

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

Tuesday August 7, 2012 7:00 P.M.

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

Chairwoman Conklin requested that Legislator Othmer introduce the guests from his Legislative District who would lead the meeting in two patriotic songs.

Legislator Othmer introduced his brother-in-law Joseph Spallina, nephew Joseph Spallina and Jimmy O'Neill. He stated that they would be performing two songs. One song being "The Battle of New Orleans" and the other "Chimes of Freedom". Legislator Othmer gave a brief synopsis of the battle of 1815 in New Orleans and some background information on the "Chimes of Freedom" song.

Item #3 – Approval of Minutes – Regular Meeting – June 5, 2012
Regular Meeting - July 3, 2012

The minutes were approved as submitted.

Item #4 – Correspondence

a) County Auditor was duly noted.

**PHYSICAL SERVICES COMMITTEE
(Chairwoman LoBue, Legislators Albano & Othmer)**

Item #5a – Approval/Conveyance of Tax Map #22.75-1-21/Town of Kent/Sisto was next. Chairwoman Conklin recognized Legislator LoBue, Chairwoman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

RESOLUTION #172

APPROVAL/CONVEYANCE OF TAX MAP NO. 22.75-1-21/TOWN OF KENT

WHEREAS, an unimproved parcel of real property identified as Town of Kent Tax Map No.: 22.75-1-21 was acquired by the County by Tax Deed, which was recorded in the Office of the Putnam County Clerk on May 11, 2010, in Liber 1852 at Page 473; and

WHEREAS, said property cannot be improved under existing zoning regulations; and

WHEREAS, said property was previously offered for sale at public auction; however, no bids were received; and

WHEREAS, Charles Sisto and Grace Sisto own the adjacent parcel of property identified as Town of Kent Tax Map No.: 22.75-1-23, which is improved by a single family dwelling; and

WHEREAS, Charles Sisto and Grace Sisto have offered to purchase Town of Kent Tax Map No.: 22.75-1-21 for the sum of \$2,124.95, which represents the County's net investment on the parcel; and

WHEREAS, Charles Sisto and Grace Sisto have also agreed to merge Town of Kent Tax Map No.: 22.75-1-21 with their property; and

WHEREAS, the Putnam County Administration has reviewed said offer and recommends the acceptance of same; now therefore be it

RESOLVED, that pursuant to Section 31-8(B) of the Putnam County Code, the Putnam County Legislature approves the transfer of Town of Kent Tax Map No.: 22.75-1-21 to Charles Sisto and Grace Sisto for the sum of \$2,124.95, together with payment of the appropriate Transfer Tax, Recording Fees, and County, Town, and School Taxes; and be it further

RESOLVED, that upon receipt of said monies, Town of Kent Tax Map No.: 22.75-1-21 shall be conveyed in an "as is" condition by quitclaim deed, which shall provide that it be automatically merged with Town of Kent Tax Map No.: 22.75-1-23; and be it further

RESOLVED, that the Putnam County Attorney is authorized to prepare said quitclaim deed, and the Putnam County Executive shall be authorized to execute said quitclaim deed on behalf of the County.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5b – Approval/Resolution In Support of the Tax Assessment Coalition to Achieve Equity in Real Property Tax Assessments was next.

Legislator LoBue made a motion to table this item; seconded by Legislator Oliverio.

By Roll Call Vote: Three Ayes, Legislators DiCarlo, LoBue and Oliverio. Six Nays, Legislators Albano, Birmingham, Gross, Othmer, Tamagna and Chairwoman Conklin. Motion Fails.

RESOLUTION IN SUPPORT OF THE TAX ASSESSMENT COALITION TO ACHIEVE EQUITY IN REAL PROPERTY TAX ASSESSMENTS

WHEREAS, both the County Executive and the Putnam County Assessor's Association (hereinafter "Association") clearly recognize the continued need and importance of producing an equitable assessment and tax roll; and

WHEREAS, the County Executive has spear-headed the issue of achieving equity in tax assessments throughout the County, as evidenced by the work which she directed while serving on the Committee on Fiscal Vision and Accountability; and

WHEREAS, the New York State Office of Real Property Services ("ORPS") has also indicated its desire for local municipalities to achieve 100% valuation, and for local municipalities to work together to reduce the number of assessing units throughout the State; and

WHEREAS, the County Executive is aware of the critical role that individual Town assessors play in achieving an equitable assessment for our taxpayers; and

WHEREAS, the Association, the Director of Real Property Services and the Putnam County Clerk's office have engaged in a pilot project to electronically and safely transfer deed and other related information among the County and the Town's; and

WHEREAS, each of the Towns in Putnam County can benefit greatly from the various resources the County has to offer; and

WHEREAS, the Association and the County continue to promote and educate the taxpayers understanding of the tax process and equitable tax assessment; and

WHEREAS, it is the goal of the County Executive and the Association to ensure accurate tax mapping, up to date Geographic Information System database information and timely deed transfers; now therefore be it further

RESOLVED, that the Putnam County Legislature supports the County Executive's endeavors with respect to the critical nature of up to date tax information, and to that end, supports the updating of the Geographic Information System database to ensure that it reaches its full potential.

Legislator Oliverio stated that we did receive a letter from Mr. Christopher Boryk, President of the Putnam County Assessors Association. There was also a correction made to the Revised Resolution. He stated that he was also contacted by a couple of Assessors in the County who have asked to come before a Committee before we act on this resolution. He agreed with Legislator LoBue about tabling the resolution. At this point in time, we have a contingent of representatives within the County that are immediately impacted by whatever we do on this resolution. The Town Assessors did not come before the Legislature to voice their opinion. He believed we made the same error with the Coroners in moving forward with something before speaking with them. He felt that the Legislature really needs to do our due diligence on these issues. Therefore he would vote no on this.

Legislator Birmingham made a motion to waive the rules and accept the additional revised resolution; seconded by Legislator Tamagna.

By Poll Vote: All Ayes. One Nay, Legislator LoBue.

Legislator Tamagna stated that he understood some of Legislator Oliverio's concerns. However, he stated that he was comfortable with this revised resolution. He stated that it seemed to him, from the letter from the Carmel Assessor, that there have been communications back and forth between the Administration and the Putnam County Assessors Association. The letter states that with the two changes made, the Putnam County Assessors Association can support the revised resolution. He did not feel it was a bad idea for the Legislature to consider and move this resolution forward. Although he still felt that it was a good idea to invite the Town Assessors to a Committee meeting. However, he believes that the letter from the President of the Putnam County Assessors Association communicates that they are in favor of the revised resolution and he did not see why we would want to put the brakes on the wheels of progress.

Legislator Oliverio felt that there were some Assessors that were not content with this modification and they wanted the opportunity to explain their reasoning. Legislator Oliverio agreed with 100% assessment across the board in this County.

Legislator Birmingham stated that he was very comfortable with the revised resolution. The two Resolve clauses are simply reiterating that at this point we are not in favor of consolidating the assessment function throughout the County. In fact, this resolution affirms home rule and affirms the local control assessment which he is in favor of. It also states that the Legislature is in favor of supporting the update of the Geographic Information System database. He believed this would be a great resource for our towns and Assessors as well. He viewed this resolution as very benign and quite helpful. However, having said that, let's hear from the Assessors as well. He felt this was an issue that wasn't going to go away. We still have two towns that are not at 100% assessment. He viewed this resolution as a small step in the right direction.

Legislator Albano supported the resolution. He felt that it was a good concept and agreed that all the towns should be on the same page.

Legislator DiCarlo felt that a lot of the issues revolve around communication. After he left the Physical Services meeting, two days after that, someone took a sound bite that was totally not what he had said at the meeting. He felt that it was very important that all

the Assessors come in if they can so that they can all hear the same thing at the same time. However, he will reiterate it again, this is a State issue. It is something that needs to be done on a State level so that the politics is taken out of it. He is in favor of passing this in concept, however, he would like to have that conversation.

Legislator LoBue stated that she wanted to correct the record. It was in the newspaper that she was against 100% assessment which is not true. She stated that she had some conversations with the Assessors. Based on comments made during the Physical Services Committee meeting and the mix up with this resolution, as a matter of principle she would not be voting in favor of this resolution.

Legislator Gross stated that he supported the revised resolution. The key word is “home rule” and he does not want to lose that. He does support 100% assessment.

RESOLUTION #173

RESOLUTION IN SUPPORT OF THE TAX ASSESSMENT COALITION TO ACHIEVE EQUITY IN REAL PROPERTY TAX ASSESSMENTS

WHEREAS, both the County Executive and the Putnam County Assessor’s Association (hereinafter “Association”) clearly recognize the continued need and importance of producing an equitable assessment and tax roll; and

WHEREAS, the County Executive has also spear-headed the issue of achieving equity in tax assessments throughout the County, as evidenced by the work which she directed while serving on the Committee on Fiscal Vision and Accountability; and

WHEREAS, the New York State Office of Real Property Services (“ORPS”) has also indicated its desire for local municipalities to achieve 100% valuation; and

WHEREAS, the County Executive is aware of the critical role that individual Town assessors play in achieving an equitable assessment for our taxpayers; and

WHEREAS, the Association, the Director of Real Property Services and the Putnam County Clerk’s office have engaged in a pilot project to electronically and safely transfer deed and other related information among the County and the Town’s; and

WHEREAS, each of the Towns in Putnam County can benefit greatly from the various resources the County has to offer; and

WHEREAS, the Association and the County continue to promote and educate the taxpayers understanding of the tax process and equitable tax assessment; and

WHEREAS, it is the goal of the County Executive and the Association to ensure accurate tax mapping, up to date Geographic Information System database information and timely deed transfers; now therefore be it

RESOLVED, that the County will not facilitate the consolidation of the assessment function throughout the County, and the Putnam County Assessor’s Association will continue to work as a community while continuing to operate independently by Towns; and be it further

RESOLVED, that the Putnam County Legislature supports the County Executive’s endeavors with respect to the critical nature of up to date tax information, and to that end, supports the updating of the Geographic Information System database to ensure that it reaches its full potential.

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

**ECONOMIC DEVELOPMENT & ENERGY COMMITTEE
(Chairman Birmingham, Legislators DiCarlo & Tamagna)**

Item #5c – Approval/Designation/Putnam County Visitors Bureau Inc./Tourist Promotion Agency was next. Chairwoman Conklin recognized Legislator Birmingham, Chairman of the Economic Development & Energy Committee. On behalf of the members of the Committee, Legislators DiCarlo and Tamagna, Legislator Birmingham moved the following:

RESOLUTION #174

APPROVAL/DESIGNATION/PUTNAM COUNTY VISITORS BUREAU INC./ TOURIST PROMOTION AGENCY

WHEREAS, pursuant to Section 162 and 163 of the Commerce law, the Putnam County Legislature may designate any not-for-profit corporation or other non-profit organizations, associations or agencies as the Tourist Promotion Agency of the County of Putnam and authorizes such agency to make application for and receive grants for the purposes specified in the New York State Tourism Promotion Act; and

WHEREAS, the Putnam County Visitors Bureau, Inc., which has been a lead agency in the promoting of Putnam County, is qualified to be designated as the Tourist Promotion Agency of Putnam County; now therefore be it

RESOLVED, that the Putnam County Legislature hereby designates the Putnam County Visitors Bureau, Inc. as the Tourist Promotion Agency of the County of Putnam and further authorizes the Putnam County Visitors Bureau, Inc. to make application for and receive grants for the purpose specified in the New York State Tourism Promotion Act.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5d – Approval/Putnam County Tourist Promotion Agency “I Love New York” Matching Funds Program was next. On behalf of the members of the Economic Development & Energy Committee, Legislator Birmingham moved the following:

RESOLUTION #175

APPROVAL/PUTNAM COUNTY TOURIST PROMOTION AGENCY “I LOVE NEW YORK” MATCHING FUNDS PROGRAM

WHEREAS, Putnam County is centrally located in the Hudson River Valley region and has an abundance of beauty and natural and historical resources, lending itself as a County to the industry of Travel and Tourism; and

WHEREAS, Putnam County is situated in the midst of a major tourism area close to major urban centers and can bring visitors to its borders by excellent road and rail transportation; and

WHEREAS, tourism growth will produce increased sales tax revenue from visitors’ purchases of gasoline, food and lodging in local establishments and dollars spent at local retail stores and will help reduce reliance on real property tax; and

WHEREAS, Putnam County businesses will be assisted and employment increased through the well-known “multiplier effect” of tourist dollars; and

WHEREAS, the Putnam County Legislature, believing that the economic development of Putnam County can be stimulated by tourism promotion, designated a Tourist Promotion Agency by Resolution #174 of 2012; and

WHEREAS, the “I Love New York” program of the State of New York offers matching dollars to counties and regions that fund a tourism promotion agency; and

WHEREAS, in order to participate in the County and Regional program, Putnam County must submit a proposal for 2012/2013 by August 2012, which is prior to Putnam County’s budget process; and

WHEREAS, in order to receive Putnam County's maximum entitlement of State matching money, it must propose a tourism commitment of \$477,000.00, even though the actual cost of Putnam County will be less than one-third of that amount and cannot exceed an amount equal to the actual State award; now therefore be it

RESOLVED, that the County enter into a contract with the Putnam County Visitors Bureau Inc. (Putnam Tourism Promotion Agency) in which the agency commits to raise funds privately to augment the County and State funding in order to carry out the promotion plan embodied in the 2012/2013 tourism budget and to make this program a three-way County, State and private partnership.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

AUDIT & ADMINISTRATION COMMITTEE
(Chairwoman Conklin, Legislators Birmingham & LoBue)

Item 5e – Approval/Budgetary Amendment (12A058)/Sheriff's Department/Board of Elections/Provide Security Services for Primaries and General Election was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham and LoBue, Chairwoman Conklin moved the following:

RESOLUTION #176

APPROVAL/BUDGETARY AMENDMENT/SHERIFF'S DEPARTMENT/BOARD OF ELECTIONS/PROVIDE SECURITY FOR PRIMARIES AND GENERAL ELECTION

WHEREAS, the Sheriff's Department has requested a budgetary amendment (12A058) to provide security services for the Board of Election primaries and the general election; 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:		
19311000 41294G	Sheriff Security Svs – Board of Elections	\$28,000

Increase Appropriation:		
19311000	Sheriff Security Services	
51094	Temporary	\$26,000
58002	Social Security	<u>2,000</u>
		\$28,000

2012 Fiscal Impact – 0 –
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5f – Approval/Bond Resolution/Intent to Borrow/Reconstruction and Improvement of Hill & Dale Facility was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham and LoBue, Chairwoman Conklin moved the following:

RESOLUTION #177

PUTNAM COUNTY RESOLUTION

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Putnam, New York

August 7, 2012

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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 August 7, 2012, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Albano, Birmingham, DiCarlo, Gross, LoBue, Oliverio, Othmer, Tamagna and Chairwoman Conklin.

There were absent: None

Also present: Diane Schonfeld, Legislative Clerk
 Clement Van Ross, Legislative Counsel

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Legislator Conklin offered the following resolution and moved its adoption:

RESOLUTION DATED AUGUST 7, 2012.

RESOLUTION OF INTENT REGARDING THE TEMPORARY EXPENDITURE OF GENERAL FUND MONIES PRIOR TO THE PROPOSED SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR NOTES OF THE COUNTY OF PUTNAM, NEW YORK, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING AN ADDITIONAL \$ 45,000 FOR RECONSTRUCTION AND IMPROVEMENT OF THE HILL & DALE FACILITY, IN AND FOR SAID COUNTY.

WHEREAS, the County of Putnam, New York (the "County"), has the power and authority to issue general obligation bonds of the County for the purpose of, among other things, paying the cost of the reconstruction and improvement of the County Hill & Dale Facility, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, pursuant to the provisions of the Local Finance Law of the State of New York (the "Act"); and

WHEREAS, the County Legislature of the County is considering to proceed under the provisions of the Act to authorize, sell and issue its general obligation bonds and/or notes in anticipation thereof, for said purpose, subject to the terms and conditions set forth in one or more bond resolutions in an aggregate principal new money amount not to exceed \$ 45,000 to be adopted thereafter in accordance with requirements of the Act; and

WHEREAS, the Internal Revenue Code of 1986, as amended, and the United States Treasury Department regulations promulgated thereunder (together, the "Code") require that an issuer who intends to reimburse itself for monies to be advanced and expended for a capital project from the proceeds of a debt obligation of the issuer, adopt a declaration of official intent to so reimburse not later than sixty days after the payment of any such original expenditures paid with such advanced monies; and

WHEREAS, the Code provides that such declaration may be made in the form of a resolution of the issuer and such declaration has heretofore been made as to \$ 45,000 in connection therewith;

NOW, THEREFORE, BE IT RESOLVED, by the County Legislature of the County of Putnam, New York, as follows:

- Section 1.** The County Legislature of the County hereby finds and determines:
- (a)** By virtue of the Act, the County has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act.
 - (b)** It is the intent of the County to authorize, sell and issue its general obligation bonds and/or notes in the aggregate new money principal amount not exceeding \$45,000 (the "Bonds" and the "Notes") for the purpose of paying the cost of the reconstruction and improvement of the County Hill & Dale Facility, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the "Project"), pursuant to the provisions of the Act.
 - (c)** It is expected that under Section 149(e) of the Code, interest on the Bonds and/or Notes will not be includable in gross income for federal income tax purposes.

(d) In anticipation of the issuance of the Bonds and/or Notes, the County hereby states its intention to reimburse general fund monies of the County heretofore and hereafter expended in an amount not to exceed an additional \$ 45,000 in connection with the Project through the issuance of the Bonds and/or Notes, such reimbursement allocations to be made not later than eighteen months after the date the original expenditure is paid and such expenditure of general fund monies is hereby authorized pursuant to resolutions of this County Legislature authorizing said Project.

Section 2. A copy of this resolution shall be placed on file in the office of the Clerk of the County Legislature where the same shall be available for inspection during business hours.

Section 3. This resolution shall take effect immediately.

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

AYES: NINE – Legislators Albano, Birmingham, DiCarlo, Gross, LoBue, Oliverio, Othmer, Tamagna and Chairwoman Conklin.

NAYS: NONE

ABSENT: NONE

EXCUSED: NONE

This resolution was thereupon declared duly adopted.

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CERTIFICATE

I, DIANE SCHONFELD, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. 177 -2012 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 August 7, 2012, 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 August 7, 2012 and approved by the County Executive on _____, 2012.

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said County of Putnam this _____ day of _____, 2012.

(SEAL)

Diane Schonfeld
Clerk to the County Legislature

(CORPORATE SEAL)

Item #5g – Approval/Budgetary Amendment (12A059)/Highways & Facilities /Rehabilitation of Hill & Dale Facility (approved at the Physical Services Committee) was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham and LoBue, Chairwoman Conklin moved the following:

Legislator LoBue stated that this came through the Physical Services Committee. She requested a breakdown of the \$45,000 dollars. Although, she will be voting in favor of this resolution this evening, she hoped that in the future when the Legislature makes requests for detailed information so we can do our fiduciary responsibility, that we receive it in a timely manner to allow the Legislature to make an intelligent decision.

Legislator DiCarlo echoed Legislator LoBue stating not only for this project but for future projects. It is important that the Legislature has the information requested. Moving forward, especially when we go into the budget process, it will be very important to have

the information requested. The more prudent that the Legislature is, he believed the better off we'll be in making everyone feel more comfortable.

Chairwoman Conklin believed that what the Legislature was really looking for in the request was whether or not the County had any bids on the amounts presented for these items so that we had a clearer picture on how the cost was determined.

RESOLUTION #178

APPROVAL/BUDGETARY AMENDMENT/HIGHWAYS & FACILITIES/REHABILITATION OF HILL & DALE FACILITY

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (12A059) to allocate funding to continue the rehabilitation of the Hill & Dale Facility; 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:

51989000 53000 51214	Renovations – Hill & Dale	\$45,000
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Increase Estimated Revenues:

05000 45710C 51214	Bond Proceeds – 2012	\$45,000
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2012 Fiscal Impact – 0 –
2013 Fiscal Impact – Undetermined Debt Services

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5h – Approval/Fund Transfer (12T143)/Health Department/Fund Medical Consultant/May & June 2012 was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #179

APPROVAL/FUND TRANSFER (12T143)/HEALTH DEPARTMENT/FUND MEDICAL CONSULTANT/ MAY & JUNE 2012

WHEREAS, the Health Department has requested a fund transfer (12T143) to fund the account for the Medical Consultant for May & June 2012; 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:

10401000 51000	Administration Personal Services	\$12,000
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Increase:

10401000 54646	Administration Contracts	\$12,000
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2012 Fiscal Impact – 0 –
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5i – Approval/Fund Transfer (12T147)/Commissioner of Finance/Humane Society/July through September 2012 Payment was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #180

APPROVAL/FUND TRANSFER (12T147)/COMMISSIONER OF FINANCE/HUMANE SOCIETY /JULY THROUGH SEPTEMBER 2012 PAYMENT

WHEREAS, the Commissioner of Finance has requested a fund transfer (12T147) to provide funding for the July through September 2012 payment; 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:

10199000 54981	Sub-contingency	\$35,230
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Increase:

25851200 54950	Humane Society	\$35,230
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2012 Fiscal Impact – 0 –
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5j – Approval/Fund Transfer (12T148)/Department of Social Services/Temporary /Overtime was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #181

APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/TEMPORARY / OVERTIME

WHEREAS, the Department of Social Services has requested a fund transfer (12T148) to cover temporary overtime due to retirement Caseworker and resignation of Senior Account Clerk in the Medicaid Unit; 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:		
10104000 51000	Personal Services	26,877

Increase:		
10104000 51094	Temporary	16,947
10105000 51094	Temporary	2,415
10104000 51093	Overtime	<u>7,515</u>
		26,877

2012 Fiscal Impact – 0 –
 2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5k – Approval/Fund Transfer (12T157)/Finance/Overtime/Temporary was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #182

APPROVAL/FUND TRANSFER (12T157)/FINANCE/OVERTIME/TEMPORARY

WHEREAS, the Commissioner of Finance has requested a fund transfer (12T157) to cover overtime temporary due to an employee on extended sick leave and recent compensation payout; 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:		
10131000 1000	Personnel	17,000

Increase:		
10131000 51093	Overtime	12,000
10131000 51094	Temporary	<u>5,000</u>
		17,000

2012 Fiscal Impact – 0 –
 2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5L – Approval/Local Law to Amend Chapter 5 of the Putnam County Code Entitled “Appropriations” was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

Chairwoman Conklin stated that the change is adding in the wording “authorized by the Audit and Administration Committee”. It asks that the Audit Committee review items that cost over \$25,000 dollars before it comes before the Full Legislature for consideration.

Legislator Othmer made a motion to table this item so that he could address some questions that he had; seconded by Legislator Birmingham.

Legislator Birmingham felt that it was a good change made to the law, however, we have always extended the courtesy to any of our colleagues, especially when it is something that is not time sensitive.

By Roll Call Vote: All Ayes. Motion Carries.

Chairwoman Conklin stated that the item will be on the August Audit & Administration Committee agenda.

APPROVAL/LOCAL LAW TO AMEND CHAPTER 5 OF THE PUTNAM COUNTY CODE ENTITLED "APPROPRIATIONS"

A Local Law to Amend Chapter 5 of the Putnam County Code Entitled "Appropriations"

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

Section 1.

Section 5-1(A)(4) of the Putnam County Code is hereby amended to read as follows:

(4) More than \$25,000: initiated by the Commissioner of Finance or his/her designee, authorized by the County Executive or his/her designee, authorized by the Audit and Administration Committee and approved by the full Legislature.

Section 2.

This Local Law shall become effective immediately.

Item #5m – Approval/Memorialization/Opposition of "Uniform Notice of Claim Act" was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #183

APPROVAL/MEMORIALIZATION/OPPOSITION OF "UNIFORM NOTICE OF CLAIM ACT"

WHEREAS, the Assembly and Senate have passed the "Uniform Notice of Claim Act", (S07641B, A10657-A); and

WHEREAS, this act amends state law to permit the filing of notices of claim against local governments in New York with the Secretary of State, as opposed to the local governments themselves; and

WHEREAS, this act also excuses non-compliance with the time limits for filing, provided they resulted from "good faith" mistakes and the public entity can't prove substantial prejudice as a result; and

WHEREAS, this act, therefore, makes it easier to commence litigation against local governments, many of whom have more than enough already; and

WHEREAS, the Audit & Administration Committee has reviewed and approves this resolution; now therefore be it

RESOLVED, that the Putnam County Legislature hereby urges the Governor to disapprove the Uniform Notice of Claim Act (S07641B, A10657-A); and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Majority Leader Dean Skelos, Speaker of the Assembly Sheldon Silver, Senator Greg Ball, Senator Stephen Saland, Assemblywoman Sandra Galef and Assemblyman Steve Katz.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5n – Approval/Memorialization/Urging Governor of the State of New York to Veto and Request the New York State Legislature to Reconsider Bill Nos. S05054-A, A7301-B which Extends the Catskill Region Off-Track Betting Corporation to Include the Five Counties Comprising the City of New York was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #184

APPROVAL/MEMORIALIZATION/URGING GOVERNOR OF THE STATE OF NEW YORK TO VETO AND REQUEST THE NEW YORK STATE LEGISLATURE TO RECONSIDER BILL NOS. S05054-A, A7301-B WHICH EXTENDS THE CATSKILL REGION OFF-TRACK BETTING CORPORATION TO INCLUDE FIVE COUNTIES COMPRISING THE CITY OF NEW YORK

WHEREAS, Putnam County, a member of Catskill Off-Track Betting Corporation, has contributed to the viability of Catskill OTB by hosting OTB shops and depends on the revenue generated to balance its budget without raising taxes; and

WHEREAS, Putnam County has seen its annual financial support from Catskill OTB's operations decrease over the last five years ostensibly because of industry downturns and lack of customer growth. Some of this can be attributed to the conservative approach and lack of innovation of Catskill OTB's operations; and

WHEREAS, Catskill OTB has saved monies and built a substantial capital operation fund. This fund is statutorily to be used to improve physical plant and property operations. Yet, very little improvements can be seen in any of the Putnam County hosted locations. As a result, Catskill OTB has amassed a capital fund of approximately \$1.3 million; and

WHEREAS, Catskill OTB has effectively lobbied the New York State Assembly and Senate to amend the New York State Racing, Pari-Mutuel Wagering and Breeding Law to allow them to begin operating OTB facilities in New York City. New York City OTB went bankrupt in their efforts to do the same. Catskill OTB has not submitted any plan that assures their future will be any different; and

WHEREAS, absent assurance of success, this amended law places Putnam County's ongoing financial support from Catskill OTB in serious jeopardy. Furthermore, it diminishes the probability that any "badly needed" capital improvements in Putnam County hosted location will ever occur. Instead capital resources from the accumulated \$1.3 million fund will most likely be invested in New York City operations; now therefore be it

RESOLVED, that the Putnam County Legislature and Putnam County Executive asks that Governor Andrew M. Cuomo to veto the bill passed by the Senate and Assembly and request the New York State Legislature to reconsider the Bill Nos. S05054-A, 7301-B so that assurances in the legislation protects Putnam County's financial support and physical plant improvements to existing operations in Putnam County; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward copies of this resolution to Governor Andrew M. Cuomo, Majority Leader Dean Skelos, Speaker of the Assembly Sheldon Silver, Senator Greg Ball, Senator Stephen Saland, Assemblywoman Sandra Galef, Assemblyman Steve Katz and Catskill Regional OTB.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5o – Approval/Appointment/Counsel to Board of Ethics was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #185

APPROVAL/APPOINTMENT/COUNSEL TO BOARD OF ETHICS

WHEREAS, a complaint has recently been submitted to the Putnam County Ethics Board by William Spain regarding actions taken by William G. Sayegh as the Sheriff's Confidential Advisor; and

WHEREAS, the Putnam County Ethics Board has requested that it be authorized to retain Legal Counsel in this matter; and

WHEREAS, Section 55-16 of the Putnam County Code permits the Board of Ethics to obtain outside counsel in cases where it is deemed necessary or appropriate with the consent of the Putnam County Legislature; and

WHEREAS, the County Attorney has advised that the expense for this charge would be borne by the Department of Law through its legal services line; and

WHEREAS, this request has been approved by the Audit & Administration Committee, now therefore be it

RESOLVED, that the Putnam County Legislature consents to the request of the Board of Ethics to employ outside counsel in the matter of complaint filed by William Spain against William G. Sayegh with the cost of said counsel being a charge against the legal services line of the Department of Law.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5p – Approval/Settlement of Litigation was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #186

APPROVAL/SETTLEMENT OF LITIGATION

WHEREAS, on or about January 27, 2012, "Jane Doe", filed a Notice of Claim with the County of Putnam, for damage caused by Putnam County's disclosure of records

pertaining to a complaint and an arrest filed with the Putnam County Sheriff's Department in violation of New York Civil Rights Law Sections 50-b and 50-c, and by disclosure of documents which were sealed pursuant to New York Criminal Procedure Law Section 160.50; and

WHEREAS, Plaintiff sought damages in an unspecified amount for severe emotional distress and suffering; and

WHEREAS, Plaintiff, agreed to a settlement with the County, subject to the Legislature's approval, in which the County agreed to pay said Claimant the sum of \$22,000.00; and

WHEREAS, the County Attorney, assigned counsel, James A. Randazzo, Esq., and NYMIR claims counsel have all recommended the settlement as an alternative to litigation; and

WHEREAS, the settlement is in the public interest and will avoid the costs of further litigation, now therefore be it

WHEREAS, this request has been approved by the Audit & Administration Committee, now therefore be it

RESOLVED, that the settlement of this matter for the sum of twenty-two thousand (\$22,000.00) dollars is approved.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6 – Other Business

Item #6a – Approval/Appointment/Putnam County Home Improvement Board/Domin & Diaz was next. Chairwoman Conklin moved the following; seconded by Legislator DiCarlo.

RESOLUTION #187

APPROVAL/APPOINTMENT/PUTNAM COUNTY HOME IMPROVEMENT BOARD

RESOLVED, that the following be appointed to the Putnam County Home Improvement Board:

Peter Joseph Domin, Town of Southeast, as a Citizen Representative, filling a term to expire December 31, 2012.

Christopher Diaz, Town of Carmel, as a Tradesperson, filling a term to expire December 31, 2013.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Recognition of Public

Mr. Steve Rosario, resident of Philipstown, stated that he read a report from Rockefeller College SUNY Albany which spoke about the fiscal impact of lawsuits on municipalities. The college did a chart which included all the NYS Counties and it listed their total expenditures from lawsuits over a five year period. The chart was from 2005 through 2009. It is a preliminary report. The full report will be out in the fall of this year. In 2005 the judgments paid out in Putnam County were over \$471,000 dollars. In 2006 it dipped down to \$343,000 dollars and from there it started going up in 2007, 2008 and 2009. In

2009 it was over \$812,000 dollars. In that five year period Putnam County paid out over \$2.6 million dollars. He believed this should be an area to scrutinize during the budget process to save the taxpayer's money.

Item #8 – Recognition of Legislators

Legislator LoBue expressed her condolences for Mr. John Rodak from Mahopac who passed away at 48 years old.

Legislator Othmer stated that when the Battle of New Orleans was taking place in 1815, this Putnam County Courthouse was already built. It was built in 1814 and the first case was heard in February of 1815. Legislator Othmer also expressed his condolences on the passing of Joan Trombetta.

Legislator Tamagna stated that the Trombetta's were an extraordinary family. Mr. Lou Trombetta helped him very early on and was on two of the Charter Review Commissions. He was the backbone of the community. It was sad to hear the passing of his wife.

There being no further business, at 7:37 P.M., Legislator Oliverio made a motion to adjourn; seconded by Legislator Birmingham. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.