

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

Members: Chairman Sullivan and Legislators Addonizio & Albano

**Tuesday August 13, 2019
(Immediately following the Economic Development Mtg. beginning at 5:30pm)**

The meeting was called to order at 6:18pm by Chairman Sullivan who requested Legislator Castellano lead in the Pledge of Allegiance. Upon roll call Legislators Addonizio & Albano were absent. Chairman Sullivan was present. Chairman Sullivan stated Legislators Castellano & Nacerino would sit in on the Committee in Legislators Addonizio & Albano's absence.

Item #3 - Approval of Minutes – July 22, 2019

The minutes were approved as submitted.

Item #4 - Approval/ Local Law to Amend and Revise the Putnam County Code Entitled Ethics, Code Of, and Financial Disclosure to Prohibit the Disclosure of Confidential Material

Chairman Sullivan stated this is a highly technical and legal Code amendment. He stated as the discussion about this item takes place he will refer to Legislative Counsel Robert Firriolo for clarification or necessary details. He stated the intent of this amendment was to clarify that the documents available through the Freedom of Information Law (FOIL) will remain available. He stated this amendment intends to protect confidential information from being disclosed by a County Employee or Elected Official. He stated this does not affect the FOIL laws. He stated while there has been public support of this local law, there were also some concerns based on the way some have interpreted it. He stated to address these concerns this amendment is being considered tonight. He stated the next item on the agenda will amend the Legislative Manual in a similar regard. He asked if there were any questions pertaining to item #4 at this time.

Legislator Nacerino stated from the onset, the intent was never to prohibit access to documents via FOIL. She stated the intent was to protect confidential information from getting into the wrong hands. She stated the amendment being considered tonight includes verbiage that is more concise.

Legislator Castellano stated this also addresses how employees should handle confidential information. He stated the FOIL law, which is enacted by the State, will remain the same. He stated there are some instances where a document might be confidential for a period of time, then will become available to the public at a later date.

He stated he believes the amendments made to this local law will clarify the concerns raised. He stated the County is abiding by the State FOIL law and nothing is being kept secret.

Chairman Sullivan stated it is important to mention that the Legislative Manual is being amended in conjunction with this to address the administrative procedural process in relation to confidential information.

Legislator Montgomery stated it is important to note where this law came from, although she does not have a clear understanding. She stated when this was first brought to Committee she questioned if the proposed law was in response to a request she made to release a memorandum to the press. She stated at that point, Chairman Sullivan stated her request was not the reason and he cited issues that have come up in the past. She stated she looked back to articles and Legislative Committee minutes and did not see evidence of any such issues. She stated before the vote was taken on this local law at the July Full Legislative Meeting she lobbied for her colleagues to vote "no" by calling the other Legislators. She stated in this process, she learned that this proposed law was in fact in response to her request to release the memorandum. She stated a FOIL request was submitted for that memorandum and it was not released; she questioned why.

Chairman Sullivan stated as Chairman of this Committee, his decision to have the proposed local law on the agenda was not just in response to Legislator Montgomery's request. He stated as has been previously referenced, there have been instances of Legislators in the past releasing confidential information. He questioned who told Legislator Montgomery that her request was what initiated this local law.

Legislator Montgomery stated she asked Chairman Castellano if this was in response to her request and he agreed that it was. She stated she also spoke with Legislator Nacerino who also said it was in response to her request.

Legislator Castellano stated when he spoke with Legislator Montgomery he stated his opinion was that her request coupled with the situations that have happened in the past lead to the proposed local law. He stated he believes the importance of this is to address the question of how to handle confidential material as it goes through the system. He stated the memorandum Legislator Montgomery referenced is attorney-client privileged information from Legislative Counsel to the whole Legislature. He stated in the past, another issue came up and the Legislative Counsel at the time told the Legislature that the material was individual to all nine (9) Legislators; therefore if one (1) Legislator wanted to release it that would be their prerogative. He stated at the time, he did not believe this was correct, however a situation did not arise that required the Legislature to make a change such as the one on this agenda. He stated current Legislative Counsel Robert Firriolo made it clear that in regard to a document provided to the whole Legislature under attorney-client privilege, all nine (9) members are the "client" therefore all nine (9) members would have to agree to release it, no matter what

it says. He stated he believed this it was what being addressed by the local law that was passed last month, and this amendment clarified it even further.

Legislator Montgomery stated the examples provided make sense, however she has a hard time voting for a law based on instances in the past without concrete evidence of occurrences. She stated she believes in attorney-client privilege, which is why she asked permission to release the document. She stated that request was denied to protect the attorney-client privilege, but she believes sometimes attorney-client privilege is being protected at the expense of the public. She questioned what was contained in the memorandum she requested to release that the public should not have access to.

Legislator Castellano stated the attorney-client privilege is being honored based on the law. He stated the document Legislator Montgomery is referring to included advice from Legislative Counsel to the Legislature. He stated if Legislator Montgomery was the only client who received that information, the option to release it would be solely hers.

Legislator Montgomery stated the document included information that Legislators used to base their vote on.

Legislator Castellano stated when making a decision, he collects information from many sources, including from the County Attorney or Legislative Counsel. He stated this is advice and each Legislator can choose to accept the advice or not; however it is still protected under attorney-client privilege and should not be disclosed. He stated all information is obtainable via FOIL, and the decision to release it would then be with the courts.

Chairman Sullivan stated he does not understand why a client would want to disclose a document marked confidential. He stated he trusts the attorneys to relay what the legal course of action would be and he would not challenge that advice. He stated he would not want to leave the County liable for releasing information that is not supposed to be released.

Legislator Nacerino stated as per the conversation she had with Legislator Montgomery, she indicated that it was her opinion that Legislator Montgomery's request was merely the catalyst for this proposed local law, but was not the sole reason. She stated this law is a concerted effort to improve efficiencies moving forward. She stated attorney-client privilege is an entrusted relationship.

Legislator Castellano stated when the Legislature goes into executive session where they are receiving information or advice from attorneys they are speaking to all nine (9) Legislators and in the end, each Legislator makes their own decision. He stated there was an incident where a highly confidential lawsuit was discussed in executive session and the next day a local reporter called the Legislators asking questions based on information as if he was in the executive session. He stated once attorney-client privilege is misused, the Legislators lose the right to have intelligent and professional conversations with their attorneys. He reiterated that there are items that may be

confidential for a period of time, but will become available to the public via FOIL after a certain point.

Legislator Montgomery stated part of this concern is the amount of time it takes to fill a FOIL request.

Legislator Castellano stated the FOIL process is set by State law.

Legislator Montgomery stated she understands the process. She stated she is bringing information from her constituents who have voiced their concerns about the FOIL process. She stated the information her constituents are looking for seems to take a long time to obtain. She stated for example, information related to campaigns was not available for months but was available the day after the election. She stated the concern with this law is that it will make things more difficult for the public to get information that they are entitled to.

Legislator Nacerino disagreed.

Chairman Sullivan stated he has not received feedback from constituents within his district voicing concerns about this matter. He stated he has the memorandum that was sent to the Legislature from County Executive MaryEllen Odell accompanying the local law passed at the Full Legislative Meeting in July. He stated in the memorandum County Executive Odell references the public hearings held for the local law and the disclosure of confidential information by a Legislator. He stated things that are marked confidential should not be disclosed without going through the proper procedure.

Legislator Montgomery stated the letter is referring to her; however she did not disclose any confidential material at the public hearing.

Chairman Sullivan stated County Executive Odell's memorandum goes on to read "...it is apparent that there is a need for the Board of Ethics to be empowered to consider a violation of this law both by Legislators and County employees and to recommend appropriate penalties for such violations." He stated the reason for this local law is to make sure both Legislators and County employees do not release confidential information; that is the sole purpose of this.

Legislator Nacerino stated each Legislator's vote is reflective of their opinion and to represent the best interest of the constituents in their district.

Legislator Castellano stated at the end of the day, the vote is up to each Legislator no matter where they collect their information from.

Ann Fanizzi, resident, questioned who is responsible for stamping a document confidential.

Chairman Sullivan stated documents may come to the Legislature marked confidential from the Department they originate from.

Ms. Fanizzi requested clarification if any employee can mark a document confidential.

Legislator Castellano stated he understands the topic of confidentiality very well as he has worked in the courts for many years. He stated if a document is being sent from a department that could possibly be confidential, an employee or Department Head might mark it confidential. He stated when that documents arrives in the Legislative Office, the staff reviews it and may contact Legislative Counsel to determine the actual confidentiality of the document. He stated we try to be as cautious as possible with any document.

Ms. Fanizzi requested clarification on if a Department Head deems a document as confidential it does not mean that document is necessarily confidential. She questioned if a document goes directly to the Legislative Office if it is forwarded to the Law Department for review. She questioned who the ultimate authority is over confidentiality.

Chairman Sullivan stated if a question arises about the confidentiality of a document, the Legislative staff or Legislators will contact Legislative Counsel for further review and clarification.

Legislator Nacerino stated some items are marked confidential to protect the integrity of the information or to not jeopardize a certain situation. She stated this could include attorney-client privilege communications, an outstanding contract, or personal information of a resident. He stated items such as contracts or leases are confidential until they have gone through the process and been approved and finalized. She stated the Legislature does not have the ability to exercise anything not dictated by State or Federal law.

Legislative Counsel Firriolo stated he believes there is confusion over what it means when a document is marked confidential. He stated if a document is marked confidential, it does not mean FOIL exempt. He stated confidential is a marking used internally to alert the person receiving the document that it includes sensitive material. He stated as Legislator Castellano mentioned earlier, something that may be marked confidential such as labor negotiations or ongoing litigation may not remain confidential later on. He stated the Legislature could receive a 20 page document, one (1) of which contains information that is FOIL exempt, yet the whole document would be marked confidential as a warning that it includes sensitive information. He stated if that 20 page document is FOILed, the Law Department may produce the document with the exempt information redacted. He stated it is incorrect to think that "confidential" is equated with "FOIL exempt". He stated the revision of the law that is before the Committee tonight removes the section that allowed employees to designate something confidential. He stated this law involves Ethics, not FOIL.

Ms. Fanizzi thanked Legislative Counsel Firriolo for the clarification.

Lynne Eckardt, Town of Southeast Councilwoman, speaking as a resident, stated when she legislates and she thinks of the law of opposites. She questioned if a Legislator releases confidential material and after an investigation the information is deemed not to be confidential, if there are consequences for the rest of the Legislators who believe it is confidential.

Legislator Castellano stated he has an example of Ms. Eckardt's question. He stated if there is a settlement agreement in front of the Legislature and it is expressed to the Legislature that it is the best deal for Putnam County to settle for a certain amount, the Legislators cannot release the specific information until it goes through the court process, which could take a few weeks. He stated if a Legislator tells someone that the County is settling before the process is finalized, it could jeopardize the lawsuit. He stated if once the case is settled, a Legislator discloses the information, it would still be wrong to do but would no longer jeopardize the lawsuit.

Ms. Eckardt stated it makes sense that a settlement would need to remain confidential. She questioned, for example, if the previously referenced memorandum was given out by one (1) Legislator and it is found to not contain confidential information, if there are any repercussions for the other eight (8) Legislators who disagreed with the information being shared.

Legislative Counsel Firriolo stated the document Ms. Eckardt is referring to is not the best example to use because it is a piece of advice from an attorney provided to their client. He stated it is not a question of whether there are facts; the entire document constitutes legal advice and analysis. He stated it would not be up to any one (1) Legislator to determine if the information is privileged; it is by its very nature legal advice and therefore privileged. He stated he understands the question; if there were a document that had nothing but a recitation of facts in it and that were released and there was a determination made that those facts are not privileged, in that case there would be no sanction against the Legislator because it is not confidential material. He stated if the Legislator knowingly released it thinking it was confidential, there is an ethics issue. He stated it is not up to an individual Legislator to make a legal determination as to whether something is releasable, that decision would come from the Law Department.

Chairman Sullivan stated he would like County Attorney Jennifer Bumgarner to speak to this as well.

County Attorney Bumgarner agreed with Legislative Counsel Firriolo's explanation.

Ms. Eckardt questioned if the Legislators who wanted to keep the document confidential would be sanctioned in any way.

Legislative Counsel Firriolo stated the issue of whether the public business is at issue is irrelevant to the protection of attorney-client privilege because Legislators have an equal

right to free flow of legal advice and communications of any individual citizen. He stated when there is a danger that confidences would be revealed in an attorney-client communication, that impairs an attorney's ability to give unfettered legal advice and it impairs the client's ability to seek legal advice for fear that those confidential communications would be revealed. He stated while ultimately, he would agree that the public has a right to transparency on the operations of government, when it comes to providing legal advice the confidentiality protection is just as strong for public officers and elected officials as it is for members of the public.

County Attorney Bumgarner agreed with Legislative Counsel Firriolo. She stated in order to address Ms. Eckardt's point; the distinction is between a Legislator releasing a document on their own accord versus the same document being requested via FOIL. She stated upon review, if said document contained only a recitation of the facts it would be released under FOIL.

Ms. Eckardt requested clarification that what is being said is that the attorneys will be the only arbiter of this; not any Legislators even if they believe it is their ethical or moral duty to release something.

Legislative Counsel Firriolo stated the only decision the Legislature will make on the release of a document is a document to the Legislature or Legislative record that has been marked confidential for attorney-client or other privilege grounds. He stated the Legislature has no say on documents from another department. He stated the only reason the Legislature has a vote in that particular situation is because under law and ethics rules the privilege belongs to the Legislature and only the Legislature can waive it. He stated there are very clear laws and ethics rules that say in an organizational structure where the attorney is representing the organization, the entire body is the client; no individual Legislator is the client. He stated that is why there is a narrow exception in this particular law that applies only to Legislative records and only those involving privileges that require the entire body to waive.

Ms. Eckardt questioned why the decision would have to be unanimous among the Legislature.

Legislative Counsel Firriolo stated the privilege belongs to the entire Legislature. He stated for example, right now the Legislature is made up of eight (8) republicans and one (1) democrat. He explained that this example has nothing to do with Legislator Montgomery in particular. He stated say the sole democrat on the Legislature sought counsel on something, which would be privileged, and the Legislature had the authority where the majority could out-vote the minority to waive that privilege on something the minority member requested. He stated it protects the minority from having their rights defeated by the majority. He stated it is very important from a legal standpoint as well as a practical standpoint of protecting the minority.

Ms. Eckardt questioned if this local law was modeled after a law in another county. She questioned if not, if there are other counties that have such a law.

Legislator Castellano stated Westchester County operates in a similar fashion, although this specific law is not the same as the one in Westchester County.

Legislator Montgomery questioned if this law is saying that any communication between an attorney and client is being considered confidential.

Legislative Counsel Firriolo stated for the purpose of this ethics law, material that comes from the Law Department or Legislative Counsel is presumed confidential, meaning the recipient should be on notice that it should be treated as confidential. He stated this does not mean it is FOIL exempt. He stated a document that comes from the Law Department or Legislative Counsel would be reviewed if it were FOILed and the non-privileged portions, if any, would be produced. He stated for purposes of the ethics law, the recipient of a document from counsel is on notice that it must be considered confidential until proven otherwise; it errs on the side of caution. He stated the majority of documents that come from the Law Department or Legislative Counsel are attorney-client communications involving legal advice and analysis, therefore they tend to be confidential. He stated as a matter of ethics, it is not up to the individual to make a personal determination that something is not confidential.

Chairman Sullivan stated if he had a question about releasing a document that he received from the County in any form, he would seek advice from Legislative Counsel. He stated he has never and would never release any document to anyone without speaking with Legislative Counsel first.

Legislator Montgomery stated she requested permission to release the document. She stated she does not believe every correspondence with the attorney is confidential. She stated the example she used during the public hearing is a good one. She stated she believes this law is inefficient. She stated in the past couple minutes of discussion spells out the inefficiency of this law. She stated if she requests an opinion or advice from an attorney regarding something in the Putnam County Code that is considered confidential and therefore cannot be shared with the public, which is inefficient.

Legislator Castellano stated to understand Legislator Montgomery's statement; he stated if a constituent asks a question that a Legislator does not have an answer to right away, they will do their research to find an answer. He stated the Legislator has every right to go to Counsel for advice about how to answer the question. He stated the response provided to the constituent would be built upon the advice, but would not be a breach of attorney-client privilege.

Legislator Montgomery stated the Law Department provided her with advice in a confidential memorandum in response to an inquiry she had about the Putnam County Code. She stated because it is confidential she cannot release it. She stated this is the memorandum she held up at the public hearing, which was referenced in County Executive Odell's memorandum discussed earlier. She stated in order to provide the

information to her constituents, they would need to submit a FOIL request for it, which is inefficient.

Legislator Castellano stated the public can submit a FOIL request for that document.

Legislative Counsel Firriolo stated the document Legislator Montgomery is referring to originated from the Law Department. He stated his recollection of the document was that it constituted legal advice and included facts and law in it. He stated it was certainly legal advice as it involved an interpretation of how a law applies to a specific fact. He stated it was analysis of law, which is privileged. He stated when the document is FOILed, if there are facts in the document that are independent of legal analysis, the Law Department will review it. He stated because it is a mixture of fact and law, it has to be treated as a confidential document until the facts can be separated from the legal analysis. He stated this is a great example of why the law that is before the Committee tonight is appropriate; it is saying to Legislators, Officials, and County employees that they do not make the call on what is shareable. He stated the Law Department will separate what is able to be provided under FOIL and what is not.

Legislator Montgomery stated billing documents for attorneys are not confidential, although they originate from the Law Department.

County Attorney Bumgarner stated the amounts paid to outside attorneys are public information, but sometimes redaction of the individual services provided is necessary if it could reveal strategy or analysis of the case.

Legislator Montgomery stated billing records for attorneys are not all privileged.

County Attorney Bumgarner stated that is correct.

Legislator Montgomery stated under this proposed law, because the billing record would be coming from the Law Department, it would be considered confidential.

Legislative Counsel Firriolo stated the law states that the information "shall be presumed confidential and such presumption should have no determinative effect on the availability of the record to the public under Public Officer's Law."

Liz Armstrong, reporter with the Highlands Current, stated the FOIL law provides an exemption for attorney-client privilege, however it does not say that everything an attorney and a client discusses automatically becomes privileged. She questioned where the interpretation came from that any communication handled by the attorney and client is privileged.

Legislative Counsel Firriolo stated the law before the Committee tonight is not FOIL. He stated this law is not saying that an attorney-client communication is exempt from FOIL, in fact it is defining confidential material to include records exempt from disclosure under Public Officer's Law. He stated if the document is in fact an exempt attorney-

client communication, it is not able to be FOILED. He stated if it is an attorney-client communication that includes facts that are separable from legal analysis then it would be able to be FOILED.

Ms. Armstrong stated this law presumes everything the attorney and client handles should be confidential. She stated there are many things worked on by attorneys that do not need to be confidential.

County Attorney Bumgarner stated from a practical standpoint, she will explain how communication between the Law Department and Legislature works. She stated she only marks things confidential that are covered by attorney-client privilege. She stated for example, a general memorandum requesting that an item be placed on a Committee would not be confidential.

Ms. Armstrong stated under this law, it seems that not everyone will be required to exercise the type of discretion described by County Attorney Bumgarner. She stated documents can be marked confidential and reviewed at a later point if they are requested. She questioned why this law is necessary since there are many exemptions already in place under the State FOIL. She questioned why it needs to be part of the Ethics law. She stated in the opinion of some, this will make it more difficult to obtain information.

Chairman Sullivan stated the intent is not to make it more difficult for the public to get information.

Legislator Montgomery questioned how the word “presumed” might be interpreted in this law. She stated there are two (2) kinds of presumptions; one that involves a rebuttal or one that involves an irrebuttal. She stated if it is a rebuttal that means the provision is saying that no communication can be disclosed from counsel unless it can be demonstrated that it is not confidential material. She stated if it is the irrebuttal then nothing received from County attorneys can be disclosed at all. She stated the presumptions needs to be clarified.

Legislator Nacerino stated this law codifies current practice.

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

Item #5 - Approval/ Amendment of the Legislative Manual to Add a Rule Prohibiting the Unauthorized Disclosure of Confidential Material

Chairman Sullivan stated this amendment speaks to the administrative duty of the Legislators when dealing with confidential material.

Legislator Montgomery stated paragraph six (6) of this amendment reads “...counsel can have a chilling effect upon the ability of the Legislature to seek the benefit of legal

counsel...” She stated she is not comfortable with the phrase “chilling effect” in this section. She stated she would like this item to be tabled so it could be worked on further. She stated the language in this document is vague.

Legislator Nacerino suggested changing “chilling effect” to “adverse effect.”

Chairman Sullivan stated this amendment to the Legislative Manual is equally important to the local law approved in the last item. He agreed to make the suggested amendment. He questioned Legislative Counsel Firriolo if this change could be made.

Legislative Counsel Firriolo stated the amendment was drafted at the request of the Committee to reflect their views; therefore if a change is necessary to better reflect their views it can be done.

Legislator Castellano made a motion to make the suggested change; Seconded by Legislator Nacerino. All in favor.

Legislator Montgomery suggested striking the fourth paragraph as it references “numerous instances” without spelling out what they are. She stated attorney-client communications are not always privileged or confidential.

Chairman Sullivan disagreed.

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

Ms. Armstrong stated a few examples have been given previously, but the fourth paragraph cites “numerous instances” going back some years about material being released. She requested more examples of what kind of material has been released and what the circumstances and repercussions were.

Legislator Castellano stated a few examples were provided earlier in the meeting. He stated he is in favor of moving this forward because there was nothing in place spelling out what would happen if a confidential memorandum showed up in the newspaper. He stated it is important to have a procedure in place to know what to do when a situation arises. He stated in a situation that took place about six (6) years ago, the Legislator who released the information admitted to doing so, but Legislative Counsel at the time stated it was fine. He stated if the same thing happened now, this law provides a remedy to the situation. He stated any situation would be sent to the Board of Ethics, who would recommend what action to take. He stated the intent now is to clarify the method of investigation.

Ms. Armstrong questioned if there were any repercussions from the situation. She questioned if it stopped the County from work being done in that area.

Legislator Castellano stated no, because Legislative Counsel at the time stated it was fine that the Legislator released the information. He stated work was not stopped, but it could have been damaging. He stated in his opinion this clarifies how to handle these types of situations.

Legislator Nacerino stated there was also an incident where an executive session was held where the Legislature was given information pertaining to contract negotiations. She stated shortly thereafter, a reporter contacted Legislators with information as if they had been in the executive session. She stated this was a breach of the confidentiality which could have had devastating repercussions.

Ms. Fanizzi questioned if prior to this proposed law, if there was anything in the Ethics law to give the Board of Ethics authority to investigate a Legislator who had violated confidentiality.

Legislator Nacerino stated that is what this law will accomplish.

Legislator Castellano stated it was not in the law. He stated the Ethics Board would handle this type of situation, which is why the law is being placed in that section of the Code.

Ms. Fanizzi requested further clarification.

Legislative Counsel Firriolo stated this fits within the existing Ethics Code; it is not a new section.

Legislator Montgomery stated she would like the Committee to hold off on moving this Legislative Manual amendment forward as there are three (3) Legislators not present.

Chairman Sullivan stated all Legislators are not required to attend Committee Meetings. He stated it will go to the Full Legislative Meeting and at that point the Legislators not present tonight will have the opportunity to propose changes or vote against it.

Legislator Montgomery stated the work is done at the Committee Meetings. She stated she would hope that this item not be moved forward tonight.

Legislator Castellano stated the vote has already been taken.

Item #6 - Approval/ Local Law to Amend Article 5 of the Putnam County Charter Entitled "Executive Department" by Adding a Section 5.04 Entitled "Department of Tourism"

Legislator Montgomery referenced Section 2, which explains the powers and duties of the Director of Tourism. She stated Subsection 2(g) reads "Promote tourism and tourist-related events, including, without limitation, annual and/or seasonal special events at tourist sites such as: Tilly Foster Farm and Tilly's Table, Boscobel, Putnam

County Veteran's Memorial Park, Putnam County Golf Course..." She stated if some are going to be named in the Charter, all should be named. She suggested removing the identified places.

Chairman Sullivan stated he believes the purpose of naming those places is to make sure the new Tourism Director knows that the County wants those specific locations highlighted.

Legislator Montgomery stated her concern is that the places listed will be promoted the most. She stated the I Love New York funding is required to be utilized throughout the County. She stated speaking with business owners in the County, they are concerned that the focus will be on County owned facilities.

Chairman Sullivan stated knowing the new Tourism Director and the importance she places on destinations throughout the County, he is not concerned that there will be more of a focus on County properties. He stated the County owned facilities were underrepresented in the prior Tourism agency and this is to make sure they are highlighted by the Tourism Department.

Legislator Montgomery stated she believes all tourist attractions should be highlighted by the Tourism Department.

Chairman Sullivan agreed. He stated these properties are listed to ensure they receive attention as well.

Legislator Montgomery suggested removing the specific places from Section (g).

Legislator Castellano understands Legislator Montgomery's point and does not disagree; however he believes Section (g) can be kept. He questioned if there is a specific reason why those places are listed.

County Attorney Bumgarner stated as Chairman Sullivan addressed, one of the biggest issues the County had with the Putnam County Visitor's Bureau was that there were repeated requests to address events occurring at County owned properties, which were ignored. She stated they were addressed specifically so the new Tourism Director is aware that although they should not be solely focusing on those properties, they should recognize that promotion of events at those properties are included in their responsibilities.

Legislator Nacerino stated she sat in on the interview process for the Director of Tourism and the individual who was selected is without bias toward any destination within Putnam County and is looking at Tourism from a regional perspective. She stated it is short sighted to think someone coming into this position would be prejudice in their efforts to promote Tourism in Putnam County.

Legislator Sayegh stated it is a point well taken to not lose sight that the purpose of tourism is economic development of the County, which includes the businesses and tourism destinations throughout the County. She stated highlighting specific places may appear that the County is focusing on only those places. She understands both points made this evening regarding having the list included versus removing it. She stated she spoke with the individual who was selected as the Tourism Director and she relayed that she will be speaking with each Legislator to identify tourism destinations within each district. She stated she understands that the Director will not solely concentrate on the places listed, but she understands the concern of having them listed. She questioned if there was a purpose of listing them.

Chairman Sullivan stated there is a purpose.

Legislator Montgomery stated if the purpose to include those locations is because they have been jilted in the past, it is her understanding that there are organizations in Cold Spring that feel the same way. She suggested removing the list and beginning from scratch with the new Tourism Department. She stated this is a legal document being submitted.

Chairman Sullivan stated the legal document is stating that those properties should be promoted. He believes this is a good thing and the entire Legislature will have the opportunity to vote on this.

Ms. Fanizzi agreed with the statements made by Legislator Sayegh and Legislator Montgomery. She stated by singling out particular locations, the broad scope of the Tourism Department is being undermined. She stated she believes there should be broad language rather than a specific list. She questioned Legislator Castellano what his opinion is.

Legislator Castellano stated he appreciates the comments made and he understands the concern. He stated it does say "any and all other events and festivals of interest to the general public".

Legislative Counsel Firriolo stated this is purely a matter of statutory interpretation how this will be looked at years down the road. He stated this section is describing the powers of the Director of Tourism. He stated it does not say what the Director has to do. He stated Section (g) reads "Promote tourism and tourist-related events, including, without limitation..." and then goes on to list examples. He stated as a matter of pure statutory interpretation, the examples that follow do not limit the ability of the Director to promote any other event that fits within these categories. He stated both the beginning and end include broad language. He stated this gives guidance without constraint.

Chairman Sullivan stated this is highlighting wonderful locations without restricting the Director.

Ms. Eckardt stated when this was discussed a few weeks ago, she hoped that bringing the Tourism Department into the County did not mean that only County properties would be promoted. She stated small business is very important. She stated the Tourism Director will serve at the pleasure of the County Executive, and if they are not promoting County facilities they could lose their job. She believes it is important to leave the whole section broad based. She stated small businesses are the backbone of the County.

Chairman Sullivan stated as a small business owner and member of the Mahopac Carmel Chamber of Commerce, he agreed that small businesses are very important.

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

Item #7 - Update/ Veterans' Service Medal Advisory Panel

Legislator Castellano stated the Panel is currently reviewing over 200 applicants. He stated they are looking to hold an event on Sunday, November 10, 2019 at the Historic Courthouse. He stated holding it the day before Veterans' Day will allow everyone to attend the many events held on November 11th. He stated they would like to hold smaller events within the towns prior to the November 10th event, however the responses they are receiving back from the Veterans is that the majority would like to go to the larger ceremony. He stated some Veterans were unable to attend the event held on June 6, 2019 at the Historic Courthouse and the Panel has and is willing to go to a Veteran's home to present them with a medal. He stated he has enjoyed the process and looks forward to the event on November 10th.

Legislator Nacerino stated as a member of the Panel, she has been reaching out to her Town to coordinate a presentation of the medals at a VFW event.

Legislator Castellano stated the Panel will be meeting Tuesday and will have more information to provide after that meeting. He stated the Putnam County Italian American Club located in Brewster have reached out about five (5) of their members who have applied for a medal. He stated they are working on holding a public event at their facility. He stated once the plan is set the Panel will announce the event.

Legislator Montgomery stated she would be happy to reach out to Veterans in her district to see which ceremony they would be interested in attending. She thanked Legislator Castellano for presenting a Veteran in her district with a medal who was unable to attend an event. She questioned what time the event on November 10th will be.

Legislator Castellano stated the presentation of the medal in Cold Spring was very moving; there were many Veterans present at the recipient's house. He was very happy to be part of it. He stated the event on November 10th is tentatively scheduled for 2:00pm. He stated the event on June 6th was held in the evening and they found that some Veterans did not want to be out too late. He stated he emailed the group in Cold

Spring and Philipstown and they were going to distribute the applications. He stated if they are interested in scheduling an event there, he is happy to work with Legislator Montgomery. He stated some Veterans have health issues, which is why they have gone to some homes. He stated he would like to look into going to nursing homes as well.

Legislator Montgomery suggested going to the senior center as well.

Bill Nulk, Chairman of the Industrial Development Agency, stated as a reluctant Veteran, he would be more inclined to attend the larger event. He suggested holding larger events twice per year.

Legislator Castellano stated that is the feedback he has received as well; Veterans would rather attend the large event at the Historic Courthouse. He stated 2019 also marks the 100th anniversary of the first medals being distributed.

Legislator Nacerino stated all Veterans are given the option between a local, less formal event or the larger event in November.

Item #8 - FYI/ Litigation Report – Duly Noted

Item #9 - Other Business – None

Item #10 - Adjournment

There being no further business at 8:03pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.