

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

Friday

February 7, 2014

6:00 P.M.

The meeting was called to order at 6:00 P.M. by Chairman Albano who requested that Legislator Castellano lead in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Oliverio, Tartaro, Nacerino, Castellano, LoBue, Wright and Chairman Albano were present. Legislator Gross was absent. Also present was Legislative Counsel Van Ross.

Chairman Albano requested that Legislator Oliverio join him in presenting the proclamation for "Children of Alcoholics Week" to Ms. Elaine Santos, Coordinator of the Putnam County Communities That Care Coalition and Ms. Doreen Lockwood, Chemical Dependency Director of Putnam Family and Community Services.

PROCLAMATIONS

RECOGNIZING FEBRUARY 9 – 15, 2014 AS "CHILDREN OF ALCOHOLICS WEEK"

WHEREAS, it is estimated that one in four children in the United States under age 18 is hurt by family alcohol abuse or alcoholism, and that countless others are affected by parental drug use; and

WHEREAS, there is strong scientific evidence that alcoholism runs in families with children of alcoholics being 2 to 4 times more likely to develop alcoholism than children of non-alcoholics; and

WHEREAS, parental alcohol abuse or drug use is a significant factor in a large proportion of child abuse and neglect cases; and

WHEREAS, young children of alcoholics exhibit symptoms of depression and anxiety to a greater extent than children of non-alcoholics and incur increasing health care costs and experience more life problems over the lifespan; and

WHEREAS, young children of alcohol or drug dependent parents often have difficulty in school and are more likely to be truant, drop out of school, repeat grades, or be referred to a school counselor or psychologist; and

WHEREAS, children of addicted parents, with interest and support from family, friends, health professionals, teachers, clergy, and others, can avoid the negative effects of familial alcoholism and drug dependence; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim February 9-15, 2014 as Children of Alcoholics Week and together with The Putnam County Communities That Care Coalition encourage all Putnam County residents to help break the silence often surrounding familial alcoholism and drug addiction and to reach out to support these children and their families.

Item #3 – Approval of Minutes – Year End Meeting – December 20, 2013

Organizational Meeting – January 7, 2014

The minutes were approved as submitted.

Item #4 – Correspondence

a) County Auditor was duly noted.

Item #5 – Pre-filed resolutions:

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

Item #5a – Approval/Request to Donate/Tax Map #56.17-1-9/Town of Southeast was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #28

APPROVAL/REQUEST TO DONATE/TAX MAP # 56.17-1-9/TOWN OF SOUTHEAST

WHEREAS, the record owners of an unimproved parcel in the Town of Southeast identified as Tax Map Number 56.17-1-9 has offered to donate same to the County; and

WHEREAS, said parcel is adjacent to the Putnam County Bikeway and another unimproved parcel owned by the County; and

WHEREAS, Resolution # 101 of 1996 adopted a policy for accepting property owners' land at their request; and

WHEREAS, neither the Director of Real Property Tax Services nor the Department of Health have any negative conditions to report with respect to said parcels; and

WHEREAS, the Physical Services Committee has reviewed the facts and circumstances surrounding said offer to donate; and

WHEREAS, this parcel is in Roll Section 1, Taxable; now therefore be it

RESOLVED, that the Putnam County Legislature waives the requirements pursuant to Resolution # 101 of 1996 with respect to this donation; and be it further

RESOLVED, that the County Attorney is directed to forward a "Letter of Acceptance" to the owner of Town of Southeast Tax Map Number 56.17-1-9; and be it further

RESOLVED, that the County Attorney is authorized to order a title report and to prepare a deed for said parcel for execution by the property owner; and be it further

RESOLVED, that upon the execution and recording of said deed, this parcel shall be removed from Roll Section 1, Taxable, and placed in Roll Section 8, Wholly Exempt Status; and be it further

RESOLVED, that the Commissioner of Finance is directed to write off the outstanding taxes owed on said parcel at such time; and be it further

RESOLVED, that this resolution shall be forwarded to the Putnam County Director of Real Property Tax Services and the Assessor of the Town of Southeast for the conversion of said parcel into Roll Section 8.

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

Item #5b – Approval/Sale of County Property Pursuant to Chapter 31 of the Putnam County Code was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #29

APPROVAL/SALE OF COUNTY PROPERTY PURSUANT TO CHAPTER 31 OF THE PUTNAM COUNTY CODE

WHEREAS, per Resolution # 81 of 2013 the Putnam County Legislature authorized the County Executive to offer certain County owned properties for sale through the applicable Multiple Listing Service utilizing the services of the licensed real estate brokers under contract with the County; and

WHEREAS, per Resolution # 123 of 2013, the Putnam County Legislature recommended that said properties be offered for sale and listed at the initial offer amounts suggested in the comparative market analyses performed by the real estate brokers for the properties, and

WHEREAS, said properties have been listed on the applicable Multiple Listing Service; and

WHEREAS, the Putnam County Administration has entered into negotiations with a prospective purchaser for the property identified as 252 Oscawana Lake Road, Putnam Valley, New York (Putnam Valley TM # 73.13-1-24); and

WHEREAS, the Putnam County Administration recommends the acceptance of the negotiated offer of \$60,000.00, and as further specified in the Contract of Sale, which is attached hereto and made a part hereof as Schedule “A”; and

WHEREAS, the Putnam County Legislature has reviewed said negotiated offer, now therefore be it

RESOLVED, that pursuant to the authority vested in the Putnam County Legislature in Section 31-4 and Section 31-8 of the Putnam County Code, the Putnam County Legislature approves the sale of the property identified as 252 Oscawana Lake Road, Putnam Valley, New York (Putnam Valley TM # 73.13-1-24) for such amount and upon such other terms and conditions as are contained in the Contract of Sale, which is attached hereto and made a part hereof as Schedule “A”; and be it further

RESOLVED, that the County Executive is authorized to execute the Contract of Sale for the property identified as 252 Oscawana Lake Road, Putnam Valley, New York (Putnam Valley TM # 73.13-1-24) which Contract of Sale shall be in the form attached hereto and made a part hereof as Schedule “A”; and be it further

RESOLVED, that the County Attorney shall be authorized to take all necessary steps to complete the transfer of said property in accordance with the terms and conditions of the aforementioned Contract of Sale.

BY POLL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. LEGISLATOR GROSS WAS ABSENT. MOTION CARRIES.

Item #5c – Approval/Local Law/Amend Chapter 31/Code of Putnam County Entitled “County Property” was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Chairman Albano stated that the amendment would help to expedite the sale of the County properties listed with a licensed real estate broker. The County Executive would

have the ability to make any/all subsequent modifications to the offer amount, upon the recommendation of the real estate broker and the Chairman of the Physical Services Committee who shall notify the other Legislators.

Legislator Oliverio stated that he saw that his recommendation of notifying the Chairperson of the Physical Services Committee was added, who would then in turn notify the other Legislators. Therefore, he would be in supportive of these changes. He thanked the Administration.

Legislator Wright stated that, not on the substantive merits but only on some of the technical wording, he would be abstaining. He asked that the members of the Rules Committee look at the overall statutory scheme which he discussed informally before this went on the agenda.

Legislator LoBue stated that she would be voting “no”. She stated that she has been against moving from the bid process to the multiple listing process. However, she thanked Legislator Oliverio for recommending the modification.

Chairman Albano stated that the Administration can negotiate the change and notify the Legislature. It would allow them to proceed without spending 30 or 60 days waiting for approval. Some deals can be time sensitive and this would allow them to move forward. The final sale would be contingent upon the Legislature’s approval.

Legislator Scuccimarra believed that it was not a large amount of money that we are talking about during these negotiations. Therefore, she believed that the amendment was worthwhile so as not to hold up the sale of the property.

Legislator Nacerino stated that she would be voting “yes”. She stated that the language has been incorporated to reflect the protection and accountability of the Legislature. The Legislature has the final say and this change streamlines the process.

RESOLUTION #30

APPROVAL/LOCAL LAW/AMEND CHAPTER 31/CODE OF PUTNAM COUNTY ENTITLED “COUNTY PROPERTY”

A Local Law to Amend Chapter 31 of the Code of Putnam County entitled “County Property”

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM, as follows:

Section 1.

Section 31-4 of Chapter 31 of the Code of Putnam County entitled “Sale by resolution” is hereby amended to read as follows:

§ 31-4. Sale by resolution.

A. When the County Legislature shall determine that any County real or personal property is no longer necessary for public use, it may, by resolution adopted by the affirmative vote of two-thirds of the total membership of the Legislature taken by roll call

and entered in the minutes, sell or otherwise convey all the right, title and interest of the County therein and declare the terms governing said transaction, including the consideration therefore. The documents of conveyance shall be approved by the County Attorney and executed by the County Executive. A contract of sale preceding the conveyance shall be desirable but not mandatory, and the absence of a contract shall not negate or otherwise impair the conveyance itself once there has been execution and delivery. A resolution authorizing a conveyance shall not be deemed to be a contract, nor to be contractual in nature, and may be rescinded and revoked by subsequent resolution of the Legislature at any time prior to the actual consummation of the conveyance. Property sold or otherwise conveyed pursuant to this provision shall be to the highest responsible bidder after public advertisement, except that the Legislature shall have the option to approve the transfer of a parcel of real property without having first advertised for bids, by a two-thirds vote of its membership, in the following instances:

(1) Where it has been determined by the Legislature that an environmental condition may exist on said parcel, such that it would likely be unmarketable to the general public. In such instance, the Legislature may approve said transfer upon such conditions as it may deem to be in the best interests of the County; or

(2) Where a not-for-profit agency/entity has approached the County with respect to a particular parcel of real property, and has requested that said parcel be transferred to it for a charitable purpose. Any such transfer shall be subject to the retention of a reversionary interest by the County, the terms of which shall be determined by the Legislature; together with any/all other conditions as the Legislature may deem to be in the best interests of the County; or

(3) Where a not-for-profit agency/entity has approached the County with respect to a particular parcel of real property, and has requested that said parcel be transferred to it for future use by the general public for a legitimate public purpose. Any such transfer shall be subject to the retention of a reversionary interest by the County, the terms of which shall be determined by the Legislature; together with any/all other conditions as the Legislature may deem to be in the best interests of the County.

(4) Where it has first been determined by the Legislature that it would be most financially advantageous to the County to offer the property for sale through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker selected in accordance with the applicable provisions of Chapter 140 of the Putnam County Code. In such instance, the Legislature may thereafter approve said transfer upon such conditions as it may deem to be in the best interests of the County. The initial offer amount shall be determined by the County Executive based upon a certified appraisal and/or a comparative market analysis, and with the advice and recommendation of the Legislature and the licensed real estate broker so retained. Any/all subsequent modifications to the offer amount shall thereafter be determined by the County Executive based upon the advice and recommendation of the licensed real estate broker so retained and the Chairman of the Physical Services Committee of the Putnam County Legislature who shall inform other members of the Legislature of the modification.

B. In no event shall the Legislature approve the transfer of any property pursuant to this sub-article for the purpose of promoting economic development, except when sold either

to the highest responsible bidder after public advertisement, or through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker.

C . The income and proceeds of the sale of any County property no longer necessary for public use may be applied toward the payment of the cost of new sites and buildings or expended for other lawful County purposes.

D . Nothing herein shall be construed to authorize the sale of any County property where such disposition is prohibited or restricted by law.

E . All other provisions of N.Y.S. County Law § 215 and other statutes not the subject of this legislation shall remain in full force and effect.

Section 2.

Section 31-8 of Chapter 31 of the Code of Putnam County entitled "Sale of property acquired by County" is hereby amended to read as follows:

§ 31-8. Sale of property acquired by County.

A. Public auction.

(1) Within a reasonable time after the Court renders judgment in favor of the County, authorizing the Enforcing Officer to convey title to the County, the Enforcing Officer and the County Attorney shall establish a date for a public auction. The County shall endeavor to hold at least one public auction each year, or when otherwise needed, as is determined by the Enforcing Officer and the County Attorney. Such auction or auctions shall be conducted on behalf of the County by the Enforcing Officer and the County Attorney. The Enforcing Officer and the County Executive may execute a contract from time to time with an auction company to assist with the auction. All parcels, except those sold through a private sale pursuant to the provisions herein, or retained for public use, or retained by the County of Putnam for future determination, or conveyed to another municipality for public use, shall be subject to a public auction. Public notice of such auction shall be made at such times, places and manner in the discretion of the Enforcing Officer and the County Attorney who may seek the advice of the auction company, if any, hired by the County to assist with the auction.

(2) The terms of sale for the annual public auction shall be prepared, and modified from time to time, by the Enforcing Officer and the County Attorney, who may seek the advice of the auction company, if any, hired to assist in the auction. Bids made at such auction shall be subject to final approval by resolution of the Legislature, and any bid may be rejected by resolution of the Legislature in its sole discretion.

(3) The Enforcing Officer and the County Attorney shall have the authority to make any and all decisions of a ministerial or procedural nature which may arise during the course of the conduct of said public auction,

(4) The Enforcing Officer and the County Attorney shall be authorized to conduct more than one public auction annually, if necessary.

(5) After all unredeemed parcels have been offered for sale at not less than two (2) public auctions, the County shall attempt to sell any unsold parcels at private sale or subsequent public auction or retain one or more specific parcels for public use.

B. Private sale.

(1) Anything above to the contrary notwithstanding, a private sale may be authorized on a case-by-case basis by resolution of the Legislature after considering the recommendation of the Enforcing Officer, the County Attorney and the Director of Real Property Tax Services. Any such private sale agreement must be approved by a resolution adopted by the affirmative vote of two-thirds of the total membership of the Legislature.

(2) The Legislature retains sole discretion to approve a private sale, or not, in the best interest of the County, keeping in mind that it is otherwise the policy of the County, as expressed herein above, that real property not retained for public use shall be sold at public auction. The following are examples of criteria to be used to approve a private sale, but this list is not intended to be exhaustive:

(a) Sale of property when it has been determined by the Legislature that an environmental condition may exist on said property, such that it would likely be unmarketable to the general public.

(b) Sale of property to a governmental entity for public use.

€ Sale of property when physical or legal conditions exist which would make the sale thereof at public auction impractical or unadvisable.

(d) Sale of property to a contiguous owner:

[i] To provide access to a landlocked property.

[ii] To resolve a problem created by an encroachment, shared well or septic system, or common driveway, etc.

[iii] If the parcel cannot be otherwise improved under existing zoning regulations.

€ Sale of property where it has first been determined by the Legislature that it would be most financially advantageous to the County to offer said property for sale through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker, selected in accordance with the applicable provisions of Chapter 140 of the Putnam County Code. The initial offer amount shall be determined by the Enforcing Officer, based upon a certified appraisal and/or a comparative market analysis, and with the advice and recommendation of the Legislature, the County Attorney, the Director of Real Property Tax Services, and the licensed real estate broker so retained. Any/all subsequent modifications to the offer amount shall thereafter be determined by the Enforcing Officer based upon the advice and recommendation of the licensed real estate broker so retained and the Chairman of the Physical Services Committee of the Putnam County Legislature who shall inform other members of the Legislature of the modification.

(3) In no event shall any property be sold at private sale pursuant to this article for the purpose of promoting economic development, except for a sale through the applicable Multiple Listing Service by utilizing the services of a license real estate broker.

(4) In addition to the sales price, the purchaser shall pay to the County of Putnam all other lawful charges and fees.

Section 3.

This Local Law shall take effect immediately.

BY ROLL CALL VOTE: SIX AYES. ONE NAY – LEGISLATOR LOBUE. ONE ABSTENTION – LEGISLATOR WRIGHT. LEGISLATOR GROSS WAS ABSENT. MOTION CARRIES.

Legislator Oliverio made a motion to waive the rules and accept the additional material submitted to the meeting; seconded by Legislator LoBue. All in favor.

Item #5d – Approval/Bond Resolution/ Construction of New Recreational Area Improvements to the Putnam Bikeway was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #31

EXTRACT OF MINUTES

**Meeting of the County Legislature of
the County of Putnam, New York**

February 7, 2014

*** * ***

A regular meeting of the County Legislature of the County of Putnam, New York, was held at the Historic County Courthouse, Gleneida Avenue, Carmel, New York, on February 7, 2014, at 6 o'clock P.M. (Prevailing Time).

The following Legislators were present: Castellano, LoBue, Nacerino, Oliverio, Scuccimarra, Tartaro, Wright and Chairman Albano.

There were absent: Legislator Gross.

Also present: Diane Schonfeld, Clerk of the County Legislature
Clement Van Ross, Legislative Counsel

*** * ***

Chairman Albano offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED FEBRUARY 7, 2014, AUTHORIZING THE CONSTRUCTION OF NEW RECREATIONAL AREA IMPROVEMENTS TO THE PUTNAM BIKEWAY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$6,900,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF APPROXIMATELY \$6,203,000 IN GRANT FUNDS EXPECTED TO BE RECEIVED; AND AUTHORIZING THE ISSUANCE OF \$697,000 SERIAL BONDS OF SAID COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE COUNTY LEGISLATURE OF THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Legislature) AS FOLLOWS:

Section 1. The County of Putnam, New York (herein called "County"), is hereby authorized to construct new recreational area improvements to the Putnam Bikeway. The estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$6,900,000, and said amount is hereby appropriated therefor, including the expenditure of approximately \$6,203,000 in anticipated State and Federal grant funds. The plan of financing, includes the expenditure of said grant funds and the issuance of \$697,000 serial bonds of the County to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$697,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a portion of said appropriation.

Section 3. The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(a) of the Law, is twenty (20) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any

notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

Section 7. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond resolution shall take effect upon the approval of the Putnam County Executive, and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "*The Putnam County Courier*," "*The Putnam Press*," and "*The Putnam County News & Recorder*," three newspapers, each having a general circulation in the County and hereby designated as the official newspapers of the County for such publications.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call,
which resulted as follows:

AYES: EIGHT – Legislators Castellano, LoBue, Nacerino, Oliverio,
Scussimarra, Tartaro, Wright and Chairman Albano.

NOES: NONE

ABSENT: ONE – Legislator Gross.

The resolution was declared adopted.

APPROVED: _____
MaryEllen Odell
County Executive, Putnam County

Date of Approval: _____, 2014

CERTIFICATE

I, Diane Schonfeld, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No.____-2014 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of said County of Putnam duly called and held on February 7, 2014, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Resolution, which was duly adopted by the County Legislature of the County of Putnam on February 7, 2014 and approved by the County Executive on February __, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County of Putnam this ____ day of February, 2014.

(SEAL)

Diane Schonfeld
Clerk to the County Legislature

NOTICE

The resolution, a summary of which is published herewith, has been adopted on February 7, 2014, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the COUNTY OF PUTNAM, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Diane Schonfeld
Clerk to the County Legislature

**BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK,
ADOPTED FEBRUARY 7, 2014, AUTHORIZING THE CONSTRUCTION
OF NEW RECREATIONAL AREA IMPROVEMENTS TO THE PUTNAM
BIKEWAY; STATING THE ESTIMATED TOTAL COST THEREOF IS
\$6,900,000; APPROPRIATING SAID AMOUNT THEREFOR,
INCLUDING THE EXPENDITUE OF APPROXIMATELY \$6,203,000 IN
GRANT FUNDS EXPECTED TO BE RECEIVED; AND AUTHORIZING
THE ISSUANCE OF \$697,000 SERIAL BONDS OF SAID COUNTY TO
FINANCE THE BALANCE OF SAID APPROPRIATION.**

Object or purpose: the construction of new recreational area improvements to the Putnam Bikeway

Period of probable usefulness: twenty (20) years

Amount of obligations to be issued: \$697,000

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk to the Legislature, at the County Office Building, 40 Gleneida Avenue, Carmel, New York.

Dated: February 7, 2014
Carmel, New York

Item #5e – Approval/Budgetary Amendment (14A002)/Commissioner of Finance/Bikeway IV – PIN 8759.05 was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #32

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF FINANCE/BIKEWAY IV – PIN 8759.05

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (14A002) to update Capital Project Estimated Costs for Bikeway IV; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it RESOLVED that the following budgetary amendment be made:

Increase Estimated Appropriations:

55997000 53000 50330	Bikeway IV – PIN 8759.05	544,495
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Increase Estimated Revenues:

55997000 430971 50330	State Aid – PIN 8759.05	54,450
55997000 448971 50330	Federal Aid – PIN 8759.05	435,595
05000 45710E 50330	Serial Bonds – 2014	<u>54,450</u>
		544,495

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – Undetermined Debt Service

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

Item #5f – Approval/Budgetary Amendment (13A096)/Law Department/Highways & Facilities/ Repair Guardrail Damage on County Roads was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #33

APPROVAL/BUDGETARY AMENDMENT /LAW DEPARTMENT/HIGHWAYS & FACILITIES/ REPAIR GUARDRAIL DAMAGE ON COUNTY ROADS

WHEREAS, the Law Department has requested a budgetary amendment (13A096) to cover the cost of repairing guardrail damage on County roads; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it RESOLVED that the following budgetary amendment be made:

Increase Revenue:

10511000 426801	Hwy-Road Machinery – Insurance Recoveries	24,272.52
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Increase Appropriations:

10511000 54647	Hwy-Road Machinery – Sub-Contractors	24,272.52
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

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

Item #5g – Approval/Budgetary Amendment (14A009)/Bureau of Emergency Services/ Hazard Mitigation Grant was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Legislator Wright stated that he would be abstaining because his son is an Assistant Director of Homeland Security and that is the agency in which the grant comes from.

RESOLUTION #34

APPROVAL/BUDGETARY AMENDMENT /BUREAU OF EMERGENCY SERVICES/SUB GRANT OF HURRICANE SANDY FUNDING/ HAZARD MITIGATION GRANT

WHEREAS, by Resolution #272 of 2013 the Putnam County Legislature approved and authorized the grant application to the New York State Office of Emergency Management in a total amount of \$28,716,700.20 as per its attached spread sheet; and

WHEREAS, this Resolution further provided that any grants contained in this spread sheet application obtain acceptance by the Putnam County Legislature when awarded; and

WHEREAS, a grant for \$112,500 has been awarded to Putnam County for a Hazard Mitigation Grant with a total projected cost of \$150,000 leaving a projected County share of \$37,500; and

WHEREAS, this Resolution has been reviewed and approved by the Physical Services Committee and the Audit & Administration Committee of the County Legislature; now therefore be it

RESOLVED, that the Putnam County Legislature accepts and approves the said grant for Hazard Mitigation; and be it further

RESOLVED, that the following budgetary amendment (14A009) be made:

Increase Revenues:

10398900 44389L 10106	Emergency Svcs – Hazard Mitigation Grant	112,500
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Increase Appropriations:

10398900 54647 10106	Hazard Mitigation Grant – Sub-Contractors	112,500
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2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

BY POLL VOTE: SEVEN AYES. ONE ABSTENTION – LEGISLATOR WRIGHT. LEGISLATOR GROSS WAS ABSENT. MOTION CARRIES.

Item #5h – Approval/Tilly Foster Farm Termination Agreement was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Legislator Wright stated that he would be abstaining because Mr. George Whipple was former client of his in his legal practice.

Legislator Oliverio stated that he would like to see this lease terminated as quickly as possible, however, he still had some unanswered questions and would be a “no” vote based on principle.

Legislator LoBue stated that she would be voting “no” as well. She stated that by the Legislature approving the termination of the lease there will be no further examination by the public. It will not allow them to get the answers to the questions they request.

Legislator Scuccimarra believed it was time for the County and all of us to move forward and find a new purpose for Tilly Foster Farm.

Chairman Albano believed it was time to make a clean break and do something creative with respect to the future of the Farm.

Legislator Nacerino stated that the circumstances dictate for us to move forward and have some new use for the Farm that would ultimately benefit the people of Putnam County.

Legislator Tartaro also believed it was time to move forward. He stated that we have already received positive feedback of having the reintroduction to livestock on the Farm. He felt very strongly that any future plans for Tilly Foster Farm must include citizen involvement. He trusted that the comments made by the County Executive and members of the Legislature that their intent would incorporate members of the public, on the soon to be formed Committee.

RESOLUTION #35

APPROVAL/TILLY FOSTER FARM TERMINATION AGREEMENT

WHEREAS, the Putnam County Legislature previously approved Resolution #66 of 2009 wherein the Putnam County Executive was authorized to execute a Lease Agreement with the Society for the Preservation of Putnam County Antiquities and Greenways, Inc.; and

WHEREAS, the County of Putnam (“COUNTY”) entered into such a Lease Agreement with the Society for the Preservation of Putnam County Antiquities and Greenways, Inc. (“LESSEE”), in accordance with said authorization, on April 16, 2009; and

WHEREAS, the initial term of said Lease Agreement was for a period of five (5) years, commencing on February 1, 2009 and terminating on January 31, 2014 [¶ 4(a)]; and

WHEREAS, said Lease Agreement further provided that it would automatically terminate if LESSEE ceased the operation of Tilly Foster Farm [¶4(b)]; and

WHEREAS, said Lease Agreement gave the LESSEE the option to renew for an additional seven (7) terms of five (5) years each, upon the same terms and conditions as the underlying agreement, which would become effective automatically unless the LESSEE notified the COUNTY, in writing, at least twelve (12) months in advance of the termination date, of its intent not to renew [¶4(c)]; and

WHEREAS, verbal notice was received from the LESSEE on or about November 1, 2013, that it did not intend to renew the aforementioned lease with the County of Putnam for an additional term; and

WHEREAS, a written Notice of Lease Termination was received from the LESSEE on or about January 21, 2014, thereby confirming the fact that the LESSEE did not intend to renew the lease at issue, and that it would cease operation of the Tilly Foster Farm as of midnight on January 31, 2014; now therefore be it

RESOLVED, that the Putnam County Legislature hereby waives the notice requirement contained in ¶4© of the Lease Agreement; and be it further

RESOLVED, that the Putnam County Legislature further accepts the aforementioned Notice of Termination which was received from the LESSEE on January 21, 2014; and be it further

RESOLVED, that the County Executive, with the advice of the County Attorney, is authorized to finalize and execute the aforementioned Termination Agreement, which shall be in substantial conformance with the form attached hereto as Schedule "A"; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY ROLL CALL VOTE: FIVE AYES. TWO NAYS – LEGISLATORS LOBUE & OLIVERIO. ONE ABSTENTION – LEGISLATOR WRIGHT. LEGISLATOR GROSS WAS ABSENT. MOTION CARRIES.

AUDIT & ADMINISTRATION COMMITTEE
(Chairman Castellano, Legislators Nacerino & Tartaro)

Item #5i – Approval/Budgetary Amendment (13A097)/Sheriff's Department/Outside Services was next. Chairman Albano recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #36

APPROVAL/BUDGETARY AMENDMENT /SHERIFF'S DEPARTMENT/OUTSIDE SERVICES

WHEREAS, the Sheriff's Department has requested a budgetary amendment (13A097) to cover reimbursable expenses incurred by the Sheriff's Department; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Revenue:

16311000 422609	Outside Services	40,907
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Increase Appropriations:

16311000	Youth & Community Services	
51093	Overtime	38,000
58002	Social Security	<u>2,907</u>
		40,907

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

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

Item #5j – Approval/Budgetary Amendment (13A099)/Sheriff’s Department/Outside Road Patrol was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #37

APPROVAL/BUDGETARY AMENDMENT /SHERIFF’S DEPARTMENT/OUTSIDE ROAD PATROL

WHEREAS, the Sheriff’s Department has requested a budgetary amendment (13A099) to cover reimbursable expenses incurred by the Sheriff’s Department; and WHEREAS, the Audit & Administration Committee has reviewed and approves said budgetary amendment; therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Revenue:		
17311000 426601	Outside Road Patrol Services	20,999.82
Increase Appropriations:		
17311000	Road Patrol Service	
51093	Overtime	17,550.00
14311000	Sheriff	
51093	Overtime	<u>3,449.82</u>
		20,999.82

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 -

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

Item #5k – Approval/Budgetary Amendment (13A100)/Commissioner of Finance/2013 Year End Entry #2 was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #38

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF FINANCE/2013 YEAR END ENTRY #2

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (13A100) for the second Year End Entry for the Year Ending December 31, 2013;

WHEREAS, further entry(s) will follow as more information becomes available during the year end closing process; and

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

RESOLVED, that the following budgetary amendment be made:

GENERAL FUND:

Increase Estimated Appropriations:

SEE ATTACHED SHEET 271,270

Increase Estimated Revenues:

SEE ATTACHED SHEET 329,547

Decrease Estimated Appropriations:

SEE ATTACHED SHEET 9,275

Decrease Estimated Revenues:

SEE ATTACHED SHEET 67,552

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

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

Item #5L – Approval/Budgetary Amendment (14A003)/District Attorney/Asset Forfeiture Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #39

APPROVAL/BUDGETARY AMENDMENT /DISTRICT ATTORNEY/ASSET FORFEITURE PROGRAM

WHEREAS, the District Attorney has requested a budgetary amendment (14A003) to utilize District Attorney Forfeited Asset Funds to establish the 2014 Asset Forfeiture Program; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Revenue:

10001000	District Attorney	
427152	Asset Forfeiture Program	39,154

Increase Appropriations:

10001000	District Attorney Forfeiture Program	
54682	Special Services	15,000
54646	Contracts	9,154
54313	Books & Supplements	1,500
54675	Travel	2,000
54310	Supplies	3,500
54640	Education & Training	5,000
54560	Equipment Rental	<u>3,000</u>
		39,154

2014 Fiscal Impact – 0 –
2015 Fiscal Impact – 0 –

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

Item #5m – Approval/Budgetary Amendment (14A007)/Commissioner of Social Services/Amend Mental Health Budget was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #40

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF SOCIAL SERVICES/AMEND MENTAL HEALTH BUDGET

WHEREAS, the Commissioner of Social Services has requested a budgetary amendment (14A007) to amend the 2014 Mental Health Budget to reflect the revised CY2014 Annualized State Aid Funding authorized through the NYS Office of Mental Health; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Revenues:

10040000 434981	Mental Health State Aid Reinvestment	102,700
10052000 434981	MH ST Aid PROS (Personalized Recovery Oriented Svcs)	3,576
10053000 434981	MH ST Aid SPOA Adult (Single Point Of Accountability)	<u>6,840</u>
		113,116

Increase Appropriations:

10040000 54647	MH Reinvestment – Sub-Contractors	102,700
10052000 54647	Contracted MH Svcs PROS Sub-Contractors	3,576
10053000 54647	Contracted MH Svcs SPOA-Adult-Sub Contractors	<u>6,840</u>
		113,116

2014 Fiscal Impact – 0 –
2015 Fiscal Impact – 0 –

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

Item #5n – Approval/Budgetary Amendment (14A008)/Department of Health/Rabies Grant Contract was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #41

APPROVAL/BUDGETARY AMENDMENT /DEPARTMENT OF HEALTH/RABIES GRANT CONTRACT

WHEREAS, due to New York State budget reductions, the NYS Department of Health has notified the Putnam County Health Department that the Rabies Contract has been reduced by \$1,507.78; and

WHEREAS, Putnam County's estimated grant award for each remaining year of this contract, beginning with April 1, 2013 through March 31, 2014 will be \$25,526.95; and

WHEREAS, New York State has also awarded a 2013-2014 cost of living (COLA) increase for the Rabies Grant in the amount of \$2,168.00; and

WHEREAS, the Department of Health has requested a budgetary amendment (14A008) to reflect these changes which result in a net increase in funding of \$660.00; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Revenues:

11024000 434894	Rabies Grant – COLA 2013 – 2014	2,168.00
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Increase Appropriations:

11024000 54488	Health – Rabies Client Specific Serv.	2,168.00
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Decrease Estimated Revenues:

11024000 434894	Rabies Grant	1,507.78
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Decrease Appropriations:

11024000 54488	Health – Rabies Client Specific Serv.	1,507.78
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2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0-

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

Item #5o – Approval/Budgetary Amendment (14A010)/Sheriff's Department/Motor Vehicle was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #42

APPROVAL/BUDGETARY AMENDMENT /SHERIFF'S DEPARTMENT/MOTOR VEHICLE

WHEREAS, the Sheriff's Department has requested a budgetary amendment (14A010) to purchase a motor vehicle for the Narcotics Task Force utilizing funds from the State Forfeited Asset Reserve account; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Revenue:

10311000 427151	Sheriff – Proceeds of Seized Property	22,403.55
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Increase Appropriations:

14311000	Sheriff – Narcotics	
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52650

Motor Vehicles

22,403.55

2014 Fiscal Impact – 0 –
2015 Fiscal Impact – 0 –

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

Item #5p – Approval/Budgetary Amendment (14A011)/Commissioner of Finance/Use of 6N Fund/New Courthouse Renovations was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #43

APPROVAL/BUDGETARY AMENDMENT/COMMISSIONER OF FINANCE/USE OF 6N FUND/NEW COURTHOUSE RENOVATIONS

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (14A011) to access the County 6N Fund for our portion of the deductible for water damage in the New Courthouse caused by the extraordinary cold spell experienced in the County; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

51989000 53000 51401	New Courthouse Renovations	450,000
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Increase Estimated Revenues:

51989000 427701 51401	Revenue – Use of 6N Fund	350,000
51989000 426801 51401	Insurance Recoveries	100,000

2014 Fiscal Impact \$350,000

2015 Fiscal Impact – 0 –

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

Item #5q – Approval/Fund Transfer (13T392)/Coroners/Post Mortem Exams was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #44

APPROVAL/FUND TRANSFER /CORONERS/POST MORTEM EXAMS

WHEREAS, the Finance Department has requested a fund transfer (13T392) to provide for a total of 73 Post Mortem Exams as of 12/31/13; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10118500 54646	Contracts	9,000

Increase:		
10118500 54151	Post Mortem Exams	9,000

2013 Fiscal Impact – 0 –
2014 Fiscal Impact – 0 –

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

Item #5r – Approval/Fund Transfer (13T401)/Sheriff’s Department/Corrections/Clear Negative Accounts for Year Ending 2013 was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #45

APPROVAL/FUND TRANSFER/SHERIFF’S DEPARTMENT/CORRECTIONS/CLEAR NEGATIVE ACCOUNTS FOR YEAR ENDING 2013

WHEREAS, the Sheriff’s Department has requested a fund transfer (13T401) to clear negative accounts for Year Ending 2013; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10012000 51093	Training Overtime	9,987
10012000 58002	FICA	<u>918</u>
		10,905

Increase:		
10009000 51093	Transportation Overtime	5,237
10010000 51093	Food Services Overtime	1,000
10010000 51094	Food Services Temporary	3,750
10009000 58002	FICA	554
10010000 58002	FICA	<u>364</u>
		10,905

2013 Fiscal Impact – 0 –
2014 Fiscal Impact – 0 –

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

Item #5s – Approval/Fund Transfer (13T404)/Sheriff’s Department/Corrections/2013 Medical Bills was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #46

APPROVAL/FUND TRANSFER /SHERIFF'S DEPARTMENT/CORRECTIONS/2013 MEDICAL BILLS

WHEREAS, the Sheriff's Department has requested a fund transfer (13T404) to cover outstanding Medical Bills from 2013; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10012000 51093	Training Overtime	26,900
10011000 54631	Electric	37,000
10011000 54510	Machine Maintenance	12,160
10315000 51096	Holiday Pay	10,000
10315000 54300	Miscellaneous	20,000
10011000 51094	Temporary	<u>23,940</u>
		130,000

Increase:

10008000 54646	Medical Contracts	130,000
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

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

Item #5t – Approval/Fund Transfer (13T407)/Office For Aging/Temporary was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #47

APPROVAL/FUND TRANSFER/OFFICE FOR AGING/TEMPORARY

WHEREAS, the Director of the Office For Aging has requested a fund transfer (13T407) to cover the cost of temporary help; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10677400 51094	Temporary	8,741.89
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Increase:

10677200 51094	Temporary	3,081.50
10677200 58002	Social Security	235.74
10677700 51094	Temporary	5,039.15
10677700 58002	Social Security	<u>385.50</u>
		8,741.89

2013 Fiscal Impact – 0 –

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

Item #5u – Approval/Refund of Taxes/Robert Palmer (life estate) & Joan O’Dell/Town of Southeast/Tax Map #56.16-1-29 was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #48

APPROVAL/REFUND OF TAXES/ROBERT PALMER (life estate) & JOAN O’DELL/TOWN OF SOUTHEAST/TAX MAP #56.16-1-29

WHEREAS, Robert Palmer (life estate) & Joan O’Dell have requested a tax refund of \$4,770.25 for Tax Map #56.16-1-29 in the Town of Southeast; and

WHEREAS, the Director or Real Property Tax Services Agency, the Commissioner of Finance, the Department of Law, the County Executive and the County Auditor have reviewed and approve said tax refund; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said tax refund; now therefore be it

RESOLVED, that the Putnam County Legislature approves the application for refund of taxes by Robert Palmer (life estate) & Joan O’Dell for Tax Map #56.16-1-29 in the Town of Southeast in the amount of \$4,770.25.

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

Item #5v – Approval/Local Law/Amend the Code of Putnam County by Revising Chapter 140 Entitled “Contracts and Procurement” was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #49

A LOCAL LAW TO AMEND THE CODE OF PUTNAM COUNTY BY REVISING CHAPTER 140 ENTITLED “CONTRACTS AND PROCUREMENT”

BE IT ENACTED by the Legislature of the County of Putnam as follows:

Section 1.

The Putnam County Code is hereby amended by Revising Chapter 140 entitled “Contracts and Procurement” to read as follows:

**ARTICLE I
General Provisions**

§ 140-1.1. Purpose.

The purpose of this policy is to provide for the fair and equitable treatment of all persons involved in public purchasing by the County of Putnam, to maximize the purchasing

value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

§ 140-1.2. Applicability.

This policy applies to contracts for the procurement of all supplies, services, materials and equipment; as well as public works projects entered into by the County of Putnam after the effective date of this policy. It shall apply to every expenditure of public funds by a public agency for public purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations. Nothing in this policy shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

§ 140-1.3. Exemptions.

Unless otherwise ordered by regulation the following commodities, supplies or services need not be procured through the Purchasing Division in accordance with the County's Procurement Policy; and shall be procured by the appropriate agency, department or committee:

- A. Works of art for public display.

§ 140-1.4. Special procurements.

Notwithstanding any other provision of this policy, the County Executive or County Legislature may, through legislative resolution, initiate a procurement of professional services above the small purchase amount specified in § 140-3.7 where the County Executive or County Legislature determines that an unusual or unique situation exists that makes the application of all requirements of competitive sealed proposals contrary to the public interest. Any special procurement under this section shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the procurement and for the selection of the particular contractor shall be included by the County Executive or County Legislature in the contract file, and a report shall be made publicly available at least annually describing all such determinations made subsequent to the prior report.

§ 140-1.5. Purchasing Officials

Pursuant to Section 104-b of the General Municipal Law the Putnam County Legislature shall at its Organizational Meeting each year identify the individual or individuals responsible for purchasing and their respective titles

§ 140-1.6. Definitions.

ARCHITECT-ENGINEER AND LAND SURVEYING SERVICES -- Those professional services within the scope of the practice of architecture, professional engineering, or land surveying, as defined by the laws of the State of New York.

BEST VALUE—“Best Value” means the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women- owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law to be used in evaluation of offers for awarding contracts for services.

BRAND NAME OR EQUAL SPECIFICATION -- A specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard of quality, performance, and other salient characteristics needed to meet County requirements, and which provides for the submission of equivalent products.

BRAND NAME SPECIFICATION -- A specification limited to one or more items by manufacturers' names or catalog numbers.

BUSINESS -- Any corporation, partnership, individual, sole proprietorship, joint-stock company, joint venture, or any other private legal entity.

CHANGE ORDER -- A written order signed and issued by the Director of Purchasing, directing the contractor to make changes in relation to a specific purchase order or County contract.

CONFIDENTIAL INFORMATION -- Any information which is available to an employee only because of the employee's status as an employee of the County and is not a matter of public knowledge or available to the public on request.

CONSTRUCTION -- The process of building, altering, repairing, improving, or demolishing any public structure, building, road, highway, bridge or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

CONTRACT -- All types of County agreements, regardless of what they may be called, for the procurement of supplies, services or construction.

CONTRACT MODIFICATION (BILATERAL CHANGE) -- Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

CONTRACTOR -- Any person having a contract with the County or a using agency thereof.

COST ANALYSIS -- The evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.

COST DATA -- Factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

COST-REIMBURSEMENT CONTRACT -- A contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this policy, and a fee for profit, if any.

DIRECT OR INDIRECT PARTICIPATION -- Involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

EMPLOYEE -- An individual drawing a salary or wages from the County, whether elected or not; any noncompensated individual performing personal services for the County or any department, agency, commission, council, board, or any other entity established by the executive or legislative branch of the County; and any noncompensated individual serving as an elected official of the County.

FINANCIAL INTEREST.

- A. Ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$100 per year, or its equivalent;
- B. Ownership of 25% of any property or business; or
- C. Holding a position in a business such as officer, director, trustee, partner, employee, or the like or holding any position of management.

GRATUITY -- A payment, loan, subscription, advance, deposit of money, service, or anything else with a nominal value of \$25 or more.

IMMEDIATE FAMILY -- A spouse, children, parents, brothers, and sisters.

INVITATION FOR BIDS -- All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

PERSON -- Any business, individual, union, committee, club, other organization, or group of individuals.

PRICE ANALYSIS -- The evaluation of price data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

PRICING DATA -- Factual information concerning prices for items substantially similar to those being procured. Pricing in this definition refers to offered or proposed selling prices, historical selling prices and current selling prices. The definition refers to data relevant to both prime and subcontract prices.

PROCUREMENT -- The buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of contract, and all phases of contract administration.

PUBLIC AGENCY -- A public entity subject to or created by the County.

REQUEST FOR PROPOSALS -- All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

RESPONSIBLE BIDDER or OFFEROR -- A person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

RESPONSIVE BIDDER -- A person who has submitted a bid that conforms in all material respects to the requirements set forth in the invitation for bids.

SERVICES -- The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

SPECIFICATION -- Any description of the physical or functional characteristics or of the nature of a supply, service, equipment or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, equipment or construction item for delivery.

SUPPLIES -- All property, including but not limited to equipment, materials, and printing, excluding land or a permanent interest in land.

USING AGENCY -- Any department, commission, board, or public agency requiring supplies, services, equipment, or construction procured pursuant to this policy.

§ 140-1.7. Public access to procurement information.

Procurement information shall be a public record to the extent provided in the New York State Freedom of Information Law (Public Officers Law, §§ 84 to 90), and shall be available to the public as provided in such statute.

ARTICLE II Office of the Director of Purchasing

§ 140-2.1. Authority and duties.

- A. Principal public purchasing official. Except as otherwise provided herein, the Director of Purchasing shall serve as the principal public purchasing official for**

the County, and shall be responsible for the procurement of supplies, services, equipment, and public works projects in accordance with this policy, as well as the management and disposal of supplies, services, and equipment.

- B. Duties.** In accordance with this policy the Director of Purchasing shall:
- (1)** Procure or supervise the procurement of all supplies, services, materials and equipment, as well as public works projects;
 - (2)** Exercise direct supervision over the County's central stores and general supervision over all other inventories of supplies belonging to the County;
 - (3)** Sell, trade, or otherwise dispose of surplus supplies belonging to the County; and
 - (4)** Establish and maintain programs for specification development, contract administration and inspection and acceptance, in cooperation with the public agencies using the supplies, services, and construction.
- C. Operational procedures.** Consistent with this policy, the Director of Purchasing may adopt operational procedures relating to the execution of its duties.

§ 140-2.2. Delegations to other County officials.

With the approval of the County Executive, the Director of Purchasing may delegate authority to purchase certain supplies, services, equipment, or construction items to other County officials, if such delegation is deemed necessary for the effective procurement of those items.

§ 140-2.3. Procurement card program.

- A.** With the approval of the County Executive, the Director of Purchasing, under the authority provided in § 140-2.1 of this policy, may establish a procurement card program to improve efficiency and streamline the purchasing process of small dollar items, thereby eliminating the need for many petty cash accounts, and also reducing the volume of individual purchase orders and payments processed by the County to suppliers. Audits shall be required to ensure that the cardholders and their respective department head or Commissioner are adhering to proper policies and procedures.
- B. Conditions for use.** The Director of Purchasing and the Commissioner of Finance shall develop procurement card policies and procedures that detail the regulations which will govern the program. The Procurement Card Policy shall be reviewed annually by the County Legislature in conjunction with its annual review of the County's Procurement Policy. The Procurement Card Policy shall include:
- (1)** Purpose of the procurement card program.
 - (2)** Scope of the program.
 - (3)** Detailed listing of all card holders, card limits, and approved uses.

- (4) Applicability of the policies and procedures.
- (5) Responsibilities.
- (6) Assignment and control of the procurement cards.
- (7) Card holder use of the procurement card.
- (8) Prohibited use of the procurement card.
- (9) Procedures for making and paying for purchases.
- (10) Procedures for disputes.
- (11) Review of purchases by departments.
- (12) Audit requirements.

ARTICLE III
Source Selection, Bidder Qualifications, Contract
Formation and Administration

§ 140-3.1. Competitive sealed bidding Lowest responsible bidder.

- A. Conditions for use. All contracts of the County of Putnam shall be awarded by competitive sealed bidding except as otherwise provided in §§ 140-3.3 (Competitive sealed proposals), 140-3.5 (Contracting for legal services), 140-3.7 (Small purchases), 140-3.8 (Sole source procurement), 140-3.9 (Emergency procurements).**
- B. Invitation for bids. An invitation for bids shall be issued and shall include specifications, and all contractual terms and conditions applicable to the procurement.**
- C. Public notice. Adequate public notice of the invitation for bids shall be given, not less than 14 calendar days prior to the date set forth therein for the opening of bids, unless it is determined by the Director of Purchasing, in writing, that a public notice of less than 14 days is adequate. In no instance shall the public notice be less than five business days. Such notice shall include publication in the newspaper(s) of general circulation as designated by the County Legislature. The public notice shall state the place, date, and time of the bid opening.**
- D. Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the Director of Purchasing deems appropriate, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection in accordance with § 140-1.7 (public access to procurement information).**

- E. Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria that are not set forth in the invitation for bids may be used in bid evaluations.**
- F. Correction or withdrawal of bids; cancellation of awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, correction of bids shall not be permitted. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a bidder alleging a material mistake of fact may be permitted to withdraw his bid if:**
- (1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or**
- (2) The bidder submits evidence that clearly and convincingly demonstrates that a mistake was made. All decisions to permit correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by written determination made by the Director of Purchasing.**
- G. Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.**

§ 140-3.2. Best Value Awards.

- A. Purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value, as defined in section 163 of the State Finance Law and as authorized in section 103 of the General Municipal Law, to a responsive and responsible offeror.**
- B. Where the basis for award is the best value offer, the Director of Purchasing shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.**

- C. The Director of Purchasing shall select a formal competitive procurement process and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results or, where not practicable, such other justification which demonstrates that best value will be achieved.
- D. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. The solicitation shall identify the relative importance and/or weight of cost and the overall evaluation criterion to be considered by the County in its determination of best value.
- E. In assessing best value when awarding the purchase contract, non-price factors can be considered. Non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law.

§ 140-3.3. Competitive sealed proposals.

- A. **Conditions for use.** When the Director of Purchasing determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the County, a contract may be entered into by the use of the competitive sealed proposal method.
- B. **Request for proposals.** Proposals shall be solicited through a request for proposals.
- C. **Public notice.** Adequate public notice of the request for proposal shall be given in the same manner as provided in § 140-3.1C (Competitive sealed bidding, public notice); provided the minimum time shall be 14 calendar days.
- D. **Receipt of proposals.** No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.

- E. Evaluation factors.** The request for proposals shall state the importance of price and other evaluation factors.
- F. Discussion with responsible offerors and revisions to proposals.** As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offerors. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.
- G. Award.** Award shall be made to the responsible offeror whose proposal is determined in writing to offer the best value to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award was made.

§ 140-3.4. Contracting for professional services with predetermined rates.

- A. Authority.** For the purpose of procuring certain Professional Services where the payment rates are established by the federal or state government, or when the County contracts with all qualified providers, any using agency may procure them without the requirement of issuing a request for proposal as per § 140-3.2 in accordance with the selection procedures specified in this section.
- B. Selection procedure.**
 - (1) Conditions for use.** This section shall only apply to professional service contracts where the rates to be paid by the County are set by the federal or state government, and where all qualified firms are considered for contracts.
 - (2) Statement of qualifications.** Persons or firms engaged in providing the designated types of professional services may submit statements of qualifications or expressions of interest in providing such services to the appropriate department head or Commissioner. An agency using such professional services may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.

§ 140-3.5. Contracting for legal services.

- A. No contract for the services of legal counsel may be awarded without the approval of the County Executive and the County Attorney, other than the County Legislature which may approve its own such procurements, which shall be approved by the Chairperson of the Legislature and the County Attorney.**

§ 140-3.6. Contracting for professional services with grant-approved organizations.

- A. Authority.** For the purpose of procuring certain professional services where the contractor has been identified in an approved grant application as the contractor to perform services covered by the grant, any using agency may procure them without the requirement of issuing a request for proposal as per § 140-3.2, in accordance with the selection procedures specified in this section.
- B. Selection procedure.**
 - (1) Conditions for use.** This section shall only apply to professional service contracts where the contractor has been identified in an approved grant application as the contractor to perform services covered by the grant.
 - (2) Statement of qualifications.** Prior to submitting a grant application, the County department shall obtain a minimum of three statements of qualifications and cost estimates for the services to be performed. Additional cost quotations shall be obtained if required under the terms and conditions of the grant.

§140-3.7. Purchases not subject to competitive bidding.

- A. The following purchases are not subject to competitive bidding:**
 - (1) Purchases of \$20,000 or less for commodities, equipment, materials, supplies and services.**
 - (2) Purchases of \$35,000 or less for public works projects.**
 - (3) Purchases through Preferred Sources pursuant to §162 of the State Finance Law.**
 - (4) Purchases in excess of \$500, of materials, equipment and supplies (except printed material) through the NYS Office of General Services (OGS), subject to rules established by OGS (see State Finance Law, §163).**
 - (5) Purchases through other New York State Counties contracts, pursuant to General Municipal Law Section 103(3).**
 - (6) Purchases of surplus and second hand supplies, materials or equipment from the Federal Government, the State of New York or from any other political subdivision, district or public benefit corporation with the State, pursuant to General Municipal Law §103(6).**
 - (7) Purchases through contracts let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value.**
- B. Section 104-b of New York State General Municipal Law requires that procedures for purchasing goods and services that fall below the monetary bid limits be**

established and approved by the governing board. The following shall constitute Putnam County policy:

(1) Cumulative purchases.

(a) Purchases shall be evaluated with attention given to cumulative dollar amounts expected in a given fiscal year. The Director of Purchasing shall canvas using agencies to determine yearly value of a commodity or service. Past history can be taken into consideration when evaluating yearly costs associated with the purchase of a commodity or service. If the bid limit is suspected to be exceeded, competitive bidding shall be used. This decision shall rest with the Director of Purchasing.

(b) If there are several comparable separate public works projects for the same or various locations, in a foreseeable time frame, whose expected cumulative total is more than \$10,000, written quotes must be obtained from a minimum of three suppliers.

(2) Methods of procurement not covered by competitive bidding.

(a) Purchases for commodities, equipment, supplies, materials and services in the amount of \$3,000 or less shall be awarded at the discretion of the Director of Purchasing; purchases more than \$3,000 up to and including \$20,000 shall require a minimum of three (3) electronic or written quotes. All purchases more than \$20,000 shall be competitively bid.

(b) Purchases that are defined as public works projects in the amount of \$10,000 or less shall be awarded at the discretion of the Director of Purchasing; purchases more than \$10,000 up to and including \$35,000 shall require a minimum of three (3) written or electronic quotes. All purchases more than \$35,000 shall be competitively bid.

(c) Purchases and contracts defined as professional services in the amount of \$50,000 or less shall be awarded at the discretion of the County Executive, Director of Purchasing and the Commissioner or Director of the using agency. Purchases and contracts more than \$50,000 shall require the issuing of a formal request for proposal and the approval of the County Executive.

(3) Award. All awards from telephone, facsimile, e-mail or written quotes shall be made to the supplier offering the best value to the County. In determining the best value for the County, the purchase price and whether the goods or services meet specifications are the most important considerations. However, the Director of Purchasing may consider other relevant factors, including:

(a) Installation costs;

(b) Life cycle costs;

(c) The quality and reliability of the goods and services;

- (d) The delivery terms;
- (e) Indicators of probable supplier performance under the contract such as past supplier performance, the supplier's financial resources and ability to perform, the supplier's experience or demonstrated capability and responsibility, and the supplier's ability to provide reliable maintenance agreements and support;
- (f) The cost of any employee training associated with a purchase;
- (g) The effect of a purchase on agency productivity; and
- (h) Other factors relevant to determining the best value for the County in the context of a particular purchase, including the status of the vendor as a Putnam County based small business.

(4) Documentation. All quotes (written or telephone) shall be documented in the procurement record and shall be filed in the respective year's quote files or attached to the Purchasing Division's copy of the purchase order. All purchases resulting from a written, electronic or telephone quote shall have the quote number referenced on the electronic purchase order or voucher, thus creating an audit trail.

§ 140-3.8. Sole source procurement.

- A. A contract may be awarded without competition when the Director of Purchasing determines in writing, after conducting a good faith review of available resources that there is only one source for the required commodity, supply, service or construction item. The Director of Purchasing shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source procurements shall be maintained as a public record and shall list each supplier's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the identification number of each contract file.
- B. In determining whether procurement qualifies as a sole source, the Purchasing Division and the agency requesting the procurement shall show, at a minimum:
 - (1) The unique benefits to the County of the item as compared to other products available in the marketplace;
 - (2) That no other product provides substantially equivalent or similar benefits;
 - (3) That, considering the benefits received, the cost of the item is reasonable in comparison to other products in the marketplace;
 - (4) That there is no possibility of competition, as from competing dealers or distributors.

§ 140-3.9. Emergency procurements.

Notwithstanding any other provisions of this policy, the Director of Purchasing, with the approval of the County Executive and the Chairman of the Legislature, may make or authorize others to make emergency procurements of commodities, supplies, services, or construction items when there exists a threat to public health, welfare, or safety; or County property; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular supplier shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the supplier's name, the amount and type of contract, a listing of the item(s) procured under the contract, and the identification number of the contract file.

A. All Departments, except for Department of Highways and Facilities:

During periods of emergency, such as (1) natural catastrophes such as landslides, snow falls, flooding or other acts of nature which prevent normal operations, (2) damage to buildings, roads, or other structures requiring immediate repair to prevent further deterioration or losses, and (3) breakdown of essential mechanical systems and machinery, such as boilers, electrical circuits, water mains or pipes, the normal purchasing procedures are not practical. Therefore, special emergency procedures are established to aid the departments in their operations.

In those cases of emergency requiring immediate actions, the department head responsible for that operation will assume charge for the operation. The following procedure will then be used:

(1) If possible, immediately notify the Director of Purchasing of the nature of the emergency and your plans to cope with the situation.

(2) Contact the vendor immediately and arrange the purchase.

(3) Notify the Department of Purchasing, as soon as practical, that the emergency purchases are necessary and being arranged.

(4) Within five (5) days after the emergency purchase is made, the department head will prepare and forward to the Department of Purchasing, a "receiving report" indicating descriptions of the purchase, and other information.

B. Department of Highways and Facilities:

For Field Employees- If an emergency purchase is required, such as:

(1) Natural catastrophes (e.g. landslides, snowfalls, flooding or other acts of nature which prevent normal operations.)

(2) Damage to buildings, roads, or other structures requiring immediate repair to prevent further deterioration or losses.

(3) Breakdown of essential mechanical systems and machinery, such as boilers, electrical circuits, water mains or pipes.

Normal purchasing procedures are not practical. Therefore, the following should be followed:

- 1. Contact vendor**
- 2. Notification to your Supervisor and/or Commissioner**
- 3. Make purchase**

For Highways and Facilities Administration Office ONLY-

(1) Highways and Facilities Administration ONLY will provide documentation as to the item/service purchased, vendor, date and justification as to why this procedure was utilized, to Purchasing via letter or e-mail.

(2) Purchasing will then document verification of purchase to Audit.

§ 140-3.10. Cancellation of invitations for bids or request for proposals.

An invitation for bids, a request for proposal, or other solicitation may be cancelled, or any or all proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the County. The reasons therefor shall be made part of the contract file. Each solicitation issued by the County shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the County. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

§ 140-3.11. Responsibility of bidders and offerors.

- A. Determination of non-responsibility. If a bidder or offeror who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility, setting forth the basis of the finding, shall be prepared by the Director of Purchasing. The unreasonable failure of a bidder or offeror promptly to supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to such bidder or offeror. The final determination shall be made part of the contract file and be made a public record.**
- B. Right of nondisclosure. To the extent possible under the New York State Freedom of Information Law (FOIL), information furnished by a bidder or offeror pursuant to this section shall not be disclosed by the County outside of the office of the**

Director of Purchasing, or using agency, without prior written consent of the bidder or offeror.

§ 140-3.12. Cost or pricing data.

- A. Required submissions relating to the award of contracts. A prospective contractor shall submit cost or pricing data when the contract is expected to exceed \$100,000 and is to be awarded by competitive sealed proposals (§ 140-3.2, Competitive sealed proposals), or by sole source procurement authority (§ 140-3.7, Sole source procurement).**
- B. Exceptions. The submission of cost or pricing data relating to the award of a contract is not required when:**
 - (1) The contract price is based on adequate price competition;**
 - (2) The contract price is based on established catalog prices or market prices;**
 - (3) The contract price is set by law or regulation; or**
 - (4) It is determined in writing by the Director of Purchasing that the requirements of § 140-3.12A (Cost or pricing data, Required submissions relating to the award of contracts) may be waived, and the determination states the reasons for such a waiver.**
- C. Required submissions relating to change orders or contract modifications. A contractor shall submit cost or pricing data prior to the pricing of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding, whether or not cost or pricing data was required in connection with the initial pricing of the contract, when the change or modification involves aggregate increases or aggregate decreases in costs plus applicable profits that are expected to exceed 10% of the original contract amount.**
- D. Exceptions. The submission of cost or pricing data relating to the pricing of a change order or contract modification is not required when unrelated and separately priced adjustments for which cost or pricing data would not be required are consolidated for administrative convenience.**
- E. Certification required. A contractor, actual or prospective, required to submit cost or pricing data in accordance with this section, shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate, complete, and current as of a mutually specified date prior to the award of the contract or the pricing of the change order or contract modification.**
- F. Price adjustment provision required. Any contract award, change order, or contract modification under which the submission and certification of cost or pricing data are required shall contain a provision stating that the price to the County of Putnam, including profit or fee, shall be adjusted to exclude any significant sums by which the County of Putnam finds that such price was increased because the contractor-furnished cost or pricing data that was**

inaccurate, incomplete, or not current as of the date agreed upon between the County of Putnam and the contractor.

§ 140-3.13. Cost or price analysis.

A cost analysis or a price analysis, as appropriate, shall be conducted prior to award of the contract other than one awarded under § 140-3.1 (Competitive sealed bidding). A written record of such cost analysis or price analysis shall be made a part of the contract file.

§ 140-3.14. Bid and performance bonds on supply or service contracts.

- A. Bid and performance bonds or other security may be requested for supply contracts or service contracts as the Director of Purchasing or head of a using agency deems advisable to protect the County of Putnam's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for a determination of a bidder's or offeror's responsibility.
- B. The County reserves its right to approve the form, sufficiency, or manner of execution of surety bonds and contracts of insurance furnished by the surety company selected by the bidder to underwrite such bonds or contracts. In addition, all surety companies shall be licensed by the State of New York and have a Best's rating on bonds and contracts of insurance of an A - or better.
- C. In addition, the County reserves the right to approve or reject the contractor's proposed surety company. The County shall notify potential bidders, as part of the bid solicitation, of any surety company that has been deemed unacceptable to the County.

§ 140-3.15. Types of contracts.

- A. General authority. Subject to the limitations of this section, any type of contract which is appropriate to the procurement and which will promote the best interests of the County of Putnam may be used. A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the County of Putnam than any other type or that it is impracticable to obtain the supply, service, or construction item required under such a contract.
- B. Multiterm contracts.
 - (1) Specified period. Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the County of Putnam, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriations of funds thereafter.

(2) Determination prior to use. Prior to the utilization of a multiterm contract, it shall be determined in writing that:

(a) Estimated requirements cover the period of the contract and are reasonably firm and continuing; and

(b) Such a contract will serve the best interests of the County of Putnam by encouraging effective competition or otherwise promoting economies in County of Putnam procurements.

(3) Cancellation due to unavailability of funds in succeeding fiscal periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled.

C. Multiple source contracting.

(1) General. A multiple source award is an award of an indefinite quantity contract for one or more similar supplies or services to more than one bidder or offeror. The obligation to order the County of Putnam's actual requirements is limited by the provision of Uniform Commercial Code Section 2-306(1).

(2) Limitations on use. A multiple source award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple source award shall be made in accordance with the provisions of § 140-3.1 (Competitive sealed bidding), § 140-3.2 (Competitive sealed proposals), § 140-3.6 (small purchases), and § 140-3.8 (Emergency procurements), as applicable. Multiple source awards shall not be made when a single award will meet the County of Putnam's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet the actual requirements.

(3) Contract and solicitation provisions. All eligible users of the contract shall be named in the solicitation, and it shall be mandatory that the actual requirements of such users that can be met under the contract be obtained in accordance with the contract, provided that:

(a) The County of Putnam shall reserve the right to take bids separately if a particular quantity requirement arises which exceeds its normal requirement or an amount specified in the contract; and

(b) The County of Putnam shall reserve the right to take bids separately if the Director of Purchasing approves a finding that the supply or service available under the contract will not meet a nonrecurring special need of the County of Putnam.

(4) Intent to use. If a multiple source award is anticipated prior to issuing a solicitation, the County of Putnam shall reserve the right to make such an award, and the criteria for award shall be stated in the solicitation.

(5) Determination required. The Director of Purchasing shall make a written determination setting forth the reasons for a multiple source award, which shall be made a part of the procurement file.

D. Multiple source contracting: purchase of office furnishings by percentage discount awards.

(1) General. A multiple source award for office furnishings is an award of an indefinite quantity contract on one or more office furnishings manufacturer's product lines to more than one bidder or offeror. The obligation to order the County of Putnam's actual requirements is limited by the provisions of Uniform Commercial Code Section 2-306(1).

(2) Limitations of use. A multiple source award may be made when award to two or more bidders or offerors for similar product lines is necessary for adequate delivery, service or product compatibility. All multiple source awards shall be made in accordance with the provisions of § 140-3.1 (Competitive sealed bidding), § 140-3.2 (Competitive sealed proposals), § 140-3.6 (small purchases), and § 140-3.8 (Emergency procurements), as applicable. Multiple source awards shall not be made when a single award will meet the County of Putnam's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet actual requirements.

(3) Contract and solicitation provisions. Specifications shall be drafted to include and utilize a "mini-bid" system to ensure that the County receives the best value for dollars expended.

(4) Mini bid procurement process. The Purchasing Division shall issue bids for discounts off of manufacturers' product lines and suggested retail price list. Award will be made by product line to the bidder offering the highest discount. Departments may request a specific brand and item based on the bid awards made. The Purchasing Division shall review the requested requisition and obtain a minimum of three additional quotations from a minimum of three additional contract vendors for an "equivalent" item from other manufacturers. The Purchasing Division shall review all of the mini-bid quotations and select the vendor/manufacturer that meets the form, function, utility and quality of the requesting agency, and also offers the lowest price.

(5) Waiver of mini bid procurement process. The Director of Purchasing may waive the requirement of the Mini Bid process for those procurements that are additions to and alterations of existing systems furniture groups. The reasons for such waiver shall be documented in writing and made part of the procurement record.

E. Design service contracts for office furnishings.

- (1) General.** The Director of Purchasing or his/her designee may enter into separate contracts for design services or space planning services as deemed necessary for a particular project.
- (2) Limitations on use.** A design services or space planning services contract may be entered into in accordance with the provisions of § 140-3.2 (Competitive sealed proposals), § 140-3.6 (small purchases), and § 140-3.8 (Emergency procurements), as applicable.
- (3) Contract and solicitation provisions.** All solicitations and contracts for design services and space planning services shall include the following requirements:
 - (a)** All specifications prepared under this contract shall be drafted so as to promote overall economy for the purpose intended and encourage competition in satisfying the County's needs and shall not be unduly restrictive. Design service contractors are prohibited from recommending or specifying any manufacturer's products or brand names in their plans and specifications if the design services contractor currently holds a Bid Award for that product line/manufacturer with the County of Putnam.
 - (b)** When brand names are used in the plans and specifications developed by the Contractor, the contractor shall identify a minimum of three brand names that will satisfy the requirements of the plans and specifications.

§ 140-3.16. Contract clauses and their administration.

- A. Contract clauses.** All County of Putnam contracts for supplies, services, materials and equipment, as well as public works projects, shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Director of Purchasing, after consultation with the County Attorney, may issue clauses appropriate for supply, service, or public works contracts, addressing among others, the following subjects:
 - (1)** The unilateral right of the County of Putnam to order in writing the changes in the work within the scope of the contract;
 - (2)** The unilateral right of the County of Putnam to order in writing temporary stopping of the work or delaying performance that does not alter the scope of the contract;
 - (3)** Variations occurring between estimated quantities of work in contract and actual quantities;
 - (4)** Defective pricing;
 - (5)** Liquidated damages;
 - (6)** Specified excuses for delay or nonperformance;

- (7) Termination of the contract for default;**
- (8) Termination of the contract in whole or in part for the convenience of the County of Putnam;**
- (9) Suspensions of work on a construction project or by the County of Putnam; and**
- (10) Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:**
 - (a) When the contract is negotiated;**
 - (b) When the contractor provides the site or design; or**
 - (c) When the parties have otherwise agreed with respect to the risk of differing site conditions.**

B. Price adjustments.

- (1) Adjustments in price resulting from the use of contract clauses required by Subsection A of this section shall be computed in one or more of the following ways:**
 - (a) By agreement on a fixed price adjustment before commencement of the pertinent performance or as soon thereafter as practicable;**
 - (b) By unit prices specified in the contract or subsequently agreed upon;**
 - (c) By the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;**
 - (d) In such other manner as the contracting parties may mutually agree.**
- (2) A contractor shall be required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of § 140-3.12 (Cost or pricing data).**

C. Standard clauses and their modification. The Director of Purchasing, after consultation with the County of Putnam County Attorney, may establish standard contract clauses for use in County of Putnam contracts. If the Director of Purchasing establishes any standard clauses addressing the subjects set forth in Subsection A of this Section, such clauses may be varied, provided that any variations are supported by a written determination that states the circumstances justifying such variations, and provided that notice of any such material variation be stated in the invitation for bids or requests for proposals.

§ 140-3.17. Approval of accounting system.

Except with respect to firm fixed-price contracts, no contract shall be awarded unless it has been determined in writing by the Director of Purchasing that:

- A. The proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated; and
- B. The proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted cost accounting principles.

§ 140-3.18. Right to inspect plant.

The County of Putnam may, at reasonable times, inspect the part of the plant, place of business, or worksite of a contractor or subcontractor at any tier which is pertinent to the performance of any contract awarded or to be awarded by the County of Putnam.

§ 140-3.19. Right to audit records.

- A. **Audit of cost or pricing data.** The County of Putnam may at reasonable times and places, audit the books and records of any contractor who has submitted cost or pricing data pursuant to § 140-3.12 (Cost or pricing data) to the extent that such books, documents, papers, and records are pertinent to such cost or pricing data. Any person who receives a contract, change order, or contract modification for which cost or pricing data is required shall maintain such books, documents, papers, and records that are pertinent to such cost or pricing data for three years from the date of final payment under the contract.
- B. **Contract audit.** The County of Putnam shall be entitled to audit the books and records of a contractor or subcontractor at any tier under any negotiated contract or subcontract other than a firm fixed-price contract to the extent that such books, documents, papers, and records are pertinent to the performance of such a contract or subcontract. Such books and records shall be maintained by the contractor for a period of three years from the date of final payment under the contract and by the subcontractor for a period of three years from the date of final payment under the subcontract.

§ 140-3.20. Reporting of anti-competitive practices.

When for any reason collusion or other anti-competitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the State Attorney General, County Attorney and District Attorney.

§ 140-3.21. County of Putnam procurement records.

- A. **Contract file.** All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained by the County of Putnam in a contract file by the Director of Purchasing.

- B. Retention of procurement records. All procurement records shall be retained and disposed of by the County of Putnam in accordance with record retention guidelines and schedules approved by the State of New York.**

**ARTICLE IV
Specifications**

§ 140-4.1. Maximum practicable competition.

All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the County of Putnam's needs, and shall not be unduly restrictive. The policy enunciated in this section applies to all specifications, including, but not limited to, those prepared for the County of Putnam by architects, engineers, designers, and draftsmen.

§ 140-4.2. Brand name or equal specification.

- A. Use. Brand name or equal specifications may be used when the Director of Purchasing determines in writing that:**
- (1) No other design or performance specification is available;**
 - (2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;**
 - (3) The nature of the product or the nature of the County of Putnam's requirements makes use of a brand name or equal specification suitable for the procurement; or**
 - (4) Use of a brand name or equal specification is in the County of Putnam's best interests.**
- B. Designation of several brand names. Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.**
- C. Required characteristics. Unless the Director of Purchasing determines in writing that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.**
- D. Nonrestrictive use of brand name or equal specifications. Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.**

§ 140-4.3. Brand name specification.

- A. Use. Since use of a brand name specification is restrictive of product competition, it may be used only when the Director of Purchasing makes a written determination that only the identified brand name item or items will satisfy the County of Putnam's needs. After the Director of Purchasing prepares the written determination, a request shall be forwarded to the County Legislature to pass a standardization resolution. Under no circumstances shall any solicitation offered by the County contain only one brand name, without allowing for "or equal" products, unless a standardization resolution has been passed by the County Legislature.**
- B. Competition. The Director of Purchasing shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under § 140-3.8 (Sole source procurement).**

ARTICLE V Debarment or Suspension

§ 140-5.1. Authority to debar or suspend.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Director of Purchasing, after consultation with the County Attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. After consultation with the County Attorney, the Director of Purchasing is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity that might lead to debarment. The suspension shall be for a period not to exceed three years. The causes for debarment include:

- A. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such a contract or subcontract;**
- B. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a County of Putnam contractor;**
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;**

- D. Violation of contract provisions, as set forth below, of a character which is regarded by the Director of Purchasing to be so serious as to justify debarment action:
 - (1) Deliberate failure, without good cause, to perform in accordance with the specifications or within the time limit provided in the contract; or,**
 - (2) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;****
- E. Any other cause the Director of Purchasing determines to be so serious and compelling as to affect responsibility as a County of Putnam contractor, including debarment by another governmental entity for any cause listed in this Policy; and**
- F. For violation of the ethical standards set forth in Article VIII (Ethics in Public Contracting).**

§ 140-5.2. Decision to debar or suspend.

The Director of Purchasing shall issue a written decision to debar or suspend. The decision shall state the reasons for action taken and inform the debarred or suspended person involved of its rights concerning judicial or administrative review.

§ 140-5.3. Notice of decision.

A copy of the decision required by § 140-5.2 (Decision to debar or Suspend) shall be mailed or otherwise furnished immediately to the debarred or suspended person.

§ 140-5.4. Finality of decision.

A decision under § 140-5.2 (Decision to debar or suspend) shall be final and conclusive, unless fraudulent, or unless the debarred or suspended person, within 10 days after receipt of the decision, takes an appeal to the County Executive or commences a timely action in court in accordance with applicable law.

**ARTICLE VI
Appeals and Remedies**

§ 140-6.1. Bid protests.

- A. Right to protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the County Executive. Protestors are urged to seek resolution of their complaints initially with the Director of Purchasing. A protest with respect to an invitation for bids or request for proposals shall be submitted in writing prior to the opening of bids or the closing date of proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposals. The protest shall be submitted within**

three calendar days after such aggrieved person knows or should have known of the facts giving rise thereto.

- B. Stay of procurements during protests. In the event of a timely protest under Subsection A of this Section, the Director of Purchasing shall not proceed further with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted or until the County Executive makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the County of Putnam.

§ 140-6.2. Contract claims.

- A. Decision of the Director of Purchasing. All claims by a contractor against the County of Putnam relating to a contract, except bid protests, shall be submitted in writing to the Director of Purchasing for a decision. The contractor may request a conference with the Director of Purchasing on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of a contract, mistake, misrepresentation, or other causes for contract modification or rescission.
- B. Notice to the contractor of the Director of Purchasing's decision. The decision of the Director of Purchasing shall be promptly issued in writing, and shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights under Subsection C of this section.
- C. Finality of Director of Purchasing's decision; contractor's right to appeal. The Director of Purchasing's decision shall be final and conclusive unless, within five calendar days from the date of receipt of the decision, the contractor mails or otherwise delivers a written appeal to the County Executive or commences an action in a court of competent jurisdiction.
- D. Failure to render timely decision. If the Director of Purchasing does not issue a written decision regarding any contract controversy within 20 days after written request for a final decision, or within such longer period as may be agreed upon between parties, then the aggrieved party may proceed as if an adverse decision had been received.

§ 140-6.3. Access to administrative forums.

(Reserved)

§ 140-6.4. Authority of Director of Purchasing to settle bid protests and contract claims.

The Director of Purchasing is authorized to settle any protest regarding the solicitation or award of a County of Putnam contract, or any claim arising out of the performance of a County of Putnam contract, prior to an appeal to the County Executive or the commencement of an action in a court of competent jurisdiction.

§ 140-6.5. Remedies for solicitations or awards in violation of law.

- A. Prior to bid opening or closing date for receipt of proposals. If, prior to the bid opening or closing date for receipt of proposals, the Director of Purchasing, after consultation with the County Attorney, determines that a solicitation is in violation of federal, state, or municipal law, then the solicitation shall be cancelled or revised to comply with applicable law.**
- B. Prior to award. If, after bid opening or the closing date for receipt of proposals, the Director of Purchasing, after consultation with the County Attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state, or municipal law, then the solicitation or proposed award shall be cancelled.**
- C. After award. If, after an award, the Director of Purchasing, after consultation with the County Attorney, determines that a solicitation or award of a contract was in violation of applicable law, then:
 - (1) If the person awarded the contract has not acted fraudulently or in bad faith:
 - (a) The contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the County of Putnam; or**
 - (b) The contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract, plus a reasonable profit, prior to the termination; or****
 - (2) If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void or voidable, if such action is in the best interests of the County of Putnam.****

**ARTICLE VII
Ethics in Public Contracting**

§ 140-7.1. Criminal penalties.

To the extent that violations of the ethical standards of conduct set forth in this article constitute violations of any New York State or Putnam County law, they shall be punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this article. Criminal, civil, and administrative sanctions against employees or non-employees which are in existence on the effective date of this Policy shall not be impaired.

§ 140-7.2. Employee conflict of interest.

It shall be unethical for any County of Putnam employee to participate directly or indirectly in a procurement contract when the County employee knows that:

- A. The County of Putnam employee or any member of the County employee's immediate family has a financial interest pertaining to the procurement contract; or**
- B. Any other person, business, or organization with which the County employee or any member of a County employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract. A County of Putnam employee or any member of a County employee's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.**

§ 140-7.3. Gratuities and kickbacks.

- A. Gratuities. It shall be unethical for any person to offer, give, or agree to give any County employee or former County employee, or for any County employee or former County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim, or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.**
- B. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.**
- C. Contract clause. The prohibition against gratuities and kickbacks prescribed in this section shall be conspicuously set forth in every contract and solicitation therefor.**

§ 140-7.4. Prohibition against contingent fees.

It shall be unethical for a person to be retained, or to retain a person, to solicit or secure a County contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

§ 140-7.5. Contemporaneous employment prohibited.

It shall be unethical for any County employee who is participating directly or indirectly in the procurement process to become or to be, while such a County employee, the employee of any person contracting with the governmental body by whom the employee is employed.

§ 140-7.6. Waivers for contemporaneous employment prohibition and other conflicts of interest.

The County Board of Ethics may grant a waiver from the employee conflict of interest provision (§ 140-8.2, Employee conflict of interest) or the contemporaneous employment provision (§ 140-8.5, Contemporaneous employment prohibited) upon making a written determination that:

- A. The contemporaneous employment or financial interest of the County employee has been publicly disclosed;
- B. The County employee will be able to perform his/her procurement functions without actual or apparent bias or favoritism; and
- C. The award will be in the best interests of the County of Putnam.

§ 140-7.7. Use of confidential information.

It shall be unethical for any County employee or former County employee to knowingly use confidential information for actual or anticipated personal gain, or for the actual or personal gain of any other person.

§ 140-7.8. Sanctions.

- A. **Employees.** Sanctions against employees shall be in accordance with Chapter 55 of the Laws of Putnam County (Code of Ethics).
- B. **Non-employees.** The Director of Purchasing may impose any one or more of the following sanctions on a non-employee for violations of ethical standards:
 - (1) Written warnings or reprimands;
 - (2) Termination of contracts; or
 - (3) Debarment or suspension as provided in § 140-6.2 (Authority to debar or suspend).

**ARTICLE VIII
Disposition of Surplus Personal Property**

§ 140-8.1. Purpose.

No statute prescribes a procedure for the sale of unneeded County personal property, and therefore, there is no statutory mandate that such property be sold only after public advertisement for sealed bids or advertisement for public auction. The method chosen for sale is within the sound discretion of the Director of Purchasing, subject to the approval of the County Executive. However, in order to fill a fiduciary duty, the method of sale adopted should be one which is thought to bring the best price or maximum benefits and may include sale by either auction, private negotiation, or competitive bidding.

ARTICLE IX
Additional Requirements for Federal Transit
Administration Funded Contracts

§ 140-9.1. Disadvantaged Business Enterprise Program.

The County of Putnam's Department of Public Transportation has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U. S. Department of Transportation (DOT), 49 CFR Part 26. The County of Putnam's Department of Public Transportation has received federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the County of Putnam's Department of Public Transportation acknowledges that the requirements of 49 CFR Part 26, as amended, shall be complied with. It is the policy of the County of Putnam and its Department of Public Transportation to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts.

§ 140-9.2. Required contract clauses.

It is the policy of the County of Putnam and its Department of Planning, Development and Public Transportation to ensure that the most current Federal Transit Administration (FTA) required clauses and procedures as set forth in FTA Circular 4220.1F and any subsequent amendments and circulars governing Third Party Contracting will be followed in all contracts funded in part by FTA. These clauses and procedures are applicable to new contracts, contract amendments and contract related change orders. Further, FTA website www.fta.dot shall be checked prior to procurements to ensure that the most current clauses and procedures are incorporated in county bid documents.

§ 140-9.3. National and regional ITS architecture policy.

- A. Prior to authorization of mass transit funds from the Highway Trust Fund for acquisition or implementation of Intelligent Transportation Systems (ITS) projects, the County of Putnam, and its Department of Public Transportation, shall self-certify with Sections V and VI of the Federal Transit Administration National ITS Architecture Policy on Transit Projects.**
- B. Compliance with the following FTA circulars shall also be certified:**
 - (1) C5010.1C - Grant Management Guidelines.**
 - (2) C6100.1B - Application Instructions and Program Management Guidelines.**

§ 140-9.4. Duty to inquire into Vendor's election not to submit a bid

Should any Request for Bid or Request for Proposal result in only one (1) submitted bid or proposal, the Purchasing Department will contact all vendors that received a Bid or RFP package and inquire into why they elected not to submit a bid or proposal.

§ 140-9.5. Procedures to implement provisions.

The Director of Purchasing shall develop and implement procedures for the execution of this article.

Section 2.

This local law shall take effect immediately.

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

Item #5w – Approval/Putnam Arts Council Grants for 2014 was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

Legislator LoBue stated that the Putnam Arts Council serves as an umbrella and they support many other art venues. Legislator LoBue listed the Putnam Arts Fund Recipients for 2014.

RESOLUTION #50

APPROVAL/PUTNAM ARTS COUNCIL GRANTS FOR 2014

WHEREAS, on January 16, 2014, the Putnam Arts Council reported to the Putnam County Legislature their recommendations for distribution of the Putnam Arts Fund Grants 2014 totaling \$10,000; now therefore be it

RESOLVED, that the Putnam County Legislature accepts and approves the recommendation of the Putnam Arts Council dated January 16, 2014 for the distribution of the Putnam Arts Fund Grants 2014 for the first round of applications totaling \$10,000 pursuant to the attached list.

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

Item #5x – Approval/Authorizing the Additional Sum of \$11,963.33 Be Determined As To Be Received By The Recording Officer For The County Of Putnam was next. On behalf of the members of the Budget & Finance Committee, Chairman Albano moved the following:

RESOLUTION #51

APPROVAL/AUTHORIZING THE ADDITIONAL SUM OF \$11,963.33 TO BE DETERMINED AS TO BE RECEIVED BY THE RECORDING OFFICER FOR THE COUNTY OF PUTNAM

WHEREAS, Section 262 of New York State Tax Law mandates that Recording Officers are entitled to receive for the County all necessary expenses for the purposes of administration of mortgage taxes in their office, an approved allowance by the State Tax Commission; and

WHEREAS, that State Tax Commission did, by resolution duly adopted, determine that such Mortgage Tax expense be approved at the amount certified to the State Tax

Commission by the County Legislature, provided it is a reasonable and necessary allowance for such expense; now therefore it be

RESOLVED, by the Putnam County Legislature that the additional sum of \$11,963.33 from December 1, 2013 through March 31, 2014 be and the same hereby is determined as necessary, reasonable and proper additional allowance to be received by the Recording Officer of the County of Putnam for the purpose of administering Mortgage Taxes in the Office; and be it further

RESOLVED, that the additional sum of \$11,963.33 from December 1, 2013 through March 31, 2014 is hereby certified to the State Tax Commission as the reasonable and proper allowance for such expenses.

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

Item #5y – Approval/Authorizing the Sum of \$352,019.00 Be Determined as to be Received by the Recording Officer for the County of Putnam was next. On behalf of the members of the Budget & Finance Committee, Chairman Albano moved the following:

RESOLUTION #52

APPROVAL/AUTHORIZING THE SUM OF \$352,019.00 BE DETERMINED AS TO BE RECEIVED BY THE RECORDING OFFICER FOR THE COUNTY OF PUTNAM

WHEREAS, Section 262 of New York State Tax Law mandates that Recording Officers are entitled to receive for the County all necessary expenses for the purposes of administration of mortgage taxes in their office, an approved allowance by the State Tax Commission; and

WHEREAS, that State Tax Commission did, by resolution duly adopted, determine that such Mortgage Tax expense be approved at the amount certified to the State Tax Commission by the County Legislature, provided it is a reasonable and necessary allowance for such expense; now therefore it be

RESOLVED, by the Putnam County Legislature that the additional sum of \$352,019.00 per annum be and the same hereby is determined as necessary, reasonable and proper additional allowance to be received by the Recording Officer of the County of Putnam for the purpose of administering Mortgage Taxes in the office; and be it further

RESOLVED, that the additional sum of \$352,019.00 per annum is hereby certified to the State Tax Commission as the reasonable and proper allowance for such expenses.

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

Item #6 – Other Business

Item #6a – Approval/Lease Agreement/Putnam County Veterans' Residence Room #4 was next. Chairman Albano moved the following; seconded by Legislators Nacerino and Wright.

RESOLUTION #53

APPROVAL/LEASE AGREEMENT/PUTNAM COUNTY VETERANS' RESIDENCE ROOM #4

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

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

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

WHEREAS, said lease agreement shall be for a term commencing on February 1, 2014 and expiring on July 31, 2014; now therefore be it

RESOLVED, that the County of Putnam may enter into the aforementioned lease agreement with Dwayne Cantelmo for the single-residence room in the Putnam County Veterans' Residence identified as Room # 4, for a term commencing on February 1, 2014 and expiring on July 31, 2014; and be it further

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

RESOLVED, this Resolution shall take effect immediately.

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

Item #6b – Approval/Appointment/Legislative Representative/Cooperative Extension Board was next. Chairman Albano moved the following; seconded by Legislator LoBue.

RESOLUTION #54

APPOINTMENT/LEGISLATIVE REPRESENTATIVE/COOPERATIVE EXTENSION BOARD

RESOLVED, that Louis D. Tartaro be appointed as the Legislative Representative to the Cooperative Extension Board for a period of one year, said term to expire on December 31, 2014.

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

Item #7 – Recognition of Public

Ms. Ann Fanizzi, Town of Carmel Resident, questioned if the Legislature would be receiving the Tilly Foster Farm quarterly and yearly report for 2013.

Chairman Albano stated that we would be requesting it.

Ms. Fanizzi stated that in Exhibit E of the Lease from 2009 there is a list of equipment. She questioned who was responsible in seeing that this equipment remained on the

Farm. She questioned who was responsible for tying up the loose ends of the termination agreement to make sure the Farm remained the same as it was in 2009.

Chairman Albano stated that there was a Transition Team headed up by the Administration.

Ms. Fanizzi stated that it took a long time for the Legislature to agree on the original lease. She believed that the same discussion and transparency should have occurred on the Lease Termination. She questioned who reviewed and compared the financials versus the 990's that were provided. She questioned if portions of the Termination Agreement that would be available to the public.

Legislator Nacerino stated that the Legislature felt just as strongly as Ms. Fanizzi and the public did. It is our Farm and we have a vested interest in preserving it and insuring that the Farm continues. We have a fiscal responsibility and have done our fiduciary duties. It has been determined that we are a head of the game with the financial outcome. She stated that circumstances have dictated this outcome. The Whipples have chosen not to continue with the lease and the County has been dealing with this situation in the best way that it can to insure the continued success of the Farm.

Legislator Tartaro thanked Ms. Fanizzi for her contributions and stated that she was one of the many reasons why the Farm was so successful. He stated that it was his understanding that there would also be citizen involvement moving forward.

County Attorney Bumgarner stated that she served on the Transition Team along with Chairman Albano and Commissioner of Highways & Facilities, Fred Pena. She stated that she went through the provisions of the lease to insure that they were complied with. She stated that she questioned the members of the Transition Team about the equipment inventory and sent that specific schedule of the lease with respect to the inventory to our Director of the Parks Department, Chris Ruthven. He in turn took the inventory list and went to the Farm to insure that every piece of equipment on the list was at the Farm. She stated that the Team did that with respect to all the buildings on the Farm. They performed several inspections. They also performed a walk through on Friday, January 31, 2014 at the Farm to insure that the property was still in the same condition and that the property was as it should be at the end of the termination.

Legislator Nacerino stated that she was also present at the final walk through as a representative of the Legislature.

Item #8 – Recognition of Legislators

Legislator Oliverio stated that the County has experience several nasty storms this season. He stated that he wanted to send “kudos” to Commissioner Pena and his department for doing a terrific job in keeping the County roads clear.

Chairman Albano stated that neighboring towns were trying to make some old equipment continue to operate and they experienced several issues having trucks off the road. He believed that the County did the right thing in bonding for our new equipment. It was nice to see our trucks out there and not experiencing any issues.

Legislator Scuccimarra stated that today is “Wear Red” in support of the fight against heart disease in women. It is the number one killer of our mothers, sisters, daughters and friends. It kills more women than any and all forms of cancer.

Legislator Oliverio wished everyone a “Happy Valentine’s Day”.

There being no further business, at 6:46 P.M., Legislator Wright made a motion to close the meeting in honor of David Bruen, former County Executive and lifelong resident of this community. He stated that he had the honor to serve with and the pleasure to call him a friend in County government for many years; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.