

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

Tuesday

March 4, 2014

7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairman Albano who requested that Legislator Castellano lead in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Oliverio, Tartaro, Nacerino, Gross, Castellano, LoBue, Wright and Chairman Albano were present. Also present was Legislative Counsel Van Ross.

PROCLAMATIONS

Chairman Albano and Legislator Oliverio presented the “National Problem Gambling Awareness Month March 2014” Proclamation to Ms. Elaine Santos, Coordinator of the Putnam County Communities That Care Coalition.

**NATIONAL PROBLEM GAMBLING AWARENESS MONTH
MARCH 2014**

WHEREAS, Problem Gambling is a public health issue affecting millions of Americans of all ages, races, and ethnic backgrounds in all communities and which has a significant societal and economic cost; and

WHEREAS, Problem Gambling is treatable and treatment is effective in minimizing the harm to both individuals and society as a whole; and

WHEREAS, numerous individuals, professionals, and organizations have dedicated their efforts to the education of the public about Problem Gambling and the availability and effectiveness of treatment; and

WHEREAS, the promotion of National Problem Gambling Awareness Month provides individuals in the Problem Gambling community an opportunity to educate the public and policymakers about the social and financial effectiveness of services available for Problem Gambling; and

WHEREAS, the National Council on Alcoholism and Other Drug Dependencies invite all residents of Putnam County to participate in National Problem Gambling Awareness Month; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim March 2014 as National Problem Gambling Awareness Month in Putnam County and encourage all citizens to support the theme of “Help and Hope” for problem gamblers by supporting the men, women, and youth who are in treatment and recovery and their families.

Chairman Albano requested that Legislator Gross present the next proclamation for “National Inhalant and Poisons Prevention Week – March 16-22, 2014” to Ms. Elaine Santos, Coordinator of the Putnam County Communities That Care Coalition.

NATIONAL INHALANT AND POISONS PREVENTION WEEK – MARCH 16 – 22, 2014

WHEREAS, in 1961, Congress designated the third full week in March to be National Poison Prevention Week and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and

WHEREAS, each year, the Nation's poison centers answer more than 4 million calls; and

WHEREAS, approximately 90% of poisonings occur in people's homes and over 50% of poisoning exposures involve children under age 6; and

WHEREAS, 6.8% of student's grades 8-12 in Putnam County have used inhalants to get high in their lifetime, 2.1% of student's grades 8-12 have used inhalants to get high one or more times in the past 30 days (per the 2012 Putnam County Communities That Care Coalition Prevention Needs Assessment Survey); and

WHEREAS, the Putnam County Communities That Care Coalition will support prevention efforts and activities to highlight Putnam County, New York's commitment to protecting its residents from potentially harmful poisonings; and

WHEREAS, the people of Putnam County recognize the importance of coming together as a community to educate ourselves on poison prevention and pledge our commitment to ensuring the safety of ourselves, our families, and our community; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim March 16 –22nd, 2014 as National Inhalant and Poison Prevention Week in Putnam County and encourage all citizens to join in this observance.

Chairman Albano stated that the next proclamation was for Edward Irving Sumber who is a 40 year resident of Putnam County. He is a tremendous asset to this town and is a community leader. Chairman Albano requested that County Executive Odell present this proclamation.

County Executive Odell stated that Mr. Sumber was a man whom she has known since she was thirteen years old. She stated that the Summers and the Hicks families have been there for each other for many, many years. She stated that it was truly an honor to not only be here as the County Executive, but as a representative of the Hicks family. County Executive Odell invited the members of the Rotary and some of Mr. Sumber's colleagues to come up and participate in the proclamation and say thank you to a man who has given so selflessly of himself.

**HONOREE OF THE CARMEL ROTARY SHOOT OUT
EDWARD IRVING SUMBER**

WHEREAS, EDWARD IRVING SUMBER, son of Herman and Rose Sumber, was born in Brooklyn, New York, on December 21, 1942. Edward's life was changed radically when he contracted polio in 1949, two years before Jonas Salk would develop his vaccine. Edward spent 1949-1950 in a hospital which offered the Sister Kenny treatment followed by a six month convalescence at St. Agnes Convalescent Home in White Plains. Edward believes that his time in St. Agnes truly opened him up to the acceptance of differences and changed the way he viewed the world; and

WHEREAS, EDWARD IRVING SUMBER, graduated from Wingate High School in Brooklyn in 1960 and then from Brooklyn College with a Bachelor's

Degree in Accounting in 1964. Edward then attended Brooklyn Law School at night and graduated with honors and as Senior Editor of the Law Review in 1969, after which he became a certified accountant and passed the Bar Exam. Edward then founded a stock brokerage firm and became an underwriter; and

WHEREAS, EDWARD IRVING SUMBER, in 1973, relocated with his lovely wife Ada from Forest Hills to Carmel, where he became a law partner at Stockfield, Fixler & Sumber. Edward and Ada are the proud parents of three beautiful children whom were all raised in Carmel. In, 1976 Edward established his own law firm focusing on corporate, tax, and probate law, estate planning, and commercial real estate transactions; and

WHEREAS, EDWARD IRVING SUMBER, joined The Carmel Rotary in 1974 and celebrates his 40th Anniversary as a Rotarian in 2014. Edward took on any task that was assigned to him and fully appreciated the Rotary's ambitions of embracing all people to make the world a better place. Edward has held various roles within the Rotary including but not limited to, Club Secretary, Vice-President, Bulletin Editor, and Installation Dinner Chairman. Edward also participated in various other community groups including, Boy Scouts of America, was the Past President of the Putnam County Bar Association, Past Chairman of the Grievance Committee for the Ninth Judicial District, Past President of the Hebrew Congregation in Northern Westchester and Putnam, as co-founder, director, and officer of the first hospice formed in the region, Trustee of Mahopac's Temple Beth Shalom, and counsel to the Boards of Realtors in Westchester and Putnam. Edward also teaches brokerage law and has written over three hundred articles in various publications. Edward also serves as Chairman of the Judicial Election Oversight Committee of the Westchester County Bar Association, serves as Law Guardian in Family Court, is the Director of the Putnam Alliance, and was a founder, director, and first Chairman for four years of the Putnam County Economic Development Corporation; and

WHEREAS, EDWARD IRVING SUMBER, has a profound fondness and love for Putnam County and The Carmel Rotary and expresses these sentiments in every aspect of his family and community life; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby congratulate EDWARD IRVING SUMBER for his many years of service to the community and on being selected as the 2014 Honoree of The Carmel Rotary Shoot Out which is dedicated to eradicating polio.

Legislator Oliverio made a motion to include the proclamations into the minutes; seconded by Legislator LoBue. All in favor.

Item #3 - Approval of Minutes – Regular Meeting – February 7, 2014

The minutes were approved as submitted.

Item #4 - Correspondence

a) County Auditor was duly noted.

Item #5 - Pre-filed resolutions:

HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE
(Chairman Oliverio, Legislators LoBue & Scuccimarra)

Item #5a – Approval/Fund Transfer (13T419)/Department of Social Services/Close Out Year End 2013 was next. Chairman Albano recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the Committee members, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #55

APPROVAL/FUND TRANSFER /DEPARTMENT OF SOCIAL SERVICES/CLOSE OUT YEAR END 2013/ DAY CARE BLOCK GRANT AND IVE EAF FC

WHEREAS, the Department of Social Services has requested a fund transfer (13T419) to close out Year Ending 2013 for Day Care Block Grant and IVE EAF FC; and

WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10607000 54471	Title XX Day Care	60,000
10607000 54670	Transportation	5,700
10610900 54434	IVE(EAF)JD/PINS (Title IV-E of the SSA (Federal Funding for Foster Care & Adoption Subsidies), Emergency Assistance for Families, Juvenile Delinquent/ Person in Need of Supervision)	3,000
10612300 54989	Miscellaneous	<u>135,000</u>
		203,700

Increase:

10605500 54471	Day Care Block Grant	65,700
10610900 54433	IVE(EAF)FC (Title IV-E of the SSA (Federal Funding for Foster Care & Adoption Subsidies), Emergency Assistance for Families, Foster Care)	<u>138,000</u>
		203,700

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5b – Approval/Fund Transfer (13T420)/Department of Social Services/Close Out Year End 2013 was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #56

APPROVAL/FUND TRANSFER /DEPARTMENT OF SOCIAL SERVICES/CLOSE OUT YEAR END 2013/ EAF FC, EAF MISC. AND FC FNP

WHEREAS, the Department of Social Services has requested a fund transfer (13T420) to close out Year Ending 2013 for EAF FC, EAF Misc. and FC FNP; and WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10607000 54670	Transportation	27,000
10607000 54989	Title XX Misc.	18,430
10611900 54415	Adopt Sub FNP (Federally Non-Participating)	<u>2,600</u>
		48,030
Increase:		
10610900 54435	EAF FC (Emergency Assistance for Families, Foster Care)	20,100
10610900 54495	EAF Misc.	18,430
10611900 54420	FC FNP (Foster Care, Federally Non-Participating)	<u>9,500</u>
		48,030

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5c – Approval/Fund Transfer (13T421)/Department of Social Services/ Close Out Year End 2013 was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #57

APPROVAL/FUND TRANSFER /DEPARTMENT OF SOCIAL SERVICES/ CLOSE OUT YEAR END 2013/ FC FNP, ADOPT SUB FP AND SAFETY NET

WHEREAS, the Department of Social Services has requested a fund transfer (13T421) to close out Year Ending 2013 for FC FNP, Adopt Sub FP and Safety Net; and WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10612300 54412	Non-Secure	8,000
10607000 54989	Title XX Misc.	800
10607000 54670	Transportation	<u>38,000</u>
		46,800
Increase:		
10611900 54420	FC FNP (Foster Care, Federally Non-Participating)	8,000
10611900 54416	Adopt Sub FP (Federally Participating)	800

10614000 54493	Safety Net	<u>38,000</u>
		46,800

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5d – Approval/Fund Transfer (13T423)/Department of Social Services/ Close Out Year End 2013 was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #58

APPROVAL/FUND TRANSFER /DEPARTMENT OF SOCIAL SERVICES/ CLOSE OUT YEAR END 2013/ HEAP

WHEREAS, the Department of Social Services has requested a fund transfer (13T423) to close out Year Ending 2013 for HEAP; and

WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10607000 54670	Travel Non-Employee	5,764
10607000 54989	Miscellaneous	<u>2,727</u>
		8,491

Increase:

10614100 54456	HEAP PA Eligible (Home Energy Assistance Program, Public Assistance)	5,764
10614100 54457	HEAP Non-PA	2,726
10614100 54458	HEAP Emergency	<u>1</u>
		8,491

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5e – Approval/Memorialization/ Proposed Major Redesign/Regional Centers of Excellence was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

Legislator Oliverio stated that the State of New York is stating that they would like to establish Regional Centers of Excellence for those individuals suffering from mental illness. He stated that the fear expressed by our Commissioner of Social Services is that these Regional Centers of Excellence may not be able to handle all the needs within each

of the counties. Legislator Oliverio stated that the memorialization is urging the State to consider very carefully the impact of reduced state inpatient psychiatric beds and to know exactly what services are needed in each community before agreeing to state that the "Regional Centers of Excellence" will address those needs.

RESOLUTION #59

APPROVAL/MEMORIALIZATION/ PROPOSED MAJOR REDESIGN/REGIONAL CENTERS OF EXCELLENCE

WHEREAS, the New York State Office of Mental Health (OMH) has proposed a major redesign of the agency under a "Regional Centers of Excellence" (RCE) model and has divided the state into five distinct regions (Western, Central, Hudson River, New York City and Long Island) with fifteen RCE; and

WHEREAS, the OMH Plan calls for the implementation of "Regional Centers of Excellence" that will enhance community resources; and

WHEREAS, the OMH Plan designates the reduction of state operated inpatient beds; and

WHEREAS, in addition to the reduction of state operated inpatient beds, the Hudson River region has already seen a reduction in community based hospital psychiatric beds; and

WHEREAS, the reduction of inpatient psychiatric beds results in more persons with mental illness being treated in the community when previously their symptoms could be better managed in an inpatient setting; and

WHEREAS, there does not exist community based housing with the level of supportive services that can safely manage persons with mental illness in the community; and

WHEREAS, as a result of this, more persons than ever before with mental illness are presented to the Putnam County Department of Social Services as homeless; and

WHEREAS, as has been stated in other areas around the state, the local correctional facilities have become the "largest mental health providers" in each respective county; and

WHEREAS, in the past, closures of state hospitals have brought the unfulfilled promise of enhanced community services; and

WHEREAS, even with the closure of Harlem Valley Psychiatric Center and the Hudson River Psychiatric Center, the outpatient services provided by the New York State psychiatric hospitals to Putnam County have continually diminished; and

WHEREAS, the impact on the community of fewer inpatient psychiatric beds is evidenced by the increased number of law enforcement contact with people with mental illness and a constant and continual increase in the number of 9:45 orders needed to have people psychiatrically evaluated for their own safety and for the safety of the community; now therefore be it

RESOLVED, that the Putnam County Legislature urge Governor Andrew M. Cuomo and the Commissioner of Mental Health, the New York State Senate and Assembly to consider very carefully the impact of reduced state inpatient psychiatric beds and to know exactly what services are needed in each community before agreeing to state that the "Regional Centers of Excellence" will address those needs, and to ensure that the State of New York does not abdicate its responsibility as a provider of mental health services in the community; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Mental Health, Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson,

Assemblyman Steve Katz, Assemblywoman Sandra Galef, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver and the New York State Association of Counties (NYSAC).

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5f – Approval/Resolution In Support of Assembly Bill A04973A and Senate Bill S3419A/ Proposing Banning Use of Polystyrene was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

Legislator Oliverio stated that Legislator Scuccimarra brought this issue forward.

Legislator Scuccimarra stated the Assemblywoman Galef co-sponsored this bill in the New York State Assembly. It prohibits the use of polystyrene (Styrofoam) products in municipalities in relation to food service. Legislator Scuccimarra stated that the use and disposal of polystyrene causes adverse environmental and health effects. Styrofoam is the 5th largest source of hazardous waste in the United States. She stated that sources say that Styrofoam lasts for 500 years in the environment and is the main pollutant of our water sources and primary source of litter. She stated that toxic chemicals also leach out of the Styrofoam when it is heated.

RESOLUTION #60

APPROVAL/RESOLUTION IN SUPPORT OF ASSEMBLY BILL A04973A AND SENATE BILL S3419A/ PROPOSING BANNING USE OF POLYSTYRENE

WHEREAS, Bill No. A04973A has been introduced in the New York State Assembly and Bill No. S03419A has been introduced in the New York State Senate, both bills seek to reduce food service waste and prohibit the use of polystyrene foam (Styrofoam) containers by contractors who deal with the State through State and Municipal Contracts; and

WHEREAS, Styrofoam is a notorious pollutant that is very difficult to recycle due to its light weight and low scrap value; and

WHEREAS, the material takes up considerable space in landfills and takes a very long time to fully decompose; and

WHEREAS, this material can have a serious impact on human health, wildlife and the aquatic environment; and

WHEREAS, the Health, Social, Educational & Environmental Committee of the Putnam County Legislature has considered and approved the memorialization of this State Legislation, now therefore be it

RESOLVED, that the Putnam County Legislature fully supports Assembly Bill A04973A and Senate Bill S03419A and encourages its adoption by the State of New York; and be it further

RESOLVED, that copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblyman Steve Katz, Assemblywoman Sandra Galef, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver and the New York State Association of Counties (NYSAC).

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**PROTECTIVE SERVICES COMMITTEE
(Chairman Gross, Legislators LoBue & Wright)**

Item #5g – Approval/Budgetary Amendment (14A014)/District Attorney/Asset Forfeiture Program was next. Chairman Albano recognized Legislator Gross, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators LoBue and Wright, Legislator Gross moved the following:

RESOLUTION #61

APPROVAL/BUDGETARY AMENDMENT /DISTRICT ATTORNEY/ASSET FORFEITURE PROGRAM

WHEREAS, the District Attorney has requested a budgetary amendment (14A014) for the expenditure of District Attorney Reserve Forfeited Asset Funds for the purchase of a 2014 Jeep Grand Cherokee to be used as a fleet car for the District Attorney Investigator; and

WHEREAS, the Protective 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:

10001000	District Attorney	
	427152	Asset Forfeiture Program
		33,627

Increase Appropriation:

10001000	District Attorney Asset Forfeiture Program	
	52650	Motor Vehicles
		33,627

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5h – Approval/Fund Transfer (14T013)/Sheriff’s Department/Janitorial Services was next. On behalf of the members of the Protective Services Committee, Legislators LoBue and Wright, Legislator Gross moved the following:

RESOLUTION #62

APPROVAL/FUND TRANSFER /SHERIFF’S DEPARTMENT/JANITORIAL SERVICES

WHEREAS, the Sheriff’s Department has requested a fund transfer (14T013) to cover the cost of Janitorial Services; and

WHEREAS, the Protective Services Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it **RESOLVED**, that the following fund transfer be made:

Decrease:

10011000 51094 Temporary 30,000

Increase:

10011000 54755 Janitorial Services 30,000

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5i – Approval/2014 STOP DWI Plan was next. On behalf of the members of the Protective Services Committee, Legislators LoBue and Wright, Legislator Gross moved the following:

RESOLUTION #63

APPROVAL/2014 STOP DWI PLAN

WHEREAS, the STOP-DWI Coordinator has submitted his 2014 STOP-DWI Plan, and

WHEREAS, the Plan has been reviewed and approved by the Protective Services Committee; and

WHEREAS, the Putnam County Legislature has reviewed the 2014 STOP DWI Plan; and

WHEREAS, the Putnam County Legislature recommends its adoption as proposed by the STOP DWI Coordinator; now therefore be it

RESOLVED, that the Putnam County Legislature hereby accepts and approves the 2014 STOP DWI Plan as per the attached:

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5j – Approval/Authorization of Grant Application/Sheriff’s Department/John T. Sloper Community Fund Grant was next. On behalf of the members of the Protective Services Committee, Legislators LoBue and Wright, Legislator Gross moved the following:

RESOLUTION #64

APPROVAL/AUTHORIZATION OF GRANT APPLICATION/SHERIFF’S DEPARTMENT/JOHN T. SLOPER COMMUNITY FUND GRANT

WHEREAS, Section 5(D)(1) of the Putnam County Code requires that the Putnam County Legislature shall approve all grant applications prior to submission; and

WHEREAS, the Sheriff’s Department has requested permission to apply for a \$2,500 grant from the John T. Sloper Community Fund to purchase individual medical trauma bags containing lifesaving medical equipment; and

WHEREAS, this grant requires no matching funds on the part of the County; and

WHEREAS, the Protective Services Committee has considered and approved of said request; now therefore be it

RESOLVED, that the Putnam County Legislature approves of the request of the Sheriff's Department to apply for a \$2,500 grant from the John T. Sloper Community Fund to purchase individual medical trauma bags containing lifesaving medical equipment.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**PERSONNEL COMMITTEE
(Chairwoman Nacerino, Legislators Castellano & Tartaro)**

Item #5k – Approval/Confirmation/Appointment of Commissioner of Social Services/ Michael J. Piazza, Jr. was next. Chairman Albano recognized Legislator Nacerino, Chairwoman of the Personnel Committee. On behalf of the members of the Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

Legislator Nacerino stated that Commissioner Piazza is one of Putnam's finest. He is a consummate professional and gentlemen.

RESOLUTION #65

APPROVAL/CONFIRMATION/APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES/MICHAEL J. PIAZZA, JR.

WHEREAS, the County Executive has appointed Michael J. Piazza, Jr. as Commissioner of Social Services pursuant to Article 10, Section 10.01 of the Putnam County Charter and Article 3, Title 7-B, Section 116 of the New York State Social Services Law; and

WHEREAS, the Personnel Committee has reviewed and recommends the confirmation of said appointment; now therefore be it

RESOLVED, that the Putnam County Legislature hereby confirms the appointment of Michael J. Piazza, Jr. as Commissioner of Social Services, said term commencing April 1, 2014 and continuing through March 31, 2019.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5L – Approval/Fund Transfer (14T016B)/District Attorney/Restructuring of District Attorney's Office was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

Legislator Nacerino stated that District Attorney Levy attended the Protective Services, Audit & Administration and Personnel Committee meetings to introduce his restructuring plan to the Legislature. She stated that during the personnel meeting some meaningful and healthy dialogue was exchanged and while she maintains that the concerns brought forth have substantial merit; she has a great appreciation for the significance of this restructuring plan. Legislator Nacerino stated that the retirement of the Chief District Attorney was unanticipated during the budget process. However, his retirement provided a rare opportunity for the District Attorney to take a second look at the salary structure in the best interest of his department and in the best interest of the people of Putnam County. She stated that this change will not alter his budget in any way. She state that this is a unique set of circumstances which we feel will not dictate policy nor set precedent. Therefore, Legislator Nacerino stated that she would like to move the

resolution for fund transfer 14T016B to encompass the restructuring of the District Attorney's office as defined in said resolution.

RESOLUTION #66

APPROVAL/FUND TRANSFER /DISTRICT ATTORNEY/RESTRUCTURING OF DISTRICT ATTORNEY'S OFFICE

WHEREAS, due to the retirement of the previous Chief District Attorney, the District Attorney has requested a fund transfer (14T016B) to encompass the restructure of the Assistant District Attorneys in his office; and

WHEREAS, pursuant to subdivision 55 of Section 3 of the Public Officers Law requires residency in the County of Putnam of the Chief Assistant District Attorney when the holder of that office would assume the duties of the District Attorney upon the District Attorney's absence from the County or upon the District Attorney's inability to perform his or her duties; and

WHEREAS, the County's Personnel Officer has prepared a Job Description for the Chief District Attorney which does not include assuming the duties of the District Attorney in his or her absence or inability to perform the duties of that office; and

WHEREAS, the District Attorney pursuant to County Law Section 7.02 has filed with the County Clerk and the Clerk of the Legislature by way of Memorandum, dated January 7, 2014, designating the individual Assistant District Attorneys who would exercise the powers and duties of the District Attorney in his absence who are residents of Putnam County; and

WHEREAS, the proposal has been reviewed by the Protective Services Committee, the Personnel Committee and the Audit & Administration Committee of the Putnam County Legislature; now therefore be it

RESOLVED, that the Putnam County Legislature hereby adopts the attached Job Description of the Chief Assistant District Attorney, the First Assistant District Attorney and the Assistant District Attorneys; and be it further

RESOLVED, that Resolution #293 of 2013 setting the Salaries of Officers and Employees paid from County Funds is hereby amended for the following positions effective retroactively to February 19, 2014:

Budget Line:	Position:	Salary:
116510102	Assistant District Attorney	115,000
116510104	Assistant District Attorney	80,000
116510105	Assistant District Attorney	70,000
116510108	Assistant District Attorney	67,000
116510112	Assistant District Attorney	90,000

And be it further

RESOLVED, that the following fund transfer is hereby approved:

Decrease:		
10116500 51000 (116510108)	Personnel Services	30,707
10116500 58008 (116510108)	Health Insurance	<u>19,150</u>
		49,857

Increase:

10116500 51000 (116510102)	Personnel Services	12,561
10116500 51000 (116510104)	Personnel Services	4,317
10116500 51000 (116510105)	Personnel Services	11,001
10116500 51000 (116510112)	Personnel Services	2,828
10116500 51000 (116510103)	Personnel Services	17,789
10116500 58002	FICA	<u>1,361</u>
		49,857

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

BY POLL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR WRIGHT. MOTION CARRIES.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairwoman LoBue, Legislators Tartaro & Wright)**

Item #5m – Approval/Confirmation/Re-Appointments/Putnam County Board of Ethics was next. Chairman Albano recognized Legislator LoBue, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

RESOLUTION #67

APPROVAL/CONFIRMATION/RE-APPOINTMENTS/PUTNAM COUNTY BOARD OF ETHICS

RESOLVED, that upon the recommendation of the County Executive, the Putnam County Legislature confirms the following re-appointments to the Putnam County Board of Ethics:

Kathleen Delamere, for the balance of the three (3) year term, said term to expire December 31, 2014.

Alphonse Lotrecchiano, for a three (3) year term, said term to expire December 31, 2016.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5n – Approval/Re-Appointments/Putnam County Home Improvement Board was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

RESOLUTION #68

APPROVAL/RE-APPOINTMENTS/PUTNAM COUNTY HOME IMPROVEMENT BOARD

RESOLVED, that the following be re-appointed to the Putnam County Home Improvement Board:

Paul Harnish, Town of Carmel, as a Tradesperson, for a two (2) year term, said term to expire December 31, 2015.

Christopher Diaz, Town of Carmel, as a Tradesperson, for a two (2) year term, said term to expire December 31, 2015.

Christopher Cusanelli, Town of Southeast, as an Engineer, for a two (2) year term, said term to expire December 31, 2015.

Charles R. Hull, Town of Carmel, as a Citizen Representative, for a two (2) year term, said term to expire December 31, 2015.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5o – Approval/Local Law to Amend Article 7, Section 7.04 of the Putnam County Charter Entitled “Financial Control” was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

Legislator LoBue stated that this is to allow the Legislature two additional days during the Committee process before the Legislature adopts the final budget.

RESOLUTION #69

APPROVAL/LOCAL LAW TO AMEND ARTICLE 7, SECTION 7.04 OF THE PUTNAM COUNTY CHARTER ENTITLED “FINANCIAL CONTROL”

A Local Law to Amend Article 7, Section 7.04 of the Putnam County Charter entitled “Financial Control”

Be it Enacted by the County Legislature of the County of Putnam as follows:

Section 1.

Article 7, Section 7.04(A)(5)(b) of the Putnam County Charter is hereby amended to read as follows:

(b) The tentative budget shall be filed with the Clerk of the County Legislature on or before the first (1st) day of October and posted on the County’s internet website by close of the following business day. The tentative budget shall include such information and detail as may be requested by the County Legislature pursuant to § 7.04(A)(2).

Section 2.

Article 7, Section 7.04(B)(1) of the Putnam County Charter is hereby amended to read as follows:

1. Submission to the County Legislature. The Clerk of the County Legislature, upon receipt of the tentative budget from the County Executive as provided in § 7.04(A)(5)(b), shall transmit a copy of said tentative budget to each legislator and cause copies to be printed and made available to the public pursuant to the New York State Freedom of Information Law.

Section 3.

Article 7, Section 7.04(B)(3) of the Putnam County Charter is hereby amended to read as follows:

3. Review by the Budget and Finance Committee. The Budget and Finance Committee of the County Legislature shall conduct a public hearing on the tentative budget as submitted by the County Executive. The County Executive and the Commissioner of Finance shall be present to answer questions about the tentative budget. The Budget and Finance Committee shall then review the tentative budget submitted by the County Executive and shall file a report with the Clerk of the County Legislature on or before the twenty-fourth (24th) day of October and post it on the County's internet website by close of the following business day. The report shall set forth any proposed changes, alterations or revisions to the tentative budget, including any recommendations made by the Budget and Finance Committee. Copies of the report shall be made available to the public.

Section 4.

Article 7, Section 7.04(B)(4) of the Putnam County Charter is hereby amended to read as follows:

4. Public Hearing by the County Legislature. On or before the twenty-sixth (26) day of October, the County Legislature shall conduct a public hearing on the tentative budget submitted by the County Executive and the report of the Budget and Finance Committee of the County Legislature.

Section 5.

Article 7, Section 7.04(B)(5) of the Putnam County Charter is Hereby amended to read as follows:

Legislative Action after the Public Hearing. Following completion of the public hearing by the County Legislature and prior to the thirty-first (31st) day of October, the Chair of the County Legislature shall convene a regular or special meeting of the County Legislature to consider for adoption the annual operating budget. The County Legislature, by resolution, may change, alter and revise the tentative budget by striking items of appropriations or anticipated revenues from the tentative budget or reduce items therein, excepting appropriations required by law for debt service, or add to or increase all such appropriations or revenue items in such budget. The County Legislature shall state separately and distinctly any change, alteration or revision made to the tentative budget and provide along with the budget it adopts a legislative memorandum detailing its amendments to the tentative budget.

Section 6.

This Local Law shall take effect immediately.

BY ROLL CALL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR WRIGHT. MOTION CARRIES.

Item #5p – Approval/Restriction/Use of County Seal was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

Legislator LoBue stated that the request to approve this resolution came to the Legislature from Putnam County Clerk Sant.

RESOLUTION #70

APPROVAL/RESTRICTION/USE OF COUNTY SEAL

WHEREAS, there have been situations where private and other governmental entities have indicated a desire to utilize the name and/or Official Seal of the County of Putnam for purposes not involving an official function of the County, in order to misleadingly suggest the County's involvement in or support of such matter(s); and

WHEREAS, the Putnam County Clerk, as the keeper of the Official Seal of the County of Putnam pursuant to NYS County Law § 404, has voiced a strong objection to any such request or use; and

WHEREAS, the Putnam County Legislature concurs with the position of the Putnam County Clerk in this matter; and

WHEREAS, the Putnam County Legislature considers the name and Official Seal of the County of Putnam to be the exclusive property of the County, only to be used by the County and its departments and agencies; now therefore be it

RESOLVED, that the Putnam County Legislature denies any entity, including another governmental entity, permission to use the name and/or Official Seal of the County of Putnam, or the letterhead of any County department or agency, for any purpose not involving an official function of the County of Putnam, without the written consent of the Putnam County Legislature and Putnam County Clerk; and be it further

RESOLVED, that copies of this Resolution shall be transmitted to the Office of the Governor of the State of New York, each member of the New York State Legislature who represents any portion of the County of Putnam, the Speaker of the State of New York Assembly and the Majority Leader of the New York State Senate, and the legislature of every other county in the State of New York.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5q - Approval/Resolution Supporting a Unified Federal and State Primary Election that is MOVE Act Compliant was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

Legislator Tartaro believed that the biggest issue was the cost of having two primary elections. It was his understanding that Commissioner Scannapieco made it very clear that ultimately if there is to be any kind of consolidated date, that it would be sometime in August.

Legislator LoBue stated that the dates are too close together and it doesn't give the Board of Elections ample time to send out the absentee ballots.

RESOLUTION #71

APPROVAL/RESOLUTION SUPPORTING A UNIFIED FEDERAL AND STATE PRIMARY ELECTION THAT IS MOVE ACT COMPLIANT

WHEREAS, Putnam County presently has both a Federal Primary Election and a State Primary Election with the Federal Primary Election held on the 4th Tuesday of June and the State Primary Election held on the 1st Tuesday after the second Monday in September; and

WHEREAS, having these two Primary Elections is extremely costly to the taxpayers of Putnam County; and

WHEREAS, the Federal Primary is too early in the year leaving insufficient time for the selection of candidates and the petition process; now therefore be it

RESOLVED, that the Putnam County Legislature supports a unified Federal and State Primary Election that is MOVE Act compliant and urges the Legislature to reach agreement on such a date as soon as possible to create certainty for the Boards of Election and the electorate throughout the State of New York, and be it further

RESOLVED, that copies of this resolution be forwarded to the Governor of the State of New York, the Majority Leader of the State Senate, the Speaker of the Assembly, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Steve Katz and the New York State Association of Counties.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5r – Approval/Resolution In Opposition of NYS Assembly Bill A.8212A – Relating to Limiting Participation by Public or Quasi-Public Organizations in the Retirement System was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

Legislator LoBue stated that this request was brought to the Legislature by the County Executive. The resolution is in opposition to any bills that would remove the New York State Association of Counties from coverage by the New York State Retirement System. She stated that this organization is an advocate for the counties. They keep us informed of things happening on the State and Federal level.

RESOLUTION #72

APPROVAL/RESOLUTION IN OPPOSITION OF NYS ASSEMBLY BILL A.8212A – RELATING TO LIMITING PARTICIPATION BY PUBLIC OR QUASI-PUBLIC ORGANIZATIONS IN THE RETIREMENT SYSTEM

WHEREAS, Bill No. A08212A has been introduced in the New York State Assembly and Bill No. S05935A has been introduced in the New York State Senate, both bills seek to limit participation by certain public or quasi-public organizations in the retirement system; and

WHEREAS, one of these organizations that this bill seeks to eliminate from the New York State Retirement System is the New York State Association of Counties (NYSAC); and

WHEREAS, one of the contentions put forward for the justification of this bill is that these individuals are in actuality lobbyists; and

WHEREAS, NYSAC is made up of County employees, both elected and appointed whose Board of Directors selects the management of the NYSAC organization; and

WHEREAS, NYSAC as an organization of Counties is in a much better position to relate County problems to the New York State government, and as such is able to obtain better results for the taxpayers of our State than each county can do individually; and

WHEREAS, NYSAC acts as an extension of our County governments and acts at the request of their officials for the benefit of the public; and

WHEREAS, this responsibility is the same as appointed officials at the County level have with there being no question that these appointed local officials belong in the New York State Retirement System, and

WHEREAS, the Rules, Enactments & Intergovernmental Relations Committee of the Putnam County Legislature has considered and approved of the County's position in opposition to these Bills pending before the New York State Legislature; now therefore be it

RESOLVED, that the Putnam County Legislature opposes passage of Assembly Bill A08212A and Senate Bill S05935A, or any bill seeking the same goals that would remove the New York State Association of Counties from coverage by the New York State Retirement System; and be it further

RESOLVED, that copies of this resolution be forwarded to the Governor of the State of New York, the Majority Leader of the State Senate, the Speaker of the Assembly, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Steve Katz and the New York State Association of Counties.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #5s – Approval/Putnam County Legislature as Lead Agency/Negative Declaration/SEQRA/Department of Highways & Facilities Maintenance Facility Stormwater Improvement Project was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #73

APPROVAL/PUTNAM COUNTY LEGISLATURE AS LEAD AGENCY/ NEGATIVE DECLARATION/SEQRA/DEPARTMENT OF HIGHWAYS & FACILITIES MAINTENANCE FACILITY STORMWATER IMPROVEMENT PROJECT

WHEREAS, the County of Putnam is the record owner of a certain property in the Town of Patterson, which is designated and described as 842 Fair Street (Patterson Tax Map Nos.: 23.-2-5&7), and which is commonly known as the Department of Highways and Facilities Maintenance Facility (hereinafter the “property”); and

WHEREAS, the County is currently in the planning and design stage of a project to construct a stormwater collection and treatment system on the property in order to improve water quality by reducing sediment transport and phosphorous discharge (hereinafter the “project”); and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to SEQRA, the Putnam County Legislature, as an “involved agency”, has determined that the project constitutes an “Unlisted” action, as defined in 6 NYCRR Parts 617.2(ak); and

WHEREAS, in accordance with the requirements of SEQRA, a Short Environmental Assessment Form (“Short EAF”) has been prepared to describe the potential environmental impacts and mitigation measures associated with the project; and

WHEREAS, pursuant to 6 NYCRR Part 617.6 the project requires a coordinated review with all “involved agencies”, as such term is defined in 6 NYCRR Part 617.2(s); and

WHEREAS, on or about December 19, 2013 and December 20, 2013, in accordance with the requirements of SEQRA, the Putnam County Legislature provided a copy of the Short EAF to all involved and/or interested agencies, including the Town of Patterson; the East of Hudson Watershed Corporation; the N.Y.S. Department of Environmental Conservation; and the N.Y.C. Department of Environmental Protection; and

WHEREAS, on or about December 19, 2013 and December 20, 2013 the Putnam County Legislature pursuant to Part 617 of title 6 NYCRR, also served all involved and/or interested agencies with notice of its intent to declare “lead agency” status for SEQRA review; and

WHEREAS, all involved and/or interested agencies have either consented or otherwise not objected to the Putnam County Legislature serving as “lead agency” in this matter, as defined in 6 NYCRR Part 617.2(u); and

WHEREAS, based upon a careful review of the action as a whole, of the Short EAF and of the criteria set forth in 6 NYCRR Part 617.7(c), and after considering all of the public input that has been received, the Putnam County Legislature, as “lead agency”, has determined that the project will not have a significant adverse effect on the environment; now therefore be it

RESOLVED, that the Putnam County Legislature designates itself as “lead agency” in this matter, as defined in 6 NYCRR Part 617.2(u); and be it further

RESOLVED, that the Putnam County Legislature, as “lead agency”, hereby determines that the project will not have any significant adverse environmental impacts; and be it further

RESOLVED that a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the Putnam County Legislature, as “lead agency”, hereby issues a Negative Declaration in connection with the project, a copy of which is annexed hereto and made a part hereof.

BY POLL VOTE: EIGHT AYES. ONE ABSTENTION – LEGISLATOR LOBUE. MOTION CARRIES.

Item #5t – Approval/Authority to Execute State Assistance Contract/Water Quality Improvement Project located at Department of Highways & Facilities Maintenance Facility was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #74

APPROVAL/AUTHORITY TO EXECUTE STATE ASSISTANCE CONTRACT/WATER QUALITY IMPROVEMENT PROJECT LOCATED AT DEPARTMENT OF HIGHWAYS & FACILITIES MAINTENANCE FACILITY

WHEREAS, the County of Putnam is the record owner of a certain property in the Town of Patterson, which is designated and described as 842 Fair Street (Patterson Tax Map Nos.: 23.-2-5&7), and which is commonly known as the Department of Highways and Facilities Maintenance Facility (hereinafter the “property”); and

WHEREAS, the County of Putnam, after thorough consideration of the various aspects of the problem and available study data, has hereby determined that certain work on the property, as described in its application and attachments, hereinafter called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the County of Putnam deems it to be in the public interest and benefit under this law to enter into a contract therewith; now therefore be it

RESOLVED, that the Putnam County Legislature hereby designates MaryEllen Odell, the Putnam County Executive, or such person’s successor in office, as the representative authorized to act on behalf of the County of Putnam’s governing body in all matters related to State assistance under ECL Articles 17, 51, and 56 and/or any applicable federal grant provisions; and be it further

RESOLVED, that said designated representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the County of Putnam’s governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the County of Putnam agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: EIGHT AYES. ONE ABSTENTION – LEGISLATOR LOBUE. MOTION CARRIES.

Item #5u – Approval/Memorialization/NYSAC Resolution #3 of 2013/Promoting New York State Agricultural Products in Order to Preserve New York’s Farms and Agricultural Businesses and Encouraging the Continuation of those Efforts was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Legislator Scuccimarra stated that she brought this forward, and how appropriate with new farms being included in the Agricultural District tonight. She stated that we are losing farmland at an amazing rate in New York State. In the past 25 years, New York has lost almost ½ of a million acres of farmlands to subdivisions, strip malls and development. Putnam County has 215 farms and to survive they need the support of our community. She stated that as a County we need to recognize the importance of farmland as a food source, protection of open space, our water quality and as an economic driver.

RESOLUTION #75

APPROVAL/MEMORIALIZATION/NYSAC RESOLUTION #3 OF 2013/PROMOTING NEW YORK STATE AGRICULTURAL PRODUCTS IN ORDER TO PRESERVE NEW YORK'S FARMS AND AGRICULTURAL BUSINESSES AND ENCOURAGING THE CONTINUATION OF THOSE EFFORTS

WHEREAS, by Resolution #3 of the 2013 Fall Seminal of the New York Association of Counties, NYSAC recognized the Governor of the State of New York and the State's Lawmakers for recent Legislation that promotes our State's Agricultural Products in order to preserve our Farms and Agricultural Businesses; and

WHEREAS, the resolution has been considered and approved by the Putnam County Physical Services Committee; now therefore be it

RESOLVED, that the Putnam County Legislature supports the following NYSAC initiatives:

- 1) NYSAC's recognition of the efforts of the State Legislature and Governor Andrew M. Cuomo to enact legislation that helps promote New York food products**
- 2) NYSAC's urging of our Federal, State, and Local elected officials to partner with counties to help maintain the economic viability of farming in New York, to ensure the protection of the farming way of life, and to recognize the importance of farms and farmland on the quality of life in counties throughout New York State**
- 3) NYSAC's encouraging the Governor and the State Legislature to do more and continue efforts to promote New York products, including expanding efforts already underway to promote New York wine, to include all New York agriculture and food products, and consider new incentives for agricultural producers**
- 4) NYSAC's encouraging the Governor and State Legislature to evaluate and amend the regulatory burden on agricultural producers and farmers, and create new incentives in order to better enable them to supply New York's stores and restaurants with New York grown products**

RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Leader, Speaker of the Assembly, and the New York State Association of Counties.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5v – Approval/Lease Agreement/Putnam County Veterans' Residence/ Room #3 was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #76

APPROVAL/LEASE AGREEMENT/PUTNAM COUNTY VETERANS' RESIDENCE/ ROOM #3

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 Joseph P. Marsh for a single-residence room in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreement shall be for a term commencing on March 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 Joseph P. Marsh for the single-residence room in the Putnam County Veterans' Residence identified as Room # 3, for a term commencing on March 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 Joseph P. Marsh 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. CARRIED UNANIMOUSLY.

Item #5w – Approval/SEQRA/Agricultural District was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #77

APPROVAL/SEQRA/AGRICULTURAL DISTRICT

WHEREAS, the Department of Agriculture and Markets as Lead Agency for the Agricultural Districts Program has conducted a programmatic review of the environmental effects of Agricultural Districts and has concluded that there is little likelihood of significant adverse environmental impact resulting from the formation or modification of such districts; and

WHEREAS, it is the responsibility of the County to review the site-specific proposals under consideration to determine if unique circumstances exist which increase the likelihood of environmental significance; and

WHEREAS, the Department of Agriculture and Markets recommends that the County Legislative body serve as the Lead Agency to insure compliance with the requirement of the State Environmental Quality Review Act as it is the only other agency required to undertake an action except for the Department of Agriculture and Markets; now therefore be it

RESOLVED, that the Putnam County Legislature declares itself to be the lead agency to insure compliance with the requirements of the State Environmental Quality Review Act; and be it further

RESOLVED, that the Putnam County Legislature, as Lead Agency, hereby determines that the site-specific parcels contained in the proposed Agriculture District modifications will not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the Putnam County Legislature, as lead agency, hereby accepts and adopts the Negative Declaration prepared in connection with the proposed Agriculture District modifications, a copy of which is annexed hereto and made a part hereof.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5x – Approval/Inclusion of Parcels in Putnam County Agricultural District was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #78

APPROVAL/INCLUSION OF PARCELS IN PUTNAM COUNTY AGRICULTURAL DISTRICT

WHEREAS, by Resolution #81 of 2003, the Putnam County Legislature created an Agricultural District in the County of Putnam; and

WHEREAS, by Resolution #193 of 2011, after the 8th year anniversary of the formation of the district, the Putnam County Legislature modified said Putnam County Agricultural District #1, and

WHEREAS, by Resolution #244 of 2003, the Putnam County Legislature established the month of November in which a landowner may request inclusion in the Putnam County Agricultural District; and

WHEREAS, requests were presented to the Putnam County Legislature to modify the existing Agricultural District in the County of Putnam by including the following parcels in the District:

Town of Carmel:

John and Angela Spaccarelli – Tax Map #54.-1-6 (10.19 acres) Total Acreage: 10.19

Town of Patterson:

Prospero Nurseries – Tax Map #24.-2-25 (11.72 acres) & 24.-2-26 (14.97 acres) Total Acreage: 26.69

Ella Hyatt – Tax Map #13.-3-59 (21.97 acres) Total Acreage: 21.97

Town of Southeast:

Susan Miller – Tax Map #68.-1-28 (12.5 acres) Total Acreage: 12.5

Ervin Raboy – Tax Map #79.-1-1.1 (3.61 acres) Total Acreage: 3.61

WHEREAS, pursuant to Article 25 AA of the Agriculture and Market Law, section 303-b, a public hearing on the requests was conducted by the Putnam County Legislature on March 4, 2014; and

WHEREAS, the Putnam County Agriculture and Farmland Protection Board considered the requests for inclusion and reported that the parcels for inclusion would serve the public interest by assisting in maintaining a viable agricultural industry within the District and recommended the inclusion of said parcels in the Putnam County Agricultural District; and

WHEREAS, the Putnam County Legislature has considered the comments of the speakers at the public hearing, the recommendations of the Putnam County Agricultural and Farmland Protection Board, the various letters in support and in opposition to the inclusion of these parcels in the modification of the Agricultural District; now therefore be it

RESOLVED, that the Putnam County Legislature accepts and adopts the findings provided by the Putnam County Agriculture and Farmland Protection Board; and be it further

RESOLVED, that the Putnam County Legislature hereby includes in the Putnam County Agricultural District the following Tax Map identified parcels:

Town of Patterson:

Ella Hyatt – Tax Map #13.-3-59 (21.97 acres) Total Acreage: 21.97

Town of Southeast:

Ervin Raboy – Tax Map #79.-1-1.1 (3.61 acres) Total Acreage: 3.61

For a total of 25.58 acres.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #5y – Approval/Budgetary Amendment (13A101)/Commissioner of Finance/2013 Year End Entry #3 was next. Chairman Albano recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Nacerino & Tartaro, Legislator Castellano moved the following:

RESOLUTION #79

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF FINANCE/2013 YEAR END ENTRY #3

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (13A101) for the third Year End Entry for the Year Ending December 31, 2013; and

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 152,999

Increase Estimated Revenues:

SEE ATTACHED SHEET 2,270,856

Decrease Estimated Revenues:

SEE ATTACHED SHEET 2,117,857

COUNTY ROAD FUND:

Increase Estimated Appropriations:

SEE ATTACHED SHEET 225,687

Increase Estimated Revenues:

SEE ATTACHED SHEET 138,894

Decrease Estimated Appropriations:

SEE ATTACHED SHEET 86,793

COUNTY MACHINERY FUND:

Increase Estimated Appropriations:
SEE ATTACHED SHEET 16,481

Decrease Estimated Appropriations:
SEE ATTACHED SHEET 16,481

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5z – Approval/Fund Transfer (14T020)/Board of Elections/Contracts/Licensing Software was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #80

APPROVAL/FUND TRANSFER /BOARD OF ELECTIONS/CONTRACTS/LICENSING SOFTWARE

WHEREAS, the Commissioner of Board of Elections has requested a fund transfer (14T020) to cover the cost of the extended warranties for voting machines; 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:

10145000 54311	Printing	82,087.33
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Increase:

10145000 54646	Contracts	18,757.44
10145000 54783	Licensing Software	<u>63,329.89</u>
		82,087.33

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5aa – Approval/Home Rule Message/In Support of Putnam County’s Limited Exemption of Sales and Use Tax on Purchases of Qualified Clothing and Footwear was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #81

IN SUPPORT OF PUTNAM COUNTY’S LIMITED EXEMPTION OF SALES AND USE TAX ON PURCHASES OF QUALIFIED CLOTHING AND FOOTWEAR

WHEREAS, pursuant to authority granted under Article 28 of the New York State Tax Law, Putnam County may elect to exempt from imposing sales and use tax on purchases of qualified clothing and footwear; and

WHEREAS, in accordance with Article 29 of the New York State Tax Law, the exemption of sales and use taxes imposed by a County on purchases of qualified clothing and footwear is a year round commitment and a County's election or repeal of such exemption may only be effectuated annually on March 1st; and

WHEREAS, the County Executive previously proposed a limited "sales tax free holiday," more specifically, exemption of Putnam County's sales and use taxes collected on purchases of qualified clothing and footwear during a specific ten-day period in 2013 and Bills were sponsored in both the Assembly (Galef-R) and the Senate (Ball-R) (Gipson-D) under Bill Nos. A07607 and S03878A, respectively, but failed to pass both Houses of the State Legislature in 2013; and

WHEREAS, Bill No. A07607 of 2013, now A07607A, as amended, was re-committed to the Ways and Means Committee in the Assembly for an act to amend the tax law in relation to authorizing the County of Putnam to exempt from county sales and compensating use taxes purchases of qualified clothing and footwear during the period August 15-24, 2014; and

WHEREAS, Bill No. S03878A of 2013, now S03878B, as amended, was re-committed to the Investigations and Government Operations Committee in the Senate for an act to amend the tax law in relation to authorizing the County of Putnam to exempt from county sales and compensating use taxes purchases of qualified clothing and footwear during the period August 15-24, 2014; and

WHEREAS, the County Executive again proposes implementing a limited "sales tax free holiday," namely, exemption of Putnam County's sales and use tax collected on purchases of qualified clothing and footwear during a specific ten-day period in 2014, more particularly, August 15th through August 24th, which is expected to, among other things, improve retail sales, realize cost benefits to retailers, create jobs and promote economic growth in Putnam County; and

WHEREAS, the County Executive also proposes that in developing a limited "sales tax free holiday," Putnam County, working together in a private-public partnership with the Putnam County Chambers of Commerce and the Putnam County Economic Development Corporation (the "EDC"), will promote and encourage small business growth in Putnam County, which is ultimately in the best interests of Putnam County and its taxpayers; and

WHEREAS, the Putnam County Legislature supports the implementation of the County Executive's proposal to effectuate a limited exemption of sales and use taxes on purchases of qualified clothing and footwear; and

WHEREAS, the most effective manner of implementing such a change is for the Putnam County Legislature to request, as authorized under Municipal Home Rule Law §10, that the New York State Legislature amend relevant New York State Tax Law such that Putnam County may elect to exempt from collection of the County portion of sales and use taxes on purchases of qualified clothing and footwear and only for the limited period of August 15 through August 24, 2014; now therefore be it

RESOLVED, that the Putnam County Legislature hereby requests that the New York State Legislature adopt a Bill, in form and substance to proposed Bill No. A07607A and Bill No. S03878B to amend New York State Tax Law Article 29 by adding a new subsection which would be applicable to Putnam County, permitting Putnam County to effectuate its election to exempt the County's portion of the sales and use taxes on

purchases of qualified clothing and footwear from August 15 through August 24, 2014, notwithstanding any other provision of law to the contrary; and be it further

RESOLVED, that the Putnam County Legislature authorizes the County Executive and the Clerk of the Legislature to file a Home Rule Message for this request under Assembly Bill No. A07607A and Senate Bill No. S03878B for a Bill entitled "AN ACT to amend the tax law, in relation to authorizing the County of Putnam to exempt from county sales and compensating use taxes certain clothing and footwear, during the period commencing on August fifteenth and through August twenty-fourth, two thousand fourteen."

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5bb - Approval/Lease Agreement/Putnam County Veterans' Residence/ Room #8 was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #82

APPROVAL/LEASE AGREEMENT/PUTNAM COUNTY VETERANS' RESIDENCE/ ROOM #8

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 John Arcuri for a single-residence room in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreement shall be for a term commencing on March 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 John Arcuri for the single-residence room in the Putnam County Veterans' Residence identified as Room # 8, for a term commencing on March 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 John Arcuri 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. CARRIED UNANIMOUSLY.

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

Item #7 – Recognition of Public

Commissioner of Finance, William Carlin wanted to congratulate County Executive Odell and the Putnam County Legislature for appointing Michael Piazza as Commissioner of Social Services. He stated that Mike is an outstanding individual and he is proud to say that he has served with him for a very long time.

Liz Armstrong, Philipstown.info, requested clarification on the decision to keep groups such as NYSAC in the State Pension System. She believed that they were lobbying groups. She believed that their officers were not members of County government, therefore she questioned if taxpayers should be in any way involved with supporting their pensions through the NYS Pension System.

Legislator Oliverio stated that precedence has been set in the past 40 or 50 years with supporting these groups, including the school boards association. These are individuals who receive very little stipends and the retirement has been an incentive for them to volunteer. He stated that these are groups that support and provide information to our Legislature and School Boards.

Chairman Albano concurred. He believed that we needed a balance in government and that organizations such as NYSAC provide this help and guidance.

Legislator LoBue concurred. She believed that NYSAC helped support the fight against unfunded mandates. This is critical to not only County government, but to local government and school districts as well.

County Executive Odell stated that they are not lobbyists, they are advocates. The definition of a lobbyist is when an organization contributes to a political campaign. She stated that they in fact help keep property taxes low by keeping the pressure on the unfunded mandates which continue to put a further burden on local governments.

Transportation Manager, Vincent Tamagna, stated that when he served as a Legislator, NYSAC not only provided the Legislature with information that was coming forward from the State, but they also provided education through the conferences that they held. He also wanted to thank the Legislature for bringing forward the inclusion of new parcels in the Agricultural District.

Item #8 – Recognition of Legislators

Legislator Gross stated that the Commissioner of Highways & Facilities, Fred Pena was recognized by the NYS Society of Professional Engineers Westchester/Putnam Chapter with its Outstanding Engineer in Government Award. Legislator Gross stated that he has worked with Commissioner Pena on a number of issues and stated that he is very efficient and knowledgeable. He stated that Commissioner Pena was a true asset to the County.

Legislator Gross also stated that a Resident of Southeast, Judy Callahan, runs the Community Action Program and is a cancer survivor. She was recognized with a Community Spirit Award by the Support Connection Group of Westchester/Putnam. This group helps woman through their treatment and recovery process who have ovarian and/or breast cancer. Legislator Gross stated that he also wanted to recognize Judy for all the work she has done in helping individuals and their families through the Community Action Program.

Legislator Nacerino stated that in noting this is the “Year of the Senior”, she wanted to extend a belated “Happy 75th Birthday” to Paul Vava. She stated that he is an employee in the Town of Patterson and heads up the Senior Luncheon and cooks up a “storm”

every single month. He is a very special man and is Deputy County Executive Walker's father-in-law.

Chairman Albano stated that he wanted to recognize Krista Butler who has been a great asset in the Legislative Office. He stated that Krista will be leaving us and moving on to bigger and better things. He wanted to wish her luck and stated that she will be greatly missed.

Legislator Scuccimarra reminded everyone about the 2014 Tree & Shrub Seedling Program. She stated that information could be found on the County's website under the Planning Department.

Chairman Albano stated that Sunday, March 9, 2014 will be the St. Patrick's Day Parade in Mahopac.

Legislator LoBue asked if there could be a moment of silence for two individuals who passed away last month; Peter Creegan and David Diachenko. She stated that our hearts and prayers go out to their families.

Item #6 – Other Business

At 7:48 P.M., Chairman Albano made a motion to go into executive session at the request of the County Attorney regarding a litigation matter; seconded by Legislator Oliverio. All in favor.

At 8:02 P.M., Chairman Albano made a motion to come out of executive session; seconded by Legislator Gross. All in favor.

Chairman Albano stated that no action was taken.

Item #6a – Approval/Litigation Settlement/RDC Golf Group, Inc. was next. Chairman Albano moved the following; seconded by Legislator Nacerino.

RESOLUTION #83

APPROVAL/LITIGATION SETTLEMENT/RDC GOLF GROUP, INC

WHEREAS, in or about April, 2008, the County and RDC Golf Group, Inc. (hereinafter "RDC"), entered into Management and Guarantee Agreements, wherein RDC agreed to manage and operate the Putnam National Golf Club and Banquet Facilities, located at 187 Hill Street, Mahopac, New York, and to pay certain expenses in connection therewith; and

WHEREAS, pursuant to said Guarantee Agreements, and a subsequent amendment thereto, RDC further agreed to guarantee net operating income for each fiscal year, as further specified therein; and

WHEREAS, the parties thereafter began to disagree on their respective duties and obligations under said agreements, which agreements were ultimately terminated; and

WHEREAS, as a result of said disagreements, RDC commenced an action against the County of Putnam on May 6, 2013, in the United States District Court for the Southern District of New York, wherein it sought an award of compensatory and punitive damages; and

WHEREAS, in response, the County filed an Answer with Counterclaims against RDC, seeking to recover compensatory and punitive damages; and

WHEREAS, after motion practice and earnest settlement negotiations, the County and RDC have agreed to settle this matter in its entirety for the proposed amount of ten thousand (\$10,000.00) dollars being paid by RDC to the County; and

WHEREAS, the parties have further agreed to execute respective General Releases, thereby relieving each other of further liability with respect to the above referenced agreements; and

WHEREAS, the parties have further agreed to enter into a mutual non-disparagement agreement, thereby preventing RDC from further discussing this matter; and

WHEREAS, the Putnam County Attorney has approved the instant settlement and recommends that the County so dispose of this matter; and

WHEREAS, the settlement of this matter is in the public interest and will avoid the costs of further litigation, now therefore be it

RESOLVED, that settlement of the matter of RDC Golf Group v. County of Putnam (Civil Action No.: 1:13-CV-03014-JSR) for the sum of ten thousand (\$10,000.00) dollars being paid by RDC to the County of Putnam, along with the above referenced additional conditions is hereby approved.

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

There being no further business, at 8:04 P.M., Chairman Albano made a motion to adjourn; seconded by Legislator LoBue. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.