

**SPECIAL MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
CALLED BY THE CLERK AT THE REQUEST OF THE CHAIRWOMAN
& AT LEAST FOUR MEMBERS OF THE LEGISLATURE
TO BE HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Wednesday September 14, 2016
(Immediately following Personnel & Health Mtgs. beginning @ 6:00 P.M.)

The meeting was called to order at 8:15 P.M. by Chairwoman Nacerino who requested that Legislator LoBue lead in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Gouldman, Addonizio, Albano, Gross, Castellano, LoBue, Wright and Chairwoman Nacerino were present. Also present was Legislative Counsel Van Ross.

Item #4 - Approval/Revised-Lease Agreement / Senior Center / Butterfield Realty LLC / 6,000 Square Feet of Space @ The Lahey Pavilion/ Amend Resolution #171 of 2016 was next. (Revision not accepted as Additional at Full Mtg 9/06/16 and is being considered at Physical Mtg 9/12/16)

Chairwoman Nacerino made a motion to accept the additional change; seconded by Legislator Castellano.

Legislator Wright stated that he objected to the additional material. He stated that he didn't understand how this meeting could be called. He stated that it is his understanding that you cannot call a special meeting to consider something that will take place in the future. It must be to consider that which is set forth and described in particularity in the notice of the special meeting. He stated that the special meeting was called last week at a time when the Physical Services Committee hadn't met and certainly at a time when the last revision came in on September 13, 2016 from First Deputy County Attorney Andrew Negro.

Chairwoman Nacerino explained that the Village of Cold Spring Planning Board precipitated the need for the change and not the County.

Legislator Albano explained that at the Physical Services Committee meeting on September 12, 2016 the Committee requested the amendment based on the input received from the Planning Board. He requested clarification from Legislative County Van Ross.

Legislative Counsel Van Ross stated that it is difficult to clarify. There is a 48 hour notice required for Legislators. If the Physical meeting was on the 12th and we are meeting now on the 14th, he believed it was difficult to see where the 48 hours is met.

Legislator Scuccimarra clarified that she contacted the Clerk of the Legislature to see if there was enough time to call a special meeting.

Clerk of the Legislature, Diane Schonfeld said, "yes."

Legislator LoBue clarified that the issue pertains to the additional material.

Legislator Wright stated that his point is that you can't have a special meeting without a subject matter for it which contains the proposed resolution. He stated that at the time the meeting was called there was no documentation for the proposed resolution.

Chairwoman Nacerino stated that from her perspective it is 48 hours; it has been two (2) days. She stated that the amended lease was approved at the Physical Services Committee. Due to the Planning Board's request it necessitated adding, "and any extensions and/or renewals thereof."

Legislator Albano stated that First Deputy County Attorney Andrew Negro pointed out at the Physical meeting that the language in the lease addressed the issue; however as a courtesy we added the additional language based on a question raised by a Planning Board member.

Legislator LoBue explained that there was correspondence from the Planning Board Chairman stating that there was no vote taken at their meeting on the language change and not all the members were present. She believed that we were pushing this to move it forward and she questioned why we even needed a special meeting when in two (2) weeks we will be having a Full Legislative meeting. She questioned at the Physical meeting if this was the final revision to the lease and First Deputy County Attorney Negro stated he believed that it was. She believed that the developer was driving this whole project. There have been changes taking place since last November of 2015 with many revisions. She believed that the Legislature looked foolish because of the process that is being allowed to take place.

Chairwoman Nacerino respectfully disagreed. She believed that the revisions that have taken place have been a concerted effort for both sides to come to a mutual agreement on the verbiage. She believed that this latest change requested did not have an impact on the content; it just provides more clarity to what is acceptable to the Planning Board. She believed that when we speak to process, all we keep doing is delaying by our own accord. She believed it was counterproductive. She questioned Legislative Counsel on how to proceed with the 48 hour rule.

Legislative Counsel Van Ross believed that the email from the Law Department dated September 13, 2016 was not within the 48 hours. The backup given to the Legislature did not include the last change. The memorandum of September 13, 2016 has the change which is the additional being presented tonight and in his opinion would require a unanimous approval.

Chairwoman Nacerino stated that is correct and she could not argue with that; however, she believed it was counterproductive to the work that we are trying to get done.

Legislator Gross stated that we are talking about the process. He stated that we can wait two (2) weeks.

Legislator Scuccimarra stated that it was very upsetting to her that this was being stalled again. She stated that she attended the Planning Board meeting last Thursday, they had

a quorum and voted yes on this. However, they questioned if they could run it by two (2) other Board members not in attendance and we obliged.

Chairwoman Nacerino believed that Legislative Counsel Van Ross should have advised the Legislature prior to this meeting and not at the eleventh hour.

Legislator LoBue stated that the County Attorney knows that.

Legislator Albano stated that he wished Legislative Counsel Van Ross had advised the Legislature of this because he believed that we were wasting a lot of time. He believed the language was clear, unfortunately people just want to keep putting this off. He stated that Legislator Wright was wasting a lot of their time. He stated that we can talk about procedure, but we are kidding ourselves. He believed that it was just spite. He stated that if there is no problem with the language, and obviously there's not, we are playing games and wasting his time.

Legislator Wright stated that he was sorry if Legislator Albano felt he was wasting his time. However, he would like procedure done right. The precedence that the Legislature sets for itself is for the ages. He stated that there is also talk about throwing out Rule 24. He explained that he is very concerned with this lease and does not believe it is a good deal for Putnam County. He stated that he asks that we follow the rules of the Putnam County Legislature. He questioned the necessity of scheduling a special meeting two (2) weeks before the Full Legislative meeting.

Chairwoman Nacerino stated that the meeting was called to offer resolve because we were derailed at the Full meeting for the minor clarities inserted that did not change the context of the lease.

Legislator LoBue stated that this issue is not exclusive to this lease. This issue has been going on since 2012 where there has been an abuse of the seven (7) day rule and additional material. She stated that the reason it was objected to at the September 6th Full meeting was because we were handed an amendment that was received in the Legislative office that day. She stated that a special meeting should not have been scheduled; it should have gone directly to the Full Legislative meeting.

Chairwoman Nacerino stated that the additional material handed out on September 6th had nothing to do with our fiduciary responsibility because it did not have any fiscal impact. It was speaking to clarity in the language at the request of the Planning Board which was beyond our control. She stated that Legislator LoBue was right in speaking that this is not exclusive to this particular agenda or this particular issue. She stated that we get additional material and again she reminds every Committee Chair that it is up to the Chair to accept the material or not.

Legislator Wright stated that he knows that the language change in the lease will pass in two (2) weeks, therefore he stated that he would withdraw his objection. However, you cannot change Rule 24.

Legislator Albano believed that we needed to work as a team. He stated that if you look at what is in front of us and you understand it, he believed that you could vote against it if you don't like it, but why not get the job done.

Legislator LoBue stated that she keeps on hearing that there is no fiscal impact, however, she believed that there was a fiscal impact as it would require 100% busing for the seniors and there are no figures on this.

Chairwoman Nacerino clarified that there was no fiscal impact on the amended language being entertained.

Legislator Albano stated that the busing language has already been approved by the Legislature. The amended language only refers to future leases and it clarifies what one (1) Planning Board member has a concern with.

Chairwoman Nacerino made a motion to accept the additional material; seconded by Legislator Castellano.

Legislator Wright stated that the timing rules of the Legislature are there to provide sufficient notice and opportunity for the Legislature to conduct orderly business. However, they also provide for the protection of the body politic from its government and therein lies the rub when you take liberty with the timing of these things. He believed that it looks even more suspicious because a special meeting is called two (2) weeks before the regular Full Legislative meeting when it could have been dealt with in the appropriate order.

BY ROLL CALL VOTE: Eight Ayes. One Nay – Legislator LoBue. Motion Fails.

Ann Fanizzi, Town of Carmel Resident, questioned what was being voted on.

Chairwoman Nacerino explained that the language on the lease was amended, however, they needed a unanimous vote to accept the amendment.

Kelly House, Village of Nelsonville Resident, stated that she currently teaches Pilates and Zumba to the paying general public. She stated that she has also been teaching Zumba to the seniors since 2013 in a program that is offered by the Town of Philipstown recreation center which was implemented by Richard Shea and Nancy Montgomery. She stated that the classes are free to the seniors and she is paid by the Town of Philipstown. She spoke about the floor plan space at the Butterfield Senior Center which is allotted for exercise. She explained that it appears that this 1,000 square foot area can be divided into three (3) sections; one (1) 500 square foot section and two (2) 250 square foot sections. She explained in detail the amount different types of exercise programs and the amount of people that could be accommodated in a space of 250 square feet or 500 square feet. She believed that a minimal amount of space has been allotted for exercise and believed that the seniors should be aware that there may not be as much space as they are expecting for the activities they are looking forward to.

Legislator Scuccimarra proposed accepting the language in the resolution which was discussed at the Physical meeting, which is the resolution before us, without the proposed change.

Chairwoman Nacerino moved the following:

RESOLUTION #187

APPROVAL/REVISED-LEASE AGREEMENT / SENIOR CENTER / BUTTERFIELD REALTY LLC / 6,000 SQUARE FEET OF SPACE @ THE LAHEY PAVILION/ AMEND RESOLUTION #171 OF 2016

WHEREAS, pursuant to Resolution # 240 of 2015, the Putnam County Legislature approved a Lease Agreement, in the form attached thereto, between Butterfield Realty LLC and the County of Putnam for 6,000 square feet of space at The Lahey Pavilion, located at 1756 Route 9D, Cold Spring, New York; and

WHEREAS, the leased premises will be the future location of a new and expanded senior center facility serving the senior population in the Town of Philipstown and the surrounding areas within the County; and

WHEREAS, prior to its execution, the terms and conditions of said Lease Agreement were modified by the parties, and a revised Lease Agreement was approved by the Putnam County Legislature pursuant to Resolution # 107 of 2016; and

WHEREAS, the terms and conditions of said Lease Agreement were again modified by the parties, and a further revised Lease Agreement was approved by the Putnam County Legislature pursuant to Resolution # 171 of 2016; and

WHEREAS, the County and Butterfield Realty LLC have since agreed to further modify the proposed terms of the Lease Agreement which was approved pursuant to Resolution # 171 of 2016; and

WHEREAS, said Lease Agreement has been further revised to, among other things, provide language satisfactory to the Village of Cold Spring Planning Board, which requires that the County, by and through its Office for Senior Resources, shall make available and provide transportation services to the senior constituency who will utilize and attend said senior center facility; and

WHEREAS, the Putnam County Legislature has reviewed the revisions to the proposed Lease Agreement between Butterfield Realty LLC and the County of Putnam and agrees with same; now therefore be it

RESOLVED, that the Putnam County Legislature approves the further revisions to the Lease Agreement between Butterfield Realty LLC and the County of Putnam for 6,000 square feet of space at The Lahey Pavilion, located 1756 Route 9D, Cold Spring, New York, which are reflected in the instrument attached hereto as Exhibit "A", and be it further

RESOLVED, that pursuant to Local Law No. 5 of 2016 and this resolution, the County Executive is authorized, with the advice and the assistance of the County Attorney, to execute said Lease Agreement, which shall be in the form and content attached hereto as Exhibit "A".

BY ROLL CALL VOTE: SIX AYES. THREE NAYS – LEGISLATORS GROSS, LOBUE & WRIGHT. MOTION CARRIES.

There being no further business, at 8:55 P.M., Chairwoman Nacerino made a motion to adjourn; seconded by Legislator LoBue. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.