

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
To Be Held In Room 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman LoBue, Legislators Tartaro & Wright

Tuesday December 9, 2014
(Immediately Following Protective Services beginning at 6:30pm)

The meeting was called to order at 8:02 P.M. by Chairwoman LoBue who requested that Legislator Tartaro lead in the Pledge of Allegiance. Upon roll call, Legislators Tartaro, Wright, and Chairwoman LoBue were present.

Item #3 - Approval of Minutes – November 18, 2014

The minutes were approved as submitted.

Item #4 - Approval/ County Attorney/ Two Litigation Settlements

Chairwoman LoBue stated she would like to address agenda items #5 and #6 prior to the litigation settlements as they will be discussed in Executive Session.

Item #5 - Approval/ Re-Appointments to Putnam County Plumbing & Mechanical Trades Board/ Sleight and Bleakley

Director of Consumer Affairs Jean Noel stated Robert Sleight is the Chairman of the Plumbing Board and Russell Bleakley is the Vice Chairman of the Board. She stated both have agreed to remain in those seats for 2015.

Legislator Wright made a motion to approve the re-appointments of Sleight and Bleakley to the Putnam County Plumbing & Mechanical Trades Board; Seconded by Legislator Tartaro. All in favor.

Item #6 - Approval/ Re-Appointments to Putnam County Electrical Examiners Board/ Elio, Morrison, & Taggart

Chairwoman LoBue made a motion to waive the rules and accept the additional; Seconded by Legislator Tartaro. All in favor.

Director Noel stated the law states that a member with more than four (4) absences is subject to removal from the Electrical Examiners Board (“Electrical Board”).

Legislator Wright questioned if this was a State Law or a County Law.

Director Noel stated it is a County Law. She stated there are 27 Board Members between the three (3) Boards and they are volunteers so the Boards do have to be flexible at times. She stated however, excessive absences from Board Meetings are detrimental to the process, especially when no notification is given. She stated she would like to approve the member with the attendance issue for a one (1) year term rather than the three (3) year term and then revisit the issue. She stated the one (1) year term would allow the individual to improve their attendance. She stated she would like the other two (2) members to be approved for the full three (3) year term.

Legislator Wright questioned what the predetermined rule is.

Director Noel stated it is a three (3) year term. She stated after four (4) missed meetings, the member is subject to removal. She stated the Electrical Board decided not to remove the member during the year, but instead to see how the year went and then decide when it came time to reappoint.

County Attorney Jennifer Bumgarner questioned if the term is outlined in the Code or the By-laws.

Director Noel stated it is in the Code.

County Attorney Bumgarner stated since it is in the Code, the member can only be appointed for a three (3) year term.

Chairwoman LoBue suggested re-appointing the two (2) other members and having Director Noel come back before the Committee in January to revisit this issue.

County Attorney Bumgarner questioned if it is difficult to find volunteers to join the Electrical Board.

Director Noel stated it is difficult because the law calls for an individual who is a limited data technician. She stated the individual who has experienced the attendance issues is a limited data technician. She stated those who qualify may not be in the position to dedicate their time to the Electrical Board.

Legislator Tartaro made a motion to approve the re-appointment of Morrison and Taggart to the Electrical Examiners Board; Seconded by Legislator Wright. All in favor.

Item #4 - Approval/ County Attorney/ Two Litigation Settlements

Item #7 - Other Business

a. Litigation Settlement

Chairwoman LoBue stated there are two (2) litigation settlements that will be discussed in Executive Session.

County Attorney Bumgarner stated there is a third litigation settlement that went on the agenda as "Other Business."

Chairwoman LoBue questioned why the third settlement was received so late.

County Attorney Bumgarner stated it was finalized this afternoon. She stated she would like to at least discuss the settlement.

Legislator Wright made a motion to waive the rules and accept the other business; Seconded by Legislator Tartaro. All in favor.

At 8:11 pm Legislator Tartaro made a motion to go into Executive Session to discuss the three (3) litigation settlements; Seconded by Legislator Wright. All in favor.

At 9:00 pm Chairwoman LoBue made a motion to come out of Executive Session; Seconded by Legislator Tartaro. All in favor.

Chairwoman LoBue stated no action was taken while in Executive Session.

County Attorney Bumgarner stated the case in which NYMIR brought action against the County seeking to have the court determine that the County has supported no insurance coverage under its existing policies at the time of the Deskovic case. She stated the County's counsel appeared before Judge Carras in the Southern District, who ruled from the bench after the arguments that the County was entitled to at least the first year's coverage, which was \$1 million at the time. She stated he then further directed the parties to brief the issue of the succeeding coverage years. She stated in insurance terms, it is "vertical coverage" which means as the years went on and the violation continued, they were unaware if NYMIR would be responsible under those subsequent years of coverage. She stated it is an additional three (3) years, which is an additional \$1 million per year. She stated the briefs are due in January and once they are fully submitted by the County's counsel and NYMIR's counsel, the court will then issue a decision. She stated so far, the court has awarded Putnam County the \$1 million for the first year, and potentially another \$3 million. She stated NYMIR will appeal the decision. She stated she will notify the Committee when the 30 days has expired and whether or not they have filed a notice of appeal. She stated if they appeal, the County will have to wait to see what the appeal division says. She stated there is the possibility that the County can get a refund for the \$4 million.

Chairwoman LoBue questioned if NYMIR was the insurance carrier at the time when this took place.

County Attorney Bumgarner stated NYMIR was a subsequent insurance carrier at the time that the plaintiff was incarcerated. She stated because one (1) of this claims was unlawful imprisonment, the County claimed that they had liability under the policy for those years, to which the Court agreed.

Chairwoman LoBue stated that is wonderful as that will be some taxpayer money coming back to the County.

County Attorney Bumgarner stated it will also help the County in terms of their bond rating. She stated even the \$1 million will pull the County out of the danger zone in terms of the bond rating.

Legislator Tartaro made a motion to approve the settlement for Rosen v. County of Putnam; Seconded by Legislator Wright. All in favor.

Legislator Tartaro made a motion to approve the settlement for DeFreitas v. County of Putnam; Seconded by Legislator Wright. All in favor.

Legislator Wright made a motion to approve the settlement for Wheeler v. County of Putnam; Seconded by Legislator Tartaro. All in favor.

Legislator Wright questioned if Commissioner of Finance Bill Carlin had stated that the \$1 million would put the County out of harm's way in terms of the bond rating.

County Attorney Bumgarner stated he had not said that but she is planning to speak with him regarding this topic.

Item #8 – Adjournment

There being no further business, at 9:05 P.M., Chairwoman LoBue made a motion to adjourn; Seconded by Legislator Tartaro. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.