

RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
Held In Room 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Members: Chairwoman Addonizio, Legislators Gouldman & Scuccimarra

Wednesday July 8, 2015
(Immediately Following the Protective Services Meeting beginning at 6:00pm)

The meeting was called to order at 7:32 P.M. by Chairwoman Addonizio who requested Legislator Scuccimarra lead in the Pledge of Allegiance. Upon roll call, Legislator Scuccimarra and Chairwoman Addonizio were present. Legislator Gouldman was absent.

Item #3 - Approval of Minutes – June 18, 2015

The minutes were approved as submitted.

Item #4 - Discussion/ Correspondence from Law Dept./ Chapter 112 of the Putnam County Code Entitled “Vehicle Policy”

First Deputy County Attorney Andrew Negro stated a memorandum was sent to the Legislature from Deputy County Attorney Anna Diaz addressing inquiries from the June Rules Meeting. He stated Deputy County Attorney Diaz’s recommendation was that the Policy should be reviewed. He stated the Law Department would be happy to work with the Administration and the Legislature in reviewing this Policy.

Legislator Scuccimarra stated this is a good route to take.

Legislative Counsel Clem Van Ross stated this is not a time sensitive issue and an amendment should be drafted and sent to the Legislature.

First Deputy County Attorney Negro stated he will speak with Deputy County Attorney Diaz.

Item #5 - Discussion/ Town of Kent Sharing County Server

Legislator Scuccimarra stated the Legislature was not made aware of the Town of Kent sharing the County’s Server.

Director of IT/GIS Tom Lannon stated the Town of Kent was using a company to store their emails, and was running out of room. He stated the County houses their own email servers, which has the ability to grow as needed. He stated he has a relationship with the Town of Kent Police Department, which is where the issue began. He stated since a private company was being used, he was unable to help, however since the

County had room on its email server, he offered the County's services to the Town. He stated he is unaware how much room the Town of Kent's emails will take. He stated he is also unaware of how much effort from the County employees this will take. He stated this is a "pilot program" to determine the factors that go into this. He stated from a conceptual point of view, maintaining an email server is no work. He stated if there were to be an issue with the email server, it would not be because of the Town using it, it would be on the County's end and it would need to be addressed either way. He stated all emails are segregated from everything else. He stated he is unaware of the cost that may be associated, but he does not think it will be high. He stated doing a one (1) year "pilot program" would be best, and perhaps then the other Towns can share the server as well.

Deputy County Executive Bruce Walker stated research has been done on grants related to the email server sharing, which would offset some costs that may be associated.

Item #6 - Discussion/ Proposed Amendments/ Putnam County Charter

a) Article 6/ Department of Personnel/ Putnam County Charter/ Section 6.01 and Section 6.02/ Duplications

Director of Personnel Paul Eldridge stated some revisions came out of the last Charter Review Commission; however the duplication between Section 6.01 and Section 6.02 was not picked up.

Legislator Scuccimarra questioned when the last review was.

Director Eldridge stated it was in 2010. He stated the Commission meets every 10 years.

Legislative Counsel Van Ross stated Section 6.01 should be describing the Department, while Section 6.02 should be describing the duties. He stated this is not a time sensitive issue.

Director Eldridge stated he would draft an elimination of the redundancy.

b) Article 6/ Department of Personnel/ Putnam County Charter/ Section 6.02/ Include Notification of Filing Oath of Office

Legislative Counsel Van Ross stated in the decision in the recent case involving the former Commissioner of Emergency Services, the Judge suggested including language in the confirming resolution regarding filing one's oath of office. He stated the issue with that is the Legislature does not confirm every appointee that is required to file an oath of office. He stated as everyone is seen by the Personnel Department, they should be reinforcing the filing of one's oath of office.

Director Eldridge stated the Personnel Department does notify appointees to file their oath of office.

Chairwoman Addonizio questioned if this would require a change to Section 6.02.

Legislative Counsel Van Ross stated there would be an addition to Section 6.02.

Director Eldridge stated those who are not Public Officers file their oath of office with the Personnel Department. He stated anyone who is a Public Officer must file their oath with the County Clerk. He stated appointees are notified by the Personnel Department that their oath must be filed. He stated he agreed that a phrase should be put into the confirming resolution regarding the filing.

Legislator Scuccimarra questioned if another suggestion was made by the Judge where the Legislature would not need to confirm.

Legislative Counsel Van Ross stated that suggestion was not made.

Director Eldridge stated the Judge said there were two (2) conflicting Sections in the Charter. He stated in the recent case involving the former Commissioner of Emergency Services, he was aware he needed to file an oath, however he did not do so in a timely fashion. He stated having the phrase included in the confirming resolution that an oath must be filed within 30 days of appointment would be a good idea.

First Deputy County Attorney Negro stated having that language in the confirming resolution would be a safe guard.

Legislative Counsel Van Ross stated putting language in the confirming resolution would only cover those confirmed by the Legislature.

Legislator Scuccimarra questioned who is appointed and required to file an oath of office, but is not confirmed by the Legislature.

First Deputy County Attorney Negro stated some deputy positions are not confirmed.

County Clerk Michael Bartolotti stated Public Officers file with the County Clerk's office. He stated under the State Law, the onus is on the Public Officer to file their oath of office. He stated the responsibility must rest with the Public Officer.

Legislator Scuccimarra questioned what if the Public Officer is unaware they need to file.

First Deputy County Attorney Negro stated he understands Legislative Counsel Van Ross' position. He stated the Judge's suggestion also makes sense. He stated most appointees are confirmed by the Legislature, so having that language in the confirming resolution would solve that issue. He stated if the notification regarding filing one's oath

of office is placed in the Charter, it may conflict with State Public Officers Law. He stated it is then shifting the onus onto the County. He stated this may provide grounds to appeal.

County Clerk Bartolotti stated the responsibility is on the Officer.

First Deputy County Attorney Negro stated the Personnel Department does notify those who need to file an oath of office. He stated this should be an internal practice rather than something dictated by the Charter.

Chairwoman Addonizio questioned if it is now an internal practice.

Director Eldridge stated it is, however the Personnel Department does not “babysit.”

County Clerk Bartolotti stated the employees who are not confirmed by the Legislature are working under someone who was confirmed by the Legislature. He stated there has never been an issue with a missing oath of office.

First Deputy County Attorney Negro stated it would still be good practice to include language in the confirming resolution.

Director Eldridge stated he would draft wording to be placed in the resolution.

Item #7 - Discussion/ Commissioner Appointments Coinciding with the County Executive’s Term

Legislator Nacerino stated she is supportive of the appointments coinciding with the County Executive’s term.

Legislative Counsel Van Ross stated the appointments by the County Executive do not have a term. He stated these positions are “at will,” meaning they serve at the pleasure of the County Executive. He stated saying the word “term” is confusing. He stated for example, the Commissioner of Finance is a position that is “at will” and the County Executive can fire the person in that position at any time. He stated there are only two (2) appointed commissioner positions that are not “at will.” He stated they are the County Attorney and the Commissioner of Emergency Services.

Legislator Nacerino stated the reason this is being visited is because there was confusion surrounding the former Commissioner of Emergency Services. She questioned if each position is appointed each year.

Legislative Counsel Van Ross stated once someone is appointed to a position and the County Executive’s term ends, that person is a holdover until their reappointment.

Deputy County Executive Walker stated if nothing is done, they are a holdover.

Legislator Nacerino stated issues could arise with a holdover.

Deputy County Executive Walker stated the holdover is a provision in the law that accounts for nothing being done. He stated if nobody is reappointed, they still have the authority of that position. He stated the reason for this is so there are no large gaps of time between when one (1) commissioner leaves and another fills the position.

Legislator Nacerino questioned if that dilutes the County Executive's ability.

Legislative Counsel Van Ross stated it does not.

Deputy County Executive Walker stated the way the State Law reads, when there is a holdover position, there is a choice to vacate the position or reappoint.

First Deputy County Attorney Negro stated having the term run concurrent with the appointing officer would require a reappointment.

Deputy County Executive Walker stated the way the Charter reads, it says that when the Commissioner of Emergency Services is appointed, they then need confirmation from the Legislature. He stated if the position is not confirmed within 60 days, it becomes a factual appointment by Operational Law. He stated on the termination side, two-thirds ($2/3$) confirmation by the Legislature is needed. He stated the way the law is written, this has nothing to do with the time period when the election occurred. He stated if appointments must be made at the beginning on an election, the option to not reappoint is present as well.

Legislator Nacerino stated if the position is one (1) that serves at the pleasure of the County Executive; the County Executive should have the right to decide whether the person is a good fit.

Deputy County Executive Walker stated the two-thirds ($2/3$) confirmation to terminate is when removal is being done in-term. He stated this specific case was done at the beginning of the term, when the positions were to be reappointed. He stated the Commissioner of Emergency Services was not reappointed, therefore the two-thirds ($2/3$) confirmation to remove was not necessary.

Legislative Counsel Van Ross stated there was no decision made on that by the Judge.

Legislator Albano stated the incumbent appointee should be reappointed within 10 days of the County Executive's new term.

Deputy County Executive Walker stated the holdover provision is in the State Law.

Legislator Nacerino questioned how a holdover would work if the County Executive were to change. She questioned if the new County Executive would have the authority to appoint new people into those positions.

Deputy County Executive Walker stated yes, that is why it is written in the Charter that they work at the pleasure of the County Executive.

Legislator Nacerino stated the language needs to be more specific.

Deputy County Executive Walker stated the clarity of the language needs to be at a position level.

Legislative Counsel Van Ross suggested removing the provision of the two-thirds (2/3) Legislative confirmation for removal of the Commissioner of Emergency Services. He stated the only position's removal the Legislature should confirm by a two-thirds (2/3) vote is the County Attorney.

Chairwoman Addonizio stated this will be looked into.

Item #8 - Discussion/ Rockland County Local Law/ Drones

Chairwoman Addonizio stated concerns regarding drones are that of safety as well as privacy.

Legislative Counsel Van Ross stated the Legislative Counsel in Rockland County drafted this Local Law.

Legislator Scuccimarra questioned what First Deputy County Attorney Negro thought the legal ramifications of drones may be.

First Deputy County Attorney Negro stated drone laws are very complex as there are Federal requirements. He stated it should be looked at.

Legislator Scuccimarra questioned if Rockland County passed this Local Law.

Legislative Counsel Van Ross stated Rockland County did pass the Local Law.

First Deputy County Attorney Negro stated Federal agencies are looking into this. (A letter was sent from Chairwoman Addonizio to County Attorney Jennifer Bumgarner, cc First Deputy County Attorney Andrew Negro dated July 10, 2015 regarding the plausibility of Putnam County passing a Local Law in regards to drones.)

Item #9 - Litigation Report/ FYI – Duly Noted

Item #10 - Other Business - None

Item #11 – Adjournment

There being no further business at 8:02 P.M. Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.