

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

Tuesday

September 5, 2017

7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairwoman Nacerino who requested Legislator Jonke lead in the Pledge of Allegiance. Chairwoman Nacerino requested Legislator Gouldman lead in the Legislative Prayer. Upon roll call, Legislators Scuccimarra, Gouldman, Addonizio, Albano, Jonke, Castellano, Sullivan and Chairwoman Nacerino were present. Also present was Legislative Counsel Firriolo.

PROCLAMATIONS

Chairwoman Nacerino recognized Legislator Scuccimarra who presented the “National Recovery Month” proclamation to Deputy Commissioner of Social Services Joseph DeMarzo and Doreen Lockwood – Project Coordinator for the Prevention Council of Putnam, Inc.

NATIONAL RECOVERY MONTH – SEPTEMBER 2017

WHEREAS, behavioral health is an essential part of one’s overall wellness and prevention of mental and/or substance use disorders, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, preventing and overcoming mental and/or substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally. We must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, the prevalence of mental and substance use disorders continues to have a significant impact on communities across the United States. In 2015, approximately 20.8 million people 12 or older were classified with a substance use disorder. Among adults 18 or older, 43.4 million, or 17.9%, had mental illness in the past year. Despite the high prevalence of these conditions, most Americans believe that recovery from a mental illness or a substance use disorder is possible and there are over 23 million Americans in recovery today; and

WHEREAS, through *Recovery Month*, people become more aware and able to recognize the signs of mental and substance use disorders, which can lead more people into needed treatment. Managing the effects of these conditions can help people achieve healthy lifestyles, both physically and emotionally; and

WHEREAS, the *Recovery Month* observance continues to work to improve the lives of those affected by mental and/ or substance use disorders by raising awareness of these diseases and educating communities about the prevention, treatment, and recovery resources that are available; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim September 2017 as *National Recovery Month* and

together with the Putnam County Communities that Care Coalition encourage all Putnam County residents to observe this month with appropriate programs, activities, and ceremonies to support this year's *Recovery Month*.

Chairwoman Nacerino recognized Legislator Albano who presented the "9/11 Day of Service & Remembrance" proclamation to Deputy Commissioner of Social Services Joseph DeMarzo and Doreen Lockwood – Project Coordinator for the Prevention Council of Putnam, Inc.

9/11 DAY OF SERVICE & REMEMBRANCE

WHEREAS, On September 11, 2001, the peace and security of our nation was shattered by terrorist attacks that killed many innocent people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. Although the terrorists' goal was to strike a powerful blow to the hearts of all Americans and tear at the fabric our nation, arising from the very ashes of that tragedy came a remarkable spirit of unity, compassion, and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who came to service during the rescue and recovery effort and in defense of our Nation both at home and abroad; and

WHEREAS, people of all ages and walks of life, across America, and around the world, collectively witnessed an event of immense tragedy on September 11, 2001; and

WHEREAS, an unprecedented, historic bonding of Americans ascended from the collective shock, unifying the Country in an outpouring of national spirit, pride, selflessness, generosity, courage, and service; and

WHEREAS, many brave people heroically, tirelessly, and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and

WHEREAS, on September 11, 2009, the President of the United States issued the Patriot Day Proclamation officially and permanently designating September 11th as a National Day of Service & Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature recognize the Putnam Communities That Care Coalition, the Prevention Council of Putnam, the Mental Health Association in Putnam, the Joseph Dwyer Vet2Vet Program, and the Putnam County Veterans Service Agency for coordinating a community event that will invite and welcome residents to write "Thank You" letters to First Responders, Veterans both abroad and at home, Police Officers, and Firefighters and express their sincere observance and appreciation for the outpouring of dedicated service. September 11th will never, and should never be just another day in the hearts and minds of all Americans and people around the world.

Chairwoman Nacerino recognized Legislator Addonizio who read the "100th Anniversary of the NYS Suffrage Act" proclamation. Chairwoman Nacerino stated that the County Executive will present this proclamation during the NYSAC Conference in September.

100th ANNIVERSARY OF THE NYS SUFFRAGE ACT

WHEREAS, this year, 2017, celebrates the 100th anniversary of the passage of the Suffrage Act in New York State (NYS), granting women the right to vote in local and New York State elections; and

WHEREAS, the first-ever Women's Rights Convention was held in Seneca Falls, NY from July 19-20, 1848, organized by Lucretia Mott and Elizabeth Cady Stanton; and

WHEREAS, 69 years later on November 6, 1917, women won the right to vote in New York State, the first State in the eastern U.S. to successfully approve Women's Suffrage, an act that led to the passage of the 19th Amendment to the United States Constitution recognizing the right for women to vote across the Nation in 1920; and

WHEREAS, the story of how women won the right to vote is an integral part of NYS and its counties, leading to the positive impact and significant contribution made by women as leaders in New York's Counties; and

WHEREAS, today, women must be encouraged to continue the fight for full and equal participation in the labor force, as well as in political and economic life; and

WHEREAS, the New York State Association of Counties has established the NYSAC Women's Leadership Council to provide resources for and support to women holding County Office and to engage women in seeking leadership positions in their communities and within NYSAC; and

WHEREAS, the residents of the County of Putnam have already recognized the important role that women play in both government and politics, which is illustrated by the fact that many women currently hold political office across the County. For instance, the Putnam County Government has four (4) Legislators who are women, one of whom currently holds the seat of Chair of the Legislature, and the office of County Executive is currently occupied by a woman. It is also of note that seven (7) Departments within Putnam County Government are led by women; and

WHEREAS, in recognition of the efforts of NYSAC and in cooperation with various other counties in NYS, the County of Putnam wishes to recognize the crucial role that women of all ethnic and political backgrounds have played in our County's history, as well as their important place in Putnam County today; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature celebrates 2017 as the 100th anniversary of women's suffrage in New York State and recognizes the role women have played in both the history of New York State as well as their important role in Putnam County today.

Item #4 – Approval of Minutes – Regular Meeting – August 1, 2017

The minutes were approved as submitted.

Item #5 – Correspondence

- a) County Auditor - was duly noted.

Item #6 – Pre-filed resolutions:

HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE
(Chairwoman Scuccimarra, Legislators Addonizio & Gouldman)

Item #6a – Approval/Budgetary Amendment (17A042)/Health Department/Drinking Water Enhancement Program was next. Chairwoman Nacerino recognized Legislator

Scuccimarra, Chairwoman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators Addonizio and Gouldman, Legislator Scuccimarra moved the following:

RESOLUTION #177

APPROVAL/BUDGETARY AMENDMENT /HEALTH DEPARTMENT/DRINKING WATER ENHANCEMENT PROGRAM

WHEREAS, the New York State Department of Health has included additional appropriations for services and expenses related to Drinking Water Supply Protection Program commonly known as the Drinking Water Enhancement (DWE) Program; and

WHEREAS, the Health Department has requested a budgetary amendment (17A042) to account for Putnam County's share of the increased funding in the amount of \$53,186.00 for the 4/01/17 through 3/31/18 grant period; and

WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approved said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Revenue:		
12022000 434899	Drinking Water Supply Protection	53,186
Increase Expenses:		
12022000 52650	Drinking Water Supply Protection – Vehicles	27,000
10199000 54980	General Contingencies	<u>26,186</u>
		53,186
	2017 Fiscal Impact (\$26,186)	
	2018 Fiscal Impact – 0 –	

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6b – Approval/Fund Transfer (17T157)/Health Department/Pre-school Evaluations was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators Addonizio and Gouldman, Legislator Scuccimarra moved the following:

RESOLUTION #178

APPROVAL/FUND TRANSFER /HEALTH DEPARTMENT/PRE-SCHOOL EVALUATIONS

WHEREAS, the Health Department has requested a fund transfer (17T157) to fund the Preschool Evaluations Account; and

WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee has reviewed and approved said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10405900 54441	Itinerant Services	50,000

Increase:
10296000 54417 Preschool Evaluations 50,000

2017 Fiscal Impact – 0 –
2018 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6c – Approval/Re-Appointments/Putnam County Mental Health Community Services Board was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators Addonizio and Gouldman, Legislator Scuccimarra moved the following:

RESOLUTION #179

APPROVAL/ RE-APPOINTMENTS/ PUTNAM COUNTY MENTAL HEALTH COMMUNITY SERVICES BOARD

RESOLVED, that the following be re-appointed to the Putnam County Mental Health Community Services Board:

Susan Limongello, Town of Philipstown, for a four (4) year term; said term to expire December 31, 2018.

Edward Murphy, Town of Carmel, for a four (4) year term; said term to expire December 31, 2018.

John J. Rock, Town of Kent, for a four (4) year term; said term to expire December 31, 2018.

Alison Carroll, Town of Carmel (Hamlet of Mahopac), for a four (4) year term; said term to expire December 31, 2019.

Kristin McConnell, Town of Patterson, for a four (4) year term; said term to expire December 31, 2019.

Karen Pilner, Town of Carmel, for a four (4) year term; said term to expire December 31, 2019.

Angela Zamlowski, Town of Kent, for a four (4) year term; said term to expire December 31, 2020.

And be further

RESOLVED, that these re-appointments comply with any requirements to file an Oath of Office pursuant to the New York State Public Officers Law.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6d – Approval/Support of Bills Passed by State Legislature to Safeguard the Hudson River and Surrounding Communities was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators Addonizio and Gouldman, Legislator Scuccimarra moved the following:

RESOLUTION #180

APPROVAL/SUPPORT OF BILLS PASSED BY STATE LEGISLATURE TO SAFEGUARD THE HUDSON RIVER AND SURROUNDING COMMUNITIES

WHEREAS, the Hudson River is a federally designated American Heritage River for which special consideration must be given to the effects of actions taken on, around, or within the River on the natural, historic, economic, and cultural needs of the surrounding communities; and

WHEREAS, in June 2016, the U.S. Coast Guard announced that it was soliciting comments and concerns from the public in an Advanced Notice of Public Rulemaking (ANPRM), Docket #USCG-2016-0132, on a proposal to establish a large number of anchorage grounds for commercial vessels in the Hudson River – 43 berths in 10 locations from Yonkers to Kingston – at the request of shipping industry; and

WHEREAS, by Resolution #197 of 2016, which was adopted by the Putnam County Legislature (“Legislature”) on October 4, 2016, the Legislature strongly opposed the adoption of proposed United States Coast Guard Rule 2016-0132 and urged the scheduling of public hearings throughout the Hudson River Valley; and

WHEREAS, State Assembly bill A.6825-A and State Senate bill S.5197-B are companion bills which would enact legislation that seeks to safeguard the Hudson River by bolstering the state’s ability to exercise its jurisdiction over the river; and

WHEREAS, more specifically, such legislation would amend state navigation law relating to the establishment of “tanker-avoidance zones” to consider waterfront communities and significant natural habitats, in addition to navigation safety; and

WHEREAS, by enactment of such legislation, the State will be in a stronger position to prevent anchorages from being sited at points that pose a clear and direct threat to the environment, quality of life, and local economic development goals; and

WHEREAS, on June 20, 2017, the State Assembly passed bill A.6825-A, and on June 21, 2017, the State Senate passed bill S.5197-B, which bills are expected to be forwarded to the Governor for his signature; now therefore be it

RESOLVED, that the Legislature fully supports this legislation and hereby urges Governor Andrew M. Cuomo to sign S.5197-B / A.6825-A forthwith; and be it further

RESOLVED, that the Clerk of the Putnam County Legislature shall forward a copy of this Resolution to Governor Andrew M. Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Senator Sue Serino, Senator Terrance Murphy, Assemblywoman Sandra Galef, Assemblyman Kevin Byrne.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

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

Item #6e – Approval/ Budgetary Amendment (17A044)/Commissioner of Finance/Capital Projects was next. Chairwoman Nacerino recognized Legislator Albano, Chairman of the

Physical Services Committee. On behalf of the members of the Committee, Legislators Castellano & Scuccimarra, Legislator Albano moved the following:

RESOLUTION #181

APPROVAL/ BUDGETARY AMENDMENT /COMMISSIONER OF FINANCE/CAPITAL PROJECTS

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (17A044) to adjust for ongoing Capital Projects to reflect actual costs; 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:

CAPITAL FUND:

Increase Estimated Appropriations:

55197000 53000 51501	Bridges & Culverts	500,000
53197000 53000 51704	Correctional Facility HVAC	100,000

Decrease Estimated Appropriations:

55197000 53000 51608	Bridges & Culverts	500,000
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Increase Estimated Revenues:

05000 45710 F51501	Serial Bonds – 2015	500,000
05000 45710 H51704	Correctional Facility HVAC	100,000

Decrease Estimated Revenues:

05000 45710G 51608	Serial Bonds – 2016	500,000
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2017 Fiscal Impact – 0 –
2018 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6f – Approval/Highways & Facilities/ Use of Capital Reserve / County Facility Renovations was next. On behalf of the members of the Physical Services Committee, Legislators Castellano & Scuccimarra, Legislator Albano moved the following:

RESOLUTION #182

APPROVAL/HIGHWAYS & FACILITIES/ USE OF CAPITAL RESERVE/ COUNTY FACILITY RENOVATIONS

WHEREAS, by Resolution #165 of 2015 Putnam County established a County Facility Renovation Capital Project in the amount of \$1,500,000 from a settlement with NYMIR regarding the Deskovic matter; and

WHEREAS, by Resolution #169 of 2016 the Putnam County Legislature approved the use of this Capital Project fund for projects, CP-1 County Office Building Façade and CP-2 Historic Courthouse Building Management System, for a total expenditure not to exceed \$110,000; and

WHEREAS, by Resolution #73 of 2017 the Putnam County Legislature approved the use of this Capital Project fund for projects, CP-3 Putnam County Golf Club Upgrades, CP-4 Sheriff's Dept. Elevated Walkway Project and CP-5 Highways & Facilities Dept. Heating & Air Conditioning Upgrades, for a total expenditure not to exceed \$350,000; and

WHEREAS, by Resolution #144 of 2017 the Putnam County Legislature approved the use of this Capital Project fund for project, CP-6 Access Control for County Facilities, for a total expenditure not to exceed \$82,537; and

WHEREAS, the Commissioner of Highways & Facilities has proposed the use of this Capital Project fund for project, CP-7 Replacement Doors – Department of Motor Vehicles and CP-8 Renovate Forensic Lab – Sheriff's Department for which project scopes are attached to the Resolution; and

WHEREAS, the Physical Services Committee has reviewed and approved these projects; and

WHEREAS, the Legislature through the Physical Services Committee has received a scope of these projects and a preliminary cost estimate of these projects; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the expenditure of \$82,136 from the County Facility Renovation Capital Project budget line 55197000 53000 51509 as follows:

CP-7 Replacement Doors – Department of Motor Vehicles

Project cost not to exceed \$32,836

CP-8 Renovate Forensic Lab – Sheriff's Department

Project cost not to exceed \$49,300

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6g – Approval/ Negative Declaration/ Morningthorpe Avenue Pedestrian Bridge Connection was next. On behalf of the members of the Physical Services Committee, Legislators Castellano & Scuccimarra, Legislator Albano moved the following:

RESOLUTION #183

APPROVAL/ NEGATIVE DECLARATION/ MORNINGTHORPE AVENUE PEDESTRIAN BRIDGE CONNECTION

WHEREAS, the County of Putnam Department of Highways and Facilities is proposing the removal of the existing Morningthorpe Avenue Bridge (BIN 3345530) that spans the East Branch of the Croton River located in the Village of Brewster, County of Putnam and replacing it with a new pedestrian bridge; and

WHEREAS, the County is proposing to replace the existing single-span bridge with a new bridge on the existing horizontal alignment which also involves the removal of the existing Morningthorpe Avenue roadway from NYS Route 22 to Park Street and replacing it with a shared-use path as well as extending certain sections of existing sidewalks and curbs in the area of Park Street and Marvin Avenue intersection, installing

new closed drainage on Park Street and installing new striping on Main Street at the Main Street/ Park Street intersection (collectively, the “Project”); and

WHEREAS, the proposed action hereunder is subject to review under the State Environmental Quality Review Act and the Regulations promulgated thereunder (“SEQRA 6 NYCRR Part 617”); and

WHEREAS, on August 5, 2014, as part of Resolution #14-185, the County Legislature issued a Type II determination for the issuance of the bond for the Project when the proposed bridge was originally proposed to be a replacement in kind, and since that time, as a result of detailed design work on the Project, the Project scope has since been amended to include the foregoing actions, thereby requiring a more in-depth environmental review of the Project; and

WHEREAS, pursuant to Resolution # 145 of 2017 the Putnam County Legislature amended Resolution #185 of 2014 by determining that the proposed action is an “Unlisted” action, as defined in 6 NYCRR Part 617.2, and declared its intent to serve as Lead Agency with respect to SEQRA; and

WHEREAS, a Short Environmental Assessment form (EAF) was prepared for the Project; and

WHEREAS, the EAF and associated documentation was circulated to all involved and interested agencies for the requisite 30 days with a Notice of the Putnam County Legislature’s Intent to Serve as Lead Agency and no objections were received thereto; and

WHEREAS, the Putnam County Legislature, acting as Lead Agency, conducted a coordinated environmental review in accordance with §617.6, and

WHEREAS, based upon a careful review of the action as a whole, of the EAF, and the criteria set forth in 6 NYCRR Part 617.7(c), it has been determined that the proposed Project will not result in any potential significant adverse environmental impacts; now therefore be it

RESOLVED, that the Putnam County Legislature, as Lead Agency, determines that the proposed Project will not have any potential significant adverse impacts and a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that in accordance with 6 NYCRR Part 617, the Putnam County Legislature, as Lead Agency, hereby accepts and adopts the Negative Declaration prepared in connection with the Morningthorpe Avenue Bridge Connection project, a copy of which is annexed hereto and made a part hereof as Schedule “A”; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6h – Approval/ Negative Declaration / Sodom Road Bridge Replacement was next. On behalf of the members of the Physical Services Committee, Legislators Castellano & Succimarra, Legislator Albano moved the following:

RESOLUTION #184

APPROVAL/ NEGATIVE DECLARATION/ SODOM ROAD BRIDGE REPLACEMENT

WHEREAS, the County of Putnam Department of Highways and Facilities is proposing the replacement of Sodom Road Bridge (BIN 2224030), a county-owned bridge

that spans the East Branch of the Croton River located in the Town of Southeast, New York; and

WHEREAS, the Sodom Road Bridge is a single-span concrete arch bridge built in 1920 and is in a state of disrepair; and

WHEREAS, the County is currently in the planning and design stages to replace the existing single-span bridge with a new bridge on the existing horizontal alignment, involving approximately 250 feet of approach roadway reconstruction (the "Sodom Road Bridge Replacement Project"); and

WHEREAS, the proposed action hereunder is subject to review under the State Environmental Quality Review Act and the Regulations promulgated thereunder ("SEQRA 6 NYCRR Part 617"); and

WHEREAS, pursuant to Resolution # 103 of 2017 the Putnam County Legislature determined that the proposed action is an "Unlisted" action, as defined in 6 NYCRR Part 617.2, and declared its intent to serve as Lead Agency with respect to SEQRA; and

WHEREAS, a Short Environmental Assessment form (EAF) was prepared for the Sodom Road Bridge Replacement Project; and

WHEREAS, the EAF and associated documentation was circulated to all involved and interested agencies for the requisite 30 days with a Notice of the Putnam County Legislature's Intent to Serve as Lead Agency and no objections were received thereto; and

WHEREAS, the Putnam County Legislature, acting as Lead Agency, conducted a coordinated environmental review in accordance with §617.6, and

WHEREAS, based upon a careful review of the action as a whole, of the EAF, and the criteria set forth in 6 NYCRR Part 617.7(c), it has been determined that the proposed Sodom Road Bridge Replacement Project will not result in any potential significant adverse environmental impacts; now therefore be it

RESOLVED, that the Putnam County Legislature, as Lead Agency, determines that the proposed Sodom Road Bridge Replacement Project will not have any potential significant adverse impacts and a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that in accordance with 6 NYCRR Part 617, the Putnam County Legislature, as Lead Agency, hereby accepts and adopts the Negative Declaration prepared in connection with the Sodom Road Bridge Replacement Project, a copy of which is annexed hereto and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6i – Approval/ In Support of Continuing the Putnam County Parking and Transfer Program and Support/Approve Supplemental Agreement to Operate the Croton Falls Commuter Shuttle was next. On behalf of the members of the Physical Services Committee, Legislators Castellano & Scuccimarra, Legislator Albano moved the following:

RESOLUTION #185

APPROVAL / IN SUPPORT OF CONTINUING THE PUTNAM COUNTY PARKING AND TRANSFER PROGRAM AND SUPPORT/APPROVE SUPPLEMENTAL AGREEMENT TO OPERATE THE CROTON FALLS COMMUTER SHUTTLE

WHEREAS, the County of Putnam and New York State entered into a Federal Aid Municipal Service Contract for the Putnam County Parking and Transfer Program most recently encompassed by New York State Contract Number C017679 dated October 2, 2002, together with Supplemental Agreements Nos. 1, 2, and 3 dated October 1, 2004, January 1, 2007 and November 13, 2009, respectively, which have now expired; and

WHEREAS, the County of Putnam and New York State entered into an Intercity Bus/Mass Transportation Joint Service Agreement in connection with the Putnam County Parking and Transfer Program, Project ID Number 8822.84.12A and Putnam County Croton Falls Commuter Shuttle, Project ID Number 8822.44.12G, collectively as Comptroller's Contract No. D035345 (the "Contract"), for the period January 1, 2016 through December 31, 2016, which period has now expired; and

WHEREAS, the County of Putnam and New York State continue their combined efforts to improve and enhance transportation services in Putnam County, such service provided by and through the Putnam Area Rapid Transit (PART) system, and includes, without limitation, expanding and/or making regional connections to the regional transit services network, as set forth in the Contract, a copy of which is annexed hereto as Schedule "A"; and

WHEREAS, the Putnam County transportation system's undertaking to operate the Croton Falls Commuter Shuttle between Mahopac and Croton Falls will continue to improve, enhance and expand transportation services in Putnam County in support of the aforesaid collaborative efforts between Putnam County and NYSDOT; and

WHEREAS, the Putnam County Legislature, together with the County Executive, recommends and approves the continuation of the Putnam County Parking and Transfer Program and the continuation of the Putnam County transportation system to operate the Croton Falls Commuter Shuttle as aforesaid; now therefore be it

RESOLVED, that the County of Putnam be and hereby is authorized to enter into Supplemental Agreement No. 1 to D035345 ("Supplemental Agreement No. 1") with New York State for the maintenance of the Park and Ride Lots in Putnam County and payment for passenger transfers between PART and other commuter transportation systems, as well as for the operation of the Croton Falls Commuter Shuttle, collectively Project ID Number 8822.44.12H/8822.44, such Supplemental Agreement No. 1 in substantial form and substance attached hereto as Schedule "B"; and be it further

RESOLVED, that payments made to the County of Putnam under Supplemental Agreement No. 1 between Putnam County and New York State for the Putnam County Parking and Transfer Program shall not, except as otherwise may hereafter be agreed to between Putnam County and New York State, exceed \$55,000 in reimbursements (Federal: \$44,000; State: \$11,000; County: \$0) for period January 1, 2017 through December 31, 2017, or such period as otherwise may be agreed to between Putnam County and New York State, exclusive of any other/Federal and/or State participation amounts; and be it further

RESOLVED, that payments made to the County of Putnam under Supplemental Agreement No. 1 between Putnam County and New York State shall not, except as otherwise may hereafter be agreed to between Putnam County and New York State, exceed \$320,000 in reimbursements (Federal: \$256,000; State: \$64,000; County: \$0) for period January 1, 2017 through December 31, 2017, or such period as otherwise may be agreed to between Putnam County and New York State, exclusive of any other/Federal and/or State participation amounts; and be it further

RESOLVED, that the Putnam County Legislature authorizes the County Executive or his/her duly appointed designee to take such actions and execute such documents as may be necessary and appropriate to effectuate the intents and purposes set forth hereinabove.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6j – Approval/ Grant Application/ State and Municipal Facilities Grant Program Administered Through Dormitory Authority State of New York (DASNY) / Drainage Improvements at Airport Park was next. On behalf of the members of the Physical Services Committee, Legislators Castellano & Scuccimarra, Legislator Albano moved the following:

RESOLUTION #186

APPROVAL GRANT APPLICATION/ STATE AND MUNICIPAL (SAM) FACILITIES GRANT PROGRAM ADMINISTERED THROUGH DORMITORY AUTHORITY STATE OF NEW YORK (DASNY) / DRAINAGE IMPROVEMENTS AT AIRPORT PARK (*Senator Murphy*)

WHEREAS, Section 5-2(E) of the Putnam County Code provides, in relevant part, that an applicant of any grant application not requiring any local Putnam County (the “County”) matching funds shall notify the Putnam County Legislature (the “Legislature”) of the submission of a grant application and, further, if the Legislature objects to such grant application, the applicant shall withdraw it forthwith; and

WHEREAS, by and through the State of New York and the Office of Senator Terrence Murphy (NYS Senate), the County can receive a State and Municipal (SAM) Facilities Grant in the amount of \$100,000, such grant administered through the Dormitory Authority State of New York (“DASNY”), for drainage improvements at Airport Park, such improvements aimed to, among other things, stabilize approximately 600 feet of drainage channel which collects runoff from Airport Park and surrounding area, improve water quality to the downstream Department of Environmental Conservation (“DEC”) wetlands and surrounding water bodies, as well as assist in regional efforts to reduce phosphorous in runoff (collectively, the “Project”); and

WHEREAS, the purpose of the grant funds is to subsidize the engineering and construction costs associated with the Project; and

WHEREAS, there is no matching fund requirement by the County to accept the SAM grant for the Project; now therefore be it

RESOLVED, that the Legislature authorizes and approves the County’s submission, by the Department of Planning, Development and Public Transportation, of its application for a \$100,000 grant administered through DASNY and awarded by the SAM Facilities Grant Program, and request from DASNY for documentation and information is attached hereto as Schedule “A”; and be it further

RESOLVED, that this resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6k – Approval/ Grant Application/ State and Municipal (SAM) Facilities Grant Program Administered Through Dormitory Authority State of New York (DASNY) / Cold Spring Senior Center at Butterfield was next. On behalf of the members of the Physical Services Committee, Legislators Castellano & Scuccimarra, Legislator Albano moved the following:

RESOLUTION # 187

APPROVAL / GRANT APPLICATION/ STATE AND MUNICIPAL (SAM) FACILITIES GRANT PROGRAM ADMINISTERED THROUGH DORMITORY AUTHORITY STATE OF NEW YORK (DASNY) / COLD SPRING SENIOR CENTER AT BUTTERFIELD (*Assemblywoman Galef*)

WHEREAS, Section 5-2(E) of the Putnam County Code provides, in relevant part, that an applicant of any grant application not requiring any local Putnam County (the "County") matching funds shall notify the Putnam County Legislature (the "Legislature") of the submission of a grant application and, further, if the Legislature objects to such grant application, the applicant shall withdraw it forthwith; and

WHEREAS, by and through the State of New York and the Office of Assemblywoman Sandy Galef (NYS Assembly), the County can receive a State and Municipal (SAM) Facilities Grant in the amount of \$250,000, such grant administered through the Dormitory Authority State of New York ("DASNY"), for the renovations to/construction of the Putnam County Senior Center located in the Village of Cold Spring at the Lahey Pavilion at Butterfield; and

WHEREAS, the purpose of the grant funds is to subsidize the capital costs associated with the project scope/construction of the Cold Spring Senior Center at Butterfield, as more fully set forth on Schedule "A" annexed hereto; and

WHEREAS, there is no matching fund requirement by the County to accept the SAM grant for the construction of the Cold Spring Senior Center at Butterfield; now therefore be it

RESOLVED, that the Legislature authorizes and approves the County's submission, by the Department of Planning, Development and Public Transportation, of its application for a \$250,000 grant administered through DASNY and awarded by the SAM Facilities Grant Program; and be it further

RESOLVED, that this resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6L – Approval/ Grant Application / State and Municipal (SAM) Facilities Grant Program Administered Through Dormitory Authority State of New York (DASNY) / Cold Spring Senior Center at Butterfield was next. On behalf of the members of the Physical Services Committee, Legislators Castellano & Scuccimarra, Legislator Albano moved the following:

RESOLUTION #188

APPROVAL/ GRANT APPLICATION/ STATE AND MUNICIPAL (SAM) FACILITIES GRANT PROGRAM ADMINISTERED THROUGH DORMITORY AUTHORITY STATE OF NEW YORK (DASNY) / COLD SPRING SENIOR CENTER AT BUTTERFIELD (*Senator Serino*)

WHEREAS, Section 5-2(E) of the Putnam County Code provides, in relevant part, that an applicant of any grant application not requiring any local Putnam County (the "County") matching funds shall notify the Putnam County Legislature (the "Legislature") of the submission of a grant application and, further, if the Legislature objects to such grant application, the applicant shall withdraw it forthwith; and

WHEREAS, by and through the State of New York and the Office of Senator Sue Serino (NYS Senate), the County can receive a State and Municipal (SAM) Facilities Grant in the amount of \$250,000, such grant administered through the Dormitory Authority

State of New York (“DASNY”), for the renovations to/construction of the Putnam County Senior Center located in the Village of Cold Spring at the Lahey Pavilion at Butterfield; and

WHEREAS, the purpose of the grant funds is to subsidize the capital costs associated with the project scope/construction of the Cold Spring Senior Center at Butterfield, as more fully set forth on Schedule “A” annexed hereto; and

WHEREAS, there is no matching fund requirement by the County to accept the SAM grant for the construction of the Cold Spring Senior Center at Butterfield; now therefore be it

RESOLVED, that the Legislature authorizes and approves the County’s submission, by the Department of Planning, Development and Public Transportation, of its application for a \$250,000 grant administered through DASNY and awarded by the SAM Facilities Grant Program; and be it further

RESOLVED, that this resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6m – Approval / Grant Application / State and Municipal (SAM) Facilities Grant Program Administered Through Dormitory Authority State of New York (DASNY) / Educational Instituted at Tilly Foster was next. On behalf of the members of the Physical Services Committee, Legislators Castellano & Scuccimarra, Legislator Albano moved the following:

RESOLUTION #189

APPROVAL/ GRANT APPLICATION/ STATE AND MUNICIPAL (SAM) FACILITIES GRANT PROGRAM ADMINISTERED THROUGH THE DORMITORY AUTHORITY STATE OF NEW YORK (DASNY) / EDUCATIONAL INSTITUTE AT TILLY FOSTER (*Senator Murphy*)

WHEREAS, Section 5-2(E) of the Putnam County Code provides, in relevant part, that an applicant of any grant application not requiring any local Putnam County (the “County”) matching funds shall notify the Putnam County Legislature (the “Legislature”) of the submission of a grant application and, further, if the Legislature objects to such grant application, the applicant shall withdraw it forthwith; and

WHEREAS, by and through the State of New York and the Office of Senator Terrence Murphy (NYS Senate), the County can receive a State and Municipal (SAM) Facilities Grant in the amount of \$250,000, such grant administered through the Dormitory Authority State of New York (“DASNY”), for capital improvements at Tilly Foster, including, without limitation, renovating/repairing existing structure(s) on the premises (the “Project”); and

WHEREAS, the purpose of the grant funds is to subsidize the engineering and construction costs associated with the Project; and

WHEREAS, there is no matching fund requirement by the County to accept the SAM grant for the Project; now therefore be it

RESOLVED, that the Legislature authorizes and approves the County’s submission, by the Department of Planning, Development and Public Transportation, of its application for a \$250,000 grant administered through DASNY and awarded by the SAM Facilities Grant Program, and request from DASNY for documentation and information is attached hereto as Schedule “A”; and be it further

RESOLVED, that this resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairman Sullivan, Legislators Addonizio & Albano)**

Item #6n – Approval/ Plumbing & Mechanical Trades Board Fees Pursuant to Section 190-8(H) of the Putnam County Code was next. Chairwoman Nacerino recognized Legislator Sullivan, Chairman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

RESOLUTION #190

APPROVAL/PLUMBING & MECHANICAL TRADES BOARD FEES PURSUANT TO SECTION 190-8(H) OF THE PUTNAM COUNTY CODE

WHEREAS, Section 190-8(H) of the Putnam County Code authorizes the Plumbing and Mechanical Trades Board to charge fees for testing, licensing, renewal and other fees as shall be set by resolutions of the Putnam County Legislature; and

WHEREAS, the last fee schedule was adopted by Resolution #122 of 2011; and

WHEREAS, a revised fee schedule has been submitted for approval by the Legislature; and

WHEREAS, the Rules, Enactments & Intergovernmental Relations Committee has reviewed and approves these fees; now therefore be it

RESOLVED, that the Putnam County Legislature hereby approves and adopts the following fee schedule pursuant to Section 190-8(H) of the Putnam County Code.

FEE SCHEDULE

Application Fee	\$ 150.00
Re-application Fee	\$ 75.00
Master License/Reciprocal License Fee (Annually)	\$ 500.00
Late Fee for Master License	
If renewed between January 1 st and March 31 st	\$ 100.00
If renewed between April 1 st and June 30 th	\$ 200.00
If renewed between July 1 st and December 31 st	\$ 300.00

NOTE: On January 1st of each successive year after the expiration of a license, there will be an additional \$200 added to the initial \$300 first year late fee. The total late fee (not including any license fees) shall not exceed \$1000.

Journeyman Registration Fee (2 years)	\$ 100.00
Late Fees for Journeyman	
If renewed between –July 1 st thru December 31 st	\$ 50.00
If renewed after December 31 st to following renewal	\$ 75.00

Decals (first one free)	\$ 6.00
Shelving Fees (annually)	\$ 50.00
Late shelving fee for Masters	
If shelved between January 1 st – June 30 th	\$ 25.00
If shelved between July 1 st – December 31 st	\$ 50.00
Late shelving fee for Journeymen	
If shelved between July 1 st and December 31 st	\$ 25.00
If shelved after December 31 st to following renewal	\$ 50.00
Maximum License Fee	\$1000.00
(Anyone holding more than two Mechanical Trades licenses)	

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #60 – Approval/ Plumbing & Mechanical Trades Board Civil Penalties Pursuant to Section 190-23(C)(2) of the Putnam County Code was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

RESOLUTION #191

APPROVAL/PLUMBING & MECHANICAL TRADES BOARD CIVIL PENALTIES PURSUANT TO SECTION 190-23(C)(2) OF THE PUTNAM COUNTY CODE

WHEREAS, Section 190-23(C)(2) of the Putnam County Code adopted under Resolutions #458 of 2009 authorizes the Plumbing & Mechanical Trades Board to impose a civil penalty in an amount authorized by resolution of the Putnam County Legislature but not to exceed \$5,000 for each violation; and

WHEREAS, pursuant to Section 190-23(C)(2) a civil penalty schedule has been reviewed and approved by the Rules Committee; now therefore be it

RESOLVED, that the following Civil Penalty Schedule is hereby approved by the Putnam County Legislature.

CIVIL PENALTY SCHEDULE*

Prohibited Acts	\$5,000.00 maximum
Transfer of License – “Covering”	\$5,000.00
Working without a Putnam County license	\$1,500.00
Second Violation (within 3 years of first violation)	\$2,500.00
Third Violation (within 3 years of first violation)	\$5,000.00
Journeyman working without a Putnam County registration	\$1,000.00
Master allowing work under him/her by an unregistered journeyman	\$1,500.00

Workers on a job site without proper Putnam County ID (per worker)	\$ 250.00
Contractor found in violation of Workers' Compensation Waiver	\$ 500.00
No signage on vehicle	\$ 100.00
Failure to affix decal on vehicle	\$ 100.00
Improper advertisement	\$ 100.00

*Any additional category of penalty, not otherwise covered by this fee schedule shall be subject to the discretion of the Plumbing/Mechanical Trades Board pursuant to Section 190-23 of the Plumbing Code.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6p – Approval/ Electrical Fees Pursuant to Section 145-8(H) of the Putnam County Code was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

RESOLUTION #192

APPROVAL/ELECTRICAL FEES/PURSUANT TO SECTION 145-8(H) OF THE PUTNAM COUNTY CODE

WHEREAS, Section 145-8(H) of the Putnam County Code provides for the Putnam County Legislature to adopt the fees to be collection under the County Electrical Licensing Law: and

WHEREAS, this section provides that following fees to be adopted:

- (a) the administration of examinations
- (b) the issuance and/or renewal of licenses and/or registrations
- (c) application fees and
- (d) electrical inspection permit fees; and

WHEREAS, by Resolution #202 of 2014, the Putnam County Legislature last set these fees; and

WHEREAS, the Electrical Board of Putnam County desires to revise these fees for the upcoming year; and

WHEREAS, the new proposed fees have been reviewed and approved by the Rules Committee; now therefore be it

RESOLVED, that the following fee schedule be approved and adopted by the Putnam County Legislature:

FEE SCHEDULE

Application Fee	\$ 150.00
Re-Application Fee	\$ 75.00
Master License Fee (per year)	\$ 500.00
Special Master License Fee (per year)	\$ 500.00
Low Voltage/Limited Data Communications Technician Fee (per year)	\$ 150.00
Late Fee for Master, Special Master, Low Voltage/Limited Data Communications Technician	

After December 31 st	\$ 100.00
After January 31 st	\$ 200.00
After February 28 th /29 th [Between March 1 – March 31]	\$ 300.00
Reciprocal Master Electrical License Fee	\$ 500.00
Journeyman License Fee (2 years)	\$ 100.00
Late Fee for Journeyman	
If renewed between Oct 1 st through Dec 31 st	\$ 50.00
If renewed after December 31 st to following renewal	\$ 75.00
Helper Registration Fee (2 years)	\$ 40.00
Decal Fee (first one free)	\$ 6.00
Certified Copy of Master License Fee	\$ 10.00
(Certified copies are issued only to those who took the electrical exam for Putnam County)	
Shelving License Fee (annually)	\$ 50.00
Late Shelving Fee for Master, Special Master and Low Voltage/Limited Data Technician, if shelved between January 1 st and March 31 st	\$ 25.00
Inspection Permit Application Fee (per inspection)	\$ 50.00

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6q – Approval / Electrical Civil Penalties Pursuant to Section 145-26(C)(2) of the Putnam County Code was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

RESOLUTION #193

APPROVAL/ELECTRICAL CIVIL PENALTIES/PURSUANT TO SECTION 145-26(C)(2) OF THE PUTNAM COUNTY CODE

WHEREAS, Section 145-26(C)(2) of the Putnam County Code authorizes the Putnam County Electrical Board to impose a civil penalty as set by the County Legislature; and

WHEREAS, by Resolution #203 of 2014, the Putnam County Legislature last set these civil penalties; and

WHEREAS, pursuant to Section 145-26(C)(2) a civil penalty schedule has been reviewed and approved by the Rules, Enactments & Intergovernmental Relations Committee; now therefore be it

RESOLVED, that the following Civil Penalty Schedule is hereby approved and adopted by the Putnam County Legislature:

CIVIL PENALTY SCHEDULE*

Prohibited Acts (per act)	\$5,000.00 maximum
Transfer of License-“Covering”	\$5,000.00
Master Working without a Putnam County License	\$1,500.00
Second Violation within three years of First Violation	\$2,500.00
Third Violation within three years of First Violation	\$5,000.00
Journeyman Working without a Putnam County License	\$1,500.00
Helper Working without a Putnam County Registration	\$ 500.00

Master Allowing Work under him/her by an Unlicensed Journeyman or by an Unregistered Helper	\$1,500.00
Workers on a Job Site without Proper Putnam County ID (per worker)	\$ 250.00
No Signage on Vehicle	\$ 100.00
Failure to Affix Decal on Vehicle	\$ 100.00
Improper Advertising	\$ 100.00
Failure to File an Inspection Permit	\$ 150.00
Master Found in Violation of Workers' Compensation Exemption	\$ 500.00

***Any additional category of penalty not otherwise covered by this Civil Penalty Schedule shall be subject to the discretion of the Board pursuant to §145-26 of the Electrician Law.**

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6r – Approval/Local Law / Amend Chapter 190 of the Code of Putnam Entitled “Plumbing and Mechanical Trades” was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

RESOLUTION #194

APPROVAL/LOCAL LAW / AMEND CHAPTER 190 OF THE CODE OF PUTNAM ENTITLED “PLUMBING AND MECHANICAL TRADES”

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

Section 1.

Chapter 190 of the Code of Putnam County is hereby amended to read as follows:

**Chapter 190
Plumbing and Mechanical Trades**

§ 190-1 Title.

This chapter of the Code of Putnam County shall be entitled and known as the "Putnam County Plumbing and Mechanical Trades Licensing Law."

§ 190-2 Legislative intent.

It is the intent of this chapter to regulate and license the business of plumbing and related mechanical trades, within the County of Putnam, in order to protect and promote the health, safety and welfare of the residents of Putnam County. This chapter, which amends L.L. No. 20-2009, provides that no person, business, partnership or other entity shall engage in the work or trade of installing, altering, removing, replacing, testing or the repairing of plumbing and related mechanical trades systems, as provided for herein, within the County of Putnam unless duly licensed or registered as required by the provisions of this chapter.

§ 190-3 Reserved.

§ 190-4 Definitions.

[Amended 9-3-2013 by L.L. No. 11-2013]

For the purposes of this chapter, the following terms shall have the following meanings, unless the context requires otherwise:

BOARD

The Plumbing and Mechanical Trades Board of Putnam County as provided for by the provisions of this chapter.

BUSINESS ENTITY

Shall include any corporation, partnership, limited partnership or joint venture formed for the purpose of engaging in the business and/or trade of plumbing and/or related mechanical trades.

CERTIFIED EMPLOYEE TRAINING PROGRAM (“CETP”) –a formal structure for testing and documentation that assures workers in the propane industry have the necessary knowledge and skills to perform their work safely and effectively.

COUNTY

All references to the “County” will be to the County of Putnam, unless otherwise indicated.

DIRECTOR

The Director of the Putnam County Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

FIRE PROTECTION SPRINKLER SYSTEM

All devices and apparatuses comprising the fire protection sprinkler system extending from the clapper valve backflow preventer station(s) to and including the sprinkler heads and inspection test stations, and any other required apparatuses and terminal points within the related piping system.

FIXED MEMBERSHIP

A specific number of memberships established in the rules governing an organization. Specifically, the fixed membership of the Plumbing and Mechanical Trades Board is nine (9).

GEOHERMAL HEATING VENTING & AIR CONDITIONING (“GEOHERMAL HVAC”) SYSTEM

Any device or apparatus used in connection with a heating, ventilation and/or air-conditioning system that utilize the constant temperature of the earth as an exchange medium instead of outside air temperature. For purposes of this chapter, this definition shall include all design and conveyance pipes for any and all types of refrigerant gas, oil, glycol or water including piping to an incidental connection.

HEATING SYSTEM

The design, installation, maintenance, repair, fabrication, alteration and extension of heating duct systems and related appurtenances, including hot water, low pressure steam, solar systems and warm air furnace systems. For the purposes of this chapter, this definition shall include heating systems that are oil fired, natural gas, propane or geothermal.

HEATING, VENTILATION & AIR CONDITIONING (“HVAC”) SYSTEM

Any device or apparatus used in connection with a heating, ventilation and/or air conditioning system located in any building structure whatsoever. For purposes of this chapter, this definition shall include all conveyance pipes for any and all heating and cooling systems which include geothermal, refrigerant gas, oil and/or water.

HEATING, VENTILATION & AIR CONDITIONING (“HVAC”) TECHNICIAN

A person who performs installation, repairs, maintenance, extensions and/or alterations to a solar system, HVAC system or Geothermal HVAC system and who is licensed in accordance with the provisions of this chapter.

INCIDENTAL CONNECTION

A connection to an existing water system, HVAC system and/or electrical system that shall not exceed five (5) feet and does not involve substantial modification, alteration and/or repair to the existing system. For purposes of this chapter, an "incidental connection" does not include the installation of, alteration of and/or modification to a potable water, waste, soil and/or vent system or replacement of valves, water meters* or back-flowing devices. *Water meters that are installed by the homeowner's own water system's or water department's licensed operators are exempt from this rule.

JOURNEYMAN

A person who works within the County and is employed by and under the supervision and control of a County-licensed master tradesperson, and:

- A. has a minimum of five (5) years' experience in plumbing, heating, sheet metal, or HVAC (including Geothermal and Refrigeration); or
- B. has met the requirements of the Certified Employee Training Program (CETP) offered through the National Propane Gas Association and has a minimum of two (2) years' experience in LP gas; or
- C. has satisfied the State guidelines through the National Fire Sprinkler Association permitting a person to install protection sprinklers and has a minimum of two (2) years' experience in fire protection sprinkler work; or
- D. has two (2) years' experience cleaning and tuning up oil burner heating systems; or
- E. a person who has been approved by the Board and is registered with Putnam County through the application process.

LEGISLATURE

The Putnam County Legislature.

LIQUID PETROLEUM (“LP”) GAS SYSTEM

All devices and apparatuses comprising the liquid petroleum gas piping system for all LP-gas-burning appliances, including natural, propane, butane and any other gas used for heating, cooking or ornamental purposes, extending from the point of connection with the local supplier's meter and/or storage tank to all termination points contained in the consumer's piping system.

LIQUID PETROLEUM (“LP”) GAS TECHNICIAN

An individual who performs installation, repairs, maintenance, extensions, relocation and/or alterations to an LP Gas System and who is licensed in accordance with the provisions of this chapter.

MASTER HEATING TECHNICIAN

A person who performs installation, repairs, maintenance, extensions and/or alterations to a heating duct system and related appurtenances, including hot water, low pressure steam, geothermal and solar systems and who is licensed in accordance with the provisions of this chapter.

MASTER PLUMBER

A person who installs and/or repairs pipes, fixtures and other apparatus relating to the distribution of water or gas in a building and for disposal of sewage and otherwise engages in or carries on the business of plumbing, as provided for by the provisions of this chapter.

MASTER TRADESMAN

A general term used within this chapter to denote a person who is licensed as a master in any trade.

MECHANICAL TRADES

Trades that are directly related to the trade of plumbing and subject to licensure under the provisions of this chapter, such as fire protection, geothermal heating, heating systems, ventilation and air conditioning systems, solar systems (“HVAC”), liquid petroleum gas, sheet metal work, water well drilling, geothermal drilling and water pumps.

MECHANICAL TRADESPERSON

A person engaged in the practice of mechanical trades as defined by the provisions of this chapter.

NATIONAL OIL-HEAT RESEARCH ALLIANCE (“NORA”)

A collaborative program established by the oil heating industry to strengthen the industry by improving education and training for employees in the industry, providing customers more information and developing new products for consumers.

OIL BURNER TECHNICIAN (“N.O.R.A.”)

Cleans and maintains oil burner heating systems.

PERSON

For purposes of this chapter, the term "person" shall include an individual, partnership, corporation, business organization or other similar entity.

PLUMBING

The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; medical gases and public or private water supply systems. From the Uniform Plumbing Code item #004: “Plumbing” includes many types of plumbing and piping systems including those piping systems for: plumbing (water

supply and drainage), fuel gas, medical gas, vacuum, combustion flue vents, fire-stopping systems, firefighter breathing air replenishment systems, etc.

POTABLE WATER SOURCE

Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

PUMP INSTALLER

A person who is responsible for the on-site repair or installation of water pumps.

REFRIGERATION

The process by which any product or substance is cooled or maintained at or below 55 degrees Fahrenheit.

REFRIGERATION CONTRACTOR

Any person who engages in or carries on the business of installing, erecting, altering, extending, repairing or maintaining any device, system or equipment for refrigeration in buildings or structures, private or public.

SHEET METAL WORK

Utility consisting of the duct work and material for the distribution of air-controlled movement.

SUBSTANTIAL EVIDENCE

Evidence that a reasonable mind could accept as adequate to support a conclusion; evidence beyond a scintilla.

WATER TREATMENT SPECIALIST

A person who engages in the installation, repair, replacement, alteration and maintenance of water softeners, water treatment and/or purification systems.

WATER WELL DRILLER

A person who engages in the function of drilling, driving, boring, jetting and/or excavating in order to obtain a source of water supply from an aquifer or as it relates to the drilling concerning a geothermal HVAC system.

§ 190-5 Powers and duties of Director.

In addition to such other powers and duties as may be provided for by local law, the Director shall be responsible for the direct daily supervision of the Secretary to the Board, Compliance Enforcement Officer(s) and any other employees of the Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

§ 190-6 Plumbing and Mechanical Trades Board.

[Amended 9-3-2013 by L.L. No. 11-2013]

- A. Board established. There shall be a Plumbing and Mechanical Trades Board ("Board") consisting of nine (9) members, who shall each be residents of the County or own a business within the County. (See definition of "Fixed Membership" § 190-3)
- B. The Board shall interview all candidates for Board membership and submit its recommendations with all candidates' résumés to the Legislature.

- C. Board members shall be appointed by a majority vote of the Legislature. Board members shall serve a term of three (3) years and at the pleasure of the Legislature.**
- D. Composition of Board. The composition of the Board shall be a representative group of people ranging from those with no experience to a master's level experience with the plumbing and mechanical trades or working as a plumber or mechanical tradesperson. At no time, shall the composition of the Board interfere with the viability of the Board to perform its duties and to adhere to its responsibilities. A representative group may include:**
- (1) Licensed master plumbers**
 - (2) Master heating technicians**
 - (3) A citizen who has no experience with plumbing or mechanical trades**
 - (4) Licensed mechanical tradespersons**
 - (5) Current or former Building Inspectors**
 - (5) Licensed HVAC mechanical tradespersons**
 - (6) Licensed LP gas mechanical tradespersons**
 - (7) Licensed well drillers**
- E. Secretary. There shall be a Secretary to the Board who shall be appointed by the County Executive. The Secretary shall report to the Director of the Office of Consumer Affairs, Weights and Measures and Trades Licensing and Registration.**
- F. Chairperson and Vice Chairperson. The Board, by majority vote of the fixed Board, shall elect a Chairperson and Vice Chairperson, each of whom shall serve a one-year term. A Chairperson shall serve no more than two consecutive one-year terms. Once a Chairperson has served two consecutive one-year terms, he/she shall be prohibited from serving as the Board Chairperson or Vice Chairperson for a period of not less than two years.**
- G. Quorum. A majority of the fixed membership of the Board shall constitute a quorum for the transaction of business. A quorum may be achieved by members attending in person or by Board-approved electronic means that allow for simultaneous visual and aural communication throughout the entire deliberative session.**
- H. Vacancies. In the event of a vacancy on the Board, the Board shall send its recommendation to the Legislature and the remainder of the vacating member's term shall be filled by appointment by the Legislature.**
- I. Removal. A Board member may be removed by majority vote of the Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause.**

§ 190-7 Powers and duties of Board.

The Board shall have the following powers and duties:

- A. Rules and regulations.** The Board shall promulgate its own rules and regulations with respect to its proceedings and with respect to any matter over which it has jurisdiction, subject to guidelines set forth in the Putnam County Legislative Manual for the setting of agendas, conduct of meetings, and keeping of minutes. The rules and regulations established by the Board shall not supersede the provisions of this Chapter. The Board shall prepare a manual of its duly adopted rules and regulations and file the same with the Clerk of the Legislature. Such manual shall be made available for public inspection. The Board shall file with the Clerk of the Legislature a copy of every rule, regulation and/or amendment thereto, and every decision, determination and/or appeal thereof, and the same shall be public record. [Amended 5-4-2010 by L.L. No. 10-2010]
- B. Meetings.** The Board shall hold at least seven (7) meetings a year at the call of the Chairperson and at such other times as the Board may determine necessary or desirable for the efficient discharge of the business of the Board at the call of the Chairperson or upon written request by two (2) Board members. All members shall be provided with a minimum of one week's prior written or oral notice of a meeting or otherwise to the extent practicable at a reasonable time prior to the meeting.
- C. Minutes/voting records.** The Board shall keep minutes of its meetings and proceedings, which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and shall include a record of the final vote of each member.
- (1) Within two weeks from the date of such meeting, the Secretary shall provide the members of the Board with copies of the proposed minutes and shall make copies of such minutes available to the public. The minutes made available to the public shall be clearly identified as "draft" and/or "unapproved." Upon approval of the minutes pursuant to subsections (2) and (3) of this section, the Secretary shall replace any "draft" or "unapproved" minutes available for public inspection with a copy marked "approved."
- (2) The Board shall consider draft and/or unapproved minutes for approval at the next regular Board meeting.
- (3) Any mistakes, errors or omissions noted by the Board shall be corrected by the Secretary and the revised minutes shall again be considered by the Board at its next regular meeting.
- (4) Within thirty (30) days after approval by the Board, the minutes shall be filed with the Clerk of the Legislature.
- (5) The Office of Consumer Affairs shall retain all tape recordings for one (1) year.
- D. Records.** The Board shall maintain a record of all licenses and registrations issued, suspended or revoked under the provisions of this chapter. A complete record of every examination administered under the provisions of this chapter shall be kept on file in accordance with the County's records retention and disposition schedule.

- E. Examinations and qualifications.** The Board shall prescribe the licensing examinations for assessing an applicant's knowledge and expertise in the field of plumbing or related mechanical trade. In addition to prescribing written examinations, the Board shall investigate the qualifications, fitness and employment history of any applicant requesting licensure or registration pursuant to this chapter. The Board may require, as a condition of examination, that the applicant provide documentation and/or information relating to current or prior employment, qualifications and fitness, as set forth in § 190-9. [Amended 5-4-2010 by L.L. No. 10-2010]
- F. Licenses/registration.** Upon successful completion of the requisite examination and upon the Board's satisfaction of the applicant's qualifications for the license or registration sought, the Board shall grant and issue periodic licenses and/or registrations.
- G. Complaints.** The Board shall have the power to hold hearings on charges of violations of this Code, to make formal findings of facts and to impose civil penalties and sanctions in accordance with the law. See § 190-22 Enforcement.
- H. Subpoena power.** Pursuant to New York Civil Practice Law & Rules § 2302(a), the Board shall have the power to issue, and cause to be served, subpoenas for the production of books, records and documents and appearance of witnesses at any duly convened hearing of the Board.
- I. Fees.** The Board shall have the power to collect fees or to cause fees to be collected for 1) the administration of examinations, 2) the issuance and/or renewal of licenses and/or registrations hereunder and 3) application fees. Said fees shall be in accordance with fee schedules duly adopted and approved by the Legislature.
- J. Recommendations.** The Board shall make recommendations to the Legislature regarding any matter relating to the administration of this chapter, including proposed amendments thereto.
- K. Suspension/revocation; civil penalties.** The Board shall have the power to suspend and/or revoke licenses and registrations issued hereunder and/or assess and impose civil penalties for cause as prescribed by the provisions of this chapter.
- L. Experts/consultants.** Subject to legislative approval and appropriation of funds, the Board may hire experts and/or consultants and pay for their services as may be necessary and appropriate in the conduct of its business.
- M. Oaths.** The Chairperson of the Board or his/her designee shall be empowered to administer oaths.

§ 190-8 License/registration required.

[Amended 9-3-2013 by L.L. No. 11-2013]

- A. No person shall engage in, carry on or conduct the business or trade of plumbing or other related mechanical trade, as defined herein, within the County, and no person shall represent himself or herself to be or a master tradesperson within the County, unless duly licensed in accordance with the provisions of this chapter. The trades include, but are not limited to: Fire Sprinkler, Geothermal, Heating, HVAC, LP Gas,**

N.O.R.A., Plumbing, Pump Installer, Refrigeration, Sheet Metal, Water Treatment and Well Drilling.

- B. No person shall engage in, carry on or conduct the business or trade of plumbing or other related mechanical trade, as defined herein, or hire himself or herself out to perform the services of master plumber, mechanical tradesperson, journeyman plumber or journeyman mechanical tradesperson unless he or she has been duly authorized to do so by the issuance of a license or registration.**
- C. Nothing contained in this chapter shall be construed to obviate the need for procuring any and all permits otherwise required by law for the performance of plumbing and/or mechanical trades work within the County.**

§ 190-8-a Mechanical trades; special regulations and requirements

A. Fire Sprinkler Installer.

Applicants for Master Fire Sprinkler Installer license must:

- (1) Be at least 21 years of age; and**
- (2) Submit proof of a minimum of five (5) years' experience working with fire sprinkler systems; and**
- (3) Submit proof that he/she passed two (2) examinations given by the National Fire Sprinkler Association.**

B. Geothermal

Applicants for a Geothermal Well Drilling license must:

- (1) Be at least 21 years of age; and**
- (2) Possess a minimum of two (2) years' experience in the drilling industry; and**
- (3) Pass two (2) examinations given by the National Ground Water Association, Water Systems Council or a New York Department of Environmental Conservation-recognized equivalent testing company with a grade of seventy percent (70%) or better; and**
- (4) Be registered with the New York Department of Environmental Conservation; and**
- (5) Successfully complete the master Geothermal HVAC examination.**
- (6) Additional Information: Vertically-drilled geothermal wells are to be drilled by a DEC New York State-certified well driller (registered in 2011) as defined in this chapter.**

C. Heating

Applicants for a Heating license must:

- (1) Be at least 21 years of age; and
- (2) Submit proof of a minimum of seven (7) years' experience in the performance of heating maintenance and repair; and
- (3) Successfully complete the master Heating examination.

D. HVAC Technician

Applicants for an HVAC Technician license must:

- (1) Be at least 21 years of age; and
- (2) Submit proof of a minimum of seven (7) years' experience in the performance of HVAC installation, maintenance and repair and an EPA 2 or 3 card; and
- (3) Successfully complete the master HVAC examination with a grade of seventy percent (70%) or better.
- (4) Additional Information: Vertically-drilled geothermal wells are to be drilled by a DEC New York State-certified well driller (registered in 2011) as defined in this chapter

E. LP Gas Technician

Applicants for LP Gas Technician license must:

- (1) Be at least 21 years of age; and
- (2) Successfully complete the LP Gas examination; and
- (3) Submit proof of successful completion of CETP; and
- (4) Submit proof of a minimum of five (5) years' experience working in the LP gas industry.

F. N.O.R.A.

Applicants for a N.O.R.A. license must:

- (1) Be at least 21 years of age; and
- (2) Submit proof of a minimum of five (5) years' experience in the maintenance and tune up of oil burning heating systems; and
- (3) N.O.R.A.- minimum Silver Certification (requires seventy-eight percent (78%) or better on testing administered through N.O.R.A.

G. Plumbing

Applicants for a Master Plumbing license must:

- (1) Be at least 21 years of age; and
- (2) Submit proof of a minimum of nine (9) years' experience in the field of plumbing; and
- (3) Successfully complete the Master Plumbing with Gas examination

H. Pump and/or Pumping System Installation

Applicants for Pump and/or Pumping System Installation license must:

- (1) Be at least 21 years of age; and
- (2) Possess a minimum of two (2) years' experience in the pump industry; and
- (3) Pass two (2) exams given by the National Ground Water Association, Water Systems Council or a New York Department of Environmental Conservation-recognized equivalent testing company with a grade of seventy percent (70%) or better; and
- (4) Be registered with the New York Department of Environmental Conservation.

I. Refrigeration

Applicants for a Refrigeration license must:

- (1) Be at least 21 years of age; and
- (2) Submit proof of a minimum of seven (7) years' experience in the performance of HVAC installation, maintenance and repair and an EPA Universal card; and
- (3) Successfully complete the Master Refrigeration examination.

J. Sheet Metal Worker

Applicants for Sheet Metal Worker license must:

- (1) Be at least 21 years of age; and
- (2) Possess a minimum of seven (7) years' experience working with sheet metal; and
- (3) Successfully complete the Sheet Metal examination.

K. Water Treatment Specialist

Applicants for Water Treatment Specialist certification must:

- (1) Be at least 21 years of age; and
- (2) Possess a minimum of two (2) years' experience in the water treatment industry; and

- (3) Pass two (2) certification exams given by the Water Quality Association or other approved examination.

L. Water Well Drilling

Applicants for Well Drilling, including Geothermal, certification must:

- (1) Be at least 21 years of age; and
- (2) Possess a minimum of two (2) years' experience in the drilling industry; and
- (3) Pass two (2) examinations given by the national Ground Water Association, Water Systems Council or a New York Department of Environmental Conservation-recognized equivalent testing company with a grade of seventy percent (70%) or better; and
- (4) Be registered with the New York Department of Environmental Conservation.
- (5) Additional Information: Vertically-drilled geothermal wells are to be drilled by a DEC New York State-certified well driller (registered in 2011) as defined in this chapter.

§ 190-8-b Incidental connections.

- A. Notwithstanding any other provision of this chapter, a master plumbing license shall not be required to make incidental connections, as defined herein, to existing piping systems, provided that such connection is made by a person who has been duly registered under the provisions of this chapter in the related and applicable mechanical trade*. *Water meters that are installed by the homeowner's own water system's or water department's licensed operators are exempt from this rule.
- B. Exception. In a new construction, defined herein to mean a structure that does not have a present existing potable water system, all final potable water supply connections to and from any appliance located within the structure must be made by a licensed master plumber. Further, all LP gas piping and natural gas piping connections within such structures must be installed by a licensed master plumber or mechanical tradesperson.
- C. Any oil burner/boiler alteration, modification or installation involving relocation of any part of an HVAC system more than five (5) feet from an existing heating, ventilation or air-conditioning appliance which is connected to a refrigerant line(s) must be performed by a licensed HVAC technician.
- D. The electrical connections involved in any alteration, modification or installation involving relocation of any part of a mechanical system or appliance more than five (5) feet from an existing mechanical system or appliance which is hard-wire connected to electrical line(s) must be performed by a licensed electrician.

§ 190-9 Application and examination procedure.

[Amended 5-4-2010 by L.L. No. 10-2010; 9-3-2013 by L.L. No. 11-2013]

- A. Written application.** Written applications for licensure and/or registration shall be submitted to the Secretary of the Board on the form prescribed by the Board. At a minimum, each application shall set forth the name of the individual seeking licensure or registration, residence address, business address, email address (if applicable), telephone numbers, date of birth and trade names of the applicant, plus such additional information concerning his or her qualifications and history, including any criminal record, as the Board may require. Any person applying for a licensure for any trade pursuant to this chapter must be at least twenty-one (21) years of age. All applications shall be notarized. If the applicant is an officer, owner or employee of a plumbing and/or mechanical trade business, partnership or corporation, then the application shall set forth the names of all officers, owners and employees thereof as of the date of application.
- B. Proof of current or prior employment, qualifications and fitness for licensure.** All applicants must provide proof of his/her experience by providing documentation and/or information relating to his/her current and/or prior employment, qualifications and fitness for licensure. Proof of employment must include the name and address of the current and/or former employer, the length of time the applicant worked for the current and/or former employer and the type of work the applicant performed while working for the current and/or former employer. Proof of employment may include, but is not limited to, letters from the current and/or former employers evidencing experience in the applicant's respective field, tax returns, W-2s, Social Security records and work logs.
- C. Upon receipt of an application, the Secretary shall forward a copy of the same to the Chairman of the Board.**
- D. Board review.** Upon receipt of an application to test for a license, the Board shall review such application to ascertain whether or not the applicant possesses the minimum qualifications necessary. At the discretion of the Chairperson, a committee of Board members could be convened to review and vote upon an individual's application before being sent to the full Board for final review and vote. Once an affirmative vote of a majority of the fixed Board has been made, the applicant shall be permitted to take the licensing examination.
- E. Written examination.**
- (1) Either the Board or an approved testing agency shall provide written examinations.** Should the Board administer the examination, it shall be monitored by at least two members of the Board, who shall sign their names to all parts of the applicant's examination. The date, time and place of testing shall be determined by the Board or the approved testing agency. The Board shall provide applicants with written notice of testing dates. Results of every examination administered under the provisions of this chapter shall be kept on file in accordance with the Putnam County's document retention policies.
- (2) Passing grade.** Applicants must receive a grade of seventy percent (70%) or higher on the written examination to qualify for licensure or registration, except for the N.O.R.A. examination which requires a passing grade of seventy-eight percent (78%) or higher. Applicants shall be notified of the results of their written examinations within thirty (30) business days after the date of the examination. Activation of licensure within

one (1) year of passing the exam is required.

- (3) If, during the three (3) years after application approval, the applicant wishes to re-test, a Re-Application Fee must be submitted for each re-test. (see Fee Schedule) The fee for the examination itself is separately determined and handled by the testing entity.
 - (4) If, after three (3) years from application approval, the applicant has not passed the examination, a new complete Application and Application Fee must be submitted to continue seeking licensure. (see Fee Schedule) The fee for the examination itself is separately determined and handled by the testing entity.
- F. Fees. The fees for applications, licensing, renewal and other fees provided for under the provisions of this chapter shall be proposed by the Board and set by resolution of the Legislature. All fees collected under the provisions of this chapter are nonrefundable.
- G. Exceptions to testing requirements; for possible examination/testing waiver, please see § 190-16 Reciprocity.
- H. Child support obligations. Under New York State General Obligations Law § 3-503, all applicants for a license or renewal license must complete a New York State Department of Labor Form GO 1 “Appendix to a License Application” regarding the applicant’s child support obligations.

§ 190-10 Licensing and registration.

[Amended 9-3-2013 by L.L. No. 11-2013]

- A. Issuance of license and/or registration. Upon payment of the appropriate fee, the Board shall issue a license or registration to the approved applicant, together with indicia of licensure or registration evidencing the same (which shall remain the property of the County of Putnam). Licenses and/or registrations shall be issued to individuals only.
- B. Term.
- (1) Each master tradesman license issued hereunder shall expire on the next succeeding 31st day of December.
 - (2) Each journeyman registration shall be issued for a two-year period expiring on the second succeeding 30th day of June and shall be issued upon the payment of a two-year fee. Thereafter, such journeyman’s registration shall expire on the 30th day of June of the licensed term, unless otherwise notified.
- C. Renewals. Applications for renewal of a license or registration duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board on the form prescribed by the Board prior to the expiration date of the license and/or registration and shall be accompanied by the appropriate licensing/registration fee. Upon request by the Board, applicants for renewal must provide the Board with such proof as may be necessary and appropriate to satisfy the Board of the applicant’s qualifications, competency and fitness to carry on the trade for which he or she is licensed and/or registered.

- D. Late renewal.** If application for renewal is not made within the time prescribed herein, the Board, in its sole discretion, may nevertheless renew the license and/or registration. In such event, before the Board may issue a renewal, the licensee or registrant must pay the appropriate late fee, as set by the Board and approved by the Legislature, in addition to the licensing or registration fee.
- E. Suspension of renewal privileges.** Failure to renew a license issued under the provisions of this chapter within one (1) year after expiration thereof may result in the suspension of all renewal privileges hereunder. Any person desiring a license after such suspension of privileges shall be required to reapply for licensure in accordance with the provisions of this chapter, including the payment of all applicable fees and successful re-examination.
- F. Severance of business ties; notice to Board.** Whenever a licensed master tradesperson representing a plumbing or mechanical trades business, which operates under a trade, partnership or corporate name, severs his or her relationship with such business, it shall be the duty of the licensee and the business to notify the Board of such action within thirty (30) days from the date thereof. Failure to do so shall be deemed sufficient cause for denying a new license and/or renewal thereof.
- G. Presentation on demand.** All licensees and registrants shall be required to present evidence of licensure or registration upon demand by the Director and/or the Compliance Enforcement Officer(s). Failure to do so shall constitute a violation of this chapter.
- (1)** The licensee and his/her registered journeymen shall be issued an identification card, to be provided by the Office of Consumer Affairs, authorizing the individual to perform the work as indicated. The identification card shall contain: the name of the licensee, the license number and the name of the employee. This identification card shall be carried at all times and shall be produced upon request to the County inspector or town building inspector and/or his/her designee within the geographical area of such inspector's employment. A violation of this section shall subject the licensee or registrant to a civil penalty as provided for in this chapter.
- (2)** Should a licensee or registrant be charged with a violation of § 190-10(G)(1) for a worker not carrying identification, the licensee or registrant shall have five (5) County business days to produce the worker's identification to the Office of Consumer Affairs for a reduction in the civil penalty. In order to receive a reduction in the civil penalty, at the time the identification is produced to the Office of Consumer Affairs, the licensee or registrant shall present the payroll records of the employee or evidence of the licensee's or registrant's payment to the company that employs the worker found on the job site without identification.
- H. Military service exception.** In the event a licensee and/or registrant is called to active duty in the United States military, his or her license and/or registration shall be deemed "inactive status" during the period of such active duty. Upon return from active duty and presentation to the Board of proof of the dates of active duty, such license and/or registration shall be reactivated effective the day after the last date of active duty and credited for each day of active duty. This exception shall be retroactive to account for any deployment occurring after September 11, 2001.

§ 190-10-a Hiring, supervision and responsibility.

[Amended 5-4-2010 by L.L. No. 10-2010; 9-3-2013 by L.L. No. 11-2013]

- A. No person who is licensed as a master tradesperson pursuant to this chapter shall hire any person to perform services of a journeyman tradesperson in Putnam County unless such person has obtained a journeyman tradesperson registration card under this chapter.**
- B. A licensed master tradesperson shall respond to the Board's request for information regarding the registered journeymen employed by the licensed master tradesperson. The licensed master tradesperson must provide the specific information requested by the Board within the specific time frame of such request.**
- C. A violation of this section shall subject such person to civil penalties as provided for in this chapter, except that a master tradesperson shall be responsible for any and all unregistered employees.**
- D. This section shall not be construed to impose penalties upon an employee of an unlicensed master tradesperson. Should an unlicensed master tradesperson hire a journeyman tradesperson, the unlicensed master tradesperson shall be penalized.**
- E. No one person with a journeyman tradesperson registration shall hold himself/herself out as a master tradesperson. If found guilty, he/she will be subject to civil penalties and/or a suspension of journeyman registration pursuant to a hearing as defined in this chapter.**

§ 190-10-b Suspension or revocation of license/registration.

- A. The Board shall have the power to suspend or revoke any duly issued license, registration or renewal thereof upon a showing, made in accordance with the rules and regulations of the Board and supported by substantial evidence, that:**
 - (1) The licensee and/or registrant violated any provision of this chapter, the rules and regulations of the Board, or any other law or ordinance pertaining to plumbing or mechanical trades and that relates to public health and safety; or**
 - (2) The licensee and/or registrant is unfit or incapable of performing or engaging in the trade for which he or she is licensed and/or registered, as evidenced by substantiated complaints and/or charges filed with the Board against the licensee and/or registrant**
- B. Prior to taking action to suspend or revoke a license or registration, the Board shall provide notice and conduct a hearing in accordance with the procedures set forth in § 190-22 of this chapter.**
- C. In the event the Board suspends or revokes a license and/or registration issued hereunder, it shall set forth in writing the reasons supporting such determination and provide a copy of the same to the licensee and/or registrant within 10 days after the close of the hearing provided for in Subsection B.**
- D. In the event that the Board suspends a license and/or registration issued hereunder, said determination shall set forth the term of the suspension.**

- E. In the event that the Board revokes a license and/or registration issued hereunder, the licensee and/or registrant shall return his or her indicia of licensure or registration to the Board via certified mail, return receipt requested. Such person shall not be eligible to apply for relicensing and/or reregistration unless and until he or she receives written authorization to reapply from the Board, and only then after successful re-examination in accordance with the provisions of this chapter.**

§ 190-11 Prohibited acts.

[Amended 5-4-2010 by L.L. No. 10-2010; 9-3-2013 by L.L. No. 11-2013]

The following acts are strictly prohibited:

- A. Abandonment or failure to perform, without justification, any contract for plumbing or mechanical trades work or project engaged in or undertaken by the contractor.**
- B. Making any material misrepresentation in the procurement of a contract for plumbing or mechanical trades work, or making any false promise likely to influence, persuade or induce.**
- C. Any fraud in the execution of or in the material alteration of a contract for plumbing or mechanical trade work, or making any false promise likely to influence, persuade or induce.**
- D. Any fraud in the execution of or in the material alteration of any contract, promissory note or other document incident to a contract for plumbing or mechanical trades work.**
- E. Making a false statement or providing false information in making an application for license or registration, including duplicate or renewal.**
- F. Making a false statement or providing false information when responding to the Board's request for information regarding registered journeymen employed or formerly employed by the licensed master plumber or licensed mechanical tradesperson.**
- G. Demanding or receiving any payments prior to the signing of a contract for plumbing or mechanical trades work.**
- H. Directly or indirectly publishing any advertisement relating to plumbing or mechanical trades work which contains an assertion, representation or statement of fact which is false, deceptive or misleading.**
- I. Violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.**
- J. Failure to notify the Board, in writing, of any change or control in ownership, management or business name or location.**
- K. Failure to adhere to any of the requirements as set forth in § 190-8 of this chapter.**
- L. Conducting a plumbing or mechanical trades business in any name other than the one in which the contractor is registered.**

- M. Failure to respond to the Board's request for information regarding the registered journeymen employed or formerly employed by the licensed master tradesperson.**
- N. Failure to comply with any order, demand or requirement made by the Director or Board pursuant to the various provisions of this chapter.**
- O. Failure to list license number in any and all advertisements for the licensed plumbing or mechanical trades business.**
- P. Failure to maintain the proper insurance, surety license and permit bond, as required by § 190-25 hereof.**
- Q. Any fraud in recommending the installation, repair or replacement of any item the tradesman knew or should have known was not required.**
- R. Work which is not consistent with New York State Building Codes, local codes, reference standards or any other applicable codes.**
- S. Installing, maintaining, fabricating, altering or repairing a hot water, low pressure steam or hot air furnace system without a license.**
- T. A licensee's failure to register an employee with the Board.**

§ 190-12 Reserved.

§ 190-13 Reserved.

§ 190-14 Reserved.

§ 190-15 Transferability.

No holder of a license or registration duly issued under the provisions of this chapter shall, directly or indirectly, authorize, consent to or permit the use of his or her license or registration by or on behalf of any other person or business entity. A violation of this section may result in a revocation hearing to determine whether or not the license/registration will be suspended or terminated and shall subject such licensee and/or registrant to civil penalties as provided for in this chapter.

§ 190-16 Reciprocity.

- A. The Board, with the approval of the County Executive, may waive the examination requirements and issue a master tradesperson license to any person holding an equivalent current and valid license issued by other political subdivisions of the State of New York outside of Putnam County, provided that, in the judgment of the Board, the qualifications for such licenses by such other political subdivisions are substantially similar to those required by or permitted pursuant to this chapter. Furthermore, such political subdivision shall similarly issue a license without examination to an individual with such qualifications licensed in Putnam County, as evidenced by local law and/or resolution by such political subdivision. Both Putnam County and the political subdivision shall file these reciprocity agreements with their respective County or Town Clerk. All other requirements for licensure provided for by this chapter remain applicable to such persons. Such persons are subject to all**

provisions of this chapter.

- B. Licenses issued pursuant to Subsection A may be renewed in accordance with the provisions of this chapter.
- C. Persons licensed in accordance with this subsection must at all times retain their licensure from the conferring jurisdiction. Failure to do so will result in a revocation hearing to determine whether or not the Putnam County license will be terminated. D. Nothing in this subsection shall obviate the need for procuring any permits for plumbing work otherwise required by local or state law, rule or regulation.

§ 190-17 Unlicensed or unregistered tradespersons.

[Amended 9-3-2013 by L.L. No. 11-2013]

- A. No person who has not qualified for and obtained a license or registration card issued under the provisions of this chapter shall represent himself or herself to the public, or engage in the work of a licensed master tradesperson or a journeyman tradesperson in Putnam County.
- B. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter, except that a master plumber shall be responsible for any and all unregistered employees.

§ 190-18 Display and advertising.

- A. Each person issued a license or registration under this chapter will be issued a written certificate of license or registration, a personal identification card and a vehicle decal. The certificate and identification card will contain the holder's name, Putnam County license or registration number, and the expiration date thereof. All items so issued shall be and remain the property of the County of Putnam.
- B. The certificate of license or registration must be conspicuously displayed at the holder's place of business at all times.
- C. The personal identification card must be in the holder's possession at all times while on a job site, and available for inspection.
- D. The vehicle bumper decal must be affixed to all vehicles owned, leased or used by the license or registration holder in the performance of his or her trade or business.
- E. All vehicles which are owned, leased or used in the name of a business entity, the owners, principals and/or employees of which are subject to the provisions of this chapter, must prominently display the business name and Putnam County license or registration.
- F. All vehicles which are owned, leased or used in the name of a business entity, the owners, principals and/or employees of which are subject to the provisions of this chapter, must be duly registered with the Board by providing proof of vehicle registration.

- G. Failure to comply in any manner with the provision of this section shall be a violation of this chapter and shall subject the license/registration holder to the sanctions provided for herein.
- H. All County decals/registrations or I.D. must be removed upon sale of any vehicle bearing same.

§ 190-19 Shelving of license or registration.

Upon written request by the licensee and/or registrant, a license or registration may be shelved, subject to the following:

- A. The granting of a request for shelved status shall not be deemed or otherwise considered a suspension of license or registration.
- B. The period of shelved status may be granted for a period of one (1) year at a time and must be renewed annually.
- C. The period of shelved status shall commence upon expiration of the current year.
- D. On or before December 31st of each year of shelved status, the licensee and/or registrant must either:
 - (1) Submit a Shelving Affidavit; or
 - (2) Submit a Renewal Application.
- E. A fee shall be assessed against the licensee or registrant during any period of approved shelving status.
- F. Upon reactivation, the licensee or registrant shall be required to pay the appropriate annual licensing fee regardless of the time remaining in the calendar year.
- G. Any licensee or registrant of a shelved license who is found working in Putnam County shall be deemed unlicensed/unregistered. He/she may be subject to fines and penalties as provided for in this chapter and shall permanently lose his/her eligibility to apply for a shelved license or registration in the future.
- H.. A licensee or registrant who is granted shelved status must complete, prior to renewal any applicable continuing education credit hours that may be required during the period of time the license or registration is shelved.

§ 190-19-a Shelving of license or registration for master or journeymen tradespersons exclusively employed by a municipality.

- A. For purposes of this section, a licensed master or journeyman tradesperson, as defined in this chapter, shall be eligible to shelve his/her license/registration while he/she is exclusively employed by:
 - (1) Putnam County government;
 - (2) A Putnam County town or village government; or

- (3) A school district within Putnam County.**
- B. The request for shelved status hereunder shall be made annually to the Board in writing. Once the license/registration is shelved, the licensee/registrant shall surrender his/her plate, license/registration and remove decals from his/her vehicles, prior to activation of such shelving status. No holder of a shelved license/registration shall receive a copy or any other reproduction of such shelved license/registration. In no way shall approval of shelved status hereunder be deemed a suspension under § 190-10-b above.**
 - C. A fee shall be assessed against the licensee and/or registrant during any period of approved shelving. If a licensee/registrant activates his/her license/registration at any time during the calendar year, he/she will be responsible for the full year's fee. Fees will not be prorated.**
 - D. Any holder of a shelved license or registration who is found working outside his/her exclusive employment by Putnam County government, a Putnam County town or village government or a school district within Putnam County shall be deemed unlicensed/unregistered. He/she shall be subject to fines and penalties as provided for in this chapter and may permanently lose his/her eligibility to apply for a shelved license in the future.**
 - E. A licensee or registrant who is granted shelved status must complete, prior to renewal, any applicable continuing education credit hours that may be required during the period of time the license or registration is shelved.**

§ 190-19-b Reserved.

§ 190-20 Regulation of business.

- A. Neither licenses nor registrations may be issued in the name of a corporate or business entity. In the case of a corporation, partnership, limited partnership or joint venture, the individuals who are responsible for the performance of work covered by this chapter on behalf of such corporation, partnership, limited partnership or joint venture, whether they be employees, officers, owners, or shareholders of the same, must be individually licensed or registered in accordance with the provisions of this chapter.**
- B. Such licensed master plumber or licensed or registered tradesperson shall be solely responsible for the proper supervision and layout of any plumbing or mechanical trade work performed in the name of such business entity. All performing work under such licensed master plumber and/or licensed or registered tradesperson must be active employees of such business entity.**
- C. All such corporations, partnerships, limited partnerships or joint ventures must file with the Board a registered copy of the applicable business certification as is on file with the Clerk of the County where such business entity maintains its principal place of business.**
- D. Whenever a licensee/registrant who represents or is employed by a business entity severs his/her relationship or employment with such business entity, it shall be the responsibility of such person and the business entity to provide the Board with**

written notice of such action within thirty (30) days after such separation. In such event, such business entity shall provide the Board with proof that another duly licensed/registered person is performing the actual work of the business. The failure of the licensee/registrant or the business entity to provide such notice and/or proof may be deemed sufficient cause to deny issuance of a new license/registration.

§ 190-21 Compliance Enforcement Officer.

- A. There shall be a Compliance Enforcement Officer(s) who shall report directly to the Director.**
- B. Powers and duties. The Compliance Enforcement Officer(s) shall have the following powers and duties:**
 - (1) Investigations. Upon receipt of a complaint by any person alleging a violation of this chapter, or on his or her own initiative based on personal knowledge of a suspected violation, the Compliance Enforcement Officer may conduct any independent investigation necessary to carry out the provision of this chapter. Pursuant to this power, the Compliance Enforcement Officer may:**
 - (a) Subpoenas: The Compliance Enforcement Officer may make recommendations to the Board to subpoena the appearance of witnesses to a duly-held hearing and/or to compel the production of any books, records or documents that he or she may deem material and relevant for the proper prosecution of a violation.**
 - (b) Appearance tickets: issue appearance tickets to alleged violators to compel their appearance before the Board. Such appearance tickets shall be in a form prescribed by the Board and shall contain the information as provided for in § 190-22 below.**
 - (2) Prosecutions. The Compliance Enforcement Officer shall be charged with the duty of presenting material and relevant evidence of alleged violation(s) of this chapter at a hearing duly convened by the Board in accordance with § 190-22 of this chapter. The Compliance Enforcement Officer shall designate an alternate to make the presentation to the Board in his/her absence. Such designated alternate shall not be a currently serving member of the Board.**

§ 190-22 Enforcement.

- A. Suspension, revocation and civil fines. Following a hearing as provided for herein, the Board shall have the power to revoke or suspend, for such period as the Board may deem appropriate, any license or registration issued under the provisions of this chapter, and/or assess and impose civil fines as provided for herein, provided that a majority of the Board is satisfied by substantial evidence that a person or the holder of such license or registration has violated a provision of this chapter, the rules and regulations of the Board, or any other law, regulation or ordinance applicable to plumbing or related mechanical trades.**
- B. Procedure for suspension, revocation and/or imposition of civil fines.**
 - (1) Notice of charges. Prior to revocation or suspension of a license or registration and/or the assessment of any civil penalties as provided for herein, the holder thereof shall receive in writing, a notice of charges that includes an appearance ticket and all of the particulars of the alleged violation. Such notice shall be**

forwarded to the alleged violator by the Compliance Enforcement Officer via registered or certified mail with return receipt requested in addition to regular first-class mail to the address provided and shall contain the following information:

- (a) The name and address of the alleged violator.
 - (b) The specific section(s) of this chapter alleged to have been violated.
 - (c) A statement of the facts and circumstances supporting the charge(s).
 - (d) The date, time and place where the alleged violator is summoned to appear before the Board for a hearing on the alleged violation.
 - (e) A statement advising the alleged violator that any answer to the charges must be filed with the Board within 15 days of his or her receipt thereof, as evidenced by the returned receipt of mailing or evidence of mail delivery recovered from the U.S. Postal Service website.
 - (f) A statement of the possible penalties to be imposed in the event the charges are proven to the Board by substantial evidence.
 - (g) A statement advising the alleged violator that a default judgment will be entered against him or her in the event he or she fails to appear as directed.
 - (h) A statement advising the alleged violator that he or she has the right:
 - [1] To be represented by legal counsel (at his or her own expense);
 - [2] To testify, call witnesses and/or present evidence in his or her defense at the hearing;
 - [3] To request an adjournment for good cause. See “Adjournments” below;
 - [4] To waive his or her right to a hearing and plead guilty to the charges, by mail or in person at the Office of Consumer Affairs.
- (2) Hearing.
- (a) Timing. The hearing on any alleged violation of this chapter shall be held before the Board within one hundred (100) days of the date of the written notice provided for in Subsection B(1).
 - (b) Adjournments. Any requests for an adjournment must be made in writing and may be granted at the sole discretion of the Board. Any granted adjournment shall nullify the one hundred (100) day period of § 190-22(B)(2)(a).
 - (c) Record. A stenographic or audio recording of the hearing shall be made by the Board.
 - (d) Rules of evidence. Compliance with the technical rules of evidence shall not be required, but all evidence presented must be material and relevant as determined by the presiding officer.

- (e) Presiding officer.** The hearing shall be conducted by the Board and shall be presided over by the Chairperson of the Board or, in his or her absence, the Vice Chairperson or another Board member designated by the Chairperson or Vice Chairperson.
- (f) Presentation of evidence in support of the charges.** Evidence of the alleged violation shall be presented to the Board by the issuing Compliance Enforcement Officer, or his/her designee, who shall be subject to questioning/cross-examination by the alleged violator or his or her legal representative.
- (g) Burden of proof.** The charges contained in the notice shall be proven by substantial evidence.
- (h) Findings of fact and decision.** Within thirty (30) days from the submission of all evidence and the close of the hearing, the Board shall issue a written decision on the charges, setting forth therein:
 - [1] Its findings of fact as determined by the evidence presented at the hearing;**
 - [2] Its decision regarding the alleged violator's guilt or innocence of the charges set forth in the notice of charges;**
 - [3] A statement of the reasons supporting its decision;**
 - [4] The penalty, if any, to be imposed, including any relevant effective date(s) or periods of duration as determined by the Board; and**
 - [5] A statement regarding the right to challenge the Board's decision pursuant to Article 78 of the New York Civil Practice Law and Rules.**
- (i) Notice of decision.** The Board shall immediately cause a written copy of its findings of fact and decision to be delivered to the alleged violator via registered or certified mail, return receipt requested.
- (j) Judicial review.** The decision of the Board shall be subject to judicial review in accordance with Article 78 of the New York Civil Practice Law and Rules.
- C. Permissible penalties.** The Board, following a determination that the charges have been proven by substantial evidence, may impose the following penalties:
 - (1) Issuance of an official reprimand and warning letter, a copy of which shall be retained by the Board and considered in connection with future applications for licensure, registration and/or renewal.**
 - (2) Imposition of a civil penalty in an amount authorized by resolution of the Putnam County Legislature, but not to exceed \$5,000 for each violation of this chapter.**
 - (3) Revocation/suspension.** The Board, in its judgment as to the seriousness of the charge(s), may suspend or revoke the license or registration of any licensee or registrant who, at a duly called hearing, has been found guilty by substantial evidence. Additionally, the Board may suspend or revoke the license or registration of any licensee or registrant who has been convicted of a crime by a court of

competent jurisdiction where there is a direct relationship between the crime and the specific license/registration sought; or, if the issuance and/or holding of the license/registration would involve an unreasonable risk to property or to the safety or welfare of specific individuals or to the general public.

- D. **Litigation costs.** In the event the County is required to institute legal proceedings to collect any portion of a fine or penalty imposed upon a person under this chapter, the County shall be entitled to recover from the person any and all associated costs thereof, including attorney's fees and interest on any unpaid fine or penalty calculated at the statutory rate.

§ 190-23 Criminal penalties.

The Board may refer any matter that it suspects may constitute a criminal offense to the County Sheriff's Office or to other appropriate law enforcement authority for further review.

- A. In addition to any civil penalties that may be imposed pursuant to this chapter, it shall be a Class A misdemeanor, as defined in New York State Penal Law, punishable by a term of imprisonment not exceeding one year and a fine not exceeding \$1,000, to directly or indirectly engage in or work at the business of master plumber or licensed or certified mechanical tradesperson, as provided for herein, in the County of Putnam without the applicable license or certificate or while his or her license or certificate is suspended or revoked.
- B. This section shall be enforced by the Putnam County Sheriff's Department. Arrests made pursuant to this section shall be made by a police officer or a peace officer acting under his or her special duties.

§ 190-24 Immunity.

Nothing set forth in this chapter shall subject the County of Putnam, its officers, agents or employees, including the Board and the Compliance Enforcement Officer, to any liability for damages arising out of or related to the conduct of any person licensed by the County of Putnam.

§ 190-25 Insurance and bonding.

[Amended 12-2-2014 by L.L. No. 13-2014]

- A. Prior to the issuance of any license, registration, permit or renewal thereof, the applicant must provide the Board with the following proofs of insurance and bonding information, as follows:
- (1) A license/permit bond in the amount of \$25,000 (twenty-five thousand dollars);
 - (2) Workers' compensation insurance for all employees; and
 - (3) General liability insurance of at least \$1,000,000 (one million dollars) per occurrence and \$2,000,000 (two million dollars) in the aggregate.
- B. All insurance policies shall contain a provision of continued liability and name Putnam County as an additional insured and certificate holder.
- C. All bonds shall contain a provision identifying Putnam County as an obligee. Notwithstanding the foregoing, any payment issued on behalf of a claim for an

aggrieved individual or company, shall be paid directly to said individual or company by the bond company.

- D. Any licensed or registered contractor who has completed the appropriate "no employee" affidavit (Form CE 200) and is found in violation of the workers' compensation waiver shall be subjected to a civil penalty as provided for in this chapter.

§ 190-26 Provisions not subject to waiver.

The provisions of this chapter are intended for the protection of an owner and shall not be subject to waiver by an owner in a contract for plumbing or mechanical trades work or otherwise.

§ 190-27 Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Putnam hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

§ 190-28 Repealer.

All ordinances, local laws and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued or acquired, or penalty, charge, liability, forfeiture or punishment incurred or owing prior to the time such repeal takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Putnam local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

Section 2.

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6s – Approval/Local Law / Amend Chapter 145 of the Code of Putnam County Entitled “Electricians” was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

Legislator Jonke explained that the resolution changes to the Plumbing and Electrical laws are a result from work performed by the County’s staff and individuals from the

trades. He wanted to acknowledge and thank these individuals for all the input they provided in making our community better.

Chairwoman Nacerino concurred. She thanked everyone for the years and years of hard work that went into making these changes to the Code of Putnam County.

RESOLUTION #195

APPROVAL/LOCAL LAW / AMEND CHAPTER 145 OF THE CODE OF PUTNAM COUNTY ENTITLED "ELECTRICIANS"

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

Section 1:

Chapter 145 of the Code of Putnam County is hereby amended to read as follows:

Chapter 145 ELECTRICIANS

§ 145-1 Title.

This chapter of the Code of Putnam County shall be entitled and known as the "Putnam County Electrical Licensing Law."

§ 145-2 Legislative intent.

It is the intent of this chapter to regulate and license the business of electricians within the County of Putnam in order to protect and promote the health, safety and welfare of the residents of Putnam County. This chapter, which amends L.L. No. 2-1992 (and any amendments thereto), seeks to protect against the loss of life and property by seeking to ensure, through examination and licensure, that the installation and repair of electrical wiring is undertaken by persons with experience and training in the field of installing, altering and/or repairing electrical wiring and appliances for light, heat, cooling, power (including solar), and signaling systems.

§ 145-3 Applicability.

The provisions of this chapter shall not apply to persons engaged solely in the following types of activities:

- A. The sale of ordinary electrical appliances and devices.
- B. The attachment or plug in of ordinary electrical appliances and devices to existing electrical circuits, provided that no joining and/or splicing of electrical conductors is required.
- C. The installation (excepting the installation of electrical feeds), maintenance or repair of elevators, dumbwaiters and escalators.
- D. The repair of heating systems other than electrical heating systems.

- E. Any work involved in the manufacture, assembly, testing or repair of electrical machinery, apparatus, materials or equipment performed by a person, firm or corporation whose primary business consists of electrical manufacturing.**
- F. Any work performed in connection with the erection, construction, maintenance and/or repair of lines and facilities for the generation, transmission and delivery of electricity by an electric utility and/or corporation (as defined by the New York Transportation Corporations Law); nor to any work performed by such companies in connection with the installation, maintenance and/or repair of service connections, meters and other apparatus on a consumer's premises, provided that such apparatus remains the property of such company.**
- G. Emergency repairs of wiring and/or electrical apparatus performed by a utility corporation necessary for the protection of life and/or property.**
- H. Any work performed by a company for transmission of electronic data and information, excluding communication services up to their demarcation point, in connection with the installation, maintenance and/or repair of electrical wiring or apparatus.**
- I. Any electrical work performed by or in furtherance of the business and/or operation of a telephone, radio broadcasting system, amplifiers, or any device that generates a signal, provided that such work is an integral part of providing a duly authorized service to the general public and excepting electrical work performed in the administration offices of such companies.**
- J. Electrical work performed by or pursuant to contract with any federal or state government agency.**

§ 145-4 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings, unless otherwise indicated by context.

BOARD

The Board of Electrical Examiners for the County of Putnam as provided for by the provisions of this chapter.

BUSINESS ENTITY

As used in this chapter, the term "business entity" shall include any corporation, partnership, limited partnership or joint venture formed for the purpose of engaging in the business and/or trade of electrical work and low voltage/limited data communications.

COUNTY

All references to the "County" will be to the County of Putnam, unless otherwise indicated.

COUNTY EXECUTIVE

The County Executive of Putnam County.

DEMOLITION

Any and all removal, relocation, disconnection or disassembly of electrical equipment, live or dead.

DIRECTOR

The Director of the Putnam County Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

ELECTRICAL WORK

The installation, erection, alteration or repair of electrical wiring, apparatus, fixtures, devices or other equipment used or to be used for the transmission of electricity for electric light, heat, cooling, power (including solar), signaling, communication, alarm or data transmission.

FIXED MEMBERSHIP

A specific number of memberships established in the rules governing an organization. Specifically, the fixed membership of the Board of Electrical Examiners is nine (9).

HELPER ELECTRICIAN

A person who is registered in Putnam County while employed by and working under the supervision of a licensed master electrician or journeyman electrician in Putnam County.

JOURNEYMAN ELECTRICIAN

A person who has successfully completed an examination for licensure as a journeyman who works within the County and is employed by and works under the supervision of a licensed master electrician, with a minimum of 10,000 (ten thousand) hours of experience as a helper.

LEGISLATURE

The Putnam County Legislature.

LICENSING

A license issued by the Board to persons who have successfully completed an examination for master electrician, special electrician, low voltage/limited data communications technician and journeyman electrician as provided for by the provisions of this chapter.

LOW VOLTAGE/LIMITED DATA COMMUNICATIONS TECHNICIAN

Any person with a minimum of 8,000 (eight thousand) hours' experience who has successfully completed an examination for licensure in low voltage/limited data communications technician, who furnishes and/or installs, repairs, maintains or alters cabling systems for computer networking, telecommunications, Cable TV, intercom, audio/video, fiber optics, video surveillance systems and any other system operating at 90 (ninety) volts or less and a maximum of 5 (five) amperes where such work commences at an outlet receptacle or connection previously installed by a person holding the proper electrical license. For purposes of this definition, any master electrician is qualified to do the work of a low voltage/limited data communications technician.

LOW VOLTAGE NYS ALARM INSTALLER

Any person licensed by the State of New York as provided in Article 6-D of the New York State General Business Law installing fire and security systems along with associated equipment.

MASTER ELECTRICIAN

Any person who has successfully completed a minimum of ten thousand (10,000) hours' experience as a helper electrician and a minimum of five thousand (5,000) hours' experience as a Putnam County journeyman electrician, who has successfully passed an examination for licensure as a master electrician and who performs or supervises the installation, erection, extension, alteration and/or repair of electrical wiring, apparatus, fixtures, devices or other equipment utilized or designed for the utilization of electricity for light, heat, cooling, power (including solar) or signaling.

PERSON

For purposes of this chapter, the term "person" shall include an individual, partnership, corporation, business organization or other similar entity.

SPECIAL ELECTRICIAN

Any person who is in the exclusive employ of the owner, lessee or manager of particular buildings or other structural facilities and whose employment consists solely of the work of a licensed master electrician as defined herein.

SUBSTANTIAL EVIDENCE

Evidence that a reasonable mind could accept as adequate to support a conclusion; evidence beyond a scintilla.

§ 145-5 Powers and duties of Director.

In addition to such other powers and duties as may be provided for by local law, the Director shall be responsible for the direct daily supervision of the Secretary to the Board, the Compliance Enforcement Officer(s) and any other employees of the Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

§ 145-6 Board of Electrical Examiners.

- A. Board established.** There shall be a Board of Electrical Examiners ("Board") consisting of nine (9) members, each of whom shall be a resident of the County or own a business within the County. (See definition of "Fixed Membership" § 145-4)
- B. The Board shall interview all candidates for Board membership and submit its recommendations with all candidates' résumés to the Legislature.**
- C. Board members shall be appointed by a majority vote of the Legislature. Board members shall serve a term of three years and at the pleasure of the Legislature.**
- D. Composition of Board.** The composition of the Board shall be a representative group of people ranging from no experience to a master's level experience with the electrical trade or working as an electrician. At no time, shall the composition of the Board interfere with the viability of the Board to perform its duties and to adhere to its responsibilities. A representative group may include:

- (1) Master electricians, with Putnam County licensure**
 - (2) Journeyman electricians, with Putnam County licensure**
 - (3) A general contractor who has been in business in Putnam County for a minimum of seven (7) years**
 - (4) A representative of New York State Gas & Electric (NYSEG), or any successor in interest thereof, or a representative of Central Hudson Gas & Electric (CHGE), or any successor in interest thereof or a representative of Con Edison, or any successor in interest thereof.**
 - (5) A low voltage/limited data communications technician**
 - (6) A citizen who has no experience with the electrical trade or working as an electrician**
 - (7) A current or former Building Inspector**
- E. Secretary. There shall be a Secretary to the Board who shall be appointed by the County Executive.. The Secretary shall report to the Director of the Office of Consumer Affairs, Weights and Measures and Trades Licensing.**
 - F. Chairperson and Vice Chairperson. The Board, by majority vote of the fixed Board, shall elect a Chairperson and Vice Chairperson, each of whom shall serve a one-year term.**
 - G. Quorum. A majority of the fixed membership of the Board shall constitute a quorum for the transaction of business. A quorum may be achieved by members attending in person or by Board-approved electronic means that allow for simultaneous visual and aural communication throughout the entire deliberative session.**
 - H. Vacancies. In the event of a vacancy on the Board, the Board shall send its recommendation to the Legislature and the remainder of the vacating member's term shall be filled by appointment by the Legislature.**
 - I. Removal. A Board member may be removed by majority vote of the Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause.**

§ 145-7 Powers and duties of Board.

The Board shall have the following powers and duties:

- A. Rules and regulations. The Board shall promulgate its own rules and regulations with respect to its proceedings and with respect to any matter over which it has jurisdiction, including the conduct of examinations, subject to guidelines set forth in the Putnam County Legislative Manual for the setting of agendas, conduct of meetings, and keeping of minutes. The rules and regulations established by the Board shall not supersede the provisions of this chapter. The Board shall prepare a manual of its duly adopted rules and regulations, which shall be made available for public inspection, and file the same with the Clerk of the Legislature. The Board shall file with the Clerk of the Legislature a copy of every rule, regulation and/or**

amendment thereto, and every decision, determination and/or appeal thereof, and the same shall be public record. [Amended 5-4-2010 by L.L. No. 9-2010]

- B. Meetings.** The Board shall hold at least seven (7) meetings a year at the call of the Chairperson and at such other times as the Board may determine necessary or desirable for the efficient discharge of the business of the Board at the call of the Chairperson or upon written request by two (2) Board members. All members shall be provided with a minimum of one week's prior written or oral notice of a meeting or otherwise to the extent practicable at a reasonable time prior to the meeting.
- C. Minutes/voting records.** The Board shall keep minutes of its meetings and proceedings which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and shall include a record of the final vote of each member, including any abstentions (and the reason therefor) or absences.
- (1) Within two weeks from the date of such meeting, the Secretary shall provide the members of the Board with copies of the proposed minutes and shall make copies of such minutes available to the public. The minutes made available to the public shall be clearly identified as "draft" and/or "unapproved." Upon approval of the minutes pursuant to subsections (2) and (3) of this section, the Secretary shall replace any "draft" or "unapproved" minutes available for public inspection with a copy marked "approved."
- (2) The Board shall consider draft and/or unapproved minutes for approval at the next regular Board meeting.
- (3) Any mistakes, errors or omissions noted by the Board shall be corrected by the Secretary and the revised minutes shall again be considered by the Board.
- (4) Within thirty (30) days after approval by the Board, the minutes shall be filed with the Clerk of the Legislature.
- (5) The Office of Consumer Affairs shall retain all tape recordings for one (1) year.
- D. Records.** The Board shall maintain a record of all licenses and registrations issued, suspended or revoked under the provisions of this chapter in accordance with Putnam County's records retention and disposition policy.
- E. Examinations and qualifications.** The Board shall prescribe the licensing examinations for assessing an applicant's knowledge and expertise in the field of electrical work. In addition to prescribing written examinations, the Board shall investigate the qualifications, fitness and employment history of any applicant requesting licensure pursuant to this chapter. The Board may require, as a condition of examination, that the applicant provide documentation and/or information relating to current or prior employment, qualifications and fitness, as set forth in § 145-9. [Amended 5-4-2010 by L.L. No. 9-2010]
- F. Licenses/registrations for master electrician, special electrician, low voltage/limited data communications technician, journeyman electrician and helper electrician.** Upon successful completion of the requisite examination(s) and upon the Board's

satisfaction of the applicant's qualifications for the license and/or registration sought, the Board shall grant and issue periodic licenses/registrations for master electrician, special electrician, low voltage/limited data communications technician, journeyman electrician and helper electrician. Licenses and registrations shall be signed by the Chairperson, or, in his/her absence, the Vice-Chairperson or the Director.

- G. **Complaints.** The Board shall have the power to hold hearings on charges of violations of this Code, to make formal findings of facts and to impose civil penalties and sanctions in accordance with the law. See § 145-22(C).
- H. **Subpoena power.** Pursuant to New York Civil Practice Law & Rules § 2302(a), the Board shall have the power to issue, and cause to be served, subpoenas for the production of books, records and documents and appearance of witnesses at any duly convened hearing of the Board.
- I. **Fees.** The Board shall have the power to collect fees or to cause fees to be collected for 1) the administration of examinations, 2) the issuance and/or renewal of licenses and/or registrations hereunder 3) application fees and 4) electrical inspection permit fees. Such fees shall be in accordance with fee schedules duly adopted by the Legislature.
- J. **Recommendations.** The Board shall make recommendations to the Legislature regarding any matter relating to the administration of this chapter, including proposed amendments thereto.
- K. **Suspension/revocation/civil penalties.** The Board shall have the power to suspend and/or revoke licenses and registrations issued hereunder and/or assess and impose civil penalties for cause as prescribed by the provisions of this chapter.
- L. **Experts/consultants.** Subject to legislative approval and appropriation of funds, the Board may hire experts and/or consultants and pay for their services as may be necessary and appropriate in the conduct of its business.
- M. **Oaths.** The Chairperson of the Board or his/her designee shall be empowered to administer oaths.

§ 145-8 License/registration required.

- A. **No person shall engage in, carry on or conduct the business or trade of master electrician, low voltage/limited data communications technician, special electrician, journeyman electrician, or helper electrician within the County of Putnam unless duly licensed or registered in accordance with the provisions of this chapter. Building renovations and demolitions that involve electrical work require a licensed electrical contractor for all electrical work.**
- B. **No person shall represent himself or herself to be, or hold himself or herself out to the public, or advertise as, or offer or contract to perform the work of a master electrician, low voltage/limited data communications technician, special electrician, journeyman electrician or helper electrician within the County of Putnam unless duly licensed/registered pursuant to this chapter.**

- C. Nothing contained in this chapter shall be construed to obviate the need for procuring any and all permits otherwise required by law for the performance of electrical work in the County of Putnam.
- D. The Putnam County Electrical Board works in cooperation with Putnam County municipalities to ensure that all electrical work has been inspected for safety and is in compliance with the current Code.

§ 145-9 Application and examination procedure.

[Amended 5-4-2010 by L.L. No. 9-2010]

- A. **Written application.** Written applications for licensure or registration as a master electrician, special electrician, low voltage/limited data communications technician, journeyman electrician or helper electrician shall be submitted to the Secretary of the Board on the form prescribed by the Board. At a minimum, each application shall set forth the applicant's name, residence address, business address, email address (if applicable), telephone numbers and trade names plus such additional information concerning his or her qualifications and history, including any criminal record, as the Board may request. Applicants shall include satisfactory evidence to demonstrate to the Board that they are competent electricians and qualified to perform electrical contracting, construction and/or installation work; have working knowledge of electricity, including the laws, properties and functions of electricity and electrical apparatus; practical working knowledge of the National Electric Code and all other applicable provisions of Ohm's Law pertaining to the installation, repair and maintenance of electrical wiring and apparatus. All applications shall be signed by the applicant, whose signature shall be notarized. Applications must be made in the name of the individual seeking licensure. If the applicant is an officer, owner or employee of an electrical contracting business, partnership or corporation, then the application shall set forth the names of all officers and owners thereof as of the date of application.
- B. **Proof of current and prior employment, qualifications and fitness for licensure.** All applicants must provide proof of experience by providing documentation and information relating to current and prior employment, qualifications, education and fitness for licensure. Proof of employment must include the name and address of the current/former employer, the length of time the applicant worked for the current/former employer and the type of work the applicant performed while working for the current/former employer. In addition, one or more of the following may be required for adequate proof of employment: (a) résumé, (b) a notarized letter from current/former employers itemizing residential and commercial experience, (c) work logs or (d) Social Security records.
- C. Upon receipt of a complete application, including the Application Fee, for license testing, the Secretary shall forward a copy of the same to the Chairperson of the Board.
- D. **Board review.** Upon receipt of an application to test for a license, the Board shall review such application to ascertain whether or not the applicant possesses the minimum qualifications necessary. At the discretion of the Chairperson, a committee of Board members could be convened to review and vote upon an individual's application before being sent to the full Board for final review and vote. Once an affirmative vote of a majority of the fixed Board has been made, the applicant shall be permitted to take the licensing examination.

E. Written examination.

- (4) Either the Board or an approved testing agency shall provide written examinations. Should the Board administer the examination, it shall be monitored by at least two members of the Board, who shall sign their names to all parts of the applicant's examination. The date, time and place of testing shall be determined by the Board or the approved testing agency. The Board shall provide applicants with written notice of testing dates. Results of every examination administered under the provisions of this chapter shall be kept on file in accordance with the Putnam County's document retention policies.**
- (5) Passing grade. Applicants must receive a grade of seventy-five percent (75%) or higher on the written examination to qualify for licensure. Applicants shall be notified of the results of their written examinations within thirty (30) business days after the date of the examination. Activation of licensure within one (1) year of passing the exam is required.**
- (6) If, during the three (3) years after application approval, the applicant wishes to re-test, a Re-Application Fee must be submitted for each re-test. (see Fee Schedule) The fee for the examination itself is separately determined and handled by the testing entity.**
- (7) If, after three (3) years from application approval, the applicant has not passed the examination, a new complete Application and Application Fee must be submitted to continue seeking licensure. (see Fee Schedule) The fee for the examination itself is separately determined and handled by the testing entity.**

F. Fees. The fees for applications, licensing, renewal and other fees provided for under the provisions of this chapter shall be proposed by the Board and set by resolution of the Legislature. All fees collected under the provisions of this chapter are nonrefundable.

G. Exceptions to testing requirements; for possible examination waiver, please see § 145-16 Reciprocity.

H. Child support obligations. Under New York State General Obligations Law section 3-503, all applicants for a license or renewal license must complete a New York State Department of Labor Form GO 1 "Appendix to a License Application" regarding the applicant's child support obligations.

§ 145-10 Licensing and registration.

- A. Initial issuance. Upon approval of an application, successful examination and payment of the appropriate licensing fee, the Board shall issue a license/registration to the approved applicant, together with indicia of licensure or registration evidencing the same (which shall remain the property of the County of Putnam). Licenses/registrations shall be issued to individuals only.**
- B. Licensing/registration fees. The amounts for licensing/registration and renewal fees shall be proposed by the Board and set by resolution of the Legislature. Such fee must be paid by the applicant prior to the issuance of a license/registration or renewal thereof by the Board. The fees for applications, licensing/registration, renewal and other fees provided for under the provisions of this chapter are nonrefundable.**

- C. All licenses/registrations shall be numbered in the order in which they are issued and shall contain such information as prescribed by the Board.**
- D. Licensing and registration term.**
- (1) Each master license and low voltage/limited data communications technician license issued hereunder shall expire on the next succeeding 31st day of December.**
 - (2) Each journeyman electrician license shall be issued for a two-year period expiring on the second succeeding 30th day of September and shall be issued upon the payment of a two-year fee. Thereafter, such journeyman electrician license shall expire on the 30th day of September of the licensed term.**
 - (3) All helper electrician registrations issued pursuant to the definition of "helper electrician" in § 145-4 of this chapter shall be issued upon payment of a two-year fee. Thereafter, each helper electrician registration card shall expire on the 30th day of September of the licensed term.**
- E. Continuing education. Beginning in the year 2019, all new and renewal licenses shall be subject to the applicant submitting proof of having completed a continuing education course that has been approved by the Board. Since this is a new requirement, the Office of Consumer Affairs will provide up-to-date details with all its written communications to applicants, on its posted office information and on its website that will allow ample time for the applicant to comply.**
- F. Renewals. Applications for renewal of a license/registration duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board on the form prescribed prior to the expiration date of the license/registration and shall be accompanied by the appropriate licensing/registration fee.**
- G. Late renewal. If application for renewal is not made within the time prescribed herein, the Board, in its sole discretion, may nevertheless renew the license/registration. In such event, before the Board may issue a renewal, the licensee/registrant must pay the appropriate late fee, as set by the Board and approved by the Legislature, in addition to the renewal licensing/registration fee.**
- H. Revocation of renewal privileges. Failure to renew a license issued under the provisions of this chapter within ninety (90) days after expiration thereof may result in the complete revocation of all renewal privileges hereunder. Any person desiring a license after such revocation of privileges may be required to reapply for licensure in accordance with the provisions of this chapter, including the payment of all applicable fees and successful reexamination.**
- I. Severance of business ties. Whenever a licensed master electrician representing an electrical contracting business, which operates under a trade, partnership or corporate name, severs his or her relationship with such business, it shall be the duty of the licensee and the business to notify the Board of such action within thirty (30) days from the date thereof. Failure to do so shall be deemed sufficient cause for 1) denying a new license, registration and/or renewal thereof to such person and 2) prohibiting the business to continue in the electrical contracting business.**

- J. Presentation on demand. All licensees and registrants shall be required to present evidence of licensure or registration, upon demand by the Director and/or the Compliance Enforcement Officer(s). Failure to do so shall constitute a violation of this chapter.**
- (1) All licensed master electricians shall require all workers in his/her employ to carry a Putnam County master, journeyman or helper electrician identification at all times while on the job site. A violation of this section shall subject the licensed or registered employee to a civil penalty as provided for in this chapter.**
- (2) Should a licensed or registered employee be charged with a violation of § 145-10J(1) for not carrying identification, the licensed or registered employee shall have two County business days from the date of receipt of an appearance ticket to produce the worker's identification to the Office of Consumer Affairs to avoid a civil penalty.**
- K. Military service exception. In the event a licensee/registrant is called to active duty in the United States military, his or her license shall be deemed "inactive status" during the period of such active duty. Upon return from active duty and presentation to the Secretary of the Board of proof of the dates of active duty, such license or registration shall be reactivated effective the day after the last date of active duty. Provided that active duty deployment was greater than thirty (30) days, the licensee/registrant will be credited for each day of active duty and the term of his/her license/registration shall be credited and all applicable fees will be prorated accordingly. This exception shall be retroactive to account for any deployment occurring after September 11, 2001.**

§ 145-10-a Hiring, supervision and responsibility.

[Amended 5-4-2010 by L.L. No. 9-2010]

- A. No person who is licensed pursuant to this chapter shall hire any person to perform services of a journeyman electrician in Putnam County unless such person has obtained a journeyman electrician license pursuant to the requirements of this chapter.**
- B. No person who is licensed pursuant to this chapter shall hire any person to perform services of a helper electrician in Putnam County unless such person has registered as a helper electrician under this chapter.**
- C. No person who is licensed as a journeyman electrician may perform work within Putnam County unless such work is performed under the employment and supervision of a licensed master electrician.**
- D. No person who is registered as a helper electrician may perform work within Putnam County unless such work is performed under the employment, direct supervision and control of a licensed master electrician or in the presence of a licensed journeyman.**
- E. A licensed master electrician shall respond to the Board's requests for specific employment information regarding the licensed journeymen and registered helper electricians employed by the licensed master electrician. The licensed master**

electrician must provide the specific information requested by the Board within the specified time frame of such request.

- F. A violation of this section shall subject such person to civil penalties as provided for in this chapter, except that a master electrician shall be solely responsible for any and all unregistered or unlicensed employees.
- G. This section shall not be construed to impose penalties upon an employee of an unlicensed electrician. Should an unlicensed electrician hire a journeyman electrician, helper electrician, or a civilian, the unlicensed electrician shall be penalized.

§ 145-10-b Suspension or revocation of license.

- A. The Board shall have the power to suspend or revoke any license/registration duly issued under the provisions of this chapter upon a showing, made in accordance with the rules and regulations of the Board and supported by substantial evidence, that:
 - (1) The licensee and/or registrant violated any provision of this chapter, the rules and regulations of the Board, or any other law, code, rule or ordinance pertaining to electrical trade, including, but not limited to, the National Electrical Code that relates to health and safety; or
 - (2) The licensee and/or registrant is unfit or incapable of performing or engaging in the trade for which he or she is licensed, as evidenced by substantiated complaints and/or charges filed against the licensee and/or registrant with the Board.
- B. Prior to taking action to suspend or revoke a license or registration, the Board shall provide notice and conduct a hearing in accordance with the procedures set forth in the provisions of this chapter.
- C. In the event the Board suspends or revokes a license or registration issued hereunder, it shall set forth in writing the reasons supporting such determination and provide a copy of the same to the licensee/registrant within 10 days after the close of the hearing provided for in § 145-22.
- D. In the event of suspension, said determination shall set forth the term of the suspension.
- E. In the event of revocation, the licensee/registrant shall not be eligible for re-licensing/re-registration for a period of one year after the date of the written determination of the Board, and only then after successful re-examination in accordance with the provisions of this chapter.

§ 145-11 Prohibited acts.

[Amended 5-4-2010 by L.L. No. 9-2010]

The following acts are strictly prohibited:

- A. Abandonment or failure to perform, without justification, any contract for electrical work or project engaged in or undertaken by the contractor.

- B. Making any material misrepresentation in the procurement of a contract for electrical work, or making any false promise likely to influence, persuade or induce.**
- C. Any fraud in the execution of or in the material alteration of a contract for electrical work, or making any false promise likely to influence, persuade or induce.**
- D. Any fraud in the execution of or in the material alteration of any contract, promissory note or other document incident to a contract for electrical work.**
- E. Making a false statement or providing false information in making an application for licensure or registration, including a renewal or duplicate.**
- F. Making a false statement or providing false information when responding to the Board's request for information regarding licensed journeymen electricians and registered helper electricians employed or formerly employed by the licensed master electrician.**
- G. Demanding or receiving any payments prior to the signing of a contract for electrical work.**
- H. Directly or indirectly publishing any advertisement relating to electrical work which contains an assertion, representation or statement of fact which is false, deceptive or misleading.**
- I. Violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.**
- J. Failure to notify the Board, in writing, of any change or control in ownership, management or business name or location.**
- K. Failure to adhere to any of the requirements as set forth in § 145-8 of this chapter.**
- L. Conducting an electrical business in any name other than the one in which the contractor is registered.**
- M. Failure to respond to the Board's request for information regarding the licensed journeymen electricians and registered helper electricians employed or formerly employed by the licensed master electrician.**
- N. Failure to comply with any order, demand or requirement made by the Director or Board pursuant to the various provisions of this chapter.**
- O. Failure to maintain the proper insurance, surety license and permit bond, as required by § 145-25 hereof.**
- P. Any fraud in recommending the installation, repair or replacement of any item the electrician knew or should have known was not required.**
- Q. Work which is not consistent with New York State building codes, local codes, reference standards or any other applicable codes.**

§ 145-12 Performance standards.

All electrical work performed within Putnam County for which a license is required under the provisions of this chapter shall be performed in conformity with all applicable laws, rules, regulations, standards and/or building codes relating to the installation, repair, extension and/or alteration of electrical work. In every case where no specific type or class of material and/or no specific standards are prescribed by law, conformity with the regulations and requirements contained in the current National Electric Code shall constitute prima facie evidence of conformity with approved standards for safety to life and property.

§ 145-13 Filing.

All electrical work performed in Putnam County must be filed for inspection with an electrical permit application with the Putnam County Office of Consumer Affairs prior to commencement of work. A violation of this section shall subject such person to civil penalties as provided for in this chapter. The only exception to this requirement is for any municipality within Putnam County that has opted out of the Inter-municipal Agreement with Putnam County for Residential and Commercial Electrical Inspections (IMA).

§ 145-14 Inspections.

The inspections made and the certificates of compliance issued by any Putnam County-approved electrical inspection agency or electrical inspector for any electrical installation within the County of Putnam shall be deemed by the Board as evidence of proper installation.

§ 145-15 Transferability.

- A. Upon receipt of the appropriate licensing fee, the holder of a valid special electrician license shall be permitted to transfer such license to a newly designated employer or location at no additional cost. In such event, a new special electrician license shall be issued by the Board designating the new employer and/or location. The newly issued license shall expire in accordance with the term of the originally issued special electrician license. The original special electrician license, and/or any copies, shall be surrendered to the Board at the time of application for transfer.
- B. No holder of a master electrician license, special electrician license, low voltage/limited data communications technician license, journeyman electrician license or helper electrician registration duly issued under the provisions of this chapter shall, directly or indirectly, authorize, consent to or permit the use of his or her license or registration by or on behalf of any other person or business entity. A violation of this section may be grounds for immediate revocation or suspension of license or registration in accordance with § 145-10-b of this chapter and shall subject such licensee to penalties as provided for in this chapter.
- C. In addition to its ordinary meaning, a license or registration shall be deemed to have been assigned or transferred within the meaning of this chapter if a licensee/registrant or the employer of a licensee/registrant is not actually engaged in the performance of electrical work and secures the performance of electrical work by another person.

§ 145-16 Reciprocity.

- A. The Board, with the approval of the County Executive, may waive the examination

requirements and issue a master electrician's license to any person holding an equivalent current and valid license issued by other political subdivisions of the State of New York outside of Putnam County, provided that, in the judgment of the Board, the qualifications for such licenses by such other political subdivisions are substantially similar to those required by or permitted pursuant to this chapter. Furthermore, such political subdivision shall similarly issue a license without examination to an individual with such qualifications licensed in Putnam County, as evidenced by local law and/or resolution by such political subdivision. Both Putnam County and the political subdivision shall file these reciprocity agreements with their respective County or Town Clerk. All other requirements for licensure provided for by this chapter remain applicable to such persons. Such persons are subject to all provisions of this chapter.

- B. Licenses and registrations issued pursuant to this section may be renewed in accordance with the provisions of this chapter.
- C. All persons holding a reciprocal license issued under this section shall be subject to the provisions of this chapter.

§ 145-17 Unlicensed electricians.

- A. No person who has not qualified for and obtained a license or registration issued under the provisions of this chapter shall represent himself or herself to the public, or engage in the work of, a licensed electrician, licensed journeyman electrician, or registered helper electrician in Putnam County.
- B. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter, except that a master electrician shall be solely responsible for any and all unregistered or unlicensed employees.

§ 145-18 Display and advertising.

- A. Each person issued a license or reciprocal license under this chapter will be issued a written certificate of license and a personal identification card, each of which will contain the holder's name, Putnam County license number, and the expiration date thereof.
- B. The personal identification card must be in the holder's possession at all times while on a job site, and available for inspection.
- C. Each master electrician issued a license under this chapter will also be issued a vehicle decal, which must be affixed prominently on all vehicles owned, leased or used by the license holder in the performance of his or her trade or business.
- D. All vehicles, which are owned, leased or used in the name of a business entity, the owners, principals and/or employees of which are subject to the provisions of this chapter, must prominently display the business name.
- E. All Putnam County vehicle decals must be removed prior to the sale of such vehicle.
- F. Failure to comply in any manner with the provisions of this section shall be a violation of this chapter and shall subject the licensee and/or holder to the sanctions provided for herein.

§ 145-19 Shelving of master electrician and low voltage/limited data technician license. Upon written request by the master electrician or low voltage/limited data technician, a license may be shelved, subject to the following:

- A. Proof that any open electrical permit applications have been closed.**
- B. The granting of a request for shelved status shall not be deemed or otherwise considered a suspension of license.**
- C. Shelved status may be granted for a period of one year.**
- D. The period of shelved status shall commence upon expiration of the current year.**
- E. On or before December 31st of each year of shelved status, the licensee must submit a Shelving Affidavit.**
- F. A fee shall be assessed against the licensee during any period of approved shelved status.**
- G. Licensees can shelve in consecutive years for a maximum of five (5) years without Board approval. If the licensee wishes to extend shelving beyond five (5) years, the licensee must come before the Board to reapply for shelving and to provide a reason for continued shelving.**
- H. A licensee granted shelved status must complete, prior to renewal, any applicable continuing education that may be required during the period of time the license is shelved.**
- I. Upon reactivation, the licensee shall be required to complete a renewal application and pay the appropriate annual licensing fee regardless of the time remaining in the calendar year.**
- J. Any licensee of a shelved license found working in Putnam County shall be deemed unlicensed. He/she shall be subject to fines and penalties as provided for in this chapter.**

§ 145-19-a Shelving of license for electricians exclusively employed by a municipality.

- A. For purposes of this section, a licensed master electrician, as defined in this chapter, shall be eligible to shelve his/her license while he/she is exclusively employed by:
 - (1) Putnam County government;**
 - (2) A Putnam County town or village government; or**
 - (3) A school district within Putnam County.****
- B. The request for shelved status hereunder shall be made annually by submitting the Shelving Affidavit and paying the required Shelving Fee. Upon shelving the licensee shall surrender his/her license and remove decals from his/her vehicle(s), prior to activation of such shelving status. In no way shall approval of shelved status hereunder be deemed a suspension under § 145-10-b above.**

- C. A fee shall be assessed against the licensee during any period of approved shelving. If a licensee activates his/her license at any time during the calendar year, he/she will be responsible for the full year's fee. Fees will not be prorated.

§ 145-20 Regulation of business.

- A. Licenses may not be issued in the name of a corporate or business entity. In the case of a corporation, partnership, limited partnership or joint venture, the individual(s) who is responsible for the performance of work covered by this chapter on behalf of such corporation, partnership, limited partnership or joint venture, whether he/she is an employee, officer, owner, or shareholder of the same, must be individually licensed in accordance with the provisions of this chapter.
- B. Such licensed master electrician shall be solely responsible for the proper supervision and layout of any electrical work performed in the name of such business entity. Anyone performing work under such licensed master electrician must be a licensed journeyman electrician or a registered helper electrician.
- C. All such corporations, partnerships, limited partnerships or joint ventures must submit to the Board a certified copy of the applicable business certification as is on file with the Clerk of the County where such business entity maintains its principal place of business.
- D. Whenever a licensee who represents or is employed by an electrical business entity severs his or her relationship or employment with such business entity, it shall be the responsibility of such person and the business entity to provide the Board with written notice of such action within 30 days after such separation. In such event, such business entity shall provide the Board with proof that another duly licensed person is performing the actual work of the business. The failure of the licensee or the business entity to provide such notice and/or proof shall be deemed sufficient cause to deny issuance of a new license.

§ 145-21 Compliance Enforcement Officer.

- A. There shall be a Compliance Enforcement Officer(s) who shall report directly to the Director.
- B. Powers and duties. The Compliance Enforcement Officer shall have the following powers and duties:
 - (1) Investigations. Upon receipt of a complaint by any person alleging a violation of this chapter, or on his or her own initiative based on personal knowledge of a suspected violation, the Compliance Enforcement Officer may conduct any independent investigation necessary to carry out the provisions of this chapter. Pursuant to this power, the Compliance Enforcement Officer may:
 - (a) Appearance tickets: issue appearance tickets to alleged violators to compel their appearance before the Board. Such appearance tickets shall be in a form prescribed by the Board and shall contain the information as provided for in § 145-22 below.
 - (b) Subpoenas. The Compliance Enforcement Officer may make recommendations to the Board to subpoena the appearance of witnesses to a duly-held hearing and/or to

compel the production of any books, records or documents that he or she may deem material and relevant for the proper prosecution of a violation.

- (2) **Prosecutions.** The Compliance Enforcement Officer shall be charged with the duty of presenting material and relevant evidence of alleged violation(s) of this chapter at a hearing duly convened by the Board in accordance with § 145-22 of this chapter. The Compliance Enforcement Officer shall designate an alternate to make the presentation to the Board in his/her absence. Such designated alternate shall not be a currently serving member of the Board.

§ 145-22 Enforcement.

- A. **Suspension, revocation and civil fines.** Following a hearing as provided for herein, the Board shall have the power to revoke or suspend, for such period as the Board may deem appropriate, any license or registration issued under the provisions of this chapter, and/or assess and impose civil fines or penalties as provided for herein, provided that a majority of the Board is satisfied by substantial evidence that the person or the holder of such license or registration has violated a provision of this chapter or the rules and regulations of the Board.
- B. **Procedure for suspension, revocation and/or imposition of civil fines.**
 - (1) **Notice of charges.** Prior to revocation or suspension of a license or registration and/or the assessment of any civil penalties as provided for herein, the holder thereof shall receive in writing, a notice of charges that includes an appearance ticket and all of the particulars of the alleged violation. Such notice shall be sent to the alleged violator by the Compliance Enforcement Officer via registered or certified mail with return receipt requested in addition to regular first-class mail to the address provided and shall contain the following information:
 - (a) The name and address of the alleged violator;
 - (b) The specific section(s) of this chapter alleged to have been violated;
 - (c) A statement of the facts and circumstances supporting the charge(s) that includes the date and location of the violation;
 - (d) The date, time and place where the alleged violator is summoned to appear before the Board for a hearing on the alleged violation;
 - (e) A statement advising the alleged violator that any answer to the charges must be filed with the Board within fifteen (15) days of his or her receipt thereof, as evidenced by the returned receipt of mailing or evidence of mail delivery recovered from the U.S. Postal Service website;
 - (f) A statement of the possible penalties to be imposed in the event the charges are proven to the Board by substantial evidence;
 - (g) A statement advising the alleged violator that a default judgment will be entered against him or her in the event he or she fails to appear as directed;

(h) A statement advising the alleged violator that he or she could waive his or her right to a hearing and plead guilty to the charges via mail or in person at the Office of Consumer Affairs;

(i) A statement advising the alleged violator that he or she has the right:

[1] To be represented by legal counsel (at his or her own expense); and

[2] To testify, call witnesses and/or present evidence in his or her defense at the hearing; and

[3] To request an adjournment for good cause. See “Adjournments” below.

(2) Hearing.

(a) Timing. The hearing on any alleged violation of this chapter shall be held before the Board within one hundred (100) days of the date of the written notice provided for in Subsection B(1).

(b) Adjournments. Any requests for an adjournment must be made in writing and may be granted at the sole discretion of the Board. Any granted adjournment shall nullify the one hundred (100) day period of § 145-22(B)(2)(a).

(c) Record. A stenographic or audio recording of the hearing shall be made by the Board.

(d) Rules of evidence. Compliance with the technical rules of evidence shall not be required, but all evidence presented must be material and relevant as determined by the presiding officer.

(e) Presiding officer. The hearing shall be conducted by the Board and shall be presided over by the Chairperson of the Board or, in his or her absence, the Vice Chairperson or another Board member designated by the Chairperson or Vice Chairperson.

(f) Presentation of evidence in support of the charges. Evidence of the alleged violation shall be presented to the Board by the issuing Compliance Enforcement Officer, or his/her designee, who shall be subject to questioning/cross-examination by the alleged violator or his or her legal representative.

(g) Burden of proof. The charges contained in the notice shall be proven by substantial evidence.

(h) Findings of fact and decision. Within thirty (30) days from the submission of all evidence and the close of the hearing, the Board shall issue a written decision on the charges, setting forth therein:

[1] Its findings of fact as determined by the evidence presented at the hearing;

[2] Its decision regarding the alleged violator's guilt or innocence of the charges set forth in the notice of charges;

[3] A statement of the reasons supporting its decision;

- [4] The penalty, if any, to be imposed, including any relevant effective date(s) or period(s) of duration as determined by the Board; and
- [5] A statement regarding the right to challenge the Board's decision pursuant to Article 78 of the New York Civil Practice Law and Rules.
- (i) Notice of decision. The Board shall immediately cause a written copy of its findings of fact and decision to be delivered to the alleged violator via registered or certified mail with a return receipt requested.
- (j) Judicial review. The decision of the Board shall be subject to judicial review in accordance with Article 78 of the New York Civil Practice Law and Rules.
- C. Permissible penalties. The Board, following a determination that the charges have been proven by substantial evidence, may impose the following penalties:
- (1) Issuance of an official reprimand and warning letter, a copy of which shall be retained by the Board and considered in connection with future applications for licensure and/or renewal;
- (2) Imposition of a civil penalty in an amount authorized by resolution of the Putnam County Legislature, but not to exceed \$5,000 for each violation of this chapter;
- (3) Revocation/suspension. The Board, in its judgment as to the seriousness of the charges, may suspend or revoke the electrical license or registration of any electrical license or registration holder who, at a duly called hearing, has been found guilty by substantial evidence. Additionally, the Board may suspend or revoke an electrical license or registration if the electrical license or registration holder has been convicted of a crime by a court of competent jurisdiction where there is a direct relationship between the crime and the specific license/registration sought; or if the issuance and/or holding of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or to the general public.
- D. Litigation costs. In the event the County is required to institute legal proceedings to collect any portion of a fine or penalty imposed under this chapter, the County shall be entitled to recover from the licensee/certificate holder/applicant any and all associated costs thereof, including attorney's fees and interest on any unpaid fine or penalty calculated at the statutory rate.

§ 145-23 Criminal penalties.

The Board may refer any matter that it suspects may constitute a criminal offense to the Putnam County Sheriff's Office or to other appropriate law enforcement authority for further review..

- A. In addition to any civil penalties that may be imposed pursuant to § 145-26 of this chapter, it shall be a Class A misdemeanor, as defined in New York State Penal Law, punishable by a term of imprisonment not exceeding one year and a fine not exceeding \$1,000, to directly or indirectly engage in or work at the business of master electrician or limited master electrician, as provided for herein, in the County of Putnam without the applicable license or registration or while his or her license or registration is suspended or revoked.

- B. This section shall be enforced by the Putnam County Sheriff's Department. Arrests made pursuant to this section shall be made by a police officer or a peace officer acting under his or her special duties.**

§ 145-24 Immunity.

Nothing set forth in this chapter shall subject the County of Putnam, its officers, agents or employees, including the Board and the Compliance Enforcement Officer, to any liability for damages arising out of or related to the conduct of any person licensed by the County of Putnam.

§ 145-25 Insurance and bonding.

[Amended 12-2-2014 by L.L. No. 12-2014]

- A. Prior to the issuance of any license, registration, permit or renewal thereof, the applicant must provide the Board with the following proofs of insurance and bonding information, as follows:**
- (1) A license and permit bond in the amount of \$25,000 (twenty-five thousand dollars);**
 - (2) Workers' compensation insurance for all employees or, if applicable, completion of Form CE 200 No Employee Affidavit; and**
 - (3) General liability insurance of at least \$1,000,000 (one million dollars) per occurrence and \$2,000,000 (two million dollars) in the aggregate;**
- B. All insurance policies shall contain a provision of continued liability and name Putnam County as an additional insured and certificate holder.**
- C. All bonds shall contain a provision identifying Putnam County as an obligee. Notwithstanding the foregoing, any payment issued on behalf of a claim for an aggrieved individual or company, shall be paid directly to said individual or company by the bond company.**

§ 145-26 Provisions not subject to waiver.

The provisions of this chapter are intended for the protection of an owner and shall not be subject to waiver by an owner in an electrical work contract otherwise.

§ 145-27 Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Putnam hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

§ 145-28 Repealer.

All ordinances, local laws and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued or acquired, or penalty, charge, liability, forfeiture or punishment incurred or owing prior to the time such repeal takes effect, but the same may be

enjoyed, asserted, collected, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Putnam local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

Section 2:

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

**AUDIT & ADMINISTRATION COMMITTEE
(Chairman Castellano, Legislator Jonke & Sullivan)**

Item #6t – Approval/Fund Transfer (17T162)/Sheriff’s Department/Overtime/Temporary /Correction Officer Vacancies was next. Chairwoman Nacerino recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Jonke and Sullivan, Legislator Castellano moved the following:

RESOLUTION #196

APPROVAL/FUND TRANSFER /SHERIFF’S DEPARTMENT/OVERTIME/TEMPORARY /CORRECTION OFFICER VACANCIES

WHEREAS, the Sheriff’s Department has requested a fund transfer (17T162) to cover Overtime & Temporary costs due to Correction Officer vacancies; and

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

RESOLVED, that the following fund transfer be made:

Decrease:

10315000 51000		
(10104)	Personnel Line	19,026
(10117)	Personnel Line	6,543
(10128)	Personnel Line	18,955
(10145)	Personnel Line	<u>2,140</u>
		46,664

Increase:

10315000 51093	Overtime	26,664
10315000 51094	Temporary	<u>20,000</u>
		46,664

**2017 Fiscal Impact – 0 –
2018 Fiscal Impact – 0 –**

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6u – Approval/Fund Transfer (17T164)/Sheriff’s Department/Overtime was next. On behalf of the members of the Audit & Administration Committee, Legislators Jonke and Sullivan, Legislator Castellano moved the following:

RESOLUTION #197

APPROVAL/FUND TRANSFER /SHERIFF’S DEPARTMENT/OVERTIME

WHEREAS, the Sheriff’s Department has requested a fund transfer (17T164) to cover Overtime costs due to Correction Officer vacancies; and

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

RESOLVED, that the following fund transfer be made:

Decrease:

10315000 51000		
(10104)	Personnel Line	4,045
(10128)	Personnel Line	4,045
(10132)	Personnel Line	1,815
(10158)	Personnel Line	<u>1,719</u>
		11,624

Increase:

10315000 51093	Overtime	11,624
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2017 Fiscal Impact – 0 –

2018 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #6v – Approval/Fund Transfer (17T165)/Sheriff’s Department/Jail Medical Contracts was next. On behalf of the members of the Audit & Administration Committee, Legislators Jonke and Sullivan, Legislator Castellano moved the following:

RESOLUTION #198

APPROVAL/FUND TRANSFER /SHERIFF’S DEPARTMENT/JAIL MEDICAL CONTRACTS

WHEREAS, the Sheriff’s Department has requested a fund transfer (17T165) to cover the cost of pay increase in Jail Medical Contract; and

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

RESOLVED, that the following fund transfer be made:

Decrease:

10315000 54580	Jail Board Out	35,486
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Increase:
10008000 54646

Jail Medical Contracts

35,486

2017 Fiscal Impact – 0 –

2018 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

Item #7 – Other Business

There was no other business submitted to the meeting.

Item #8 – Recognition of Public

There were no members of the public that wished to be recognized.

Item #9 – Recognition of Legislators

Legislator Gouldman stated that schools have opened throughout Putnam County. He wished a successful year ahead to all the students. He also reminded everyone to drive safely on the roads.

Legislator Sullivan stated that today Senator Murphy held a press conference for the victims of Hurricane Harvey in Houston, Texas. He stated that in the lobby of the County Office Building and the Town of Carmel, in conjunction with Westchester County, there will be a box where individuals can donate items for these victims. He stated that there intent is fill and 18 wheeler and bring these supplies to Houston, Texas.

Chairwoman Nacerino wished all students a wonderful year ahead. She stated that we all know where we were on September 11th. She stated, “let us never forget, and always to remember”.

There being no further business, at 7:26 P.M., Chairwoman Nacerino made a motion to adjourn; seconded by Legislator Albano. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.