

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

Tuesday

July 2, 2019

7:00 P.M.

The meeting was called to order at 7:01 P.M. by Chairman Castellano. He stated that Friday, June 14, 2019 was a tragic day in Putnam County when we lost a giant figure, the Honorable Judge James F. Reitz. He stated that Judge Reitz was a lifelong resident of Putnam County and graduate from Carmel High School. After a successful career as an attorney, he was elected to serve as Carmel Town Judge and later elected as Putnam County Court Judge. He was both an ally and advocate for Putnam County and brought great compassion and the belief in second chances to his court room. Through this belief he pioneered his very own Drug Treatment Court program for Putnam County which gives an innovative way for participants to get a second chance in life with alternative paths through our judicial system. He explained how Judge Reitz left quite an impact on all in Putnam County and he will be greatly missed. Chairman Castellano asked for a moment of silence on behalf of Judge Reitz.

Chairman Castellano requested that Legislator Sullivan lead in the Pledge of Allegiance and Legislator Nacerino in the Legislative Prayer. Upon roll call, Legislators Montgomery, Gouldman, Addonizio, Nacerino, Jonke, Sayegh, Sullivan and Chairman Castellano were present. Legislator Albano was absent. Also present was Legislative Counsel Firriolo.

PROCLAMATIONS

Chairman Castellano recognized Legislator Addonizio who presented the "Putnam County 4-H Fair Week" proclamation to Ms. Stefanie Hubert, Executive Director of Cornell Cooperative Extension and 4-H Fair volunteer members.

DESIGNATING JULY 22- JULY 28, 2019 AS "PUTNAM COUNTY 4-H FAIR WEEK"

WHEREAS, the Putnam 4-H Fair, sponsored by Cornell Cooperative Extension of Putnam County is celebrating its 48th year; and

WHEREAS, the Putnam County 4-H Fair showcases for the many interests and accomplishments of Putnam's children, adults, and programs; and continues to grow as an educational, cultural, and fun event that provides a wholesome experience for families from Putnam and the surrounding region; and

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

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

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

WHEREAS, the Putnam County 4-H Fair delights fairgoers throughout the weekend with activities at the Discover Putnam Tent including a Business Showcase, Touch A Truck, Creative Corners, and Games Tents, Livestock Pavilion, Rabbit and Poultry Barn, Country Living Auction and more; now therefore be it

RESOLVED, that the week of July 22nd - July 28th 2019 will be designated “Putnam County 4H Fair Week”; and be it further

RESOLVED, that the Putnam County Executive and the Putnam County Legislature recognize and congratulate the 48th Annual 4-H Fair and invite all Putnam County residents to attend.

Chairman Castellano recognized Legislator Sayegh who presented the “Pretrial, Probation, Parole Supervision Week” proclamation to Gene Funicelli, Director of Putnam County Probation.

PRETRIAL, PROBATION, PAROLE SUPERVISION WEEK - JULY 21-27, 2019

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

WHEREAS, community corrections professionals uphold the law with dignity, while recognizing the right of the public to be safe-guarded from criminal activity; and

WHEREAS, community corrections professionals are responsible for supervising adult and juvenile offenders in the community; and

WHEREAS, community corrections professionals are trained professionals who provide services and referrals for offenders; and

WHEREAS, community corrections professionals work in partnership with community agencies and groups; and

WHEREAS, community corrections professionals promote prevention, intervention, and advocacy; and

WHEREAS, community corrections professionals provide services, support, and protection for victims; and

WHEREAS, community corrections professionals advocate community and restorative justice; and

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

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim the week of July 21-27, 2019 as Pretrial, Probation, Parole Supervision Week and encourage all Putnam County residents to honor these community corrections professionals and to recognize their achievements.

Item #4 – Approval of Minutes – Regular Meeting – May 7, 2019

Regular Meeting – June 4, 2019

Budget & Finance Mtg – June 4, 2019

The minutes were approved as submitted.

Item #5 – Correspondence

a) County Auditor

There was no activity during this reporting period.

Item #6 – Pre-filed resolutions:

**BUDGET & FINANCE COMMITTEE
(All Legislators)**

Item #6a – Approval/2020 Decentralized Budget Review Process for Preparation and Adoption of the 2020 County Budget was next. Chairman Castellano moved the following:

RESOLUTION #137

APPROVAL/ 2020 DECENTRALIZED BUDGET REVIEW PROCESS

WHEREAS, the Budget and Finance Committee has reviewed and recommended the adoption of the attached Decentralized Budget Review Process for implementation in 2019 for the 2020 budget; now therefore be it

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

RESOLVED, that pursuant to Putnam County Charter Section 7.04 the Putnam County Legislature hereby adopts and notifies the County Executive of the policy and practice guidelines contained in Section E of this Decentralized Budget Review Process/2020 to be complied with by the County Executive.

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

**PERSONNEL COMMITTEE
(Chairwoman Nacerino, Legislators Jonke & Montgomery)**

Item #6b – Approval/ Commissioner of Planning/ Classification of New Position/ Confidential Secretary was next. Chairman Castellano recognized Legislator Nacerino, Chairwoman of the Personnel Committee. On behalf of the members of the Committee, Legislators Jonke and Montgomery, Legislator Nacerino moved the following:

Legislator Montgomery explained the County Executive’s call at the beginning of the year on no new hires. She understands that this item falls in a no fiscal impact category and she is in favor of more support for the Planning Department, especially with Climate Smart Communities now. She explained that recently the Sheriff’s Department was denied the classification of a new Sergeant. She wanted to understand what the difference was.

Legislator Nacerino stated, as discussed in Committee, this salary is being funded through grant monies; not taxpayer funds.

Legislator Montgomery stated that she did not believe there was a new salary attached to the Sheriff’s Department hire of a new Sergeant. It was re-categorizing an existing position; with no fiscal impact.

Legislator Nacerino stated that she would like to move forward with this item as proposed.

Legislator Montgomery explained that she just wanted to point out that we did deny an important position for the Sheriff's Department based on the Executive's rule at the end of last year.

Chairman Castellano called for a Roll Call Vote.

RESOLUTION #138

**APPROVAL/ COMMISSIONER OF PLANNING/ CLASSIFICATION OF NEW POSITION/
CONFIDENTIAL SECRETARY**

WHEREAS, the Commissioner of Planning has submitted a request to classify a new position of Confidential Secretary in the Planning Department; and

WHEREAS, the Commissioner of Planning has submitted the necessary forms to allow the Personnel Department to classify this new position of Confidential Secretary as requested; and

WHEREAS, the Personnel Committee has reviewed and approved this proposal; now therefore be it

RESOLVED, that the Putnam County Legislature hereby approves and authorizes the classification of a new position of Confidential Secretary in the Planning Department.

BY ROLL CALL VOTE: ALL AYES. LEGISLATOR ALBANO WAS ABSENT. MOTION CARRIES.

Item #6c – Approval/ Budgetary Amendment (19A036)/Commissioner of Planning/ Hire Confidential Salary was next. On behalf of the members of the Personnel Committee, Legislator Jonke and Montgomery, Legislator Nacerino moved the following:

RESOLUTION #139

**APPROVAL/ BUDGETARY AMENDMENT /COMMISSIONER OF PLANNING/ HIRE
CONFIDENTIAL SALARY**

WHEREAS, the Planning Department was awarded an additional \$50,000 in operational funding for managing the tasks in its Unified Planning Work Program (UPWP); and

WHEREAS, funding through the UPWP has been given to the Planning Department for decades and is expected to be awarded annually; and

WHEREAS, the Commissioner of Planning has requested a budgetary amendment (19A036) to hire a Confidential Secretary (annual salary of \$50,000) utilizing the Federal UPWP funds; and

WHEREAS, by Resolution #138 of 2019, the Putnam County Legislature authorized the classification of a new position of Confidential Secretary in the Planning Department; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10802000 51000

Personnel Services

25,000

10802000 58001	Retirement	1,666
10802000 58002	FICA	1,913
10802000 58003	Disability Insurance	47
10802000 58004	Workmens Comp	76
10802000 58006	Dental	613
10802000 58007	Life Insurance	192
10802000 58008	Health Insurance	10,858
10802000 58011	Flex Spending	<u>1,089</u>
		41,454

Increase Estimated Revenues:		
10802000 449894	Federal Aid – UPWP	41,454

And be it further

RESOLVED, that Resolution #281 of 2018, setting the Salaries of Officers and Employees Paid for County Funds, and amended by Resolution #39 of 2019, is hereby further amended to include the new Confidential Secretary position in the Planning Department effective July 1, 2019.

2019 Fiscal Impact – 0 –
2020 Fiscal Impact – 0 –

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

Item #6d – Approval Fund Transfer (19T124)/ Sheriff’s Department/ Overtime was next. On behalf of the members of the Personnel Committee, Legislator Jonke and Montgomery, Legislator Nacerino moved the following:

RESOLUTION #140

APPROVAL FUND TRANSFER / SHERIFF’S DEPARTMENT/ OVERTIME

WHEREAS, the Putnam County Sheriff has requested a fund transfer (19T124) to cover Overtime costs for May due to three (3) Correction Officer vacancies and one (1) Officer on 207C; and

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

RESOLVED, that the following fund transfer be made:

Decrease:

10315000 51000 (10113)	Jail Personnel	6,791
10315000 51000 (10139)	Jail Personnel	576
10315000 51000 (10140)	Jail Personnel	6,870
10315000 51000 (10147)	Jail Personnel	<u>4,414</u>
		18,651

Increase:

10315000 51093	Jail Overtime	18,651
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2019 Fiscal Impact – 0 –
2020 Fiscal Impact – 0 –

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

Item #6e – Approval/ Standard Work Day and Reporting Resolution was next. On behalf of the members of the Personnel Committee, Legislator Jonke and Montgomery, Legislator Nacerino moved the following:

Legislative Counsel Firriolo stated there was additional for this item.

Legislator Nacerino made a motion to accept the additional material for this item; seconded by Legislator Jonke. All in favor.

Legislator Nacerino moved the item with the additional.

RESOLUTION #141

APPROVAL/ STANDARD WORK DAY AND REPORTING RESOLUTION

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

WHEREAS, a copy of this report was contained in the following:

- Resolution #195 of 2010 and Resolution #286 of 2010 (one employee only).
- Resolution #338 of 2011 correcting Resolution #190 of 2011.
- Resolution #218 of 2012 correcting Resolution #155 of 2012.
- Resolution #143 of 2013.
- Resolution #168 of 2014.
- Resolution #150 of 2015.
- Resolution #148 of 2016.
- Resolution #156 of 2017.
- Resolution #244 of 2017 reflecting change made on Resolution #226 of 2014 which corrected Resolution #143 of 2013 (one employee only).
- Resolution #170 of 2018.

And

WHEREAS, it is now time to file the report for 2019, now therefore be it

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

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

PROTECTIVE SERVICES COMMITTEE
(Chairman Jonke, Legislators Nacerino & Sullivan)

Item #6f – Approval/ Grant Application/ Sheriff’s Department/ FY2018 Explosive Detection Canine Team Grant Program was next. Chairman Castellano recognized Legislator Jonke, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators Nacerino and Sullivan, Legislator Jonke made a motion to move the following:

Legislator Jonke stated that one (1) of the canines would retire and this would be a replacement.

RESOLUTION #142

APPROVAL/ GRANT APPLICATION/ SHERIFF’S DEPARTMENT/ FY2018 EXPLOSIVE DETECTION CANINE TEAM GRANT PROGRAM

WHEREAS, the Putnam County Sheriff’s Department has requested permission to apply to the NYS Division of Homeland Security and Emergency Services (DHSES) for a grant under the FY2018 Explosive Detection Canine (EDC) Team Grant Program to sustain the County’s EDC Team which requires no matching funds; and

WHEREAS, the award received could yield up to \$15,000 and would be used to support and maintain established Explosive Detection Canine (EDC) Teams and purchase new training and K-9 vehicle equipment; and

WHEREAS, the grant application requires the applicant to have express authority to submit on behalf of its agency; and

WHEREAS, the deadline to apply for a grant under this program is May 29, 2019; and

WHEREAS, the Protective Services Committee has reviewed and approved of this grant application; now therefore be it

RESOLVED, that the Putnam County Legislature supports and authorizes the Putnam County Sheriff’s Department to apply for a \$15,000 grant under the FY2018 Explosive Detection Canine Team Grant Program.

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

Item #6g – Approval/ Public Safety Fee for Motorists that Overtake a Stopped School Bus was next. On behalf of the members of the Protective Services Committee, Legislators Nacerino and Sullivan, Legislator Jonke made a motion to table this item back to the Protective Services Committee for more research; seconded by Legislators Nacerino and Sayegh. All in favor.

APPROVAL/PUBLIC SAFETY FEE FOR MOTORISTS THAT OVERTAKE A STOPPED SCHOOL BUS

WHEREAS, the Putnam County Legislature (“Legislature”) desires to promote and protect the safety and well-being of the residents and visitors to the County, including but not limited to promoting traffic safety by deterring illegal and reckless driving; and

WHEREAS, on a local level the Putnam County Traffic Safety Board, which consists of a coalition of law enforcement, local officials, highway departments, education, health and service agencies and individuals committed to ensuring traffic safety for all Putnam County highway users, has reported to the Legislature an observed increase in the number of motorists that overtake a stopped school bus; overtaking a stopped school bus is a traffic offense violation under Section 1174 of the New York State Vehicle and Traffic Law; and in addition, on a national level the United States Department of Transportation is urging motorists to exercise caution and follow state laws when approaching a stopped school bus due to a reported nationwide increase in the number of incidents between motorists and school buses;

WHEREAS, motorists who violate the Vehicle and Traffic Law by overtaking a stopped school bus directly place the safety of Putnam County residents at risk, predominantly students traveling to and from school on County highways and roadways; in addition, the processing of such violation carries with it the expenditure of both County resources and time; and

WHEREAS, the Legislature, in addressing the reported increase in the number of incidents involving motorists and school buses, believes that the residents of Putnam County should not have to shoulder the expenses for motorists who are charged with a violation of Section 1174 of the New York State Vehicle and Traffic Law which prohibits the overtaking of a stopped school bus and exists as a law to ensure that all students arrive to and from school safely; and

WHEREAS, the Legislature is empowered under Section 1804 of the Vehicle and Traffic Law to impose a monetary fee as an assessment on motorists who violate any provision of the New York State Vehicle and Traffic Law; this fee exists separate and apart from the monetary fines that are imposed against motorists convicted under the different level offenses created by the New York State Vehicle and Traffic Law; and

WHEREAS, with this public safety principle guiding the Legislature, and pursuant to the Legislature’s authority under the New York State Vehicle and Traffic Law Section 1804, the Legislature believes the imposition of a public safety fee in the amount of \$100.00 is necessary to encourage the promotion and protection of the safety and well-being of the residents and visitors to the County by deterring motorists from overtaking a stopped school bus in violation of Section 1174 of the New York State Vehicle and Traffic Law; and

WHEREAS, said fee is necessary and appropriate to offset costs imposed upon the County for the processing of such violation; now therefore be it

RESOLVED, that the Putnam County Legislature, pursuant to its authority under the New York State Vehicle and Traffic Law Section 1804, shall impose a \$100.00 public safety fee to be assessed on any ticket or Notice of Liability for any disposition other than Not Guilty on a traffic offense violation under Section 1174 of the New York State Vehicle and Traffic Law; and be it further

RESOLVED, that this Resolution shall take effect 60 days from passage.

**PHYSICAL SERVICES COMMITTEE
(Chairman Albano, Legislators Gouldman & Nacerino)**

Item #6h – Approval/ SEQRA/ Agricultural District was next. Chairman Castellano recognized Legislator Nacerino, member of the Physical Services Committee. On behalf of

the members of the Committee, Legislators Albano and Gouldman, Legislator Nacerino moved the following:

RESOLUTION #143

APPROVAL/ SEQRA/ AGRICULTURAL DISTRICT

WHEREAS, the Department of Agriculture and Markets as Lead Agency for the Agricultural Districts Program has conducted a programmatic review of the environmental effects of Agricultural Districts and has concluded that there is little likelihood of significant adverse environmental impact resulting from the formation or modification of such districts; and

WHEREAS, it is the responsibility of the County to review the site-specific proposals under consideration to determine if unique circumstances exist which increase the likelihood of environmental significance; and

WHEREAS, the Department of Agriculture and Markets recommends that the County Legislative body serve as the Lead Agency to insure compliance with the requirement of the State Environmental Quality Review Act as it is the only other agency required to undertake an action except for the Department of Agriculture and Markets; now therefore be it

RESOLVED, that the Putnam County Legislature declares itself to be the lead agency to insure compliance with the requirements of the State Environmental Quality Review Act; and be it further

RESOLVED, that the Putnam County Legislature, as Lead Agency, hereby determines that the site-specific parcels contained in the proposed Agriculture District modifications will not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the Putnam County Legislature, as lead agency, hereby accepts and adopts the Negative Declaration prepared in connection with the proposed Agriculture District modifications, a copy of which is annexed hereto and made a part hereof.

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

Item #6i – Approval/ Inclusion of Parcels in Putnam County Agricultural District was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Gouldman, Legislator Nacerino moved the following:

RESOLUTION #144

APPROVAL/INCLUSION OF PARCELS IN PUTNAM COUNTY AGRICULTURAL DISTRICT

WHEREAS, by Resolution #81 of 2003, the Putnam County Legislature created an Agricultural District in the County of Putnam; and

WHEREAS, by Resolution #193 of 2011, after the 8th year anniversary of the formation of the district, the Putnam County Legislature modified said Putnam County Agricultural District #1, and

WHEREAS, by Resolution #244 of 2003, the Putnam County Legislature established the month of November in which a landowner may request inclusion in the Putnam County Agricultural District; and

WHEREAS, by Resolution #154 of 2015, the Putnam County Legislature changed the annual thirty-day inclusion request period, from the month of November to April 1st through April 30th, commencing in the year 2016 and each year thereafter; and

WHEREAS, requests were presented to the Putnam County Legislature to modify the existing Agricultural District in the County of Putnam by including the following parcels in the District:

Town of Carmel:

O'Mara Family Farms – Tax Map #53.17.-1-39 (87.39 acres) Total Acreage 87.39

Town of Patterson:

O'Mara Family Farms – Tax Map #3.19.-1-2 (38.48 acres) Total Acreage 38.48

Hidden Valley Ranch – Tax Map #13.-3-14 (55.89 acres) Total Acreage 55.89

Wind Horse Stables – Tax Map #35.-4-16 (24.72 acres) Tax Map #35.-4-51 (17.87 acres)

Total Acreage 42.59

Town of Putnam Valley

Valley View Farm (Alexander Kaspar) – Tax Map #83.-1-11 (60.41 acres) Total Acreage: 60.41

Town of Southeast:

Landon Farm – Tax Map #57.-2-47 (69.40) Total Acreage: 69.40

Wind Horse Stables – Tax Map #46.-4-12 (13.42 acres) Total Acreage: 13.42

Total acreage in petitions: 367.58

WHEREAS, pursuant to Article 25 AA of the Agriculture and Market Law, section 303-b, a public hearing on the requests was conducted by the Putnam County Legislature on July 2, 2019; and

WHEREAS, the Putnam County Agriculture and Farmland Protection Board considered the requests for inclusion and reported that the parcels for inclusion would serve the public interest by assisting in maintaining a viable agricultural industry within the District and recommended the inclusion of said parcels in the Putnam County Agricultural District; and

WHEREAS, the Putnam County Legislature has considered the comments of the speakers at the public hearing, the recommendations of the Putnam County Agricultural and Farmland Protection Board, the various letters in support and in opposition to the inclusion of these parcels in the modification of the Agricultural District; now therefore be it

RESOLVED, that the Putnam County Legislature accepts and adopts the findings provided by the Putnam County Agriculture and Farmland Protection Board; and be it further

RESOLVED, that the Putnam County Legislature hereby includes in the Putnam County Agricultural District the following Tax Map identified parcels:

Town of Carmel:

O'Mara Family Farms – Tax Map #53.17.-1-39 (87.39 acres) Total Acreage 87.39

Town of Patterson:

O'Mara Family Farms – Tax Map #3.19.-1-2 (38.48 acres) Total Acreage 38.48

Hidden Valley Ranch – Tax Map #13.-3-14 (55.89 acres) Total Acreage 55.89

Wind Horse Stables – Tax Map #35.-4-16 (24.72 acres) Tax Map #35.-4-51 (17.87 acres)
Total Acreage 42.59

Town of Southeast:

Landon Farm – Tax Map #57.-2-47 (69.40) Total Acreage: 69.40

Wind Horse Stables – Tax Map #46.-4-12 (13.42 acres) Total Acreage: 13.42

For a total of 307.17 acres.

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

***Copy of Applications on file in the Legislative Office for review.**

Item #6j – Approval/ Lease Agreement/ Building #5 Tilly Foster Farm was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Gouldman, Legislator Nacerino moved the following:

Legislator Sayegh stated that this is a tremendous opportunity for Putnam County. She stated that Columbia University approached Cornell Cooperative Extension for properties that might be suitable for an off the grid greenhouse. She explained that the greenhouse will be heated with a geothermal system and solar will provide electricity. She stated it will be studied for two (2) years and the County will get the benefit from everything produced, plus at the end of the two (2) years the greenhouse will become County property. She stated that she fully supports housing the student.

Chairman Castellano concurred. He encouraged people to visit Tilly Foster Farm.

RESOLUTION #145

APPROVAL/ LEASE AGREEMENT/ BUILDING # 5 TILLY FOSTER FARM

WHEREAS, the County of Putnam is the owner of certain real property located at 100 Route 312, Brewster, New York 10509, including the numerous buildings located thereon, which is commonly known as the Tilly Foster Farm; and

WHEREAS, the County intends on collaborating with Columbia University and Cornell Cooperative Extension to develop and implement a zero energy greenhouse project at the Tilly Foster Farm; and

WHEREAS, the proposed greenhouse project will implement the utilization of integrated photovoltaic-thermal panels coupled with geothermal systems for improved energy harvesting, optimal indoor environmental control, extended growing season, and enhanced farm production; and

WHEREAS, the project will be the foundation for the future design and development of this novel greenhouse technology; and

WHEREAS, the proposed collaboration will include an internship component involving a third-year PhD student from Columbia University; and

WHEREAS, the PhD student will be integrally involved with the design, development, and implementation of the proposed project, and will need to be located full-time at the Tilly Foster Farm to effectuate same; and

WHEREAS, one of buildings located on the Tilly Foster Farm, known as Building Number 5, is presently not needed for the County's use; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with Columbia University for the lease of Building Number 5 at the Tilly Foster Farm, in order to temporarily locate the aforementioned PhD student while he is participating in the project; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve such lease agreement; now therefore be it

RESOLVED, that Building Number 5 at the Tilly Foster Farm constitutes surplus space owned by the County; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and Columbia University for Building Number 5 at the Tilly Foster Farm, which shall be in substantial conformance with the form attached hereto and made a part hereof as Schedule "A", and that the Putnam County Executive is authorized to execute said Lease Agreement; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Lease Agreement between the County of Putnam and Columbia University in the manner approved herein.

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

Item #6k – Approval/ Transfer of Inoperative Vehicle Back to Dutchess and Putnam County React, Inc. was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Gouldman, Legislator Nacerino moved the following:

RESOLUTION #146

APPROVAL/TRANSFER OF INOPERATIVE VEHICLE BACK TO DUTCHESS AND PUTNAM COUNTY REACT, INC.

WHEREAS, the County of Putnam (the "County") has had a long-standing working relationship with the not-for-profit organization Dutchess and Putnam County REACT, INC. ("REACT") in as much as REACT has provided, and continues to provide, volunteer radio communication services to the County in response to various local emergencies and road related events; and

WHEREAS, REACT purchased a 1992 Ford Ambulance (VIN 1FDJE30M7NHB48970) ("Vehicle") from the Town of Philipstown for REACT's use of such Vehicle in its volunteer operations throughout the County; and

WHEREAS, REACT thereafter transferred title of the Vehicle to the County, whereby the County has maintained and insured the Vehicle on behalf of, and for the benefit of REACT, in exchange for the volunteer services that REACT has historically provided to the County; and

WHEREAS, the Vehicle is no longer functioning and operative and cannot pass a New York State safety inspection; thus the Vehicle is no longer of any use to REACT in its volunteer operations and assistance efforts; and

WHEREAS, the County wishes to transfer title of this inoperative Vehicle back to REACT for REACT's disposal of same because of the Vehicle's inoperative status and its safety inspection limitation; now, therefore, be it

RESOLVED, that the Putnam County Legislature approves this transfer in accordance with Section 31-4 of the Putnam County Code and New York County Law Section 215 and authorizes the County Attorney's Office to oversee and effectuate any and all necessary transfer documents as may be needed; and be it further

RESOLVED, that this Resolution take effect immediately.

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

Item #6L – Approval/ Authorizing Lease/ Room #1 Putnam County Veterans' Residence was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Gouldman, Legislator Nacerino moved the following:

RESOLUTION #147

AUTHORIZING LEASE/ ROOM # 1 PUTNAM COUNTY VETERANS' RESIDENCE

WHEREAS, the County of Putnam is the owner of certain real property, including the building situated thereon, located at 9 Drew Lane, Carmel, New York 10512, which is known as the Putnam County Veterans' Residence; and

WHEREAS, the Putnam County Veterans' Residence is operated as a communal residence for veterans who meet the established eligibility criteria; and

WHEREAS, the County of Putnam is desirous of entering into a lease agreement with William Freeman for a single-residence room in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreement shall be for a term commencing on July 1, 2019 and expiring on July 31, 2019; now therefore be it

RESOLVED, that the County of Putnam may enter into the aforementioned lease agreement with William Freeman for the single-residence room in the Putnam County Veterans' Residence identified as Room # 1, for a term commencing on July 1, 2019 and expiring on July 31, 2019; and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute said lease agreement with William Freeman at the rental price of \$400.00 per month, which shall be in substantial conformance with the form attached hereto as Schedule "A"; and be it further

RESOLVED, this Resolution shall take effect immediately.

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

Item #6m – Approval/ Appointment & Re-Appointment/ Putnam County Agriculture & Farmland Protection Board was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Gouldman, Legislator Nacerino moved the following:

Legislator Montgomery stated that she is thrilled to be appointing Jocelyn to this Board. She explained that Jocelyn and her husband started the Philipstown Community Congress where they brought the community together on a lot of the big initiatives in Philipstown.

Legislator Nacerino stated that Marjorie Thorpe has been instrumental as well, serving so many roles. She is also on the Soil & Water Board and she is truly an asset.

Legislator Sayegh thanked all the volunteers of these Boards who go above and beyond.

Chairman Castellano concurred. He truly appreciated the efforts of all the volunteers on these Boards.

RESOLUTION #148

APPROVAL/ APPOINTMENT & RE-APPOINTMENT / PUTNAM COUNTY AGRICULTURE & FARMLAND PROTECTION BOARD

RESOLVED, that the following be appointed to the Putnam County Agriculture & Farmland Protection Board:

Jocelyn Apicello, Town of Philipstown, Farmer Representative, for a four (4) year term; said term to expire December 31, 2022;

And be it further

RESOLVED, that the following be re-appointed to the Putnam County Agriculture & Farmland Protection Board:

Marjorie Thorpe, Town of Southeast, for a four (4) year term, said term to expire December 31, 2021.

And be it further

RESOLVED, that these 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 ALBANO WAS ABSENT. MOTION CARRIES.

Item #6n – Approval/ Appointment & Re-Appointments/ Putnam County Soil & Water Conservation District Board was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Gouldman, Legislator Nacerino moved the following:

Legislator Sayegh stated that Dave Vickery stepped up after his wife passed away. She was a member of the Board for years. She stated that Marjorie Thorpe has also been on the Board for 17 years. She thanked them for their services.

RESOLUTION #149

APPROVAL/ APPOINTMENT & RE-APPOINTMENTS/ PUTNAM COUNTY SOIL & WATER CONSERVATION DISTRICT BOARD

RESOLVED, that the following be appointed to the Putnam County Soil & Water Conservation District Board:

Dave Vickery, Town of Philipstown, to fill an unexpired three (3) year term, said term to expire December 31, 2019;

And be it further

RESOLVED, that the following be re-appointed to the Putnam County Soil & Water Conservation District Board:

Marjorie Thorpe, Town of Southeast, for a three (3) year term, said term to expire December 31, 2021.

Chris Ruthven, Town of Kent, for a three (3) year term, said term to expire December 31, 2020.

And be it further

RESOLVED, that these 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 ALBANO WAS ABSENT. MOTION CARRIES.

Item #6o – Approval/ 2019 U.S. Department of Transportation Federal Transit Administration (FTA) Grants for Buses and Bus Facilities Program (DFDA #20.526) Proposal for Project Funding was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Gouldman, Legislator Nacerino moved the following:

Chairman Castellano stated that this is a fantastic move for Putnam County. The County’s match is 20%.

Legislator Nacerino stated that Legislator Albano mentioned that the County’s match may be absorbed through other funding sources. She stated that we will be in a great position if that does occur.

RESOLUTION #150

APPROVAL / 2019 U.S. DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION (FTA) GRANTS FOR BUSES AND BUS FACILITIES PROGRAM (CFDA #20.526) PROPOSAL FOR PROJECT FUNDING

WHEREAS, Title 49 U.S.C. Sec. 5339(b), as amended by the Fixing America’s Surface Transportation (FAST) Act, authorizes the FTA to award funds up to \$423,350,240 for Projects selected as part of a competitive solicitation for the Grants for Buses and Bus Facilities Program (the “Program”); and

WHEREAS, applications to the FTA for grant funding under the Program may be submitted for capital projects to replace, rehabilitate, purchase or lease buses and related equipment and to rehabilitate, purchase, construct or lease bus-related facilities; and

WHEREAS, the Putnam County Transit Facility (the “Facility”) was constructed in/about 1989 and capital improvements thereon are currently necessary, i.e., rehabilitation of certain fixed components at the Facility have exhausted their respective useful life; and

WHEREAS, Project Proposals are sought by the FTA for capital projects for grant funding offered through the Program, and Putnam County (the “County”) is desirous to submit a proposed Project Proposal to the FTA in the amount of \$2,232,500 for its review and consideration therefor; and

WHEREAS, if grant funding is awarded to the County for its Project Proposal in connection with the aforesaid Program funding by the FTA, the maximum Federal contribution therefor will be eighty (80%) percent match, *to wit*:

<u>Proposed Project</u>	<u>Location/Description</u>	<u>Federal Amount</u>	<u>County Match*</u>
Transit Facility Rehabilitation Project	841 Fair Street Carmel, NY	\$1,786,000	\$446,500

* Exclusive of NYSDOT ten (10%) percent match/other grant funds previously approved therefor

and

WHEREAS, the County Executive and the Putnam County Legislature agree that the County's submission of its Project Proposal, together with supporting documentation, data and information as part of the overall application process, in order seek grant funding to rehabilitate the Facility and replace those components at the Facility that have exceeded their respective useful life, is in the best interests of the County taxpayers; now therefore be it

RESOLVED, that the County Executive, together with the County Legislature, support the County's application and submission for FTA Program funding and approves the Putnam County Department of Planning, Development and Public Transportation's request to submit to the application process for FTA Program funding; and it is hereby further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute federal/state/local agreement(s), as the case may be, upon approval by the respective agency(s) of the County's Project Proposal and application as aforesaid; and it is hereby further

RESOLVED, that this Resolution shall take effect immediately.

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

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

Item #6p – Approval/ Fund Transfer (19T127)/ Board of Elections/ Purchase Three (3) Voting Machines was next. Chairman Castellano 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 #151

APPROVAL/ FUND TRANSFER / BOARD OF ELECTIONS/ PURCHASE THREE (3) VOTING MACHINES

WHEREAS, the Commissioners of Board of Elections have requested a fund transfer (19T127) to cover the costs of purchasing three (3) Voting Machines; and

WHEREAS, the Rules, Enactments & Intergovernmental Relations Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10145000 54311	Printing	15,000
10145000 54314	Postage	17,000
10145000 54386	Meals	1,000
10145000 54310	Office Supplies	<u>400</u>
		33,400

Increase:

10145000 52680	Equipment	33,400
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2019 Fiscal Impact – 0 –

2020 Fiscal Impact – 0 –

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

Item #6q – Approval/ Litigation Settlement / Treadwell vs. County of Putnam was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

RESOLUTION #152

APPROVAL/ LITIGATION SETTLEMENT / TREADWELL VS. COUNTY OF PUTNAM

WHEREAS, on or about April 16, 2014, the Plaintiff, Christina Treadwell, was injured during a routine arrest, allegedly as the result of the excessive force relating to and subsequently commenced a federal civil rights suit against the County of Putnam, the Putnam County Sheriff's Department, Deputy Matthew Monroe and Investigator Thomas Corless; and

WHEREAS, Plaintiff sought recovery for compensatory, consequential and punitive damages; and

WHEREAS, Plaintiff agreed to a settlement with the County, subject to the Legislature's approval, in which the County agreed to pay Plaintiff the sum of fifty-seven thousand, five hundred (\$57,500.00) dollars; and

WHEREAS, the County Attorney, the County's outside counsel, James A. Randazzo, and NYMIR's claims representative recommended the settlement as an alternative to trial; and

WHEREAS, counsel for the County of Putnam has in fact settled the matter with the Plaintiffs for the sum of fifty-seven thousand, five hundred (\$57,500.00) dollars, and the Plaintiff has executed the required Settlement Agreement and General Release which, upon filing with the Court, will discontinue this matter and which will allow Plaintiff to receive his settlement payment; and

WHEREAS, the settlement is in the public interest and has avoided the costs of further litigation; now therefore be it

RESOLVED, that the settlement of this matter for the sum of fifty-seven thousand, five hundred (\$57,500.00) dollars is hereby approved.

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

Item #6r – Approval/ Urging NYS Legislature and United States Congress to Enact Legislation to Deter the Abuse of Robocalls was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

Legislator Montgomery questioned if it included campaign calls.

Chairman Castellano believed that they were exempt.

Legislative Counsel Firriolo stated that there are specific exemptions for calls from political groups and unions as well.

RESOLUTION #153

APPROVAL/URGING NYS LEGISLATURE AND UNITED STATES CONGRESS TO ENACT LEGISLATION TO DETER THE ABUSE OF ROBOCALLS

WHEREAS, over 5.2 billion robocalls were placed throughout the United States in March 2019—nearly half of which were scams—including 318.3 million in New York State, according to YouMail’s Robocall Index;

WHEREAS, robocalls have become increasingly more deceptive in recent years, with callers using local numbers in hopes that it will heighten the chances of a recipient answering, in a scheme known as “neighborhood spoofing”; and

WHEREAS, other jurisdictions have begun taking action to curb robocalls, including Florida, which passed the Florida Call-Blocking Act of 2018 that authorized telecommunication providers to block certain calls; and

WHEREAS, New York State previously took steps to curb unsolicited telemarketing calls with the New York State Do Not Call Law of 2001, which allowed consumers to place their phone numbers on a central Do Not Call Registry, and prohibited non-exempt telemarketers from making calls to anyone on the registry; and

WHEREAS, the Federal Trade Commission and the Federal Communications Commission collaborated in 2003 to create a National Do Not Call Registry, but further action is now required by the federal government and by New York State to protect consumers from robocalls; and

WHEREAS, the federal TRACED Act (S.151), which was passed by the United States Senate on May 23, 2019 by a 97-1 vote, intends to deter robocalls by imposing forfeiture penalties on parties that commit criminal robocall violations and require voice-service providers to implement a call authentication framework; and

WHEREAS, New York State bills S.3297A/A.675 are intended protect consumers by: (1) banning unsolicited robocalls; (2) empowering the state Attorney General to enforce robocall violations, while also allowing for civil penalties; (3) authorizing New Yorkers to sue robocallers; and (4) requiring telephone providers to offer consumers free technology to block robocalls; now, therefore, be it

RESOLVED, that County of Putnam calls upon the United States Congress to pass, and the President to sign, the TRACED Act, legislation to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and be it further

RESOLVED, that County of Putnam calls upon the New York State Legislature to pass, and the Governor to sign, S.3297A/A.675, legislation to limit robocalls to state residents and require telephone service providers to offer free call mitigation technology to telephone customers; and be it further

RESOLVED, that the County of Putnam hereby respectfully urges the County's state legislative delegation – Senator Peter Harckham, Senator Susan Serino, Assemblyman Kevin Byrne, and Assemblywoman Sandra Galef – to support enactment of S.3297A/A/675 and any other similar state legislation designed to reduce the abuse of, and harassment of New York residents, by robocalls; and be it further

RESOLVED, that the County of Putnam hereby respectfully urges United States Representative Sean Patrick Maloney to support enactment of the Traced Act and any other similar federal legislation designed to reduce the abuse of, and harassment of Americans, by robocalls; and be it further

RESOLVED, that the Clerk of the Putnam County Legislature shall forward a copy of this Resolution to each in the County's state legislative delegation, Congressman Maloney, President Donald J. Trump, and Governor Andrew Cuomo.

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

Item #6s – Approval/ Local Law to Amend the Putnam County Code Entitled Ethics, Code of, and Financial Disclosure to Prohibit the Disclosure of Confidential Material was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

Legislator Montgomery stated that this was brought up at the Rules Committee meeting, however, she stated that it was a surprise that it was on the agenda for approval. She wanted clarification where it came from and who initiated it.

Legislator Sullivan explained that this was spoken about in the past among the Legislators; even before he was a Legislator. He stated that there were problems for years of people disclosing information that should not be disclosed. He explained how some items get placed on a Committee agenda. Committee members often speak to each other about what they would like on the agenda; it doesn't need approval from the whole Legislature what is on the agenda. He stated that this item was added to the agenda because we wanted to bring this important issue forward. He further explained the process of when the Legislators receive agendas and when they are posted on the website. He explained that when Legislators have questions about agenda items, they should contact the Committee members or the Chair of the Committee to discuss their concerns. He stated that he did not recall any questions from Legislator Montgomery on this item.

Chairman Castellano stated that since he has been on the Legislature the handling of confidential material has come up from time to time. He believed this clarified how to handle confidential material such as; social security numbers and private information that should not be handed out based on New York State law. He stated that certainly the public can FOIL anything they like.

Legislator Montgomery stated that she wanted to respond to the Legislator Sullivan's comment that stated this has been discussed for months and months. She stated that she

has reviewed old agendas since she has been on the Legislature and prior. She stated that in 2018 and 2019 she did not find any item on the agenda for a local law such as this.

Legislator Sullivan stated that it was on the April Rules agenda and it was tabled.

Legislator Montgomery stated that what was tabled was a discussion on confidentiality; not a local law. She explained how usually, especially controversial, topics are deliberated in Committee for more than one (1) month. She recognized the individuals who came to the meeting or commented via email to the Legislature on this item since they didn't have the opportunity to comment prior to the law being on this agenda. She explained how she would not call Legislators to discuss public business. She would discuss the item during the Committee meeting when the public is there. She thanked the individuals for their well thought out comments. She stated that these individuals requested that the local law not be approved. She stated that she would like it to go back to Committee for discussion.

Legislator Jonke stated that, as elected officials, we have a duty to maintain the privacy and confidentiality of information to protect the taxpayers. He stated that this legislation is not about secrecy. He stated that it was unfortunate that the local media has characterized the Legislature in this manner. He stated that he would not want sensitive taxpayer information, investigative details from the Sheriff's Department, Child Protective Services, Office of Mental Health or any other sensitive information deemed confidential to be disseminated and see the confidentiality of people we strive to protect be compromised. He explained how approximately two (2) years ago the Legislature was called into executive session to discuss settlement terms of a high profile legal matter that the County was involved in. He stated that the terms of settlement were discussed and the Legislature was reminded the information provided was highly sensitive and that disclosure of the terms could lead to continuing the litigation costing taxpayers more money. He explained that less than 24 hours later he received a call from a reporter discussing the meeting as if he had been in the room with the Legislature. He stated that it was obvious that a member of the Legislature disclosed sensitive information that could have jeopardized the settlement. He stated that this is what the pending legislation discourages. He stated that information via the Freedom of Information Law (FOIL) is and will always be available to the public; it is not changing anything.

Legislator Nacerino stated that there is nothing secret about this resolution. The public's ability to FOIL under the State's guidelines remains. She stated that the resolution does not change anything. She explained that she has always protected information and material that could potentially compromise or damage the integrity of the matter should it be disclosed. She believed it was good to adopt this resolution, not only to make it clear, but to protect the confidential information that may get into the wrong hands, thereby damaging and compromising the integrity of the matter, invade a person's privacy or endanger the life and welfare of the person. She believed the resolution was clear on its intent and it is without reservation that she supports it. She believed it was in the best interest of the County and the people we represent to do so.

Legislator Addonizio stated that anything that was unavailable before would still be unavailable, just as anything that was available in regard to FOIL will still be available. She stated that there are no secret documents. She stated that all Legislators are privy to confidential documents. This codifies the law and puts recipients on notice regarding confidential material being released intentionally. She stated that it protects most

communications between attorney client privilege which is the oldest recognized privilege for confidential communications.

Legislator Sayegh wanted people to be aware of what type of information was being discussed and she questioned if this was your information would you want someone from the Legislature or Putnam County government to release it. She stated that the Legislature was talking about private information of County employees such as: social security numbers, bank information, credit history, personnel references, which she stated could be utilized for identity theft. She stated that there is numerous types of private and personal information from members of the public who interact with the County in a wide variety of ways such as individuals applying for a trade or business license, Social Services, the Health Department, Mental Health Services, individuals living in our Veterans Home, health and medical information, illnesses, injury, disability, people on leave, law enforcement officers or information that reveals a confidential source, information on collective bargaining negotiations, certain information on negotiations involving businesses and real estate transactions, computer data, passwords, login information that could expose our County to computer hacking. She continued to list other documents that would be considered confidential information. She explained that the addition to the Ethics Code explains that confidential information must be kept confidential. She explained that people were welcome to FOIL any information that the County has and safeguards will still be in place.

Legislator Sullivan called the question.

Chairman Castellano wanted to go over a few things before calling the question. He explained that this is NYS law that we abide by. He stated that we are not increasing the amount of documents that are being deemed confidential. He stated that this is to explain the procedure to those of us who are new. He provided a few examples of items that are confidential and how they are handled. He also explained the FOIL procedure.

Legislator Montgomery requested to comment.

Legislator Sullivan stated that he called the question; seconded by Legislator Jonke.

Chairman Castellano requested a Roll Call Vote:

RESOLUTION #154

APPROVAL/ LOCAL LAW TO AMEND THE PUTNAM COUNTY CODE ENTITLED ETHICS, CODE OF, AND FINANCIAL DISCLOSURE TO PROHIBIT THE DISCLOSURE OF CONFIDENTIAL MATERIAL

WHEREAS, the government of Putnam County necessarily reviews, considers, creates, stores, and transmits documents containing information which is properly kept confidential and is typically exempt from disclosure under the New York State Freedom of Information Law; and

WHEREAS, such confidential material includes, but is not limited to, information: 1) that could interfere with criminal investigations or judicial proceedings; 2) identifying a confidential law-enforcement source; 3) revealing criminal investigative techniques or non-routine police procedures; 4) specifically exempted from disclosure by state or federal statute; 5) that, if disclosed, would constitute an unwarranted invasion of personal

privacy; 6) that, if disclosed would impair present or imminent contract awards or collective bargaining negotiations; 7) that, if disclosed, could endanger the life or safety of a person; 8) which could compromise the security of information technology assets; and 9) constituting inter-agency or intra-agency materials which are not statistical or factual tabulations or data, instructions to staff that affect the public; final agency policy or determinations; or external audits; and

WHEREAS, confidential communications with counsel for Putnam County, and documents created by counsel, are typically protected from disclosure by statutory and common law privileges including the attorney-client privilege, the deliberative process privilege, the settlement privilege, and the attorney work product doctrine; and

WHEREAS, confidential attorney-client communications are privileged from disclosure pursuant to Civil Practice Law and Rules Section 4503, and New York Courts including its highest court, the Court of Appeals, have long recognized that such privilege serves to foster uninhibited dialogue between lawyers and clients in their professional engagements, thereby ultimately promoting the administration of justice; and

WHEREAS, improper disclosure of confidential material can be damaging to individuals and preclude government from carrying out its duties, and

WHEREAS, improper disclosure of confidential communications with, and materials prepared by, counsel can have a chilling effect upon the ability of county officials and employees to seek the benefit of legal counsel, and also upon the ability of counsel to provide full and candid advice, which in turn may adversely affect the execution of officials' and employees' duties to the county; now therefore

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

Chapter 55 (Ethics, Code of, and Financial Disclosure) of the Putnam County Code is hereby amended, as follows:

Section 1.

Section 55-2 of the Putnam County Code is hereby amended by adding the following definitions:

CONFIDENTIAL MATERIAL

A. Confidential Material shall include:

- (1) Any record designated "Confidential" by any Putnam County officer or employee, or by outside legal counsel or consultant to any agency or the Legislature of Putnam County, who is the creator or sender of such record;**
- (2) Any record exempt from disclosure under the New York State Public Officers Law § 87(2); and**
- (3) Any information contained in the records described in paragraphs (1) and (2) of this subsection.**

B. Any record created by, or any communication to or from, the Putnam County Law Department, Legislative Counsel, or outside counsel or consultant retained by Putnam County, shall be presumed to be Confidential Material even if not explicitly designated "Confidential."

RECORD

Any information kept, held, filed, produced or reproduced by, with or for an agency or the Legislature of Putnam County, in any physical form whatsoever (including electronic media) including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photographs, letters, microfilms, computer tapes or discs, rules, regulations or codes. The term shall include a draft whether or not it results in a final document.

Section 2.

A new subsection 55-3(J) is hereby added to the Putnam County Code to read as follows:

- J. No County officer or employee shall disclose, distribute, transmit, forward, publicize, deliver, describe, or in any other way disseminate Confidential Material to any person who is not also a Putnam County officer or employee, or who is not outside legal counsel for Putnam County including Legislative Counsel, and which person is authorized to receive such Confidential Material as being within the scope of the receiver's employment, official duties, or engagement by or on behalf of Putnam County.**

Section 3.

A new subsection 55-4(G) is hereby added to the Putnam County Code to read as follows:

- G. Disclosure of Confidential Material under the following circumstances:**
 - (1) Pursuant to FOIL requests approved by the County Attorney, the Putnam County FOIL appeals officer, or by court order after exhaustion or waiver of any court appeals;**
 - (2) For Legislative records protected by the attorney-client privilege, the deliberative process privilege, and/or constituting attorney work product, when such privilege is explicitly waived by a unanimous vote of the entire Legislature;**
 - (3) Sharing of records within and between Putnam County officials and government agencies, including the Legislature, provided that such records must be conspicuously marked "CONFIDENTIAL" prior to sharing; and**
 - (4) Sharing of records with local, state or federal government agencies, or with private consultants, vendors or contractors, for official purposes related to the business of Putnam County, provided that such sharing is approved by the County Attorney and further provided that such records are conspicuously marked "CONFIDENTIAL" prior to sharing.**

Section 4.

These amendments to the Putnam County Code shall take effect immediately upon their filing with the NYS Secretary of State.

BY ROLL CALL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR MONTGOMERY.
LEGISLATOR ALBANO WAS ABSENT. MOTION CARRIES.

AUDIT & ADMINISTRATION COMMITTEE
(Chairman Gouldman, Legislators Castellano & Sayegh)

Item #6t – Approval/ Budgetary Amendment (19A034)/ Commissioner of Finance/ Vacancy Control Factor January through May 2019 was next. Chairman Castellano recognized Legislator Gouldman, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Castellano and Sayegh, Legislator Gouldman moved the following:

RESOLUTION #155

APPROVAL/ BUDGETARY AMENDMENT/ COMMISSIONER OF FINANCE/ VACANCY CONTROL FACTOR JANUARY THROUGH MAY 2019

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (19A034) to provide for the Vacancy Control Factor for January through May 2019; and

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

RESOLVED, that the following budgetary amendment be made:

GENERAL FUND:

Decrease Estimated Appropriations:

SEE ATTACHED SHEET	Personal Services	102,460
SEE ATTACHED SHEET	FICA	7,841
SEE ATTACHED SHEET	Dental	1,226
SEE ATTACHED SHEET	Life Insurance	466
SEE ATTACHED SHEET	Health Insurance	15,563
SEE ATTACHED SHEET	Flex Plan	<u>1,089</u>
		128,645

Decrease Estimated Revenues:

10131000 427705	Vacancy Control Factor	189,320
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Increase Estimated Revenues:

10131000 428551	Transfer from Road Fund	60,675
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COUNTY ROAD FUND:

Decrease Estimated Appropriations:

SEE ATTACHED SHEET	Personal Services	46,053
SEE ATTACHED SHEET	FICA	3,526
SEE ATTACHED SHEET	Dental	841
SEE ATTACHED SHEET	Health Insurance	10,134

SEE ATTACHED SHEET	Vision	<u>121</u>
		60,675

Increase Estimated Appropriations:

02990100 59030	Transfer to General Fund	60,675
	2019 Fiscal Impact – 0 –	
	2020 Fiscal Impact – 0 –	

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

Item #6u – Approval/ Fund Transfer (19T133)/ Department of Social Services/ Office Furniture, Education & Training and Contracts was next. On behalf of the members of the Audit & Administration Committee, Legislators Castellano and Sayegh, Legislator Gouldman moved the following:

Legislator Addonizio stated that there is zero fiscal impact for 2019 and 2020.

RESOLUTION #156

APPROVAL/ FUND TRANSFER / DEPARTMENT OF SOCIAL SERVICES/ OFFICE FURNITURE, EDUCATION & TRAINING AND CONTRACTS

WHEREAS, the Commissioner of Social Services has requested a fund transfer (19T133) to be utilized for the purchase of furniture, training expenses and a contractual agreement; 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:		
22071000 51000 (601302102)	Personnel Line	24,241
Increase:		
22071000 52110	Furniture & Furnishings	7,741
22071000 54640	Education & Training	8,500
22071000 54646	Contracts	<u>8,000</u>
		24,241
	2019 Fiscal Impact – 0 –	
	2020 Fiscal Impact – 0 –	

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

Item #6v – Approval/ Resolution 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 Audit & Administration Committee, Legislators Castellano and Sayegh, Legislator Gouldman moved the following:

RESOLUTION #157

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, and June 22, 2018 respectively, which all 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, former Project ID Number 8822.84.12A and Putnam County Croton Falls Commuter Shuttle, former Project ID Number 8822.44.12H, collectively as Comptroller's Contract No. D035345 (the "Contract"), and Supplemental Agreement No. 1, and No. 2 dated August 10, 2016, and November 24, 2017, June 22, 2018, respectively, which have 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 services 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, together with Supplemental Agreement No. 1, attached 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 the final Supplemental Agreement No. 3 to D035345 ("Supplemental Agreement No. 3") 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 8823.88.421, a Draft Supplemental Agreement No. 3 attached hereto as Schedule "B-3"; and be it further

RESOLVED, that payments made to the County of Putnam under Supplemental Agreement No. 3 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 \$52,000 in reimbursements (Federal: \$41,600; State: \$10,400; County: \$0) for period January 1, 2019 through December 31, 2019, 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. 3 between Putnam County and New York State for the operation of the Croton Falls Commuter Shuttle shall not, except as otherwise may hereafter be agreed to between Putnam County and New York State, exceed \$418,000, inclusive of the

aforementioned Park & Ride maintenance reimbursement, as follows (Federal: \$300,000; Operating Revenues: \$13,000; State: \$102,000; County: \$3,000) for period January 1, 2019 through December 31, 2019, 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 ALBANO WAS ABSENT. MOTION CARRIES.

Item #7 – Other Business

Legislator Nacerino made a motion to accept the Other Business; seconded by Legislator Jonke. All in favor.

Item #7a – Approval/ Authorization / Legislators to Attend July 2019 Northeast Regional White House Conference was next.

Chairman Castellano stated that this opportunity came upon us quickly and it is taking place later this month. He stated that he would like to send one (1) or two (2) representatives to attend.

Legislator Nacerino stated that she would like to include language for two (2) Legislators to attend not exceeding \$600.00.

Chairman Castellano stated that he was in favor of having two (2) Legislators attend.

Legislator Montgomery questioned if there was a registration fee.

Legislative Clerk Schonfeld said, “no”.

Legislator Montgomery shared the benefit of having Legislators attend these conferences.

Legislative Clerk Schonfeld explained that the \$300.00 was an approximate amount. A specific hotel was not confirmed.

Legislative Counsel Firriolo explained that whatever was approved this evening would be binding subject to bringing it back to the Legislature at another time.

Chairman Castellano explained that it is indicated on the resolution the approximate amount of \$300.00 per person.

Legislative Counsel Firriolo explained that if you leave the wording as referenced, it gives flexibility in the actual amount spent. The resolution is phrased as the number of Legislators attending as opposed to a specific dollar amount.

Legislator Nacerino amended her motion to reflect two (2) Legislators to attend the conference; seconded by Legislator Addonizio.

Chairman Castellano moved the resolution as amended; seconded by Legislator Jonke.

RESOLUTION #158

APPROVAL/AUTHORIZATION/LEGISLATORS TO ATTEND JULY 2019 NORTHEAST REGIONAL WHITE HOUSE CONFERENCE

WHEREAS, two (2) Legislators have requested permission to attend the Northeast Regional White House Conference to be held in Washington, D.C. in July 2019 for lodging total expenditure of approximately \$300 per person; and

WHEREAS, the Putnam County Legislature has reviewed and approves their requests; now therefore be it

RESOLVED, that two (2) Legislators are authorized to attend the Northeast Regional White House Conference to be held in Washington, D.C. in July 2019.

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

Item #8 – Recognition of Public on Agenda Items

Julia Famularo, Town of Philipstown, voiced her concern about Item #6s; Local Law to Amend the Ethics Code to Prohibit Disclosure of Confidential Material. She believed it might have a chilling effect on “whistle blowers.”

Rebecca Swan, Town of Carmel and Candidate for Putnam County Legislature District #5. She quoted a famous German Theologian. She believed that the passage of this local law was shameful. She stated that she repeatedly heard that there was no change as a result of this resolution; if there’s no change why amend the Ethics Code. She believed it was granting the Legislature very broad powers to label information as confidential. She believed there was no reason for this amendment. She stated this amendment to the Code would be challenged and she believed it would be successful.

Scott Reing, Town of Carmel, explained that he had several problems with this local law. He believed it was unconstitutional under the State of New York’s constitution. He believed there were several court cases that he doubts was reviewed in drafting this law. He stated that Madam Zuckerman, First New York State Board of Parole 53AD2D405, “laws which make records private initially are unconstitutional and cannot stand.” He stated that there is no limitation on what can be marked confidential. He stated that we have elected officials who will hopefully do the right thing, and often times do, however the law also applies to contractors, vendors and unelected employees. Mr. Reing continued to quote other court cases. He believed that passing a law that was unconstitutional was a failure of the fiduciary responsibility to the citizens of Putnam County. He believed the law will dramatically increase the appeals process, putting the County Clerk’s office with an undue burden.

Connor Brennan, Town of Philipstown, read a quote by Thomas Jefferson. He believed the passage of the local law casted a wide net. He stated that any record created by or communication from the Putnam County Law Department, Legislative Counsel, Outside Counsel or Consultant retained by Putnam County shall be presumed to be confidential material even if not explicitly designated confidential. He understood that certain

information should not be released such as social security numbers, however he stated that this net that is casted presumes information that doesn't have to be confidential is now confidential. He believed you were making yourself unaccountable.

Joe Hirsch, Town of Philipstown, read a letter to the Highlands Current sent by Heidi Wendel who is a private practice lawyer specializing in representing "whistle blowers" and is the former Chief of Civil Frauds for the US Attorney's Office for the Southern District of New York. He stated that he feared that this would drag us into a potential mire of lawsuits that all of the taxpayers will be paying for.

Kathleen Foley, Town of Philipstown, thanked Legislator Montgomery for her unwavering commitment for transparency. She believed the examples mentioned by Legislators Sayegh and Castellano regarding items that should be withheld from the public were things that were already protected under the State and Federal Freedom of Information Law. She stated that she has many concerns about the law and she believed that it was unconstitutional on the State or Federal level. She believed it would give anyone the ability to arbitrarily mark something confidential. She also believed that the Planning Department did not need a confidential secretary. She believed they needed people experienced in planning.

Jordan Bailey Hoover, Town of Southeast, stated that the Highland Current recently FOILed documents related to the formulation of a particular resolution. She believed this local law would now limit what documents could be viewed by the public. She did not believe this law would not stand up in court.

Marsha Waldman, Resident of Mahopac, believed this law would allow any piece of information to be marked confidential.

Jerry Ravnitzky, Resident of Mahopac, questioned if research was done to see if any such laws exist in other counties. He stated that no matter what is written in this law, you must provide certain documentation under the guidelines of the Freedom of Information Law. He stated that you do not have absolute discretion on what documents are provided to the public.

Lynne Eckardt, Town of Southeast Councilwoman representing herself, explained that the Town of Southeast usually has two (2) or three (3) meetings before passing a local law. She questioned when the County Executive would hold the public hearing for this local law.

Chairman Castellano stated approximately four (4) weeks.

Legislative Clerk Schonfeld clarified that it is held within 20 days after the County Executive receives the resolution.

Ms. Eckardt stated that if a Legislator cc's the Legislative Attorney, she questioned if that makes the document confidential. She believed this was another layer of bureaucracy for everyone to get through when something is FOILed. She believed FOILING should be as easy as possible. She did not believe this local law helped the public. She believed there were comments made tonight that needed to be considered.

Item #9 – Recognition of Legislators

Legislator Montgomery wished everyone a Happy 4th of July. She stated that there will be a 4th of July celebration in the Town of Philipstown on Saturday, July 6th. There will be a parade at 4:00 and a firework display that evening.

Legislator Sayegh stated that there was a joint press release issued by the Sheriff's Department, Carmel Police Department, Kent Police Department and the Putnam County Stop DWI. She stated that the Statewide Stop DWI crackdown will start on July 3rd and end on July 7th. She stated that the 4th of July weekend is historically a deadly period for impaired driving. She encouraged people not to drink and drive.

Legislator Addonizio stated that Honorable Judge Reitz is our hometown hero. He believed in second chances and helped countless people through the Drug Treatment Court Program. He embraced life and offered hope for the hopeless. His passion for the people will be felt for many generations.

Legislator Sullivan thanked County Executive Odell for the initiative and her support to work with Senator Harckham and Senator Byrne in getting the Alexandrian Distillery approved. He stated that the Town of Carmel will soon have a new business that brings jobs to the area and a tourism destination.

Legislator Nacerino stated that she would like to close the meeting in memory of Honorable James F. Reitz. His passing leaves a huge hole in our collective hearts. She stated that Judge Reitz was a wonderful human being who valued mankind. He lived his life by example. His kindness and compassion wasn't a skill that could be taught or acquired; it defined who Judge Reitz was. His belief in second chances clearly demonstrated the value of faith he had in all people; in turn helping many fallen people value themselves. She believed that best way to pay tribute to Judge Reitz is to emulate his wonderful qualities. She stated that, although gone too soon, we will never forget him and feel fortunate to have crossed paths with him in this lifetime. In closing she shared a reading from Helen Steiner Rice.

There being no further business, at 8:40 P.M., Chairman Castellano made a motion to adjourn; seconded by Legislators Sayegh and Sullivan. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.