

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

Members: Chairman Sullivan and Legislators Albano & Castellano

**Thursday June 17, 2021
(Immediately following Protective Services Meeting beginning at 5:30pm)**

The meeting was called to order via audio webinar at 7:05pm 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 – May 20, 2021

The minutes were approved as submitted.

Item #4 – Approval/ Local Law/ Adopting a Pilot Youth Deer Hunting Program

Chairman Sullivan stated this item was discussed at the May 20, 2021 Rules, Enactments, & Intergovernmental Relations Committee Meeting. He stated allowing youth hunting will provide our younger residents an opportunity to get involved with hunting in a safe setting. He stated from an economic standpoint, he believes this change will bring people from outside of the County into Putnam, which will in turn increase traffic at local businesses. He stated his support for this local law.

Legislator Albano stated these youth hunters will be supervised while hunting and this can be a training exercise for them.

Legislator Castellano agreed. He stated this is a good learning experience for young hunters and this is a good move for New York State as well.

Legislator Addonizio stated this local law allows experienced hunters to supervise youth while introducing them to hunting. She stated it is important to note that all junior hunters are required to complete a course in hunter education and must have a hunting license. She stated she has been contacted by many of her constituents who have stated their support for this two (2) year pilot program.

Legislator Jonke stated he has also been contacted by a number of residents who have expressed their support for this local law.

Legislator Nacerino stated her support for this local law. She stated it is important to properly teach our youth the proper way to hunt. She stated she has also spoken to representatives from the Region 3 Fish & Wildlife Management Board who have expressed their support for this.

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

Item #5 – Charter Review Commission/ Recommended Changes

Chairman Sullivan stated the Charter Review Commission (CRC) includes himself, Chairwoman of the Legislature Toni Addonizio, Legislative Counsel Robert Firriolo, and County Attorney Jennifer Bumgarner. He stated Senior Deputy County Attorney Conrad Pasquale attends the meetings as well to assist County Attorney Bumgarner. He stated the CRC also speaks with members of the Administration, the County Executive, Department Heads, and the District Attorney. He stated they have been working diligently the past couple of months going through the Charter line by line and making recommended changes that will help clarify a lot of language that no longer applies. He stated with feedback from others, the changes to be considered tonight have been made and he believes the Committee will find the changes are common sense approaches and will improve the Charter for the County.

a. Approval/ Local Law/ Amend Section 2.04 of the Putnam County Charter Entitled “Powers & Duties”

Chairman Sullivan stated Section 2.04 of the Charter speaks to the Power and Duties of the Legislature. He stated the first change adds wording to item (k) for clarification. He stated items (t) and (u) were added to provide clarification around the Legislature obtaining requested information, since it has been a problem getting information from various departments within the County.

Legislator Castellano requested that Legislative Counsel Firriolo explain the impact of the added items (t) and (u).

Legislative Counsel Firriolo stated item (t) is a more precise explanation of the power that is already set forth in item (i) and in the New York State County Law. He stated item (i) speaks to subpoenaing witnesses, administering oaths, and requiring the production of bonds. He stated item (t) would also include inspection of documents. He stated in addition to requiring the production of documents, this would allow the Legislature to inspect the document. He provided the example of a County vehicle being involved in an accident; this is not a typical document that could be readily produced, therefore this added language further clarifies the Legislature’s ability to view the document, in this case the vehicle. He stated this language is more inclusive, while clarifying it pertains to documents in the possession of any officers or employee paid from County funds. He stated Section 2.01 of the Charter establishes that the Legislature is the policy making body of Putnam County, but it is not detailed anywhere else in the Charter. He stated item (u) makes it more explicit that the Legislature establishes, reviews, and approves policies to be followed by all officers and employees paid from County funds.

Legislator Montgomery stated there was an audio issue and requested the explanation of item (t) be explained again.

Legislative Counsel Firriolo stated item (i) does not cover inspection. He stated item (t) speaks to items that cannot be tangibly produced to the Legislature, such as a vehicle or a building.

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

Chairman Sullivan stated he would also like to mention that District Attorney Robert Tandy expressed concern about these changes, in terms of to the confidentiality of documents related to an ongoing investigation. He stated items protected by State and Federal Law will supersede the County Charter and therefore will not have to be provided. He stated after the explanation was provided, District Attorney Tandy was comfortable with the change.

b. Approval/ Local Law/ Amend Section 2.06 of the Putnam County Charter Entitled “Clerk of the Legislature”

Chairman Sullivan stated what we are looking to do, and this is with feedback from many, is to set term limits for everyone and have no appointments carry on for years at a time. He stated therefore, this change will give the Legislature going forward the ability to review things and make changes if necessary. He stated this gives the Legislature the flexibility to make changes and no one is locked in for any period of time. He stated in today’s environment, he believes everyone would agree, no one has that kind of level of protection from if people don’t think you’re performing your duties that you should be relieved of your duties. He stated this is no reflection at all on the current Clerk of the Legislature. He stated the Charter Review happens every 10 years, so this is really a change for moving forward, giving the Legislature the ability to make changes if they believe they are necessary.

Legislator Albano stated he does not agree with this change. He stated a one (1) year appointment is not long; he believes the three (3) year appointment has been working well.

Chairman Sullivan stated this was a CRC recommendation with input from departments, the Administration, the County Executive, and other people that have spoken to them about the Charter. He stated it is a recommendation from the entire CRC.

Legislator Castellano stated he is confused by this as well. He stated the Legislature is an interesting body of government in Putnam County. He stated there are nine (9) Legislators serving for three (3) year terms and each year three (3) Legislators are up for election. He stated when this section was drawn up, they had good intentions in mind having the Auditor, Legislative Clerk, and Legislative Counsel serve staggered three (3) year appointment terms. He stated a change was made to the Legislative

Counsel appointment a few years ago. He stated having these major positions serve a three (3) year term is important. He stated in thinking toward the future, the amount of people that would be interested in a position would be limited because it would be a one (1) year commitment to be reviewed each year. He stated for these reasons and more, he is not supportive of this amendment to the Charter.

Legislator Nacerino stated she also has reservations about this change. She questioned why some appointments are set to expire on December 31st while others expire on January 1st. She stated she believes these appointments were done yearly in the past, however it was redundant and it was changed to three (3) year terms. She stated Legislator Castellano's point is well taken, in looking into the future the pool of applicants would be limited because there is no security past one (1) year. She stated it was mentioned that there is no protection in many jobs. She stated the Legislative Staff are hardworking individuals and aspects of their positions and the commitment they take on has been discussed; not only in terms of protections and the length of the appointment, but the fact that they sometimes work from 9am to 10pm and do whatever it takes to get the job done. She stated she is not in favor of this. She stated the three (3) year appointment is sufficient and there are loyal, efficient, and effective people in place and because of that we should offer some security for them. She stated it is difficult to plan a life on just a one (1) year appointment. She stated she is unsure what the rationale is behind this change.

Legislator Montgomery stated she was disappointed to see this proposed change on the agenda. She stated the institutional knowledge the Legislative Clerk has, including being the networker between community organizations and municipal, Federal and State government, is established over time and does not happen within a year. She stated understanding each individual Legislator and the way they work also takes time. She stated she is confused by this proposed change and is disappointed that it is on the agenda. She stated after hearing some of her colleague's comments, she questions the initial statement that this was suggested by many and the CRC. She stated the Charter Review seems to be a very informal process for such an important document; this is the road map for the County. She stated she is hearing comments from Chairman Sullivan that many people have suggested this and the CRC recommended this. She questioned if the minutes from the CRC Meetings could be provided and if the recommendations of the CRC could be formally forwarded to the Legislature for consideration. She stated it is bad enough that we do not have a bipartisan CRC. She stated when this process was last done 10 years ago there were 11 people on the CRC and it included bipartisan and community input. She stated it was a great community effort and she believes an opportunity to bring the community together on this is being missed. She stated the informal comments made tonight have validated her feeling about how this process is going. She stated County government was established the way it was to ensure that the local interests were at the forefront. She stated to not include the local interests in this process is a disservice.

Legislator Jonke stated his agreement with most of Legislator Castellano's comments. He stated he does not understand how this equates to term limits. He stated this would

be shortening a term; the equivalent would be the change the Legislators' terms to one (1) year terms. He stated for the sake of continuity the term of the appointment should remain three (3) years and the positions being appointed should remain staggered. He questioned if there are only four (4) members of the CRC.

Chairman Sullivan stated yes, that is correct.

Legislator Jonke stated he believes there should be department heads, more members of the Legislature, and community members on the CRC. He stated when this was done in the past there have been many more people on the CRC and having more input could be helpful.

Chairman Sullivan stated in the past they had more time and it took a lot longer. He stated in light of the restrictions in place due to the COVID-19 pandemic, letters were sent to all department heads, all town supervisors, and village mayors notifying them the Charter Review was being done and requesting that any comments or suggestions be submitted to the CRC. He stated they have tried to be as inclusive as possible given the circumstances. He stated the process was also started later than intended because of the COVID-19 pandemic. He stated the CRC is going through the Charter diligently and carefully. He stated since Legislative Counsel Firriolo is part of the CRC, he questioned if he had any comments that he may have left out on the thought process behind this recommended change.

Legislative Counsel Firriolo stated the decision whether to change the term of the Clerk is entirely up to the Legislature. He stated there are some changes that will be recommended throughout sections of the Charter to remove unnecessary language that was included when the Charter was new. He stated in this section, wording "Effective January 1, 2002" was recommended to be removed because the County is no longer in that initial stage. He stated this change could still be done in this section even if the Committee or Legislature does not approve the amendment to the length of the term.

Chairman Sullivan suggested tabling this item back to the CRC to leave the term for the Legislative Clerk as is and make only the change to update the outdated language.

Chairman Sullivan made a motion to table Local Law/ Amend Section 2.06 of the Putnam County Charter Entitled "Clerk of the Legislature".

Legislator Albano questioned if a motion could be made to make a change only to the outdated language.

Legislative Counsel Firriolo stated he would be wary of making amendments on the fly because making changes could have unintended consequences. He stated if the inclination of the Committee is not to move it forward at this time, it should be recommitted to the CRC to be redrafted.

Chairman Sullivan stated he would like to table this item for the CRC to redraft and re-submit when it is ready for Legislative consideration.

Legislator Nacerino stated it was mentioned that the rationale behind this was that this Charter Review is done once every 10 years. She stated she does not understand the relevance because even if applicable to a one (1) year term or three (3) year term the prerogative to reappoint still rests with the Legislature at the end of said term.

Chairman Sullivan stated it gives the Legislature more flexibility to make a change if needed without being tied to a term.

Legislator Castellano stated there is time to redraft this and therefore he believes there is no need to table this. He questioned if the Legislature could act to remove the Legislative Clerk if they were dissatisfied with the job being done.

Legislative Counsel Firriolo stated he would have to confer with the County Attorney and Director of Personnel, but he believes the answer to that is yes.

Legislator Castellano stated he believes that makes the point of changing it even more moot. He stated he is in favor of the three (3) year term for the Legislative Clerk who runs the office and hires the rest of the staff working in the office. He stated with three (3) legislators up for election each year, the chances of changes the Legislative Clerk each year would decrease the efficiency in the office. He stated he is happy to keep the length of this term as is.

Chairman Sullivan stated the intention was not to change the Legislative Clerk each year, it was for flexibility and a review on an annual basis.

Chairman Sullivan made a motion to table Local Law/ Amend Section 2.06 of the Putnam County Charter Entitled "Clerk of the Legislature".

Legislative Counsel Firriolo stated if the item gets voted down, it does not stop the CRC from sending another proposal to the Rules Committee.

Legislator Castellano stated he would vote against tabling this right now. He stated he thoroughly disagrees with what is in front of him at this point. He stated the CRC can submit another proposal.

Chairman Sullivan made a motion to approve Local Law/ Amend Section 2.06 of the Putnam County Charter Entitled "Clerk of the Legislature". There was no second. Motion fails.

c. Approval/ Local Law/ Amend Section 2.08 of the Putnam County Charter Entitled "Confirmation of Appointments"

Chairman Sullivan stated there were minor changes added to this section for clarification purposes.

Legislator Castellano requested Legislative Counsel Firriolo provide an overview of this change.

Legislative Counsel Firriolo stated this is not a substantial change, but it is an important clarification the CRC believed to be necessary. He stated the addition of “submitted to the County Legislature” clarifies that this section only deals with appointments properly before the Legislature. He stated this does not change anything, it only clarifies that there are other appointments that are not submitted to the Legislature for approval.

Legislator Montgomery made a motion to table this item. She stated this is not a transparent process that is done once every 10 years. She stated this is the legacy this Legislature leaves behind and it is being done without bipartisan input and without input from the community. She stated it was mentioned that there is not much time. She stated when the CRC was being formed it was stated there was no time limit. She questioned when the review needs to be completed by.

Chairman Sullivan clarified that his comment was not that there was not enough time, but that when this was done in the past there was more time.

Legislator Montgomery requested further clarification.

Chairman Sullivan stated in the past they were not dealing with the COVID-19 pandemic.

Legislator Montgomery stated much has been accomplished during the COVID-19 pandemic.

Chairman Sullivan asked if there was a second on the motion to table this item.

Legislative Counsel Firriolo stated Legislator Montgomery is not on the Committee therefore she cannot make said motion.

Legislator Nacerino stated her support for this amendment which provides clarification.

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

d. Approval/ Local Law/ Amend Section 2.09 of the Putnam County Charter Entitled “Audits”

Legislator Castellano requested Legislative Counsel Firriolo provide an overview of this change.

Legislative Counsel Firriolo stated the current wording in the second sentence states “Where appropriate, a single audit or audits may be commissioned by the Legislature as required by law.” He stated it is unknown what “required by law” means or meant. He stated this seems meaningless and is also an unnecessary restriction on the Legislature’s ability to commission an audit. He stated this sentence was removed and a similar, reworded sentence was added to the end of the section.

Legislator Montgomery stated in the past, the CRC was comprised of a former County Executive, town councilmembers, former legislators, a former Sheriff’s Inspector, residents from Kent and Putnam Valley, and a retired Commissioner of Jurors. She stated there is no transparency or discussion with this; it is something informally brought to the Legislature. She stated this is the Charter of the County and the Legislature has had no discussion about it and does not even know when the CRC met.

Chairman Sullivan stated the Legislature discussed the CRC when it was being formed. He stated there have been many different iterations of how it was formed in the past.

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

e. Approval/ Local Law/ Amend Section 2.10 of the Putnam County Charter Entitled “Auditor”

Chairman Sullivan stated there are a few changes in this section. He stated Legislative Counsel Firriolo will be able to explain them.

Legislator Nacerino questioned if the term length is stipulated in this section.

Legislator Castellano stated the proposed amendment for this section also changes this appointment to be done each year.

Legislator Nacerino stated for the same rationale put forth under the discussion of item #5b, she believes the three (3) year term currently in place should be maintained. She questioned why this appointment begins on January 1st while the appointment of the Clerk of the Legislature is December 31st.

Chairman Sullivan requested Legislative Counsel Firriolo to explain the difference in the dates.

Legislative Counsel Firriolo stated the Clerk of the Legislature is necessary to set up the Organizational Meeting, so it is important to have a Clerk in place by December 31st. He stated the Auditor is not necessary for that, therefore this would allow the Auditor to be appointed at the Organizational Meeting. He stated regardless of the length of the term, the Auditor would be appointed on January 1st, or soon thereafter, which translates to the Organizational Meeting.

Legislator Nacerino questioned if the appointments of both the Clerk of the Legislature and the Auditor have been done incorrectly in the past.

Legislative Counsel Firriolo stated nothing was being done incorrectly. He stated when the Auditor is appointed is not changing. He stated the thought was that if a change were to be made to the Clerk of the Legislature's term, it made sense to have the appointment in place prior to the Organizational Meeting so they could set that meeting up.

Legislator Castellano stated for the same reasons stated earlier under item #5b, he believes the term of this position should remain three (3) years. He stated it makes sense to have these positions staggered, three (3) year terms and it is working well. He stated he does not see the need to have the Auditor appointed each year and there would be the possibility of having a new person in that position every year. He stated looking to the future, the pool of potential candidates of the job would be much less due to the fact that it is only for one (1) year. He stated he does not believe this change is necessary and will be voting against it.

Legislator Montgomery stated this is another amendment to the County Charter being proposed without transparency, without details of when the CRC met, and without bipartisan input.

Chairman Sullivan made a motion to approve Local Law/ Amend Section 2.10 of the Putnam County Charter Entitled "Auditor". There was no second. Motion fails.

Legislator Montgomery requested that the Legislature receive notification of when the CRC meets and a copy of the minutes from the meetings.

Chairman Sullivan stated yes.

Item #6 – Discussion/ Sheriff's Department Security & Traffic Control Agreements

Chairman Sullivan stated he has requested Risk Manager Mat Bruno speak to this item.

Risk Manager Bruno stated there are pros and cons with traffic safety for private entities. He stated there is significant risk when the Sheriff's Department does traffic control. He stated a deputy could be injured while controlling traffic and there were a few workers compensation injuries, one being severe, stemming from traffic control incidents. He stated when you analyze the risk to the County, it is significant in that the costs associated with an injury including medical treatment and the workers compensation itself far outweigh the pros. He stated this means the County would be paying out a large amount of money if a deputy gets injured during traffic control. He stated the caveat to that is if the request for traffic control is denied to one private entity, it would have to deny the request from any private entity. He stated however, it could be a new stance that the County has that it is not recommended that the Sheriff allows deputies to do this because of risk of injury. He stated in analyzing the numbers, there

is significant exposure, especially if an injury is substantial. He stated his recommendations are just that; recommendations. He stated it is better to be proactive than reactive when it comes to risk and when the potential cost is high, being proactive could be a cost savings.

Chairman Sullivan thanked Risk Manager Bruno and stated as the Risk Manager, his opinion is important to consider when making decisions that effect the taxpayers. He stated as mentioned, just one incident that the County has experienced will cost the taxpayers close to \$500,000 if not more. He stated the County has insurance, but it does not kick in until after \$1.5 million per claim. He stated the risk is very high compared to the amount of income that may be generated for providing these services. He stated therefore, he understands why Risk Manager Bruno would advise against the County engaging in private traffic control. He clarified that the Legislature does not approve or disapprove contracts; that is the County Executive's responsibility.

Legislator Albano recognized that having a Sheriff's Deputy control traffic would be safer than having a layperson do it. He questioned if it would be possible for the deputies to be hired directly by the private business on their own time and not under the jurisdiction of the Sheriff's Department or the County. He stated this would allow for the traffic control to be done by a professional and trained individual, but they would be paid by the business and covered under their worker's compensation.

Chairman Sullivan questioned if the County had any restriction pertaining to deputies working elsewhere while they are off duty.

Risk Manager Bruno stated when a deputy is off duty they could take a side job but they would not be representing the County and would not be covered under worker's compensation. He stated if they got injured during this time, they could not file a worker's compensation case with the County.

Legislator Albano stated the individual should be covered under worker's compensation through that employer.

Legislator Castellano stated this is an interesting concept, but he believes there is a lot of gray area. He stated police officers are "on the job" 24/7; if they see something they need to react and they took an oath to do so. He questioned if an off-duty officer is working for a private company and a crime takes place, are they reacting as a Putnam County Sheriff's Deputy or as a private citizen working at a moonlighting job?

Chairman Sullivan stated he believes from his own perspective that the deputies would either be on their own time while off duty or they are on duty and are under the County umbrella for risk or anything else that could happen.

Legislator Castellano stated he does not believe the County can completely eliminate itself from the liability if the off-duty officer had to respond to a criminal action while doing traffic control for a private entity. He stated this becomes a confusing issue. He

stated he believes having a private company provide traffic control services would be best.

Legislator Montgomery questioned how this would affect events being held at Tilly Foster Farm and the Putnam County Golf Course, which are County owned facilities, but the events are being held by a private production company where Sheriff's Deputies are used for crowd and traffic control. She also questioned how this would affect community events held by towns, for example firework displays, community days, or the recent vaccination PODs that were held. She stated this is an interesting topic and she does not know how the County could avoid it for the sake of public safety; it is a liability that the County may just have to take on. She stated this topic spans further than just private entities requesting traffic control.

Legislator Nacerino stated many law enforcement officers often go into the business of private security after they retire. She stated therefore, a private organization may have employees well trained on traffic control and would be able to provide the service to those private entities in need of it for events. She stated recognizing that this topic is in Committee only for discussion and it is a decision to be made by the County Executive, she does not believe it would be in the best interest of the County or Sheriff's Department to have officers engage in private practice.

Legislator Sayegh stated in reference to Legislator Castellano's comments about distinguishing an officer's responsibilities when they are off-duty, she believes officers from other municipalities often take private security jobs while off-duty, therefore this is not a new concept. She stated at events held at Veteran's Memorial Park private citizens volunteer to assist with directing traffic. She stated this is an interesting discussion and there may be other options to look into.

Chairman Sullivan thanked everyone for their comments.

Item #7 – Approval/ Litigation Settlement/ Roberts v. County of Putnam

Chairman Sullivan questioned if there is a need to go into executive session to discuss this litigation settlement.

County Attorney Jennifer Bumgarner stated if any Legislators have questions or are concerned about any aspect of the information provided, she would be happy to discuss any of the facts and circumstances of the case in executive session.

Chairman Sullivan questioned if any Legislator had any comments or questions for County Attorney Bumgarner pertaining to this settlement.

There was no response.

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

Item #8 – FYI/ Litigation Report/ All Pending Cases

Chairman Sullivan questioned if there were significant updates the Legislature should be aware of. He questioned if this discussion should be held in executive session.

County Attorney Bumgarner stated there have not been any significant changes in what is pending other than the fact that there is one individual case scheduled for trial later this month. She stated there may be decisions made in that case in the near future. She stated many times when settlement discussions have been unsuccessful prior to trial, as soon as it gets to the eve of trial a lot of movement starts to happen and the judge begins to encourage settlement. She stated this case may in fact go to trial and she will keep the Legislature informed. She stated that is the only case right now where there is action, everything else is in the midst of discovery. She stated if there are questions she is always available or she can answer factual questions now. She stated if there are more specific questions we would need to go into executive session.

Chairman Sullivan questioned if any Legislator had any specific questions for County Attorney Bumgarner pertaining to the litigation report.

There was no response.

Item #9 – Other Business – None

Item #10 – Adjournment

There being no further business at 8:26pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.