

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

Wednesday

March 6, 2013

7:00 P.M.

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

PROCLAMATIONS

Chairman Othmer requested that Legislator Oliverio present the proclamation for “National Inhalant and Poisons Prevention Week – March 17-23, 2013” to Elaine Santos from the National Council on Alcoholism and Other Drug Dependencies and Janeen Cunningham from the Putnam County Youth Bureau.

NATIONAL INHALANT AND POISONS PREVENTION WEEK – MARCH 17 – 23, 2013

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 17 – 23rd, 2013 as National Inhalant and Poison Prevention Week in Putnam County and encourage all citizens to join in this observance.

Chairman Othmer requested that Legislator Scuccimarra present the next proclamation for the “National Problem Gambling Awareness Week – March 3-9, 2013 to Elaine Santos from the National Council on Alcoholism and Other Drug Dependencies and Janeen Cunningham from the Youth Bureau.

NATIONAL PROBLEM GAMBLING AWARENESS WEEK – MARCH 3 – 9, 2013

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 Week 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 Week; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim the week of March 3-9th, 2013 as National Problem Gambling Awareness Week 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 Othmer requested that Legislator DiCarlo present the next proclamation for “March 2013 as Developmental Disabilities Awareness Month and April 2013 as Autism Awareness Month” to PARC’s Executive Director Ms. Susan Limongello.

**MARCH 2013 AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH
AND
APRIL 2013 AS AUTISM AWARENESS MONTH**

WHEREAS, PARC – Exceptional Opportunities for People with Disabilities - is an integral part of our community, serving both as a business as well as a human services agency; and

WHEREAS, for fifty nine years, PARC has been the leading provider of services for children and adults with developmental disabilities from birth through advanced age; and

WHEREAS, PARC is one of the leading employers in Putnam County and also offers Vocational Training and Vocational Rehabilitation to participants so they can provide quality work to the business community, training employees in both supported and competitive placements and preparing high school special education students with the skills needed to enter the workforce; and

WHEREAS, PARC educates and assists children with autism and special needs through its Preschool to reach their fullest potential and retain their success through their participation in the public school system; and

WHEREAS, PARC's residential program provides a family atmosphere for more than 130 people in both homes and apartments throughout Putnam County; and

WHEREAS, PARC's clinic provides a support system for both PARC participants and their families through individual, group, and vocational counseling; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim March 2013 as Developmental Disabilities Awareness Month and April 2013 as Autism Awareness Month and recognize and commend PARC on its Fifty Ninth Anniversary and for the valuable services this agency provides to people with disabilities, their families, and the business community.

Legislator DiCarlo stated that the State of New York is about to adopt its budget. The Governor has slated a 6% cut to Putnam County which will total approximately \$1.2 million dollars in services. He stated that when we speak about services for students from Pre-K to Adult age, these programs will be cut. He stated that the frightening part of what goes on in politics is, when we look at the tragedy that took place in Newtown, Connecticut, the sound bite was the importance of looking into Social Services to help people with mental health needs. However, now when it comes to funding these programs there will be cuts. He implored the audience and individuals who would be viewing this meeting, to write letters and speak to their State representatives in the Senate and Assembly who will be voting in the next few weeks on the budget. He stated that we need to mobilize as a community and march on Albany. He has been saying since day one when he became a member of the Legislature, that this 2% tax cap is going to be crippling and now we are at that point. He apologized for using this venue as a recognizing park, but if he didn't he believed he would not be doing his fiduciary responsibility as a Legislator to inform the people of what is going on.

Item #3 – Approval of Minutes – Regular Meeting – February 6, 2013

The minutes were approved as submitted.

Item #4 – Correspondence

a) County Auditor was duly noted.

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

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

Item #5a - Approval/SEQRA/Agricultural District was next. Chairman Othmer recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #48

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 #5b - Approval/Inclusion of Parcels in Putnam County Agricultural District was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Succimarra, Legislator Albano moved the following:

Legislator Oliverio complimented the Agricultural Board members on the thorough job performed in reviewing the parcels submitted for consideration of inclusion into the Agricultural District.

RESOLUTION #49

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, for the year 2012, by Resolution #264 of 2012, the Putnam County Legislature established the period of November 20, 2012 to December 19, 2012 in which a landowner may request inclusion in the Putnam County Agricultural District #1, 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 Kent:

Presbyterian Conference Association – Tax Map #2.-1-46 (120 acres), 2.-1-48 (62.46 acres), & 2.-1-51 (43.61 acres) Total Acreage: 226.07

Joseph Greico – Tax Map #19.-1-36 (6.0 acres) Total Acreage: 6.0

Town of Philipstown:

Garrison Properties – Tax Map #71.-2-92 (70.63 acres) Total Acreage: 70.63

Polhemus Property management, LLC – Tax Map #89.-1-8 (17.25 acres), 89.-1-9 (2.67 acres), & 89.-1-4.2 (2.48 acres)

Nicholas and Hanay Angell – Tax Map #90.10-1-6 (17.72 acres) Total Acreage: 17.72

Town of Putnam Valley:

Frederick Finger – Tax Map #61.-2-21 (50.21 acres) Total Acreage: 50.21

Steven and Sandra Auth – Tax Map #61.-2-17 (9.90 acres) Total Acreage: 9.90

Town of Southeast:

Susan Miller – Tax Map #68.-1-28 (15.74 acres) Total Acreage: 15.74

Katherine Weber and Jason Margiotta – Tax Map #55.-1-14 (18.33 acres) Total Acreage: 18.33

WHEREAS, the Putnam County Agriculture and Farmland Protection Board considered the requests for inclusion and reported which 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, 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 6, 2013; 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 Kent:

Presbyterian Conference Association – Tax Map #2.-1-46 (120 acres), 2.-1-48 (62.46 acres), & 2.-1-51 (43.61 acres) Total Acreage: 226.07

Town of Philipstown:

Garrison Properties – Tax Map #71.-2-92 (70.63 acres) Total Acreage: 70.63

Nicholas and Hanay Angell – Tax Map #90.10-1-6 (17.72 acres) Total Acreage: 17.72

Town of Putnam Valley:

Frederick Finger – Tax Map #61.-2-21 (50.21 acres) Total Acreage: 50.21

For a total of 364.63 acres.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5c – Approval/Re-Appointment/Putnam County Soil & Water Conservation District Board was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #50

APPROVAL/RE-APPOINTMENT/PUTNAM COUNTY SOIL & WATER CONSERVATION DISTRICT BOARD

RESOLVED, that Marjorie Thorpe, Town of Southeast, be re-appointed to the Putnam County Soil & Water Conservation District Board for a three (3) year term, said term to expire December 31, 2015.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairwoman Nacerino, Legislators Castellano & DiCarlo)**

Item #5d – Approval/Appointment/Region 3 Fish & Wildlife Management Board was next. Chairman Othmer recognized Legislator Nacerino, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Castellano and DiCarlo, Legislator Nacerino moved the following:

RESOLUTION #51

APPROVAL/APPOINTMENT/REGION 3 FISH & WILDLIFE MANAGEMENT BOARD

RESOLVED, that the following be appointed to the Region 3 Fish & Wildlife Management Board:

Timothy C. Keith, Town of Carmel, as Sportsman Alternate Representative, for the balance of a two (2) year term; said term to expire December 31, 2013.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #5e – Approval/SEQRA/Local Law Prohibiting the Disposal and the Application of Natural Gas Waste in the County of Putnam was next. Chairman Othmer recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental

Committee. On behalf of the members of the Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio made a special request on behalf of the Health Committee to bring forward Other Business Item #6a and #6b as replacements to Item #5e and #5f. All in favor.

APPROVAL/SEQRA/LOCAL LAW PROHIBITING THE DISPOSAL AND THE APPLICATION OF NATURAL GAS WASTE IN THE COUNTY OF PUTNAM

WHEREAS, there is pending before this Legislature a Local Law that would prohibit the disposal and the application of natural gas waste in the County of Putnam; and

WHEREAS, as this project is an Unlisted action under the State Environmental Quality Review Act ("SEQRA"), an Environmental Assessment Form has been prepared by the Department of Planning, Development and Public Transportation to assist this Legislature in complying with its responsibilities under SEQRA; and

WHEREAS, this Legislature has carefully considered this proposed action and has reviewed the Environmental Assessment Form and the criteria set forth in 6 NYCRR Part 617 of the SEQRA regulations and has identified the relevant areas of environmental concern, as are fully set forth in the attached "Negative Declaration", to determine if this proposed action will have a significant impact on the environment; now therefore be it

RESOLVED, by the Putnam County Legislature that based on the review of the Environmental Assessment Form and for the reasons set forth in the annexed "Negative Declaration", it has determined that the proposed project will not have a significant impact on the environment; and be it further

RESOLVED, that the Chairman of the Putnam County Legislature is authorized and directed to sign the determination of Significance in the attached Environmental Assessment Form as Responsible Officer in Lead Agency; to execute and issue the attached Negative Declaration on behalf of the Legislature pursuant to Article 8 of the Environmental Conservation Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Item #5f – Approval/Local Law Adding New Chapter 172 to the Putnam County Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

A Local Law Adding a New Chapter 172 to the Putnam County Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities.

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

Section 1.

A New Chapter 172 is hereby added to the Code of Putnam County to read as follows:

**Chapter 172
Hydraulic Fracturing**

- §172.01. Definitions.
- §172.02. Prohibitions.
- §172.03. Provision to be included in Bids and Contracts related to the Construction or Maintenance of County Roads.
- §172.04. Duty of Employees to be Familiar with this Chapter.
- §172.05. Penalties.
- §172.06. Severability.

Section 172.01. Definitions.

1. As used in this Chapter the term “hydraulic fracturing” shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
2. As used in this Chapter the term “natural gas extraction activities” shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas or other subsurface hydrocarbon deposits, including, but not limited to, core and rotary drilling and hydraulic fracturing.
3. As used in this Chapter the term “natural gas waste” shall mean any waste which is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials (“NORMs”) and heavy metals. Natural gas waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.
4. As used in this Chapter the term “application” shall mean the physical act of placing or spreading natural gas waste on any road or real property located within the County of Putnam.

Section 172.02. Prohibitions.

1. The introduction of natural gas waste into any wastewater treatment facility within or operated by the County of Putnam is prohibited.
2. (a) The sale of natural gas waste within the County of Putnam is prohibited.
(b) The application of natural gas waste on any road or real property located within the County of Putnam is prohibited.

Section 172.03. Provision to be Included in Bids and Contracts related to the Construction or Maintenance of County Roads.

1. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be provided to the County.
2. All bids and contracts related to the retention of services to construct or maintain a County road shall include a provision stating than no materials containing natural gas waste shall be utilized in providing such a service.

Section 172.04. Duty of Employees to be Familiar with this Chapter.

The County Executive or, at the County Executive's option, any Department Head or Commissioner appointed by the County Executive is authorized to develop policies to ensure County employees are familiar with the provisions of this Chapter and take such steps as are directed by the County Executive or such Department Head or Commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this law. This Section shall not excuse non-compliance by a Contractor or Vendor of the County.

Section 172.05. Penalties.

Any violation of Section 172.02 of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days' imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

Section 172.06. Severability.

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction, or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions, of this chapter are hereby declared to be severable.

Section 2.

This Local Law shall take effect in sixty days.

Item #6a – Approval/SEQRA/Local Law Prohibiting the Disposal and the Application of Natural Gas Waste in the County of Putnam was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislator Oliverio moved the following:

RESOLUTION #52

APPROVAL/SEQRA/LOCAL LAW PROHIBITING THE DISPOSAL AND THE APPLICATION OF NATURAL GAS WASTE IN THE COUNTY OF PUTNAM

WHEREAS, there is pending before this Legislature a Local Law that would prohibit the disposal and the application of natural gas waste in the County of Putnam; and

WHEREAS, as this project is an Unlisted action under the State Environmental Quality Review Act ("SEQRA"), an Environmental Assessment Form has been prepared by the Department of Planning, Development and Public Transportation to assist this Legislature in complying with its responsibilities under SEQRA; and

WHEREAS, this Legislature has carefully considered this proposed action and has reviewed the Environmental Assessment Form and the criteria set forth in 6 NYCRR Part 617 of the SEQRA regulations and has identified the relevant areas of environmental

concern, as are fully set forth in the attached “Negative Declaration”, to determine if this proposed action will have a significant impact on the environment; now therefore be it

RESOLVED, by the Putnam County Legislature that based on the review of the Environmental Assessment Form and for the reasons set forth in the annexed “Negative Declaration”, it has determined that the proposed project will not have a significant impact on the environment; and be it further

RESOLVED, that the Chairman of the Putnam County Legislature is authorized and directed to sign the determination of Significance in the attached Environmental Assessment Form as Responsible Officer in Lead Agency; to execute and issue the attached Negative Declaration on behalf of the Legislature pursuant to Article 8 of the Environmental Conservation Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6b – Approval/Local Law Adding a New Chapter 172 to the Putnam County Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities was next. Legislator Oliverio moved the following:

RESOLUTION #53

A Local Law Adding a New Chapter 172 to the Putnam County Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities.

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

Section 1.

A New Chapter 172 is hereby added to the Code of Putnam County to read as follows:

**Chapter 172
Hydraulic Fracturing**

- §172.01. Definitions.**
- §172.02. Prohibitions.**
- §172.03. Provision to be included in Bids and Contracts related to the Construction or Maintenance of County Roads.**
- §172.04. Duty of Employees to be Familiar with this Chapter.**
- §172.05. Penalties.**
- §172.06. Recommendation to other municipalities within Putnam County.**
- §172.07. Severability.**

Section 172.01. Definitions.

- 1. As used in this Chapter the term “hydraulic fracturing” shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.**
- 2. As used in this Chapter the term “natural gas extraction activities” shall mean all geologic or geophysical activities related to the exploration for or extraction**

- of natural gas or other subsurface hydrocarbon deposits, including, but not limited to, core and rotary drilling and hydraulic fracturing.
3. As used in this Chapter the term “natural gas waste” shall mean any waste which is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials (“NORMs”) and heavy metals. Natural gas waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.
 4. As used in this Chapter the term “application” shall mean the physical act of placing or spreading natural gas waste.

Section 172.02. Prohibitions.

1. The introduction of natural gas waste into any wastewater treatment facility within the County of Putnam which is either privately operated or operated by the County of Putnam is prohibited.
2.
 - (a) The sale of natural gas waste within the County of Putnam is prohibited.
 - (b) The application of natural gas waste on any County road or privately owned real property located within the County of Putnam is prohibited.

Section 172.03. Provision to be Included in Bids and Contracts related to the Construction or Maintenance of County Roads.

1. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be provided to the County.
2. All bids and contracts related to the retention of services to construct or maintain a County road shall include a provision stating than no materials containing natural gas waste shall be utilized in providing such a service.

Section 172.04. Duty of Employees to be Familiar with this Chapter.

The County Executive or, at the County Executive’s option, any Department Head or Commissioner appointed by the County Executive is authorized to develop policies to ensure County employees are familiar with the provisions of this Chapter and take such steps as are directed by the County Executive or such Department Head or Commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this law. This Section shall not excuse non-compliance by a Contractor or Vendor of the County.

Section 172.05. Penalties.

Any violation of Section 172.02 of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days’ imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

Section 172.06. Recommendation to other municipalities within Putnam

County.

The Clerk of the Putnam County Legislature shall forward a copy of this Chapter to the chief executive and the legislative body of each and every municipal corporation located within the boundaries of Putnam County. Each municipality within Putnam County is encouraged to adopt similar prohibitions with respect to its roads and/or properties as are contained herein.

Section 172.07. Severability.

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction, or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions, of this chapter are hereby declared to be severable.

Section 2.

This Local Law shall take effect in sixty days.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #5g – Approval/Fund Transfer (13T022)/Sheriff’s Department/Retiree Payout & Hire Experienced Deputy was next. Chairman Othmer recognized Legislator Gross, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators LoBue and Oliverio, Legislator Gross moved the following:

RESOLUTION #54

APPROVAL/FUND TRANSFER/SHERIFF’S DEPARTMENT/RETIRE PAYOUT & HIRE EXPERIENCED DEPUTY

WHEREAS, the Sheriff’s Department has request a fund transfer (13T022) to cover Retiree Payout and Costs to Hire Experienced Deputy; 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:

17311000 54640	Training	8,000.00
17311000 54385	Uniforms	2,000.00
17311000 54313	Books	200.00

14311000 51000 (4104)	Open Personnel Line	2,494.96
14311000 58002	FICA	191.12
17311000 51000 (7119)	Open Personnel Line	2,498.34
17311000 51000 (7146)	Open Personnel Line	<u>2,281.32</u>
		17,665.74

Increase:		
17311000 51000 (7111)	Open Personnel Line	11,250.00
17311000 58002	FICA	915.74
17311000 51000 (7141)	Open Personnel Line	<u>5,500.00</u>
		17,665.74

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5h – Approval/2013 STOP DWI PLAN was next. On behalf of the members of the Protective Services Committee, Legislators LoBue and Oliverio, Legislator Gross moved the following:

Legislator DiCarlo made a motion to waive the rules and accept the revised 2013 Stop DWI Plan; seconded by Legislator Oliverio. All in favor.

RESOLUTION #55

APPROVAL/2013 STOP DWI PLAN

WHEREAS, the STOP-DWI Coordinator has submitted his 2013 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 2013 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 2013 STOP DWI Plan as per the attached:

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

PERSONNEL COMMITTEE
(Chairman DiCarlo, Legislators Gross & Nacerino)

Item #5i – Approval/Confirmation of Appointment/Director of Real Property Tax Services/Johnson was next. Chairman Othmer recognized Legislator DiCarlo, Chairman of the Personnel Committee. On behalf of the members of the Committee, Legislators Gross and Nacerino, Legislator DiCarlo moved the following:

Legislator LoBue stated that she would be abstaining on this vote. She stated that she fully supports the appointment of Lisa Johnson as Director of Real Property. Unfortunately, for her it was a matter of principle and consistency. She has been voting "no" with respect to manager appointment positions being filled by individuals who reside outside of Putnam County. She stated that she looks forward to working with Ms. Johnson.

Legislator Gross stated that he was elated to see Lisa Johnson being appointed to this position. She has worked in the position for over seven months and is fully knowledgeable in this position. He also believed there was an advantage of living outside of the County. The person is not swayed in any way and there is less opportunities for coercion.

Legislator Oliverio stated that he too would be abstaining from this vote based on his continued belief that the managerial positions in the County should be filled by individuals within the County. However, he believed there was no finer individual to fill this position than Lisa Johnson. She has many years of experience in Real Property Assessment. He just wished that she resided within Putnam County. She is very worthy of this position and that is why he did not want to vote no on this position.

Legislator Nacerino stated that the residency requirement is one matter; however, getting the best, most qualified candidate should be our objective. She stated that Lisa comes highly recommended. Legislator Nacerino stated that she receive a letter from the Patterson Town Assessor in support of Lisa Johnson. Therefore, advocating the best candidate and the person who can perform the job the best should be our first a foremost obligation.

Chairman Othmer stated that we have received a legal opinion on the residency requirement. It clearly stated that the residency for this position is contained in the State statutes. He concurred with Legislator Gross when he mentioned having a person residing outside of the County would be less of a conflict of interest.

RESOLUTION #56

APPROVAL/CONFIRMATION OF APPOINTMENT/DIRECTOR OF REAL PROPERTY TAX SERVICES/JOHNSON

WHEREAS, pursuant to Article 4, Section 4.03 of the Putnam County Charter and Article 15-A, Section 1530 of the Real Property Tax Services Law, appointment has been made by County Executive MaryEllen Odell of Lisa Johnson as Real Property Tax Director for the balance of a six year term, said term to expire September 30, 2013; now therefore be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Putnam County Charter, does hereby confirm the appointment of Lisa Johnson as Real Property Tax Director for the balance of a six year term, said term to expire September 30, 2013.

BY POLL VOTE: SEVEN AYES. TWO ABSENTIONS – LEGISLATORS LOBUE & OLIVERIO. MOTION CARRIES.

Item #5j – Approval/Local Law to Amend Article 4 of the Putnam County Charter Entitled “Department of Finance” was next. On behalf of the members of the Personnel Committee, Legislators Gross and Nacerino, Legislator DiCarlo moved the following:

RESOLUTION #57

A LOCAL LAW TO AMEND ARTICLE 4 OF THE PUTNAM COUNTY CHARTER ENTITLED “DEPARTMENT OF FINANCE”.

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

Section 1.

Article 4 of the Putnam County Charter is hereby amended to read as follows:

ARTICLE 4, Department of Finance

§ 4.01. Department of Finance; Commissioner. [Amended 12-20-2007 by L.L. No. 1-2008; 12-27-2010 by L.L. No. 6-2011]

- (a) There shall be a Department of Finance, headed by a Commissioner of Finance who shall be appointed by the County Executive, subject to a majority confirmation by the County Legislature. The Commissioner of Finance shall be deemed qualified for the position provided he/she has one of the following: licensure as a Certified Public Accountant (CPA), certification as Certified Public Finance Officer (CPFO), or a Master Business Administration (MBA) degree. The commissioner of finance shall be appointed on the basis of his or her knowledge of accounting and financial matters and his or her experience in financial administration. He or she shall serve at the pleasure of the County Executive and have the authority to appoint the staff that will be employed in this department.**
- (b) The Commissioner of Finance and all full-time managerial employees in the department shall serve on a full-time basis and shall not engage in any private practice nor be employed in their field of expertise with the County by any private or other governmental entity.**

§ 4.02. Commissioner of Finance: Powers and duties.

The commissioner of Finance shall be the chief fiscal officer of the County and shall have charge of the administration of its financial affairs except as otherwise provided in this Charter. The Commissioner of Finance shall:

- (a) Collect, receive, have custody of, deposit, invest and disburse all fees, revenues and other funds of the County or for which the county is responsible, in accordance with law;**
- (b) Execute all the duties performed by a County Treasurer in relation to the collection of taxes and other revenues and have all of the powers and perform all of the duties conferred or imposed by law upon a County Treasurer;**
- (c) Assist the County Executive in the preparation and administration of the county budget;**
- (d) Supervise the director of the Division of Real Property Tax Services;**
- (e) Borrow money in the name of the County as authorized by the County Legislature;**
- (f) (1) Submit an unaudited annual report to the County Legislature on or before the first day of March of each year, and any other regular or special financial**

statements to the County Executive and to the county Legislature as they may require;

(2) Submit an annual audited report as required by the New York State Department of Audit and Control to that department and to the County Legislature on or before the last day of the automatic extension period, and any other regular or special financial statements to the county Executive and the County Legislature as they may require;

(3) Submit such other reports as may be required by law;

(g) Maintain the books of accounts of the County;

(h) Prescribe approved methods and forms for financial accounting and records for all County departments and administrative agencies;

(i) Submit annually to the County Executive proposed County tax equalization rates consistent with standards prescribed by the State Legislature;

(j) Keep records of appropriations, encumbrances and expenditures and prescribe approved methods of accounting for County offices and administrative agencies;

(k) Procure statement from all depositories of County funds and funds for which the County is responsible and reconcile such statements with the County accounts;

(l) Subject to the requirements of the Civil Service Law, certify the correctness of payrolls for the payment of salaries of officers and employees paid from County funds.

§4.03. The Division of Real Property Tax Services; Director.

(a) There shall be within the Department of Finance, an independent division of Real Property Tax Services which shall be headed by a Director of Real Property Tax Services, who shall be appointed by the County Executive subject to confirmation by the Legislature. The Director of Real Property Tax Services shall be appointed for a six year term in accordance with the New York State Real Property Tax Law. He or she shall serve at the pleasure of the County Executive, unless provided otherwise by law and shall be supervised by the Commissioner of Finance.

(b) The Director of Real Property Tax Services shall be chosen on the basis of his or her knowledge of the principles and methods relating to the assessment of real property and of his or her executive and administrative experience. At the time of his or her appointment, and throughout his or her term of office, he or she shall meet the minimum qualifications and standards and shall complete such courses of training and education as prescribed by the State of New York for County directors of real property tax services agencies pursuant to Article 15-A of the New York State Real Property Tax Law, and any other applicable law.

(c) The Director of Real Property Tax Services shall exercise all the powers and perform all the duties of a County Director of Real Property Tax Services Agencies as provided by Article 15-A of the New York Stated Real Property Tax Law or other applicable law, including but not limited to ascertaining, spreading, entering and extending taxes levied by the County Legislature for all State, County, Town and Special Districts' purposes. Preparing tax rolls and issuing tax bills for those taxes, performing such other and related duties as may be required by the County Executive and performing all the duties heretofore or hereafter conferred or imposed by law.

Section 2.

This Local Law shall take effect forty-five (45) days after its adoption, subject to referendum on petition in accordance with the provisions of Section 24 of the New York State Municipal Home Rule Law.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5k – Approval/Senior Public Health Nurse/Department of Social Services/Change Compensation System was next. On behalf of the members of the Personnel Committee, Legislators Gross and Nacerino, Legislator DiCarlo moved the following:

RESOLUTION #58

**APPROVAL/SENIOR PUBLIC HEALTH NURSE/DEPARTMENT OF SOCIAL SERVICES/
CHANGE COMPENSATION SYSTEM**

WHEREAS, when the County had a Certified Home Health Agency, the nurse provided to the Personal Care Unit of the Department of Social Services by the Health Department for Medicaid purposes was paid for according to a certain formula, and

WHEREAS, once the Certified Home Health Agency was closed, the Department of Social Services hired its own nurse but continued to pay for this service according to the old Health Department formula, and

WHEREAS, this formula no longer makes sense as the individual is now an employee of the Department of Social Services Department, now therefore be it

RESOLVED, that the salary of the Department of Social Services nurse hired for the Personal Care Unit is hereby changed to a salary payment.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #5L – Approval/Fund Transfer (12T473)/Finance/Personal Services/Snow Fund/County Roads was next. Chairman Othmer recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #59

**APPROVAL/FUND TRANSFER/FINANCE/PERSONAL SERVICES/SNOW FUND/COUNTY
ROADS**

WHEREAS, the Commissioner of Finance has requested a fund transfer (12T473) to properly allocate expenses between the Snow Fund and County Roads, 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:

10514200 51000	Personal Services	\$35,625.39
10514200 58002	FICA	<u>5,684.46</u>
		\$41,309.85

Increase:

10511000 51000	Personal Services	\$35,625.39
10511000 58002	FICA	<u>5,684.46</u>

\$41,309.85

2012 Fiscal Impact – 0 –
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5m – Approval/Fund Transfer (12T474)/Finance/Year-End Journal Entry #2/Year Ended December 31, 2012 was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #60

APPROVAL/FUND TRANSFER/FINANCE/YEAR-END JOURNAL ENTRY #2/YEAR ENDED DECEMBER 31, 2012

**WHEREAS, the Commissioner of Finance has requested a fund transfer (12T474) which is the second year end entry for the year ended December 31, 2012; 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:**

ORG	OBJ	PROJECT DESCRIPTION:	TO:	FROM:	COMMENTS
10132000	58008	Health Plans	427.34		To properly allocate expenses
10141100	58008	Health Plans	3516.54		To properly allocate expenses
10145000	58008	Health Plans	3953.26		To properly allocate expenses
10168000	58008	Health Plans	845.36		To properly allocate expenses
10311000	58008	Health Plans	543.06		To properly allocate expenses
13311000	58008	Health Plans	945.70		To properly allocate expenses
17311000	58008	Health Plans	9245.92		To properly allocate expenses
10315000	58008	Health Plans	8538.34		To properly allocate expenses
13398900	58008	Health Plans	2182.22		To properly allocate expenses
11017000	58008	Health Plans	624.69		To properly allocate expenses
11401000	58008	Health Plans	2177.70		To properly allocate expenses
12401000	58008	Health Plans	3798.37		To properly allocate expenses
10021000	58008	Health Plans	2046.18		To properly allocate expenses
10032000	58008	Health Plans	295.40		To properly allocate expenses
10431000	58008	Health Plans	1134.83		To properly allocate expenses
10511100	58008	Health Plans	2885.00		To properly allocate expenses
10101000	58008	Health Plans	562.52		To properly allocate expenses
10102000	58008	Health Plans	4991.11		To properly allocate expenses
10107000	58008	Health Plans	351.23		To properly allocate expenses
22072000	58008	Health Plans	742.32		To properly allocate expenses
10661000	58008	Health Plans	1220.86		To properly allocate expenses
10677400	58008	Health Plans	531.06		To properly allocate expenses
10677700	58008	Health Plans	2628.46		To properly allocate expenses
10677800	58008	Health Plans	162.58		To properly allocate expenses
10711000	58008	Health Plans	2840.75		To properly allocate expenses
10731000	58008	Health Plans	1563.76		To properly allocate expenses

21401000	58008	Health Plans		25,000.00	To properly allocate expenses
10104000	58008	Health Plans		33,754.56	To properly allocate expenses
10149000	58001	Retirement	6,499.00		To properly allocate expenses
10106000	58001	Retirement		6,499.00	To properly allocate expenses
14311100	51000	Personal Ser	6990.25		To properly allocate expenses
17311000	51000	Personal Ser	58052.65		To properly allocate expenses
19311000	51000	Personal Ser	1913.57		To properly allocate expenses
13311000	51000	Personal Ser		21599.00	To properly allocate expenses
16311000	51000	Personal Ser		41666.00	To properly allocate expenses
10315000	51000	Personal Ser		3691.47	To properly allocate expenses
17311002	51093	10021 Overtime	2655.2		To properly allocate expenses
20311000	51093	Overtime	609.01		To properly allocate expenses
10311000	51093	Overtime		3264.21	To properly allocate expenses
10010000	51092	Comp Time P/O	1484.64		To properly allocate expenses
10013000	51094	Temp	575.00		To properly allocate expenses
10315000	51091	Pay Diff		2059.64	To properly allocate expenses
13398900	51000	Personal Ser	1111.79		To properly allocate expenses
13398900	51091	Pay Diff		1111.79	To properly allocate expenses
10401000	51000	Personal Ser	4401.46		To properly allocate expenses
11017000	51000	Personal Ser	3291.41		To properly allocate expenses
12022000	51000	Personal Ser	4228.41		To properly allocate expenses
12401002	51000	10050 Personal Ser	1406.25		To properly allocate expenses
21401000	51000	Personal Ser	4268.08		To properly allocate expenses
10408200	51000	Personal Ser	975.92		To properly allocate expenses
11401000	51000	Personal Ser		8929.00	To properly allocate expenses
12401000	51000	Personal Ser		4228.00	To properly allocate expenses
12401003	51000	10056 Personal Ser		5414.53	To properly allocate expenses
10401000	58002	FICA	3935.19		To properly allocate expenses
10021000	58002	FICA	421.48		To properly allocate expenses
11401000	58002	FICA		4356.67	To properly allocate expenses
11401000	51094	Temp	564.3		To properly allocate expenses
10405900	51094	Temp		564.3	To properly allocate expenses
10431000	51000	Personal Ser	5961.99		To properly allocate expenses
10102000	51000	Personal Ser		5961.99	To properly allocate expenses
10431000	58002	FICA	282.64		To properly allocate expenses
10135500	58002	FICA		282.64	To properly allocate expenses
10102000	51098	On Call	4102.63		To properly allocate expenses
10102000	51000	Personal Ser		4102.63	To properly allocate expenses
10677600	58002	FICA	826.34		To properly allocate expenses
10677700	58002	FICA		826.34	To properly allocate expenses
10677700	51094	Temp	2068.93		To properly allocate expenses
10677300	51094	Temp		2068.93	To properly allocate expenses
10731000	51000	Personal Ser	2193.91		To properly allocate expenses
10731000	58002	FICA	1600.64		To properly allocate expenses
10731002	51000	Personal Ser	1217.03		To properly allocate expenses
10088000	51094	Temp		4000.00	To properly allocate expenses
10731000	54310	Office Supplies		1011.58	To properly allocate expenses
10168000	52640	Audo Visual	50,400.00		To correct Fixed Asset Account
10168000	54782	Software&Acc		20000.00	To correct Fixed Asset Account
10168000	54636	Internet		17000.00	To correct Fixed Asset Account
10168000	54783	Licensing		11000.00	To correct Fixed Asset Account

10168000	54382	Computer		2400.00	To correct Fixed Asset Account
13311000	54634	Telephone	894.00		To cover exp through yr end
13311000	54636	Internet		894.00	To cover exp through yr end
10118000	54950	Cty Contrib	740.00		To cover exp through yr end
25117100	54125	18B Legal Serv		740.00	To cover exp through yr end
10161000	55371	Chbk Gasoline	2124.13		To cover exp through yr end
10014000	55371	Chbk Gasoline	2021.19		To cover exp through yr end
10398900	55370	Chbk Auto	2357.18		To cover exp through yr end
11401000	55371	Chbk Gasoline	408.46		To cover exp through yr end
12022000	55371	Chbk Gasoline	1059.53		To cover exp through yr end
12023000	55370	Chbk Autom	1591.98		To cover exp through yr end
12023000	55371	Chbk Gasoline	962.55		To cover exp through yr end
12401003	55370	10056 Chbk Auto	309.92		To cover exp through yr end
21401000	55370	Chbk Auto	379.8		To cover exp through yr end
21401000	55371	Chbk Gasoline	351.87		To cover exp through yr end
10661000	55370	Chbk Auto	1210.17		To cover exp through yr end
10677400	55370	Chbk Auto	8506.21		To cover exp through yr end
10677400	55371	Chbk Gasoline	8885.25		To cover exp through yr end
14311000	55370	Chbk Auto		1200.00	To cover exp through yr end
10296000	55371	Chbk Gasoline		25800.00	To cover exp through yr end
10314000	55370	Chbk Auto		3168.24	To cover exp through yr end

BOTH INCREASE AND DECREASE TOTAL \$262,594.52 NET \$0

2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5n – Approval/Fund Transfer (12T475)/Department of Social Services/Correct Improper Posting was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #61

APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/CORRECT IMPROPER POSTING

WHEREAS, the Department of Social Services has requested a fund transfer (12T475) to absorb transfer of expense from an account that was incorrectly posted; 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:

10610900 54493 Payment to Recipients \$20,793

Increase:

10611900 54483 Assistive Tech \$20,793

2012 Fiscal Impact – 0 –
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5o – Approval/Fund Transfer (13T026)/Department of Social Services/Reclassify State Aid was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #62

APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/RECLASSIFY STATE AID

WHEREAS, the Department of Social Services has requested a fund transfer (13T026) to reclassify State Aid in accordance to notice from NYS Office of Mental Health; 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:

10040000 54647	Sub Contractors	\$75,000
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Increase:

10037000 54647	Sub Contractors	\$75,000
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5p – Approval/Budgetary Amendment (12A114)/Finance/Closeout Completed Capital Projects was next. On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #63

APPROVAL/BUDGETARY AMENDMENT (12A114)/FINANCE/CLOSEOUT COMPLETED CAPITAL PROJECTS

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (12A114) to closeout completed Capital Projects; 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:

CAPITAL FUND:

Decrease Estimated Appropriations:

58989000 53000 50080	Kent Senior Center	4,162,231.68
55132000 53000 50187	Highway Equipment	202,597.00

55197000 53000 50249	CHIPS 2011	24,523.72
55997000 53000 50269	Buses – ARRA	30,089.00
55997000 53000 50275	Buses – 2008	16,080.00
55997000 53000 50279	Buses – 2010	74,251.22
55997000 53000 50280	Buses – 2011	80,813.75
55997000 53000 50310	ARRA Fence PIN 8821.7	214,892.00
58989920 58002 50347	FICA	28.55
58989920 54888 50347	Septic Repair	7,547.32
58989920 58004 50347	Workers Comp	2.32
58989970 53000 50365	MS4 Retrofit	43,000.00
51997000 53000 51205	Minor Renovations	<u>50,000.00</u>
		4,906,056.56

Increase Estimated Appropriations:

59901000 53000 50358	Transfer to Debt Service Fund	15,281.85
58989920 51000 50347	Personnel	1,904.71
58989920 54310 50347	Office Supplies	266.47
58989920 55314 50347	Chargeback – Postage	34.80
58989920 58001 50347	Retirement	5,145.00
58989920 58008 50347	Health Plans	<u>227.21</u>
		22,860.04

Decrease Estimated Revenues:

05000 457101 50080	Serial Bond Proceeds	4,158,000.00
05000 45710B 50187	Serial Bond Proceeds	202,597.00
55197000 435011 50249	State Aid – CHIPS 2011	24,523.72
55997000 435971 50269	State Aid – Buses	34,909.00
59901000 427701 50269	Interfund Buses ARRA	34,908.00
59901000 427701 50275	Interfund Buses 2008	16,080.00
05000 457101	Serial Bond Proceeds	63,201.05
05000 45710B	Serial Bond Proceeds	80,813.75
55997000 448971 50310	Federal Aid – PIN 8821.71	214,892.00
05000 457101	Serial Bond Proceeds	43,000.00
05000 45710C 51205	Serial Bond Proceeds	<u>50,000.00</u>
		4,922,924.52

Increase Estimated Revenues:

55997000 445971 50269	Federal Aid – Buses	39,728.00
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DEBT SERVICE FUND:

Increase Estimated Revenues:

V9710000 428601	Transfer from Capital Fund	15,281.85
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Decrease Estimated Revenues:

V9710000 427161	Use of Debt Service Reserve	15,281.85
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2012 Fiscal Impact – 0 –
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5q – Approval/Worker’s Compensation Settlement was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #64

APPROVAL/WORKER’S COMPENSATION SETTLEMENT

WHEREAS, on or about January 11, 2010, June 10, 2010, May 31, 2012 and August 27, 2012, the claimant, Nancy Mulligan a/k/a Nancy Carlo-Doyle, (hereinafter “Mulligan”) while employed by the Putnam County Department of Social Services, had work related injuries; and

WHEREAS, the claimant received medical treatment as a result of said injury, including injections, physical therapy and doctor visits; and

WHEREAS, the Worker’s Compensation Board deemed Mulligan to have a marked partial disability and ordered Putnam County to pay the claimant \$505.94 per week; and

WHEREAS, claimant is desirous of entering into a Section 32 agreement with the County, subject to the Legislature’s approval, in which the County agrees to pay the sum of one hundred fifty five thousand one hundred twenty five (\$155,125.00) dollars to Mulligan and twenty seven thousand three hundred seventy five (\$27,375.00) to her counsel; and

WHEREAS, the Law Department and our third party administrator, Triad Group, LLC both recommend the settlement as an alternative to lifetime payments; and

WHEREAS, Triad Group, through its claims representative, has in fact settled the matter with the claimant for the sum of one hundred eighty two thousand five hundred (\$182,500.00) dollars and has obtained settlement documents from the claimant, which, upon approval of the Putnam County Legislature and the Worker’s Compensation Board, will discontinue this matter with the Court and which will allow the claimant to receive the Section 32 settlement payment; and

WHEREAS, the settlement is in the public interest and will avoid lifetime payments to the claimant; now therefore be it

RESOLVED, that the settlement of this matter for the sum of one hundred fifty five thousand one hundred twenty five (\$155,125.00) dollars to claimant and twenty seven thousand three hundred seventy five (\$27,375.00) to her counsel is approved; and be it further

RESOLVED, that Commissioner Carlin is hereby directed to pay such settlement, if approved by the Worker’s Compensation Board, from the Six Fund.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5r – Approval/Refund of Taxes/ Leland Ryder Trust/Town of Kent/Tax Map #'s 10.-1-22; 10.-1-25; 10.-1-27; 10.-2-62 & 10.-2-63 was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #65

APPROVAL/REFUND OF TAXES/LELAND RYDER TRUST/TOWN OF KENT/TAX MAP #'s 10.-1-22; 10.-1-25; 10.-1-27; 10.-2-62 & 10.-2-63

WHEREAS, as per the Supreme Court of the State of New York, County of Putnam granted petitioner application in part for a refund of various 2008 thru 2011 taxes paid on property located in the Town of Kent; and

WHEREAS, the Real Property Tax Service Agency, the Commissioner of Finance, the Department of Law and the County Executive have reviewed the application for correction of assessment roll and tax refund and found it to be in compliance with the Court order; and

WHEREAS, the Audit & Administration Committee has reviewed and approves of said application, now therefore be it

RESOLVED, that the Putnam County Legislature approves the application for refund of taxes by the Leland Ryder Trust for certain properties in the Town of Kent in the amount of \$24,509.30 as per Court order.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5s – Approval/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 Albano and Nacerino, Legislator Castellano moved the following:

Legislator Oliverio stated that this is an excellent idea and he thanked County Executive Odell for persevering to bring this forward again this year.

Legislator Gross stated that he too wanted to compliment County Executive Odell for bringing this forward and hoped that the taxpayers will shop during the week of August 16th through August 25th of 2013 to take advantage of the reduced sales tax.

Legislator DiCarlo stated that last year we tried to go even further with this by trying to get some school supplies to be exempt from the tax, however, we were shot down. He felt this was important and believed that somewhere down the road we needed to bring in our local Chambers of Commerce to recognize them for the great work they do. If it was not for the small business owners, he did not know where we would be from a financial and budgetary point of view. He stated that he wanted to thank the small business owners for what they do each and every day here in Putnam County.

RESOLUTION #66

APPROVAL/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 tax 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 proposes that 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 2013, more particularly, August 16th through August 25th, will, 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 and desires to implement the County Executive’s proposal to effectuate a limited exemption of sales and use tax 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 tax on purchases of qualified clothing and footwear and only for the limited period of August 16 through August 25, 2013; 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 the proposed Bill annexed hereto, to amend New York State Tax Law Article 29 by the addition of 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 tax on purchases of qualified clothing and footwear from August 16 through August 25, 2013, notwithstanding any other provision of law to the contrary; and be it further

RESOLVED, that the Putnam County Legislature hereby directs the Clerk of the Legislature to transmit copies of this Resolution, together with the proposed Memorandum in Support annexed hereto, to 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.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5t – Approval/SEQRA Determination was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #67

APPROVAL/SEQRA DETERMINATION

WHEREAS, the Putnam County Legislature is considering a \$233,000 Bond issue for the Partial Reconstruction of, and Construction of Improvements to the Putnam National Golf Course facilities, and

WHEREAS, this action has been determined to be a Type II Action pursuant to the regulations of the NYS Department of Environmental Conservation, now therefore be it

RESOLVED, that the Putnam County Legislature accepts the determination that this project is a Type II Action and pursuant to 6 NYCRR Part 617, State Environmental quality Review §617.6(1)(i) once an action has been determined to be a Type II Action, there is no further review necessary under SEQRA.

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

Item #5u – Approval/Bond Resolution/Putnam National Golf Course Facilities/Reconstruction and Construction of Improvements was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

Legislator LoBue stated that she spoke in great length on this during the Committee process and she is completely against it. It is ½ million dollars in bonding which is split in half; this bond for repairs and another for equipment. There is a \$5 million dollar bond on the entire Golf Course that is callable in 2017. They are tax exempt bonds. This means the County can generate a profit, but a private entity cannot. At this point, we have been losing money on the Golf Course and she cannot see spending another ½ million dollars on this project. She stated that we have been bonding like crazy in the last year and believed we need to move a little slower. There needs to be a plan for this facility moving forward. We are in a situation right now where we do not know whether the County will run the facility or have an outside agency run it. She believed that discussion needed to take place first before any bonding was approved.

Legislator Oliverio agreed that we have bonded a lot. We also have some concerns coming from some of the towns within the County asking us to step cautiously with this bond. However, he stated that he would support this bond. He stated that, like any homeowner knows, without maintenance of your grounds it soon goes foul. Your house starts to fall apart and your grounds become overrun. This would be the same case with the Golf Course. Regardless of whether or not the County ultimately decides to run the facility or have an outside agency run it, it needs to be presentable and functional. It needs to be able to attract the clientele that it had in the past. He stated not to forget why we purchased the Golf Course. It was to stop over 300 units of housing being placed on that beautiful landscape. The bottom line is that we need to maintain this facility and we are on a short timeframe in trying to have it open for the golf season.

Legislator Albano stated that he supported the bond resolution. This is something that we are tied to. We need to keep it maintained and ensure that it is run correctly. It needs to be brought up to a positive asset for the County. Bonds right now are at the best rate ever. Many of the things that need to be done to the facility, along with the purchase of equipment will have to be done. He wouldn't want to do them in a couple of years when the bond rates could be higher.

Legislator Nacerino stated that she wanted to echo Legislators Oliverio and Albano's sentiments. She would support this as well. She believed foresight has been lacking in previous years. There has been no strategic planning. We are trying to play catch up with the lack of accountability in the past. So, hopefully we have more foresight and project a little and let's get on the road to having good effective management moving forward whether it is here, or in the Highway Department, or other County Departments that have been lacking in previous years. We are the watch dogs. We need to make sure that are I's are dotted and are T's are crossed.

Legislator Scuccimarra stated that she also supports this bond. She stated that unfortunately you have to spend money to make money. If the Golf Course is kept the way it is right now, we will lose more money.

Legislator Gross concurred with what has been said. He supported the bond. He felt that we did not have a choice. The facility needs to be ready for golf season.

Legislator DiCarlo stated that he has voiced his opinion about this Golf Course with the last Administration. He encouraged the County Executive and Deputy County Executive to take a road trip with him down to Westchester County. The Town of Eastchester did this over twenty years ago when they took over a golf course and it has been run successfully. He stated that it would be great to hear some of the ups and downs that they have experienced; what was successful and what wasn't. He stated that he would be voting in favor of this bond. He stated that another thing is that it is all about marketing. We want to make it palatable for the golfer. It's not seven or eight years ago. The money is not there like it used to be. People are not playing as much golf as they used to be because that is expendable money. This needs to be part of the equation. It is important that we make the facility user friendly for Putnam County. This will also attract other counties to come to our facility to play golf. Whatever that strategic plan is will be vitally important moving forward. We would all want to see it be successful in generating money.

Legislator Albano stated that the Administration does have a plan and has spent a lot of time on the spreadsheet they provided the Legislature on the Golf Course. This is the first time we can clearly see what needs to be done. When we have this in front of us, it makes the decision a lot easier.

Chairman Othmer stated that during the Committee meeting the Administration gave an excellent presentation on the Golf Course. He stated that although it is true that we do not know who will run the Golf Course yet, we are prepared to either have the County run it or whoever wins the RFP. He feels that the Administration has a valid plan. We need the equipment. The bonding is also factored in with the 2% tax cap. He stated that Commissioner of Finance Carlin did an excellent job in preparing this.

RESOLUTION #68

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Putnam, New York

March 6, 2013

*** * ***

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 March 6, 2013, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Albano, Castellano, DiCarlo, Gross, LoBue, Nacerino, Oliverio, Scuccimarra and Chairman Othmer.

There were absent: None

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

* * *

Legislator Castellano offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED MARCH 6, 2013, AUTHORIZING THE PARTIAL RECONSTRUCTION OF, AND CONSTRUCTION OF IMPROVEMENTS TO, PUTNAM NATIONAL GOLF COURSE FACILITIES; STATING THE ESTIMATED TOTAL COST THEREOF IS \$233,000; APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$233,000 SERIAL BONDS OF SAID COUNTY TO FINANCE 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 partially reconstruct and construct improvements to Putnam National Golf Course facilities. The estimated total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$233,000 and said amount is hereby appropriated therefor. The plan of financing, includes the issuance of \$233,000 serial bonds of the County to finance 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 \$233,000 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 said appropriation.

Section 3. The facilities to be reconstructed are of at least Class "C" construction. Consequently, 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. 12(a)(3) of the Law, is ten (10) 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 Albano, Castellano, DiCarlo, Gross, Nacerino, Oliverio, Scuccimarra and Chairman Othmer.

NOES: ONE – Legislator LoBue.

The resolution was declared adopted.

CERTIFICATE

I, Diane Schonfeld, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. 68 - 2013 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 March 6, 2013, 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 March 6, 2013 and approved by the County Executive on _____, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County of Putnam this _____ day of March, 2013.

(SEAL)

**Diane Schonfeld
Clerk to the County Legislature**

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 6th day of March, 2013, 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 MARCH 6, 2013, AUTHORIZING THE PARTIAL
RECONSTRUCTION OF, AND CONSTRUCTION OF IMPROVEMENTS
TO, PUTNAM NATIONAL GOLF COURSE FACILITIES; STATING THE
ESTIMATED TOTAL COST THEREOF IS \$233,000; APPROPRIATING
SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF
\$233,000 SERIAL BONDS OF SAID COUNTY TO FINANCE SAID
APPROPRIATION.**

Object or purpose: to partially reconstruct and construct improvements to Putnam National Golf Course facilities

Period of probable usefulness: ten (10) years

Amount of obligations to be issued: \$233,000

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: March 6, 2013
Carmel, New York

Item #5v – Approval/SEQRA Determination was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #69

APPROVAL/SEQRA DETERMINATION

WHEREAS, the Putnam County Legislature is considering a \$295,000 Bond issue for acquisition of Various Equipment for use at the Putnam National Golf Course facilities, and

WHEREAS, this action has been determined to be a Type II Action pursuant to the regulations of the NYS Department of Environmental Conservation, now therefore be it

RESOLVED, that the Putnam County Legislature accepts the determination that this project is a Type II Action and pursuant to 6 NYCRR Part 617, State Environmental quality Review §617.6(1)(i) once an action has been determined to be a Type II Action, there is no further review necessary under SEQRA.

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

Item #5w – Approval/Bond Resolution/Putnam National Golf Course/Various Equipment was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

Legislator DiCarlo stated that he understands the need to purchase new equipment, however, moving forward he wanted to make sure that we don't make the same mistakes that were previously made. He suggested having discussions in the Physical Services Committee on where the new equipment or the refurbished equipment will be stored so that we do not have some of these weathering issues that take place. He would also like to discuss what kind of a rotational cycle for looking at the equipment and/or repairing it will take place moving forward. This will give us a better understanding of what the short and long term maintenance will be.

RESOLUTION #70

EXTRACT OF MINUTES

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

March 6, 2013

*** * ***

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 March 6, 2013, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Albano, Castellano, DiCarlo, Gross, LoBue, Nacerino, Oliverio, Scuccimarra and Chairman Othmer.

There were absent: None

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

* * *

Legislator Castellano offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED MARCH 6, 2013, AUTHORIZING THE ACQUISITION OF VARIOUS EQUIPMENT FOR USE AT THE PUTNAM NATIONAL GOLF COURSE; STATING THE ESTIMATED TOTAL COST THEREOF IS \$295,000; APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$295,000 SERIAL BONDS OF SAID COUNTY TO FINANCE 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 acquire various equipment for use at Putnam National Golf Course. The estimated total cost of such class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$295,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$295,000 serial bonds of the County to finance 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 \$295,000 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 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. 32 of the Law, is five (5) 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 Albano, Castellano, DiCarlo, Gross, Nacerino, Oliverio, Scuccimarra and Chairman Othmer.

NOES: ONE – Legislator LoBue.

The resolution was declared adopted.

CERTIFICATE

I, Diane Schonfeld, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. 70 - 2013 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 March 6, 2013, 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 March 6, 2013 and approved by the County Executive on _____, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County of Putnam this _____ day of March, 2013.

(SEAL)

**Diane Schonfeld
Clerk to the County Legislature**

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 6th day of March, 2013, 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 MARCH 6, 2013, AUTHORIZING THE ACQUISITION OF
VARIOUS EQUIPMENT FOR USE AT THE PUTNAM NATIONAL GOLF
COURSE; STATING THE ESTIMATED TOTAL COST THEREOF IS
\$295,000; APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$295,000 SERIAL BONDS OF
SAID COUNTY TO FINANCE SAID APPROPRIATION.**

Object or purpose: the acquisition of various equipment for use at the Putnam National Golf Course

Period of probable usefulness: five (5) years

Amount of obligations to be issued: \$295,000

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: March 6, 2013
Carmel, New York

Item #5x – Approval/Budgetary Amendment (13A008)/Putnam National Golf Course/ Equipment Purchases and Renovations was next. On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #71

**APPROVAL/BUDGETARY AMENDMENT/PUTNAM NATIONAL GOLF COURSE/
EQUIPMENT PURCHASES AND RENOVATIONS**

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (13A008) to provide funding to complete equipment purchases and renovations at the Putnam National Golf Course; 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:

57110000 53000 51313	Put Nat'l Golf Course – Equipment	295,000
57110000 53000 51314	Put Nat'l Golf Course – Renovations	<u>233,000</u>
		528,000

Increase Estimated Revenues:

05000 45710D 51313	Proceeds from Serial Bonds	295,000
05000 45710D 51314	Proceeds from Serial Bonds	<u>233,000</u>
		528,000

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – Undetermined Debt Service

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

Item #6 – Other Business

Item #6c – Approval/Authorization/Legislator to Attend American Cold War Veterans Annual Convention was next. Legislator Oliverio moved the following; seconded by Legislators DiCarlo and LoBue.

Legislator Oliverio believed that this was an important conference. There were many of us in the military during the Cold War, not necessarily on the field of combat. He stated that he caught the tail end of the Vietnam conflict in 1975. The war ended in 1972. This convention is important because many of the benefits that go to our Veterans who have fought during action, whether they were in the fever of war or not, many of the benefits are denied to the Cold War Veterans. They are not recognized as being in that theater of conflict.

Legislator Gross stated that he just returned from Korea. The intensity at the Korean border is as strong now as it was in 1953. There have been many instances of North Koreans coming through the tunnels and killing South Koreans and Americans. He supports this because the Cold War Veterans should get the recognition that is long overdue.

RESOLUTION #72

**APPROVAL/AUTHORIZATION/LEGISLATOR TO ATTEND AMERICAN COLD WAR
VETERANS ANNUAL CONVENTION**

WHEREAS, one Legislator has requested permission to attend the American Cold War Veterans Annual Convention to be held in Washington, DC on April 29, 2013 through May 1, 2013 for lodging and mileage total expenditure of approximately \$765; and

WHEREAS, the Putnam County Legislature has reviewed and approves this request; now therefore be it

RESOLVED, that this Legislator is authorized to attend the American cold War Veterans Annual Convention to be held in Washington, DC on April 29, 2013 through May 1, 2013.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Recognition of Public.

Mr. Jerry Ravinsky wanted to commend the Legislature for passing the law regarding the application and disposal of waste associated with the natural gas exploration and extraction activities. He felt that the Legislature had educated themselves about the serious dangers and the health risks to every resident in the County. He hoped that the six towns within the County would see fit to protect the residents in their towns by passing similar legislation.

Ms. Paula Clair thanked the Legislature for passing this critical, important piece of legislation that protects the residents of Putnam County. She continued by reading an excerpt from a paper from Mr. Ivan White, a senior scientist with the National Council of Radiation Protection, which illustrates how important this legislation is. She quoted Mr. White writing that “radioactivity in the environment, especially the presence of the known carcinogen radium, poses a potentially significant threat to human health”. She went on to described how the fracking waste material negatively affects our air quality which impacts the health of humans and animals, and how the runoff from this material affects our waterways and crops. She stated that this legislation is a very important first step in safeguarding our population. However, the State and Town roads are not addressed in this legislation.

Ms. Ann Fanizzi, Town of Carmel Resident and Chair of Putnam County Coalition to Preserve Open Space, stated that two years ago she stood here commending the Legislature for passing the moratorium on fracking. She again thanked the Legislature for approving this critical piece of legislation. She wanted to express a statement from a true pioneer in the protection of water and the watershed from Dr. Marion Rose. She is 92 years old and she could not attend this evening. She read Dr. Rose’s statement which mentioned a 2011 USGS report focused on New York and Pennsylvania analysis of the water produced with gas commonly showed elevated levels of selenium and rhenium. Eleven wells showed Rhenium-26 which exceeded the maximum contaminant level for water. She explained that this highly radioactive water mixed with brine would be a threat to our future health if spread on the roads. Rhenium-226 has a half-life of 1,600 years or about 80 generations. She further explained the many areas that would be affected if this brine was used.

Mr. Ed Kenny stated that he was concerned about the bonds which were approved for Putnam National Golf Course. He gave a brief history from when the Golf Course was purchased, the improvements made and how it was managed. He mentioned how he used to pay \$16.00 for a Twilight round of golf. As he had stated to Deputy Commissioner of Highways & Facilities, Tully, the object is not to make money on this

facility. It is to break even. The facility is for the residents of the County. However, when he went over to play golf again, he was told he needed to pay a \$40.00 membership fee as a senior citizen and resident of the County. He stated that the fee for the same round of golf which he had enjoyed in the past was now increased to \$36.00.

Subsequently, he has not played since. He stated that the Golf Course was run into the ground again. He stated that whoever takes over this Golf Course, whether it is the County or a private entity, he hoped that it is included in the contract that the residents, who are paying for this complex, get to enjoy it and do not have to pay exorbitant fees. He also thanked the Legislature for passing the resolution to allow for the Limited Exemption of Sales and Use Tax on Purchases of Qualified Clothing and Footwear.

Mr. Dave Amram thanked the Legislature, on behalf of all the children living in Putnam County, for approving this Fracking law. He stated that for 30 years he has volunteered at the 4-H Fair which teaches our children that there is life beyond reality TV, junk food and junk culture. There are adults that care about our children and hope that their children will be able to live in a society where there is clean air, clean water and good food. The Legislature has done a courageous thing and is not only setting a good example for other counties in New York, but for the entire country.

Ms. Krista Yacovone, a Legal Fellow with Riverkeeper also thanked the Legislature and read comments of Riverkeeper, Inc. regarding approval of legislation in relation to the Sale, Acceptance and Disposal of Natural Gas Waste. She stated that Riverkeeper is actively involved in advocacy surrounding the issue of fracking, especially because of its potential impacts on the state's water supply. She stated that Riverkeeper commends the Legislature for passing this critical legislation to protect County residents from the dangers posed by improperly treated and re-purposed fracking waste. They also encourage all Putnam municipalities to enact similar legislation.

Ms. Ellen Weininger, Educational Outreach Director for Grassroots Environmental Education, thanked the Legislature for addressing and approving this critically important legislation to ban the sale, application, and disposal in Putnam County of radioactive waste from natural gas drilling operations. She continued by stating that this radioactive, toxic fracking waste can potentially cause irreparable damage to water, air land, food supplies and public health. She also explained that Radium-226 is linked to bone, liver and breast cancers and Radon, a decay product of Radium, is the second leading cause of lung cancer in the United States and leading cause of lung cancer in non-smokers nationwide. She continued to explain how contamination to drinking water and the food supply occurs and the many known instances of "midnight dumping" by contractors. She also strongly urged local Putnam municipalities to enact local legislation without further delay.

Ms. Suzannah Glidden is a member of Croton Watershed Clean Water Coalition, Inc. and resident of the Croton Watershed living close to the Putnam border in North Salem. She thanked the Legislature for taking up this critically important initiative and hoped the towns would quickly follow suit. She stated that one would think that NYC Department of Environmental Protection and/or the State Department of Environmental Conservation would take the lead in protecting the entire State. Unfortunately, there is no such statewide protection in New York. She stated that we are fortunate to live outside the Marcellus and Utica Shale deposits and to have Legislators and municipal officials who understand the threat of this fracking waste and are enacting legislation to prevent it.

Ms. Susan Van Dolsen, resident of Harrison, New York and member of the working group in Westchester County that advocated for the bill on fracking waste. She stated that she was grateful to both the Westchester and Putnam County Legislature for recognizing the need to protect the residents. She continued by reading portions of testimony by Elisabeth Radow, Esq. a resident of Westchester County and practicing attorney who published research on the impacts of gas drilling.

Lauren, a resident of Yorktown Heights stated that she helped support the passage of a similar fracking law. She appreciated that the Legislators in Westchester and Putnam Counties recognize the danger posed by accepting fracking waste and the impact on our Agricultural properties. She explained further how this material affects our farms and agricultural industry.

Item #8 – Recognition of Legislators.

Chairman Othmer requested that our fracking legislation be sent to the six towns and three villages in Putnam County encouraging them to pass similar legislation.

Legislator DiCarlo stated that he would like to congratulate the Haldane, Putnam Valley and Mahopac boys and girls basketball teams for making it to the County Center. Although they were not successful, he thanked them for doing an outstanding job and felt that it was a great tribute to their schools and recognition to Putnam County.

Legislator LoBue wished everyone a Happy Easter and Passover. She reminded everyone of Mahopac's St. Patrick's Day Parade, Sunday at 2 pm.

Legislator Gross wished everyone a Happy St. Patrick's Day.

Legislator Albano wished everyone a Happy St. Patrick's Day, Easter and Passover.

Legislator Nacerino stated that the Fracking Law passed this evening has not infringed upon Home Rule. She is confident that every municipality across Putnam County will follow our lead and will support and adopt similar legislation. This local law certainly protects the health, safety and welfare of Putnam County residents and she offered accolades to Legislator Oliverio for bringing this critical issue to the forefront. She further stated that on February 25, 2013 she was honored to represent this Legislature at the dedication ceremony for Robert McMahon, former Commissioner of Emergency Services, which honored his dedication of service to the people of Putnam County. The Emergency 911 Communications Center was named in his honor and is now called the Robert McMahon Emergency 911 Communications Center.

Legislator Oliverio wished everyone a Happy Easter and a peaceful and joyful Passover. He stated that we are a very young Legislature right now. Six of the members have not yet completed a full term. He urged each of the Legislators, himself included, to review the Charter again. The more we become familiar with the Charter, the more we can move forward with great focus and purpose.

Legislator Scuccimarra stated that she was an evaluator at a 4-H function at Green Chimneys, along with Legislators Gross and Nacerino, on public presentations. She stated that she never knew what the 4 H's were. It stands for Head for clearer thinking,

Heart for greater loyalty, Hands for larger service and Help for better living. She believed we should all abide by that.

Chairman Othmer wanted to recognize Robert McDonough who recently passed away.

There being no further business, at 8:33 P.M., Legislator Gross made a motion to adjourn; seconded by Legislator DiCarlo. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.