

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
Held via Audio Webinar Pursuant to Temporary Emergency Orders**

Members: Chairman Sullivan and Legislators Albano & Castellano

Thursday

6:00pm

May 20, 2021

The meeting was called to order via audio webinar at 6:07pm by Chairman Sullivan who led in the Pledge of Allegiance. Upon roll call Committee Members Albano, Castellano, & Chairman Sullivan were present.

Item #3 – Approval of Minutes – April 15, 2021

The minutes were approved as submitted.

**Item #4 – Discussion/ NYS Department of Environmental Conservation/
Environmental Conservation Law Section 11-0935/ Opt-In to Allow Youth
Deer Hunting (12 & 13 Year-Olds)**

Chairman Sullivan stated a letter from the New York State Department of Environmental Conservation (NYSDEC) was received informing the County that there is an opportunity for upstate counties to opt-in to a new law allowing youth hunters as young as 12 years old to hunt deer with a firearm or crossbow under the supervision of a licensed adult over 21 years old. He stated currently, youth hunters ages 12 and over can hunt big game with archery equipment and they can hunt small game with a firearm. He stated New York State is the only state that does not allow youth hunters to hunt with the use of a firearm. Chairman Sullivan read from the letter received from NYSDEC Commissioner Basil Seggos.

Legislator Albano stated his support for opting into this law. He stated the important thing is that the youth hunter must be supervised by a licensed adult.

Legislator Castellano stated his support for opting in as well. He stated it is interesting that New York is the only state without such a law.

Legislator Nacerino stated she is also supportive of the NYSDEC's position. She stated it is important for youth to be properly trained and supervised as this is an applied discipline. She stated it is surprising that New York is the only state that does not allow 12- and 13-year-olds to hunt big game with firearms. She stated the letter provided by the NYSDEC provides valuable rationale for opting into this.

Legislator Sayegh stated there are 12 states with no age restrictions for youth hunting, as long as an adult over the age of 21 is supervising. She stated personally, hunting is a time-honored tradition and she grew up in a household that often ate dinner sourced from what had been hunted, fished, and grown in the garden by members of her family. She stated her family frequently went on hunting and fishing trips and as a result, she

has a healthy view of the food chain and a sincere respect for the outdoors. She stated hunters are conservationists and are responsible for paying excise taxes that fund habitat restoration and land conservation. She stated since the 1940s, this has collected \$12 billion. She stated hunters advocate for open space and provide critical habitat and recreation opportunities. She stated hunters also provide benefits such as managing wildlife population. She stated during the COVID pandemic many states saw a surge in the issuance of hunting licenses and many people turned to safe outdoor recreation, which helped mitigate the meat shortages in the supply chain due to the pandemic. She stated this is a tradition that should be handed down to our children. She stated New York is the only state that does not allow 12- and 13-year-olds to hunt big game with a firearm. She stated these youth hunters can currently hunt big game with a bow and small game with a rifle. She stated by opting in the County will allow 12- and 13-year-olds to hunt with a supervised adult. She stated allowing this will give these youth hunters the opportunity to learn gun safety, habitat and ecology, the balance of wildlife, and to take only what you need and leave only footprints. She stated the activity of hunting provides a bonding opportunity for families while getting the youth hunters outdoors, unplugged, and exercising. She stated most importantly, the youth hunters are learning self-reliance and the food cycle; there is a reverence when you know the protein on your table was a gift from the earth and not to be taken for granted like a piece of meat from the grocery store. She stated there are numerous life lessons in hunting and when kids are mentored at an early age, they grow up to be respectful of nature and firearms. She stated for these reasons she is in favor of opting in to allow 12- and 13-year-olds to hunt deer with firearms under the supervision of an adult.

Chairman Sullivan stated this item was on the agenda tonight for discussion. He stated based on the supportive comments from the Legislators this evening, he would like to have this back on the agenda next month for approval.

Legislator Albano stated if the County were to opt-in by June it could be advertised in a NYSDEC publication. He questioned if it is possible to begin drafting the local law to be considered.

Legislative Counsel Robert Firriolo stated in order for the County to opt-in a local law would need to be passed. He stated if it is on the Rules agenda in June and is enacted by the Full Legislative Meeting in July and then goes through the public hearing process, there would still be enough time to have this in place before firearm hunting season begins in November.

Legislator Albano clarified that the County would still opt-in but may not be included in that publication.

Item #5 – Approval/ Powers of the Rules, Enactments, & Intergovernmental Relations Committee to Issue Subpoenas and Administer Oaths

Chairman Sullivan stated he worked with Legislative Counsel Firriolo on this resolution. He stated most of what is in the resolution is also in New York State Law, the Putnam County Charter, and the Legislative Manual. He stated this resolution will delegate explicit power within the Rules, Enactments, & Intergovernmental Relations Committee (Rules Committee) to make it more uniform and keep it streamlined. He stated other Legislative Committees will keep the power they have; this puts uniformity across the Legislature and makes it easier to request information and take it to the next step if that information is not received. He requested that Legislative Counsel Firriolo provide an overview.

Legislative Counsel Firriolo stated the Committee asked the question of how to deal with the inability of the Legislature to get information that had been requested as part of its obligation in reviewing matters before the Legislature. He stated it is the inherent power of the Legislature to conduct those kinds of studies and investigations. He stated in consultation with the Law Department, one of the options that was apparent was that the Legislature has the ability to issue subpoenas requiring people to appear and provide information as well as to provide tangible information in the form of documents or records. He stated the purpose of the resolution is to tie together the sources of authority and the delegation of that authority to various parts of the Legislature. He stated this ties together New York State Law, the County Charter, and the Legislative Manual. He stated the first few “whereas” paragraphs of the resolution detail the powers within the New York State County Law. He stated the Putnam County Charter includes these powers as well. He stated the Legislative Manual also delegates various responsibilities to Committees. He stated while the State Law and Charter speak to the powers of the Legislature, the Legislative Manual breaks up the power of the Legislature into various Committees. He stated because certain suits against the County as well as incidents involving County employees that expose the County to potential litigation require information to the Rules Committee, the Rules Committee was looking for a way to compel that information to be turned over when it’s met resistance in obtaining that information. He stated this resolution makes explicit the powers that are already provided under New York State Law, the Putnam County Charter, and Legislative Manual and makes it clear that the Rules Committee and any member of the Committee has the power to issue subpoenas for witnesses or documents. He stated also, because the Rules Committee is the “catch all” Committee, meaning if a power is not delegated specifically to a Committee to handle something, the Rules Committee is responsible for it. He stated it also makes clear that no power is taken away from any other Committee or the Chair of the Legislature to issue subpoenas. He stated it makes a clear the delegation of authority to the Rules Committee to issue subpoenas for matters of its own investigations and if any other Committee wanted to issue a subpoena, it could streamline the process by allowing the Rules Committee to issue a subpoena for any purpose for the Legislature. He stated it makes it less cumbersome because it would not have to go before the Full Legislature; it would already be delegated through the Legislative Manual to Committees and in addition the Rules

Committee could handle a request for subpoena for any Committee and issue it. He stated it also makes explicit that the Rules Committee can ask the County Attorney to initiate an action or special proceeding if the subpoena is ignored. He stated right now, that would be the only mechanism in place if a subpoena is issued and the person it is issued to defies it. He stated in that case, the County would have to bring an action to enforce it and it would be punishable by the laws of New York. He stated this resolution does not create any new powers for the Legislature that are not already in existence. He stated it memorializes the legal authority, makes clear the delegation of authority to the Rules Committee, makes clear the authority of the Committee and its individual members, and it will make it clear to both the subjects of the subpoena and the court. He stated it really streamlines the procedures to use the Rules Committee as the point Committee for subpoena power in the event one needs to be issued.

Legislator Albano stated this is interesting, it defines a lot of good points and reminds the Legislators of the abilities they have to conduct themselves in the best way.

Legislator Castellano questioned if any member of the Rules Committee could issue a subpoena, or if the Rules Committee as a whole must issue it.

Legislative Counsel Firriolo stated the way the law is written is that the Legislature or members of the Legislature or members of Committees can issue subpoenas so this is consistent with that. He stated the Rules Committee can issue a subpoena or any member can issue one.

Legislator Castellano clarified that nothing is being changed, this is memorializing it.

Legislative Counsel Firriolo stated that is correct. He stated by memorializing it, it is a way to rebut an argument that someone might make that an individual legislator cannot issue a subpoena. He stated this resolution makes it clear that the Legislature delegated the authority to issue subpoenas to the Rules Committee or one of its members, and a subpoena received from the Committee or a member is valid.

Legislator Castellano questioned if any Legislator can issue a subpoena or if it must come from the Rules Committee or a member of the Rules Committee.

Legislative Counsel Firriolo stated any Committee can issue a subpoena on a matter that is before the Committee. He stated what this resolution is doing in addition to that is allowing the Rules Committee to issue a subpoena on any matter that is currently before the Legislature. He stated for example, if something was before the Health Committee and they did not want to issue their own subpoena, they could request the Chair of the Rules Committee to issue a subpoena on their behalf.

Legislator Castellano clarified that any member of the Rules Committee could issue that subpoena without a vote.

Legislative Counsel Firriolo stated that is correct.

Legislator Nacerino stated she hopes that requested information would be forthcoming and a Committee or member thereof would not have to resort to issuing a subpoena. She stated especially since it is within the Legislature's realm of responsibility to request necessary information. She stated she believes going through the Rules Committee is a cleaner, more efficient way to handle this process.

Legislator Gouldman requested further clarification on whether an individual member of the Rules Committee could issue a subpoena and if the Committee would need to vote on it. He questioned if a majority vote of the Committee is required.

Chairman Sullivan stated currently, any Legislator can issue a subpoena.

Legislative Counsel Firriolo stated the third "whereas" clause explains that under NYS County Law Section 209 the Chair of the Legislature and any member of a Committee that has been delegated by the Legislature to conduct an investigation has the power to issue a subpoena. He stated under our Legislative Committee system in the Legislative Manual, various areas of responsibility have already been delegated to Committees, putting them in charge of related investigations. He expanded on his earlier example of the Health Committee needing to issue a subpoena; if there was a request for information that needed to come from the Health Committee and there is an investigation into something going on any member of the Health Committee already has the authority under NYS Law because of the delegation in the Legislative Manual to issue that subpoena. He stated this resolution is also allowing the Rules Committee broader jurisdiction across any matter before the Legislature.

Legislator Gouldman questioned if a Legislator must be a member of a specific Committee to issue a subpoena on a matter related to that Committee.

Legislative Counsel Firriolo stated a Legislator must be a member of the Committee that has the item to which the information being requested before it. He stated however, under this resolution any Legislator would be able to request that the Rules Committee issue that subpoena on their behalf.

Legislator Gouldman questioned if that request would need to be voted on by the Rules Committee.

Legislative Counsel Firriolo stated any member of the Rules Committee could issue the subpoena, or they could vote on it if that is how they decide to proceed.

Legislator Montgomery stated it appears that this resolution will make our jobs easier and that more information will be readily available. She stated this is interesting because a year or so ago the Legislature passed a local law prohibiting the disclosure of confidential material which made it difficult to get information and share information with even the municipalities we represent. She stated she does not understand the purpose of this resolution; it seems to be giving the Rules Committee more power than

the other Legislative Committees and other Legislators and she is not sure why that is necessary. She stated she is in favor of transparency and sharing as much information as possible, with the exception of personal information or litigation material. She stated it brings to mind a situation where she requested statistics on overdoses by zip code and she was told that information was too sensitive to share even though she did not request names or any identifying information. She stated it makes her wonder why two (2) months ago an item was on an agenda that noted a resident's name and cause of death. She stated she does not understand how that was possible and how we can protect the people we represent and their families from sensitive information being made public. She stated this resolution does not include any wording that ensures the protection of that type of material.

Chairman Sullivan thanked Legislator Montgomery for her comments.

Legislator Montgomery stated she is asking through the Chair to Legislative Counsel Firriolo how such private information could have been made public, however she is unable to obtain statistics on overdoses in the County.

Chairman Sullivan requested clarification on the question Legislator Montgomery is asking. He stated the information Legislator Montgomery is referring to was public information as it was included in a press release.

Legislator Montgomery disagreed that the information was made public in a press release. She questioned how we are going to protect the privacy of the citizens of Putnam County in regard to this resolution. She requested a copy of the press release referred to by Chairman Sullivan.

Legislator Albano stated this resolution pertains to subpoenas. He stated he does not believe it applies to this discussion right now and at this point we should move on.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Albano. All in favor.

**Item #6 – Approval/ Litigation Settlement/ Simeone v. County of Putnam, et al
(Executive Session if Required)**

Chairman Sullivan stated the material provided is well detailed and an executive session is not required.

Legislators Albano and Castellano concurred.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Castellano. All in favor.

Item #7 – FYI/ Litigation Report (Executive Session if Required)

Chairman Sullivan stated it is his hope that next month the Committee Meetings can take place in person. He stated it would be easier to question or discuss this report once the Committee is back in person.

County Attorney Jennifer Bumgarner stated in June the Law Department will send the full litigation report which includes all pending litigation cases. She stated hopefully when this is presented next month it can be discussed in person.

Item #8 – Other Business – None

Item #9 – Adjournment

There being no further business at 6:46pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.