. The initial determination to deny, suspend, or revoke a license under this subsection shall be made in writing by the Director.
- C. Within sixty (60) days of the initial determination to deny, suspend, or revoke a license under paragraphs A through B above, an aggrieved applicant or licensee may request a formal hearing. Such request shall be addressed via certified mail to the Director of Consumer Affairs. Within a reasonable time thereafter, the Director shall appoint an independent hearing officer with the authority to compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matters affecting the determination. The applicant shall be advised of the hearing date and his/her right to be represented by counsel at said hearing. The hearing officer shall render his/her Decision and Recommendation to the Director within thirty (30) days of the date of the hearing. The Director will notify the applicant/licensee within a reasonable time thereafter of his/her Final Determination with respect to the disposition of his/her license/application for license.

§195-8. Non-transferability of license.

No license under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued, his agents, employees or duly authorized representatives, said agents, employees or duly authorized representatives having been approved by the Director.

§195-9. Restrictions.

- A. It shall be unlawful for a secondhand dealer to purchase any secondhand articles from any person whom such dealer knows to be or has reason to believe to be under the age of 18 years.
- B. It shall be unlawful for any secondhand dealer to sell or dispose of any secondhand articles until the expiration of 14 days after the acquisition by such dealer of said secondhand article.
 1. All articles subject to this holding period shall be available for inspection by the County or any Local Law Enforcement Agency.
- C. It shall be unlawful to cause, allow or approve of the blockage, obstruction or concealment from the view of the consumer any scale, machine, weighing device or part thereof used to weigh or calculate the value of precious metals

or gems. Only devices approved for use in trade by the New York State Department of Agriculture and Markets shall be lawful.

- D. No weighing or measuring device shall be used in the purchase or sale of precious metals or gems within Putnam County without first notifying the Director, or his/her designee, of its intended use.
- E. It shall be unlawful for a secondhand dealer to purchase secondhand articles from any person between the hours of ten o'clock in the evening and six o'clock in the morning.
- F. It shall be unlawful for a secondhand dealer to purchase secondhand articles from any person who appears to be intoxicated or of unsound mind.
- G. It shall be unlawful for a secondhand dealer to purchase secondhand articles from a person who is unable to produce proper identification.
 - 1. For purposes of this section, proper identification shall be a valid United States Passport; a New York State Driver's License; or equivalent state-issued picture identification that contains the person's name, a physical description, and current address. Social Security cards, draft registration cards, voter registration cards, school or college identification cards, and comparable documents shall not be considered sufficient identification for the purpose of this Local Law.
- H. It shall be unlawful for any secondhand dealer to engage in buying activities in any place within Putnam County other than the place of business designated in such license, except to meet with a customer at his home, bank or suitable place of business. However, when purchases or sales are made at locations other than the premises of such an establishment, the licensee must note the location where the transaction took place in addition to the records required by this chapter. A secondhand dealer may, upon application to the Director and receiving approval of the Director, temporarily extend his license to cover other locations within the County of Putnam, such as flea markets, fairs, bazaars or religious or charitable organization functions.
- I. It shall be unlawful for a secondhand dealer to continue to carry on business after his license is suspended, revoked, or has expired and has not been renewed.
- J. It shall be unlawful for any secondhand dealer to damage, destroy, alter or in any way change or direct or request anyone else to alter or change the structure or makeup of a precious metal or gem so as to make it unidentifiable within 14 days after the acquisition by said dealers of such precious metal or gem. In the event that said secondhand dealer damages, destroys, alters or in any way changes the precious metal or gem, the secondhand dealer shall restore the precious metal or gem to its original condition as much as is possible, provided that the secondhand dealer receives a written request to do so from the owner of said item and law enforcement agency within the time limits set forth in this Subsection J.

§ 195-10 Signs and labeling.

The unit daily price of each type and class of precious metal shall be clearly displayed in Arabic numbers in such a manner that the public will be informed of such prices.

§ 195-11. Lost or stolen property.

If any articles composed wholly or in part of precious metals or gems shall be advertised in any newspaper printed or circulated in the County of Putnam or reported by law enforcement as having been lost or stolen, and if any articles answering such advertised description or any part thereof shall be in or come into the possession of any licensed dealer, upon receiving actual written or oral notice of the similarity of description of such articles, such dealer shall immediately give information relating thereto to the appropriate law enforcement agency. No disposition of such articles shall be effected until authorization to do so shall be given to such dealer by the appropriate law enforcement agency. The failure of the law enforcement agency within 30 days to give the dealer further written notice that the articles are actually lost or believed to be stolen and are needed in connection with a pending investigation or prosecution shall constitute authorization to dispose of said articles.

§ 195-12. Written Records.

- A. No secondhand dealer shall acquire an item specified herein, whether within the physical place of business or off site, within Putnam County, unless such secondhand dealer has requested, obtained and recorded the following information in English:**
- 1. The amount paid or advanced for the article;**
 - 2. A detailed, complete and accurate description of the article, including but not limited to identifying marks, such as, but not limited to, monograms, engravings, and inscriptions;**
 - 3. If applicable, the article's serial number, make and model number;**
 - 4. In the case of precious metals, jewelry, gems or precious stones, a photograph of the article;**
 - 5. Identification information, as described in (C) below, of the person offering the article for sale;**
 - 6. A physical description of the person conducting the transaction;**
and
 - 7. The date, time and place of the transaction.**
- B. A bill of sale and/or receipt MUST be given, and a copy retained by the secondhand dealer. Any bill of sale and/or receipt must be numbered in consecutive order and issued in the same order.**
- C. Identification Information.**

Every secondhand dealer MUST request identification from the seller and compare the photographic image to the seller to verify the identity when acquiring a secondhand article. The secondhand dealer shall record the name, date of birth, address or current address (if different than that on the identification), and the identification number (i.e. motorist identification

number on a driver's license) of the seller's identification. However, if the acquisition is made from another secondhand dealer, then the secondhand dealer purchasing the item shall record the date, time, business name and address of the secondhand dealer selling the item and the number of days the article was held prior to acquisition. Purchases between secondhand dealers do not require photographic identification.

Only the following shall be deemed acceptable evidence of identity: a valid United States Passport; a New York State Driver's License; or equivalent state-issued picture identification that contains the person's name, a physical description, and current address. Social Security cards, draft registration cards, voter registration cards, school or college identification cards, and comparable documents shall not be considered sufficient identification for the purpose of this Local Law.

D. Records Retention/Inspections.

1. Every secondhand dealer shall maintain the information required pursuant to this section in a secure location for a minimum period of five (5) years. Every secondhand dealer shall allow any records kept pursuant to this Local Law and all articles of secondhand merchandise therein, to be examined during normal business hours by any member of law enforcement, the Director or his/her designee. Computerized records can be used to satisfy the requirements of this Local Law provided that such records include the information herein and are available for inspection in printed format upon request.
2. Additionally, every secondhand dealer shall electronically report each article purchased using a computer program approved by law enforcement and the Director during the sale. Such reporting will include the required information described in subsections (A) and (C) of this section of this Local Law. Jewelry, gems and precious stones are NOT to be transmitted with these records. Further, nothing in this section shall be construed as to prevent law enforcement from requesting the form required hereunder to be filed on such other date or at such other times and frequency as exigency or law enforcement need may require. Law enforcement shall establish by rule the format and requirements of the transmission of data and may restrict the scope of the items that are to be electronically reported.

E. Law Enforcement Hold.

A secondhand dealer, when notified by law enforcement that property in his/her possession is stolen or alleged to be stolen, shall take immediate steps to secure that property and such property shall be marked "POLICE STOP." Thereafter, such property shall not be sold or removed from the premises until notification is made to the dealer in writing by law enforcement allowing such removal or sale.

§ 195-13. Payments of Secondhand Dealer By Check.

It shall be unlawful for a secondhand dealer to make a payment in cash money to any seller or pledger.

§ 195-14. Report to law enforcement agencies.

Every secondhand dealer shall furnish to the appropriate law enforcement agency all information requested by such agency relative to all records required to be kept under this chapter.

§ 195-15. Duty to enforce.

It shall be the duty of any member of law enforcement, or the Department of Consumer Affairs, having jurisdiction at the site where a person is seen dealing in secondhand articles to enforce the provisions of this chapter against any person found to be in violation of this chapter.

§ 195-16. Disclaimer of liability.

This chapter shall not create any liability on the part of the County of Putnam, its officers, agents or employees or any member of law enforcement for any act or damage caused as a result of reliance on this chapter or any administrative decision lawfully made thereunder.

§ 195-17. Penalties for offenses.

- A. A failure to comply with §§195-9 (A), (B), (E), (F), (G), and (J); 195-11; 195-12 (A) – (E); 195-13; and 195-14 shall constitute a violation and shall be punishable by a fine not exceeding \$500, or imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.
- B. A failure to comply with §§195-3; 195-6; 195-8; 195-9 (C), (D), (H), and (I); and 195-10 shall subject the person committing the offense to a civil penalty in the amount of \$500 for each day that the offense shall continue, collectible by and in the name of the County of Putnam.

§ 195-18. Severability.

If any section of this Local Law or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confirmed in its operation to the controversy in which it is rendered, and shall not effect or invalidate the remainder of any other provision or any section or the application of any part thereof to any other person or circumstance and to this end, the provisions of each Section of the Law is hereby declared to be severable.

§ 195-19. Applicability.

This Local Law shall apply to actions or transactions occurring on or after the effective date of this Local Law.

Section 2.

This local law shall take effect on October 1, 2013.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5p – Approval/Local Law to Amend Section 3.02 of the Putnam County Charter was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Castellano and DiCarlo, Legislator Nacerino moved the following:

Legislator Nacerino stated this was brought forward by Chairman Othmer in an effort to insure that the necessary personnel requested by the Legislature to attend Committee meetings is present at said meeting to discuss the items on the agenda which pertain to their area of expertise.

RESOLUTION #147

APPROVAL/LOCAL LAW TO AMEND SECTION 3.02 OF THE PUTNAM COUNTY CHARTER

A Local Law to amend Section 3.02 of the Putnam County Charter by adding a new subsection (o) under Powers and Duties of the County Executive.

Be it Enacted by the Legislature of the County of Putnam as follows:

Section 1.

Section 3.02 of the Putnam County Charter is hereby amended by adding a new Section 3.02(o) to read as follows:

(o) Make available to the Legislature or any Committee of the Legislature, upon request of the Clerk of the Legislature, department heads to advise or discuss any program or issue that currently or potentially affects the operation of that particular department.

Section 2.

This Local Law shall take effect forty-five (45) days after its adoption, subject to referendum on petition in accordance with the provision of Section 24 of the New York State Municipal Home Rule Law.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**AUDIT & ADMINISTRATION COMMITTEE
(Chairman Castellano, Legislators Albano & Nacerino)**

Item #5q – Approval/Budgetary Amendment (13A029)/ Health Department/State Aid Early Intervention (EI) Education Transportation/EI Fee for Services was next. Chairman

Othmer recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #148

APPROVAL/BUDGETARY AMENDMENT/ HEALTH DEPARTMENT/STATE AID EARLY INTERVENTION (EI) EDUCATION TRANSPORTATION /EI FEE FOR SERVICES

WHEREAS, the Health Department has requested a budgetary amendment (13A029) to properly allocate revenues received from the State's Fiscal Agent for services that were billed by our employed service coordinators; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Decrease Revenue:

10405900 434491	State Aid EI Education Transportation (Early Intervention)	\$50,000
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Increase Revenue:

10405900 416210	EI Fee for Services	\$50,000
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5r – Approval/Budgetary Amendment (13A030)/Commissioner of Planning /Transportation Consultant was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

Legislator Oliverio stated that there was an individual from the Planning Department that put together our transportation model. He stated that this individual has spearheaded the transportation efforts in the County. He questioned the need for this position.

Chairman Othmer stated that it is to bring in an expert transportation consultant who has worked with other municipalities and to perform an analysis of our plan.

Legislator LoBue stated that she was not in favor of this. She stated that there is a Manager of Transportation in the Planning Department. She questioned if that should be the person to handle this. It was her understanding that we needed someone who was familiar with the Federal Transit Laws that govern the transit system.

Chairman Othmer stated that the County has a Civil Engineer as our Commissioner of Highways & Facilities, yet we do hire Engineering Consultants on certain projects.

Legislator Castellano stated that this request came out of Committee. It was to hire a consultant. It is not a full time job, nor does it include benefits. It would be someone to

bring their expertise to move forward with our plan. He believed in the long run the County would save more than \$50,000 to get the transportation system up and running.

Legislator Albano stated that the Planning Department performed the transportation study. He believed the next step was to take action to the proposed changes making the transportation system more efficient and cost effective.

Legislator Scuccimarra agreed that we had this fantastic study that will change the transportation in this County. However, we needed someone to implement it.

Legislator Oliverio requested that the consultant hired have specific qualifications in municipal management with transportation systems.

Director of Personnel, Paul Eldridge stated that the person hired would be a consultant in this particular field. They would not be a County employee.

Legislator Nacerino stated that the Transportation Task Force Chairman provided the Committee with his study. However, he felt more comfortable having someone with the proper expertise to execute his plan and bring it to fruition.

RESOLUTION #149

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF PLANNING /TRANSPORTATION CONSULTANT

WHEREAS, the Commissioner of Planning has requested a budgetary amendment (13A030) to allocate funding for a transportation consultant as per the task force recommendation; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

GENERAL FUND:

Increase Estimated Appropriations:

10990100 59070	Transfer to Transportation Fund	\$50,000
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Decrease Estimated Appropriations:

10199000 54980	Contingency	\$50,000
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TRANSPORTATION FUND:

Increase Estimated Appropriations:

95630000 54682	Special Services	\$50,000
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Increase Estimated Revenues:

99901000 428601	Transfer from General Fund	\$50,000
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2013 Fiscal Impact \$50,000

2014 Fiscal Impact – 0 –

BY POLL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR LOBUE. MOTION CARRIES.

Item #5s – Approval/Budgetary Amendment (13A031)/Bureau of Emergency Services/Local Enhanced Wireless 911 Program 2011 – 2012 was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #150

APPROVAL/BUDGETARY AMENDMENT /BUREAU OF EMERGENCY SERVICES /LOCAL ENHANCED WIRELESS 911 PROGRAM 2011 – 2012

WHEREAS, the Bureau of Emergency Services has requested a budgetary amendment (13A031) for reimbursement of certain costs associated with the provision of Wireless 911 services; and

WHEREAS, these funds represent Putnam County's allocation from the State 2011-2012 budget for costs incurred from April, 1, 2011 through March 31, 2014; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Revenue:

10398902	Bureau Emergency Services		
430891 10104	Local Enhanced Wireless 911 Program 11-12	\$50,258	

Increase Appropriations:

10398902	Bureau Emergency Services		
54782 10104	LEW 911 Program 11-12 Software Accessories	\$50,258	

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5t – Approval/Fund Transfer (13T105)/Commissioner of Highways & Facilities/Temporary was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #151

APPROVAL/FUND TRANSFER /COMMISSIONER OF HIGHWAYS & FACILITIES/ TEMPORARY

WHEREAS, the Commissioner of Highways & Facilities has requested a fund transfer (13T105) to continue the Trainee Program; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

02 10511000 51000	Personal Services	\$25,000
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Increase:

02 10511000 51094

Temporary

\$25,000

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5u – Approval/Fund Transfer (13T112)/Sheriff’s Department/Motor Vehicle was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #152

APPROVAL/FUND TRANSFER /SHERIFF’S DEPARTMENT/MOTOR VEHICLE

WHEREAS, the Sheriff’s Department has requested a fund transfer (13T112) to cover the cost to replace a deadlined vehicle; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

13311000 54634	Telephone	\$26,000
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Increase:

13311000 52650	Motor Vehicle	\$26,000
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5v – Approval/Fund Transfer (13T116)/Commissioner of Highways & Facilities/Water Operator Certification was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #153

APPROVAL/FUND TRANSFER /COMMISSIONER OF HIGHWAYS & FACILITIES/WATER OPERATOR CERTIFICATION

WHEREAS, the Commissioner of Highways & Facilities has requested a fund transfer (13T116) to cover costs for education and training for Water Operator Certification; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10199000 54980	Contingency	10,500
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Increase:

10149000 54640	Education & Training	1,500
10511100 54647	Subcontractors	<u>9,000</u>
		10,500

2013 Fiscal Impact \$10,500

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5w – Approval/SEQRA Determination was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

Legislator LoBue stated that she did not know why the County would bond \$150,000 for a ten year period. She stated that to date the County has bonded over \$3 million dollars. She stated that she did not have an issue with the need to repair the sidewalks. However, she believed the money should come from contingency.

Chairman Othmer stated that the Finance Department reviews the details of all the bonding. They are analyzed and well thought out to enable the County to stay under the 2% tax cap.

Legislator Oliverio stated that he supports the SEQRA and believes the repairs need to be done. However, he did concur with Legislator LoBue and would be voting “no” on the bonding. He stated when he first started working in government, one of the first things he learned at a NYSAC training session was that you never bond anything that can be handled with available funds, unless it is a large project. You would not want to bankrupt the taxpayer. He would prefer finding the money in the budget.

Chairman Othmer stated that Commissioner of Finance, William Carlin, has done a phenomenal job in controlling the finances in the County. It was his understanding that Putnam County was one of the few counties in New York State that stayed under the 2% tax cap.

Legislator DiCarlo stated that based on discussions during last year’s budget, the County has set up a Capital Reserve fund. Once the County sells some of the properties, both residential and commercial, the money is earmarked to go into this fund. Hopefully, down the road money will be in this account that we can tap into.

Chairman Othmer believed there were twenty foreclosure properties that would be sold at market value. He believed that last year during the budget process, the Administration budgeted \$426,000 for projected revenue on these potential sales. The Legislature raised that amount to \$600,000 to balance the budget. He stated that he and Legislator Albano opposed the changed amount because the budget was balanced on fictitious projected revenue that was not yet received. He stated that, to date, the County has not sold any of those properties.

Legislator Gross stated that the interest rates are still low, however, that will be changing. He believed it was important, while we have the opportunity to bond at low rates, to take advantage of these low rates because this will be changing.

Legislator Castellano stated that we are taking advantage of historically low interest rates. He stated that \$150,000 dollars is approximately 30% of our contingency. He believed that bonding was a wise decision.

Legislator Albano stated that based on that logic he agreed with the bonding. In speaking with Commissioner Carlin, he stated that older bonds will be coming off. Therefore this would be replacing bonds that are coming off the books. It is not like we are raising them out of proportion. He did not believe this would make or break us. He believed it was the right time to bond.

RESOLUTION #154

APPROVAL/SEQRA DETERMINATION

WHEREAS, the Putnam County Legislature is considering a \$150,000 Bond issue for the Replacement of Sidewalks at Various County Facilities, and

WHEREAS, this action has been determined to be a Type II Action pursuant to the regulations of the NYS Department of Environmental Conservation, now therefore be it

RESOLVED, that the Putnam County Legislature accepts the determination that this project is a Type II Action and pursuant to 6 NYCRR Part 617, State Environmental quality Review §617.6(1)(i) once an action has been determined to be a Type II Action, there is no further review necessary under SEQRA.

BY ROLL CALL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR LOBUE. MOTION CARRIES.

Item #5x – Approval/Bond Resolution/Replacement of Sidewalks at Various County Facilities was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #155

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Putnam, New York

July 2, 2013

* * *

A regular meeting of the County Legislature of the County of Putnam, New York, was held at the Historic County Courthouse, Gleneida Avenue, Carmel, New York, on July 2, 2013, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Albano, Castellano, DiCarlo, Gross, LoBue, Nacerino, Oliverio, Scuccimarra and Chairman Othmer.

There were absent: NONE

**Also present: Diane Schonfeld, Clerk of the County Legislature
Clement Van Ross, Legislative Counsel**

*** * ***

Legislator Castellano offered the following resolution and moved its adoption:

**BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK,
ADOPTED JULY 2, 2013, AUTHORIZING THE REPLACEMENT OF
SIDEWALKS AT VARIOUS COUNTY FACILITIES; STATING THE
ESTIMATED TOTAL COST THEREOF IS \$150,000; APPROPRIATING
SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF
\$150,000 SERIAL BONDS OF SAID COUNTY TO FINANCE SAID
APPROPRIATION.**

**THE COUNTY LEGISLATURE OF THE COUNTY OF PUTNAM, NEW YORK,
HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members
of said Legislature) AS FOLLOWS:**

Section 1. The County of Putnam, New York (herein called "County"), is hereby authorized to replace sidewalks at various County facilities. The estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$150,000 and said amount is hereby appropriated therefor. The plan of financing, includes the issuance of \$150,000 serial bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$150,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 of the Law, the powers and duties

of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

Section 7. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond resolution shall take effect upon the approval of the Putnam County Executive, and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "*The Putnam County Courier*," "*The Putnam Press*," and "*The Putnam County News & Recorder*," three newspapers, each having a general circulation in the County and hereby designated as the official newspapers of the County for such publications.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: SEVEN – Legislators Albano, Castellano, DiCarlo, Gross, Nacerino, Scuccimarra and Chairman Othmer.

NOES: TWO – Legislator LoBue and Oliverio.

The resolution was declared adopted.

CERTIFICATE

I, Diane Schonfeld, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. 155-2013 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of said County of Putnam duly called and held on July 2, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Resolution, which was duly adopted by the County Legislature of the County of Putnam on July 2, 2013 and approved by the County Executive on July __, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County of Putnam this ____ day of July, 2013.

(SEAL)

Diane Schonfeld
Clerk to the County Legislature

NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 2, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the COUNTY OF PUTNAM, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Diane Schonfeld
Clerk to the County Legislature

**BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK,
ADOPTED JULY 2, 2013, AUTHORIZING THE REPLACEMENT OF
SIDEWALKS AT VARIOUS COUNTY FACILITIES; STATING THE
ESTIMATED TOTAL COST THEREOF IS \$150,000; APPROPRIATING**

SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$150,000 SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION.

Object or purpose: the replacement of sidewalks at various County facilities

Period of probable usefulness: ten (10) years

Amount of obligations to be issued: \$150,000

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk to the Legislature, at the County Office Building, 40 Gleneida Avenue, Carmel, New York.

Dated: July 2, 2013
Carmel, New York

Item #5y – Approval/Budgetary Amendment (13A032)/Commissioner of Highways & Facilities/Sidewalk Replacement Program was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #156

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF HIGHWAYS & FACILITIES/ SIDEWALK REPLACEMENT PROGRAM

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (13A032) to fund the Sidewalk Replacement Program; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

55410000 53000 51316	Sidewalk Replacement	\$150,000
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Increase Estimated Revenues:

05000 45710D 51316	Proceeds from 2013 Serial Bonds	\$150,000
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5z – Approval/ Proposed Agreement with Bikepath Country, Inc., was next. On behalf of the members of the Audit & Administration Committee, Legislator Albano and Nacerino, Legislator Castellano moved the following:

Legislator LoBue made a motion to table; seconded by Legislator Oliverio. By Roll Call Vote: Four Ayes – Legislators DiCarlo, Gross, LoBue and Oliverio. Five Nays – Legislators Albano, Castellano, Nacerino, Scuccimarra and Chairman Othmer. Motion to table failed.

Legislator Castellano stated that Putnam County has a beautiful bikepath which is approximately 12 miles and is enjoyed by many people. One of the big issues is that there are no mile markers on the bikepath. It is a safety/911 issue. He believed it was a good idea to address this safety issue and have mile markers at a ½ mile distance. He believed it would enable first responders to respond more efficiently.

Legislator DiCarlo stated that his objection to this is a process issue. He believed information needed to be presented to the Legislature in a timely manner. He questioned how you would be able to review a contract one hour before the meeting in which it needed to be voted on. It has nothing to do with the representative from Bikepath Country, only the process moving forward. He believed that the Legislature needed time to review the contract and vet it out in Committee. He stated that the second issue was to not make this about mile markers. He stated that the County has the ability to make a sign, and shame on us that we haven't put our own mile markers on the bikepath in case of an emergency. He stated that when he was on the Town Board in the Town of Carmel, he and a group of business people and residents started the Town Wide Beautification Clean up and Zoning Committee. On July 1, 2009 the Town of Carmel, by way of a 5-0 vote, spoke about the importance of signage and cleaning up of our garbage containers. He did not want to ignore the wishes of the people in the Town of Carmel. He stated that he would be voting "no" on this resolution.

Legislator LoBue stated that she would be voting "no" on this resolution as well. She stated that it was less than eight weeks ago when we packed this Courtroom with discussions on the NYSAFE Act and the Indian Point resolution because process was not followed in allowing our constituents to comment before a resolution was approved. She stated that there were discussions at the Committee level with respect to the concept of putting advertisement on the bikepath. However, details of the contract were not discussed. She believed there were many inconsistencies during the bikepath discussions. In her opinion "this was bad government".

Legislator Gross stated that he was in favor of mile markers and believed that it should have been done years ago. However, that was not the issue. This item was previously discussed before four of the new Legislators were on the Legislature. It never came out of Committee and here it is again. He stated that Westchester County also voted "no" for advertising on their bikepath. He stated that during the Audit & Administration Committee meeting, creative ways were discussed to enhance the revenue stream. There were people offering community service, including having Eagle Scouts volunteering in order to achieve their merit badges. It was mentioned to see if there was the ability to apply for grant funding for the continued maintenance of the bikepath. He questioned who wanted the bikepath signage. He stated that it was the Administration, the Putnam County Chamber of Commerce, Bikepath Country, Inc. and five of the Legislators as of the last unofficial straw poll. The Legislature has received many e-mails from residents all over the County that do not want advertising. He personally received e-mails, phone calls and people even stopping him on the street, that do not want commercialism on the bikepath. He believed it was also a contradiction to the sign

ordinances in the Towns of Carmel and Southeast. He stated that there were also many contradictions over what Bikepath Country, Inc. did do or didn't do in Florida work wise. He stated that was still not clear. He stated that he did not support advertising on the bikepath. He believed there were other options.

Legislator Oliverio believed this was a bad idea. He also received many complaints against these signs. He stated that he did not have a problem installing mile markers and believed that it should be done by the County. Our responsibility is the health and safety of our residents. He did not believe we should rely on a for-profit group to perform this work, using public land that is gifted, to make a profit. He did not believe we were entertaining this after it was rejected three years ago. He believed it was a huge error in judgment. He believed the process has been floored when we receive a contract at 6:00 pm this evening. He believed time was needed to investigate this further.

Legislator Albano stated that when this came before the Legislature a few years ago, his opinion was that he didn't want to see large signs on the bikepath that would disturb its beauty. Shortly after that, the group that was presenting this came back and asked the Administration to take a look at it. He saw what they were presenting in concept and he liked it. He believed it should be revisited by the Legislature. He believed that both branches of government could come together and be a team. He stated that the bikepath maintenance is an expense that was not planned for years ago. He believed the signs were aesthetically pleasing, having only 10% of advertising on them. He stated that even if the County did not receive any revenue from the signs, he believed they still have a valid place on the bikepath for safety reasons. He believed that the County was proceeding with something that makes a lot of sense for the welfare and safety of the County. He believed we should take a shot at this and revisit it in a year to see if everyone likes it. If it doesn't make sense at that time, we pull the signs out of the ground. He stated that it was not part of the Legislature's duty to review the contracts. He had faith in the Administration and believed it would be a good thing for Putnam County.

Legislator Nacerino stated that she engaged in many conversations with respect to both sides of the issue. She has remained steadfast from the onset. She believed that safety was paramount for those who frequent the bikepath. She stated that she previously served on the Zoning Board of Appeals for many years and is particularly cognizant of the adverse effects that signage would have. She stated that she would not support signage that she believed would be detrimental to the experience of those frequenting the bikepath. However, she did shudder at the thought of an emergency occurring and first responders not being able to get to that person in a timely manner. As an elected official, she believed it was her responsibility to act on the overall good of the people and therefore she would be voting "yes" on this agreement.

Legislator Scuccimarra stated that she also would be voting "yes". She stated that it costs the County over \$80,000 to maintain the bikepath. The maintenance needs to be done and she did not believe the County could count on volunteers to pick up branches that have fallen down and become a hazard. She believed that her first responsibility to her constituents was to keep the taxes as low as we can. Therefore, she believed that the supplemental income from this project was the way to go. She stated that she originally thought the advertising on the bikepath was a terrible idea. However, after viewing the potential signs, she stated that she did not have a problem with them. She believed that the Administration would make sure that nothing would be obtrusive.

Legislator Castellano pointed out that Commissioner Pena's e-mail to the Legislature stated that the maintenance in 2012 was \$150,000 and moving forward to 2015, when polling the State of Connecticut, could be as much as \$225,000. He stated that if we had to purchase the signs that have been presented to the Legislature, that would be an additional \$40,000. He believed we would be doing the right thing in passing this resolution. The mile markers are a necessity for the safety of the community.

Legislator Castellano stated that we would like to make an amendment to the resolution to delete the first Resolve Clause and change the final resolve to read: "Resolved that the Legislature hereby authorizes the County Executive and the County Attorney to negotiate an agreement with Bikepath Country, Inc. and submit to the Legislature for review when completed".

Legislator Albano made a motion to amend; seconded by Legislator Nacerino. By Roll Call Vote: Six Ayes – Legislators Albano, Castellano, Gross, Nacerino, Scuccimarra and Chairman Othmer. Three Nays – Legislators DiCarlo, LoBue and Oliverio. Motion Carried.

Chairman Othmer stated that Putnam County is a small county and our biggest sales tax revenue is generated from gas stations. Therefore, the County needs to find creative ways to generate revenue to pay our expenses. The signs are made out of recycled material and are biodegradable. There are several metal signs currently on the bikepath which will be consolidated to have less signs. He was concerned about the advertising in the beginning, however, this will promote tourism in the County. He also felt that the emergency service part of this, with respect to promoting safety, speaks for itself. There is vandalism on the bikepath and no one is patrolling it. He believed that the new signs would benefit the bikepath. He stated that it will be a one year contract and stated that if it turns out to be a failure we could get rid of it. However, if the County could have a self-supporting bikepath as a result of this company, he questioned why we wouldn't do it. Chairman Othmer continued and stated that the Legislature does not have the authority to sign contracts. He stated that most of the time contracts are signed by the Administration and the Legislature sees it after the fact. In this case, the Administration gave the Legislature the courtesy of reviewing the contract and providing input. He also mentioned that this topic has also been vetted in public three times through the Committee process.

Legislator Scuccimarra stated that the maintenance of the bikepath is an expense for the County. She believed she was being fiscally responsible to the taxpayers and felt this was a good idea.

Legislator Oliverio questioned what revenue was being guaranteed. The company claims they will be able to give the County \$50,000 dollars which equates to half of their profits. He did not believe there was a dollar amount of revenue the County will receive written in the contract. He did not believe this contract was the Administration's domain since it pertains to using property of the taxpayers of Putnam County. He stated that the Legislature has the authority over any land deals. He also believed that Commissioner Pena's estimated costs were over inflated. He believed this was a mistake.

Legislator Nacerino maintained that safety is paramount and should be the focus of our conversation. She stated shame on us if there is an accident on the bikepath and we did

not take the necessary measures to ensure that our first responders or law enforcement can get there in a timely manner.

Legislator Albano stated that the guarantee is that if we don't do this, the County will not see one dime and it will cost the County money. If the County contracts with Bikepath Country, Inc. it has the potential to offset some of these expenses. It will be reviewed after one year. He stated that he has faith in the Administration and they haven't failed him yet. The Administration are the ones who sign the contracts. He stated that he has never approved a contract yet. The Legislature was given the opportunity to look at the contract conceptually. It was received late, however, he did not believe that it was the final version. He believed there was tremendous potential for this initiative. He stated that the majority of the people he spoke with supported this idea once they understood the type of signs that would be placed on the bikepath.

Legislator Gross asked his colleagues to leave an area of Putnam County free of advertising. He believed that the mile markers were the wise thing to do, however, that was not the issue. The issue is with the advertising on the bikepath.

Legislator Castellano pointed out that the signs are high quality. The mile markers are small; one foot by one foot. He believed that even if we don't receive a dime in revenue, we will have the necessary signs in place in case of an emergency. There would be no cost to the County for the signs which would help in trying to stay under the 2% tax cap.

Legislator LoBue questioned what the urgency was and why it couldn't wait another month. She stated that the County has our own sign shop. She believed that an outside company was not needed to create signs and put mile markers on the bikepath. She believed this would be setting a terrible precedent, allowing a private for-profit company to profit off of the bikepath. She believed they were creating a need. She stated that we did not reach out to the public and state that we have a revenue issue. This company created a need and approached the County for three years in a row. She stated that there are many individuals opposed to these signs. She believed that there would also be added graffiti. This did not make any sense at all. She believed it was counter-intuitive. She did not believe that the company was able to articulate how the profit was going to be generated. She questioned why it couldn't wait another month to go over the specific details of the contract. She questioned if this process would trigger SEQRA. She believed more research was needed.

Legislator DiCarlo stated that the Legislature was originally told that we didn't even need to have these discussions and that it could have gone through the Executive branch. However, as a Legislative body, hearing about the proposal, asked to be involved in the process. We began that dialogue as a partnership to look into this proposal together. He stated that last year there was an issue of transportation. People were upset and felt that they were not made part of the discussions. He stated that there are many people from the public in the room tonight that feel this is another big issue. He stated that if we had gone through the complete process in an open manner, he believed that we could have come to some type of consensus moving forward. However, the process stopped when we didn't receive the contract. He stated that for the Legislature not to table this item tonight, to be able to have continued discussions, was wrong.

Chairman Othmer stated that Lake Gleneida has a nature trail around it that has bridges which were sponsored by businesses. The County had a partnership with NYS DEP. He

believed that a precedent was already set and no one said a word about it. He stated that he is not afraid to try new things to keep our taxes low. He believed this could turn out to be a good initiative. A year from now if it is not working we can get rid of it and end the program. He stated that with respect to the statement made regarding Commissioner Pena's inflated costs, he stated that our Commissioner of Highways & Facilities is a civil engineer and an attorney. He believed the report was valid and did not question his estimates. He asked everyone to keep an open mind.

Legislator DiCarlo stated that on a good note, the Legislature always gives out Proclamations and he had some Proclamations for the Legislators. On June 24th he attended the PARC annual meeting and stated that PARC wanted to recognize each Legislator for their support and advocacy in securing a successful financial future and continuation of the PARC Pre-School Program for 2013.

The Legislature was asked by a member of the public to allow public input on the Bikepath Advertising issue.

The Legislature agreed to allow the public to speak on this one agenda item.

Mr. Jeff Green, Town of Kent Resident, stated that he placed a call last week and volunteered to raise funds for mile markers if public safety was the issue. He stated that the County Executive's office never responded to his call. He felt that that made it clear that public safety was not the issue. He stated that during Committee discussions he offered a compromise to have Bikepath Country, Inc. buy kiosks that could be placed in parking lots along the bikepath that would have informational signs and business advertisements. He stated that in his calculations as to how much money the County was going to make on this initiative came out to \$7,700. He believed that out of a \$130 million dollar budget the County could afford \$7,700 or \$60,000 to maintain the bikepath. He questioned why the signs would only be on the bikepath and not at the Veterans Memorial Park. He believed that this wouldn't be done because the room would be filled with Veterans and you would listen to them. He believed this initiative would raise a first amendment issue that would last a long time. The signs will reside on "public property" therefore he believed first amendment issues apply. Someone will want to place an inappropriate sign up, the County will say no, and that will generate a first amendment issue. He stated that the public was told the same thing a few years ago that Tilly Foster Farm was going to be great and Mr. Whipple would bring in outside revenue to the County. However, we are still paying the bills over there.

Ms. Debbie Ramsey, Croton on Hudson Resident, stated that she started the petition. She stated that she bikes the trail a lot, from one end all the way down to Van Cortlandt Park. She stated that her concern was that some are trying to link advertising with the signs. She believed that the public did not have a problem with the mile markers. They did have a problem however with selling out their parkland to a for-profit company. She did not believe that a business would want to advertise on 10% of a small sign. She did not know how the County hoped to benefit on this. She stated that there have been many different groups that have come forward to volunteer.

Mr. Jerry Ravinsky, Mahopac Resident, stated that if he was going to hire a contractor and knew that they falsified information about previous experience or recommendations, which this company has done, he would not hire that company. He questioned if the Legislature ever signed a contract with a company that falsified information on an RFP.

He would assume that they would not do that, however, now it may be done. It did not make sense to him. He believed that the money the County would receive would be minimal after the company's expenses. He believed there could be signs without commercialism on the bikepath. He believed it was politically connected.

Marsha, a Resident of Mahopac stated that the benefits of the bikepath to the community cannot be quantified. Putnam County is a place of beauty. She believed there were other ways to build on tourism without having advertising on the bikepath. She believed that the bikepath was a place of peace, beauty and nature. She stated that the mile markers were needed. She believed that the efforts behind this were questionable. The business has lied about their prior business and the signs that were shown had varied repeatedly.

Ms. Jean Hopper, Mahopac Resident, questioned how much revenue will be generated from this project and why the County did not have mile markers on the trail before this. She believed that her son, as a Boy Scout Life Scout, could get this project done for under \$5,000 as an Eagle Scout project. She spoke about the maintenance of the signs, vandalism and also questioned why the County did not reach out to the community for volunteers. She believed that the individuals who utilize the bikepath were the silent majority and hoped that the Legislature would reconsider this.

Mr. George Baum, Town of Kent Resident, stated that his first reaction to this project was not that he opposed it, but questioned if there was any input from the users of the bikepath. He believed that you could not get a consensus without getting all the stakeholders together. He believed that we needed to separate the issue of mile markers from any type of advertising. He believed that it did not make sense to have biodegradable mile markers on the bikepath or to have advertising on mile markers. He questioned what would happen if the advertiser did not renew his annual payment. He stated that in Dutchess County, on their bikepath, they have a marker at each intersection stating the name of the roadway you are crossing. He believed that was important and suggested that one thing to consider would be to have a directory of services at these intersections in Putnam County. He also suggested having a link to a website. He stated that there is a rail to trail National Organization that has a regional office. He stated that he would pass that information on to Chairman Othmer.

Ms. Judy Gordon, Mahopac Resident, stated that her focus was on the safety issue and shared about an accident that she had on the bike trail in Westchester County. She stated that cyclists concentrate on what is directly in front of them on the ground. She was concerned about the nature of the signs and believed that it was a negative aspect to have a cyclist looking at signs on the sides of the bikepath.

A Mahopac Resident believed that the reason this company has been coming to the County for three years was because they weren't able to push this idea through in Florida. She believed that they needed it to go somewhere in order to have their business idea branch out to other areas.

Ms. Ann Fanizzi, Town of Carmel Resident, believed that when there is sufficient evidence or questions regarding someone's proposal then it is your duty and responsibility to save taxpayers' money. You do not "take a chance" with taxpayers' money. She also believed that if anyone's business was denied the right to advertise on the signs, the County would be dealing with a 1st Amendment issue. She believed this was also a slap in the face to the volunteers and the veterans in Putnam County. She

asked the Legislature to reconsider and table this resolution. This company has no track record.

Kathy, Southeast Resident, stated that she was against the signage. She questioned which Legislative District supported Baldwin Place.

Legislator LoBue stated that the company bordered her district.

Pat, Mahopac Resident, questioned if a trail study has been done to see how many people access the bikepath. She questioned who the County was trying to reach with these signs if it was the same group of people that utilized the bikepath. She questioned why the County has not even reached out to the community for help.

Legislator DiCarlo stated that he was concerned with the First Amendment issue. He believed it was paramount to question legal counsel as to what the County's liability issues would be with respect to the First Amendment issue.

Legislator Nacerino stated that she remained steadfast with her rationale which supports the signs and the mile markers. However, there was valid information brought forward this evening that should be taken into consideration. She supported the motion to table.

Legislator Oliverio made a motion to table the resolution to the Physical Services Committee; seconded by Legislator LoBue.

By Roll Call Vote: Eight Ayes – Legislators Castellano, DiCarlo, Gross, LoBue, Nacerino, Oliverio, Scuccimarra and Chairman Othmer. One Nay – Legislator Albano. Motion carries.

APPROVAL/ PROPOSED AGREEMENT WITH BIKEPATH COUNTRY, INC.

WHEREAS, under the terms of Section 5.02 of the Putnam County Charter, the Putnam County Director of Purchasing maintains the authority to “make all purchases of equipment, materials and supplies required for any County purpose and contract for the rental and servicing of equipment for all County departments in accordance with the requirements established by law or by the County Legislature”; and

WHEREAS, the Director of Purchasing, in accordance with the Putnam County Procurement Policy enumerated in Chapter 140 of the Putnam County Code, which was duly adopted and approved by the Legislature, solicited proposals for companies to provide signs for display along portions of the Putnam County Bikeway; and

WHEREAS, the Director of Purchasing, after a full and fair evaluation process as is outlined in the procurement policy, recommended that the County enter into an agreement with Bikepath Country, Inc. for the supply, installation and maintenance of such signs; and

WHEREAS, the proposal which is currently being considered involves the supply of materials and finished products, as well as the furnishing of an ongoing maintenance service; and

WHEREAS, the County Executive has recommended to the County Legislature that it approve an agreement encompassing the response to the request for proposal submitted by Bikepath Country, Inc.; and

WHEREAS, Section 215 of the New York State County Law provides that the Legislature shall have the “general care and control of the corporate real and personal property of the county”; and

WHEREAS, it is in the best interest of the County to provide adequate signage on the bike trail to protect the safety and well-being of its users; and

WHEREAS, the Bureau of Emergency Services has advised that proper signage is needed to ensure our emergency responders have the ability to carry out their mission of providing prompt and efficient assistance to residents of and visitors to Putnam County; and

WHEREAS, the Audit & Administration Committee has reviewed and recommended the approval of this proposal; now therefore be it

RESOLVED, that the Putnam County Legislature hereby approves of the annexed agreement with Bikepath Country, Inc. for the supply, installation and maintenance of signs on the Putnam Bikeway; and be it further

RESOLVED, that in the event the proposed agreement has not been completed and annexed hereto the Legislature hereby authorizes the County Executive and County Attorney to negotiate said agreement with Bikepath Country, Inc. and submit it to the Legislature for approval when completed.

Item #6 – Other Business

Item #6a – Approval/Budgetary Amendment (13A038)/Commissioner of Highways & Facilities/CHIPS Highway Aid was next. Chairman Othmer moved the following; seconded by Legislator DiCarlo.

RESOLUTION #157

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF HIGHWAYS & FACILITIES/CHIPS HIGHWAY AID

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (13A038) to account for CHIPS Highway Aid as per the adopted NYS Budget; and

WHEREAS, in the 2013 Putnam County Budget \$825,000.00 was budgeted for the CHIPS Program; and

WHEREAS, the New York State Department of Transportation has notified Putnam that \$951,971.71 has been allocated for the Year 2013, now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

55197000 53000 51308	CHIPS 2013	126,972
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Increase Estimated Revenues:

55197000 435011 51308	State Aid – CHIPS 2013	126,972
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Recognition of Public

Mr. Glen Blackman, Labor Relations Specialist for CSEA, introduced their new union

President representing Putnam County, Ms. Janet Canaday.

Item #8 – Recognition of Legislators

Chairman Othmer stated that he would like to close the meeting in honor of the 19 Firemen in Arizona who lost their lives in the line of duty.

There being no further business, at 9:30 P.M., Legislator LoBue made a motion to adjourn; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.