

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

Tuesday

May 6, 2014

7:00 P.M.

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

**PROCLAMATIONS**

Chairman Albano requested that Legislator Gross present the "Sale of Buddy Poppies" proclamation to Ms. Joan Russell and the other members of the VFW Ladies Auxiliary #1374 that were present.

**SUPPORT FOR THE 2014 SALE OF BUDDY POPPIES**

WHEREAS, the annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by government leaders since 1922; and

WHEREAS, V.F.W. Buddy Poppies are assembled by disabled veterans and the proceeds of this worthy fund raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

WHEREAS, the basic purpose of the annual sale of Buddy Poppies by Veterans of Foreign Wars is eloquently reflected in the desire to "Honor the Dead by Helping the Living"; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead; and be it further

RESOLVED, that we urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedom which we continue to enjoy as American citizens.

Chairman Albano requested that Legislator Oliverio present the "National Safe Boating Month" proclamation to Mr. Charlie Melchner and members of the Coast Guard Auxiliary #603, the United States Power Squadron, the Sheriff's Department and the Carmel Police Department.

**SUPPORT FOR NATIONAL SAFE BOATING MONTH**

WHEREAS, recreational boating is a fun and enjoyable sport while being an excellent source of relaxation; and

**WHEREAS, however, boating to the unprepared can be a risky sport; and  
WHEREAS, knowledge and skills are important in reducing human error and improving judgment when boating; and**

**WHEREAS, if a person is aware of the risks, they are likely to take precautionary measures to protect themselves, their family, and their friends; and**

**WHEREAS, the United States Coast Guard Auxiliary has served the County for nearly seventy (70) years by providing boating education courses, making marine dealer visitations, conducting boating safety checks, and tending multi-mission patrols; and**

**WHEREAS, using their own boats and equipment, the Coast Guard Auxiliary has been able to reduce boating accidents and fatalities; and**

**WHEREAS, through volunteer services, the Coast Guard Auxiliary has made the waters of the County safer by spreading messages of boating safety, not only during National Safe Boating Month, but throughout the entire year; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby support the goals of the North American Safe Boating Campaign and proclaim May 2014 as “National Safe Boating Month” in Putnam County and the start of the year-round effort to promote safe boating.**

Chairman Albano presented the “60<sup>th</sup> Anniversary of PARC” proclamation. Deputy Executive Director, Dr. Louis Lindenbaum accepted the proclamation on behalf of Executive Director, Susan Limongello who was unable to attend.

#### **60<sup>TH</sup> ANNIVERSARY OF PARC**

**WHEREAS, PARC is one of the 55 chapters of NYSARC, Inc., and is at the forefront in providing advocacy and programming for children and adults with developmental disabilities within the geographic region of Putnam County along with Northern Westchester and Southern Dutchess counties; and**

**WHEREAS, PARC is one of the top employers in Putnam County and has grown to be the lead provider of services to over 650 people with developmental disabilities from birth through advanced age, and their families, in Putnam County; and**

**WHEREAS, PARC provides programs and services such as Residential Programs, Preschool, Transition Services, After School/Work Programs, Day Habilitation, Vocational Rehabilitation, Work Readiness, Community Employment, Clinic Services, Education Advocacy, Service Coordination, Traumatic Brain Injury Network, Guardianship, Community Habilitation, Recreation, Respite Programs, Self Advocacy Groups, and Adult Education; and**

**WHEREAS, the year 2014 marks PARC’s 60<sup>th</sup> Anniversary and this year we celebrate PARC’s past and future of having played and continuing to play a vital role in our community through their determined, creative, and truly remarkable dedication to assisting those individuals with developmental disabilities and their families; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature, on behalf of all the citizens of Putnam County, recognize, honor, and congratulate PARC on their 60<sup>th</sup> Anniversary and thank them for their years of service and commitment to our community and wish them a wonderful anniversary year.**

Chairman Albano recognized Legislator Wright who presented the “Small Business” proclamation to the President of Carmel-Kent Chambers of Commerce, Bill Nulk and the

representatives present from the local Chambers of Commerce.

#### **SMALL BUSINESS RECOGNITION MONTH – JUNE 2014**

**WHEREAS, small business constitutes the single most important segment of our free enterprise system and our small businesspeople are the backbone of our economy; and**

**WHEREAS, a successful small business is evidence of the independence, initiative and hard work of the owner/operator and this spirit has been, and will continue, to play an important role in maintaining and improving the vitality of our community; and**

**WHEREAS, small businesspeople take a leading role in civic affairs to improve the quality of life in our communities; and**

**WHEREAS, with the assistance of the local Chambers of Commerce, small businesspeople provide a variety of services, both business and social, to the community at large; and**

**WHEREAS, small businesses have and will continue to provide employment opportunities for our residents and contribute conveniences and services to our communities; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim June 2014 as Small Business Recognition Month and urge all citizens to join them in recognizing the contributions small businesses make to county-wide development and to support our local small businesses so that they can remain vital and flourish in Putnam County.**

Chairman Albano recognized Legislator Scuccimarra who presented the “Shop Putnam Business and Home Expo Week” to the President of Carmel-Kent Chambers of Commerce, Bill Nulk and the Co-Chairs of the Shop Putnam Business and Home Expo.

#### **SHOP PUTNAM BUSINESS AND HOME EXPO WEEK – JUNE 1-7, 2014**

**WHEREAS, the Greater Mahopac-Carmel Chamber of Commerce is hosting their Annual Shop Putnam Business and Home Expo Saturday, June 7, 2014 at the Putnam Hospital Center; and**

**WHEREAS, this event provides local businesses an opportunity to gain new leads, new customers and growth. There will be indoor and outdoor booths, product display areas, food and catering vendors, seminars, raffles, and is open to countywide businesses; and**

**WHEREAS, the June 7th event will be the largest event ever held for a Business and Home Expo in Putnam County and the coordinators of the event are hoping for a record number of 5,000 visitors who will attend the event this year; and**

**WHEREAS, the Shop Putnam Business and Home Expo is an event that showcases Putnam Businesses and brings the community together with many different activities and opportunities; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim the week of June 1-7, 2014 as Shop Putnam Business and Home Expo Week and congratulate the Greater Mahopac-Carmel Chamber of Commerce on their hosting of the Annual Shop Putnam Business and Home Expo on June 7, 2014. We wish them continued success and encourage all Putnam County residents and families to attend and enjoy this fantastic event.**

Chairman Albano recognized Legislator Nacerino who presented the Administration's "National Women's Lung Health Week" proclamation to a representative for Denise Hogan, Putnam County Coordinator of POW'R Against Tobacco and Commissioner of Health, Dr. Beals.

#### **NATIONAL WOMEN'S LUNG HEALTH WEEK – MAY 11-17, 2014**

**WHEREAS**, lung cancer is one of the leading causes of death for women in the United States; and

**WHEREAS**, every five minutes a woman in the U.S. is told she has lung cancer; and

**WHEREAS**, the lung cancer death rate has more than doubled over the past 35 years; and

**WHEREAS**, POW'R Against Tobacco and the American Lung Association are working together to promote LUNG FORCE, a national movement to lead the battle against lung cancer by uniting women to stand together with collective strength and determination and fight for every woman's right to breathe; now therefore be it

**RESOLVED**, that the Putnam County Executive, MaryEllen Odell and Legislature of Putnam County declares the week of May 11th through 17th, 2014, to be National Women's Lung Health Week in Putnam to bring awareness against the dangers of lung cancer and promote the importance of lung health.

Chairman Albano stated that if there were no objections, he stated that Item #5j coincides with the next proclamation and he wanted to move that item up on the agenda.

Chairman Albano recognized Legislator Tartaro who presented the Administration's "Support For Older Americans Month" proclamation to the Director of Office For Aging, Pat Sheehy.

Director Sheehy thanked the County Executive and the Legislature for recognizing Older Americans Month. She stated that it is the Year of the Senior in Putnam County and it was an exciting time with the creation of a new logo and the proposed name change (Office for Senior Resources) for the office which will be voted on by the Legislature tonight.

#### **SUPPORT FOR OLDER AMERICANS MONTH 2014**

May is Older Americans Month. This year's theme is "Safe Today. Healthy Tomorrow."

**WHEREAS**, PUTNAM COUNTY includes 25,000 citizens ages 60 and older; and  
**WHEREAS**, PUTNAM COUNTY is committed to helping all individuals live longer, healthier lives; and

**WHEREAS**, the older adults in PUTNAM COUNTY have made countless contributions and sacrifices to ensure a better life for future generations; and

**WHEREAS**, we recognize the value of injury prevention and safety awareness in helping older adults remain healthy and active; and

**WHEREAS**, our community can provide opportunities to enrich the lives of individuals young and old by:

Emphasizing the need to take action to safeguard themselves from unintentional

injuries where they live, work and socialize.

Providing information on avoiding leading causes of injury for older adults – falls, motor vehicle-related incidents, suffocation, medication overdose, and fire/burns. Helping older adults take control of their safety and wellbeing, now therefore be it

**RESOLVED**, that **WE** of **PUTNAM COUNTY** do hereby proclaim **May 2014** to be **Older Americans Month**. We urge every resident to take time this month to recognize older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

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

Item #5j – Approval/Local Law to Amend Article 12, Section 12.04 of the Putnam County Charter/Changing Title of “Office For the Aging” to “Office for Senior Resources” was next. Chairman Albano recognized Legislator LoBue, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

**RESOLUTION #100**

**APPROVAL/LOCAL LAW TO AMEND ARTICLE 12, SECTION 12.04 OF THE PUTNAM COUNTY CHARTER/CHANGING TITLE OF “OFFICE FOR THE AGING” TO “OFFICE FOR SENIOR RESOURCES”**

A Local Law to Amend Article 12, Section 12.04 of the Putnam County Charter to change the title of the “Office for the Aging” to “Office for Senior Resources.”

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

**Section 1.**

Section 12.04 of Article 12 of the Putnam County Charter is hereby amended by changing the title of the “Office for the Aging” to “Office for Senior Resources” as follows:

**§ 12.04. Office for Senior Resources; Director.**

For the purpose of better providing for the needs of the elderly, there shall be an Office for Senior Resources in Putnam County. The Office for Senior Resources shall be headed by a Director appointed by the County Executive subject to confirmation by the County Legislature. He or she shall be responsible to and serve at the pleasure of the County Executive and have all the powers and duties now or hereafter conferred or imposed by state or local law or by the County Executive.

**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 ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

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

Item #3 - Approval of Minutes – Regular Meeting – April 1, 2014

The minutes were approved as submitted.

Legislator Wright stated that it was brought up, under Legislator Nacerino's observation at a Rules Committee meeting, the differentiation between the usage of the words "Abstain" or "Recusal". He stated that at looking at last month's minutes, the actual text of what took place in the Legislative meeting identified the word as subject to recusal. However, it seems that the minutes reflected the word "abstain". He asked that in the future, upon clarification with Legislative Counsel, that hereinafter our minutes designate "recusal" or "abstention" as opposed to just using the word "abstention".

Item #4 - Correspondence

a) County Auditor was duly noted.

Item #5 - Pre-filed resolutions:

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

Item #5a – Approval/Budgetary Amendment (14A022)/Health Department/ "Run for Your Life" Event was next. Chairman Albano recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

Legislator Wright noted that with respect to a few agenda items, the County solicits donations in connection with various events. He stated that his personal view was that this was not a function that government should engage in. He expressed his opposition in the fund raising part of this. He believed it would be better to have an outside agency do this.

Legislator LoBue stated that she concurred with Legislator Wright's theory and principle. She believed this was a gray area.

Legislator Oliverio stated that precedent has been set in the past. It would save taxpayers' dollars.

Chairman Albano stated that he would support this. It promotes health and an option to not use County funds.

Legislator Scuccimarra stated that there is a zero impact to the County if the donations are collected.

Legislator Nacerino stated that she too would support this. She stated that Legislator Wright's point is very well taken. She stated that when she was a member of the Patterson Town Board there was a Wellness Expo and as a municipality they were

prohibited from fundraising. She believed we should make sure we are in compliance when there is fundraising in any capacity.

Legislator Oliverio suggested putting this topic to the Rules Committee and ask for a legal opinion.

Legislator Nacerino stated that when the State Auditors came, it was stated that fundraising was prohibited.

**RESOLUTION #101**

**APPROVAL/BUDGETARY AMENDMENT/HEALTH DEPARTMENT/ "RUN FOR YOUR LIFE" EVENT**

WHEREAS, the Commissioner of Health has requested a budgetary amendment (14A022) to hold a "Run for Your Life" event Sunday, September 7, 2014 as part of the Putnam County Health Department's chronic disease prevention program; and

WHEREAS, the Health Department will seek community sponsors and collect registration fees for all participants in the race; and

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

RESOLVED, that the following budgetary amendment be made:

**Increase Estimated Revenues:**

10405000 427050 10109	"Run for Your Life" – Donations	5,000
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**Increase Appropriations:**

10405000 54329 10109	"Run for Your Life" – Promo Material	4,000
10405000 54320 10109	"Run for Your Life" – Food	<u>1,000</u>
		5,000

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

**BY ROLL CALL VOTE: SEVEN AYES. TWO NAYS – LEGISLATORS LOBUE & WRIGHT. MOTION CARRIES.**

Item #5b – Approval/Budgetary Amendment (14A023)/Health Department/Quadrivalent Vaccine was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

**RESOLUTION #102**

**APPROVAL/BUDGETARY AMENDMENT /HEALTH DEPARTMENT/QUADRIVALENT VACCINE**

WHEREAS, the Health Department budgeted \$55,576.00 in the 2014 budget for the Trivalent Vaccine for the 2014-2015 flu season; and

WHEREAS, Pharmaceutical companies are now making available the Quadrivalent Vaccine which incurs an increased cost of \$5.00 per dose; and

WHEREAS, the Commissioner of Health believes that the Quadrivalent Vaccine would best serve the Putnam County community as it offers wider protection against the flu; and

WHEREAS, the Commissioner of Health has requested a budgetary amendment (14A023) to utilize Contingency Funds to purchase the newly released Quadrivalent Vaccine at a cost of \$5.00 more per dose than the Trivalent Vaccine; and

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

RESOLVED, that the following budgetary amendment be made:

**Increase Appropriations:**

11025000 54330	Health Nursing Flu – Medical Supplies	16,000
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**Decrease Appropriations:**

10199000 54980	General Contingencies – Contingency	16,000
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2014 Fiscal Impact \$16,000

2015 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5c – Approval/Budgetary Amendment (14A024)/Health Department/New York State Health Foundation Grant was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

**RESOLUTION #103**

**APPROVAL/BUDGETARY AMENDMENT /HEALTH DEPARTMENT/NEW YORK STATE HEALTH FOUNDATION GRANT**

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

WHEREAS, the Health Department submitted a grant application to the New York State Health Foundation for a grant up to \$10,000 for a project to “Advance New York State’s Prevention Agenda; and

WHEREAS, the application for the grant has not been authorized by the County Legislature as of yet; and

WHEREAS, the grant application has been approved by the New York State Health Foundation; and

WHEREAS, this grant will be funded by an Outside Worksite Wellness grant up to \$5,000 and an Outside Wellness Donation of up to \$5,000 from the County as a matching support; and

WHEREAS, this grant has been considered and approved by the Legislature’s Health, Social, Educational & Environmental Committee and the Audit & Administration Committee; now therefore be it

RESOLVED, that the Putnam County Legislature approves and accepts the \$10,000 grant from the New York State Health Foundation; and be it further

RESOLVED, that the following budgetary amendment (14A024) is hereby approved:

**Increase Revenues:**

10405000 434011 10110	St Aid Pub Health – Outside Worksite Wellness	5,000
10405000 427050 10110	Outside Worksite Wellness – Donations	<u>5,000</u>
		10,000

**Increase Appropriations:**

10405000 54162 10110	Outside Worksite Wellness – Signs	2,000
10405000 54310 10110	Outside Wksite Wellness – Office Supplies	900
10405000 54311 10110	Outside Wksite Wellness – Printing/Forms	1,000
10405000 54313 10110	Outside Wksite Wellness – Books & Supp	490
10405000 54330 10110	Outside Wksite Wellness – Medical Supp	3,000
10405000 54410 10110	Outside Wksite Wellness – Supplies&Materials	960
10405000 54782 10110	Outside Wksite Wellness – Software Access.	<u>1,650</u>
		10,000

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

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

Item #5d – Approval/Resolution Regarding the Algonguin Incremental Market (AIM) Project was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

Legislator Oliverio stated that we are not asking to stop the expansion of the Algonguin gas line. We are asking that the movement of this project be held up until further studies can be performed to clarify and investigate the safety issues being stated by various organizations.

Legislator Scuccimarra stated that the more she reads about this, the more troubled she becomes. She stated that, as Legislators, the public's health and safety is a major priority. She believed that it was a dangerous route for the pipeline to cross the river at Stony Point and ending up near Indian Point.

Legislator Nacerino concurred. She wholeheartedly supported this resolution.

Legislator Gross stated that the Algonguin pipeline has been there for a long time without any issues, although not to say there could be. He stated that we need natural gas energy in the northeast more so than ever. He stated that he would support the resolution, however he had reservations because the permit process is going to require the things that are in the legislation. He believed this was somewhat redundant.

Legislator Oliverio stated that we are just asking that further studies be performed before they expand.

**Legislator LoBue stated that she agreed with Legislator Oliverio. She would not be in favor of this had it been asking for a moratorium. She believed it made sense to request these safeguards asking them to perform more scientific studies prior to the expansion.**

**Legislator Wright concurred with Legislator Gross. He believed the regulation of such entities is well beyond the scope of the County Legislature. He believed that energy independence relies on the future of natural gas. He believed that some voices in this argument will never receive satisfactory investigatory reports. He is of the belief that State and Federal authorities have the engineers, expertise and the responsibility to do their jobs well. He believed that safety regulations, requirements and performance standards are in place before any permits can take place. He believed that when you stop commerce, you regulate commerce.**

**Chairman Albano supported this resolution and believed it was important that we pay attention to these details. He stated that a Metro North train just went off the tracks a few months ago and it amazed him that a train could travel at that speed without anything being put in place to prevent that. He stated that the pipeline has tremendous potential and that it was not that he was against it, however, he believed that we should err on the side of caution.**

#### **RESOLUTION #104**

#### **RESOLUTION REGARDING THE ALGONQUIN INCREMENTAL MARKET (AIM) PROJECT**

**WHEREAS, Algonquin Gas Transmission, LLC, a wholly-owned subsidiary of Spectra Energy Partners, submitted Resource Report #9 in Docket # CP14-96-000, which does not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, metering stations, and pipelines in the entire Algonquin Incremental Market project; and**

**WHEREAS, impacts from the current AIM project infrastructure have not been fully evaluated to establish a baseline for air quality; and**

**WHEREAS, peer-reviewed scientific studies indicate that emissions from compressor stations and other shale gas infrastructure are associated with negative health impacts; and**

**WHEREAS, peer-reviewed scientific studies and the World Health Organization link exposure between air pollution and neurological, cardiovascular, respiratory and other health impacts; and**

**WHEREAS, the current emissions will be significantly increased by the expansion of the Southeast and Stony Point compressor stations, and the region including Putnam, Rockland and Westchester counties is already considered a non-attainment zone for air quality standards according to the U.S. Environmental Protection Agency and exceeds the limits for air pollutants such as ground level ozone; and**

**WHEREAS, the location of the AIM pipeline within close proximity to the Indian Point Nuclear Facility and 40 years of spent fuel rods, and in close proximity to a significant seismic zone, poses a risk of catastrophic damage with profound long-term impacts on the region; and**

**WHEREAS, municipalities may bear costs involved with emergency training, equipment including up-to-date foam to extinguish fires, and first response to a pipeline, compressor or metering station event; and**

**WHEREAS, Algonquin Gas Transmission LLC and Spectra Energy Partners may not have adequate resources or insurance coverage to reimburse municipalities for**

costs borne by the municipality should an event occur that requires emergency response by first responders; now therefore be it

**RESOLVED**, that an independent air emissions baseline assessment be conducted in the areas directly impacted by the compressor and metering stations modifications, by an independent expert acceptable to industry, local government officials, advocates and the public, funded by industry, and that continuous emissions monitoring be conducted with transparent record keeping as stringent as possible; and be it further

**RESOLVED**, that the best mitigation technology available be required to be installed on every possible component of AIM's compressor and metering stations including selective catalytic reduction, zero emission dehydrators, blow down prevention, vapor recovery units, and methane capturing equipment outlined by the U.S. EPA, and that there be a public hearing for the permits for each compressor station; and be it further

**RESOLVED**, that a comprehensive and transparent Health Impact Assessment (HIA), as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to industry, local government officials, advocates and the public, and funded by industry; and be it further

**RESOLVED**, that this comprehensive and transparent Health Impact Assessment (HIA) cover cumulative short-term and long-term, as well as direct and indirect impacts of all infrastructure components of the AIM project, including compressor stations emissions and blow downs, metering and regulating stations emissions, and pipeline leakage prior to construction, during construction, during normal operations and during blow downs and accidental release events, with a thorough analysis of all materials and contaminants in the pipeline, including radium precipitate, radon and its decay products, lead and polonium; and be it further

**RESOLVED**, that a comprehensive, independent risk assessment of the potential catastrophic explosion of a 42" diameter high pressure pipeline in close proximity to Indian Point Nuclear Facility be conducted, and that the assessment should be funded by industry; and be it further

**RESOLVED**, that Algonquin Gas Transmission, LLC and Spectra Energy Partners provide a full cost analysis and procurement of emergency supplies, equipment and training for local first response teams to respond to events related to the Algonquin Pipeline Expansion (AIM) project, including fires, explosions, leaks, spills, problems and evacuations due to blow down releases and other incidents; and be it further

**RESOLVED**, that Algonquin Transmission, LLC and Spectra Energy Partners provide proof of insurance or self-insurance represented by segregated cash reserves for all potential costs and expenses involved with maintenance and responding to emergencies and mitigating damages as a result of any incident relating to or resulting from the Algonquin Pipeline Expansion (AIM ) Project; and be it further

**RESOLVED**, that a Moratorium be enacted on this project, until such air emissions baseline assessment, Health Impact Assessment (HIA), and risk assessment are completed and reviewed by industry, local government officials and advocates and the public, health impacts are fully addressed and mitigated that fully protect and preserve the health and safety of residents and evidence of acceptable levels insurance and self-insurance represented by segregated cash reserves, as aforesaid, are presented and approved by all interested parties; and be it further

**RESOLVED**, that a copy of this Resolution be sent to the Federal Energy Regulatory Commission.

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

**Item # 5e – Approval/Grant Application/Department of Social Services/Victim & Witness Assistance Grant Program was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:**

**RESOLUTION #105**

**APPROVAL/GRANT APPLICATION/DEPARTMENT OF SOCIAL SERVICES/VICTIM & WITNESS ASSISTANCE GRANT PROGRAM**

**WHEREAS, Section 5-1(D) of the Putnam County Code requires Legislative approval for all grant applications and subsequent renewals thereafter prior to submission; and**

**WHEREAS, in the past Putnam County has obtained grant approvals from the New York State Office of Victim Services under Victim Assistance Program grant; and**

**WHEREAS, a new grant approval program has been initiated by the Office of Victim Services for services that meet the immediate needs of crime victims under the Victim of Crimes Act (VOCA); and**

**WHEREAS, the amount of any grant will be determined under this program if the application is successfully; and**

**WHEREAS, the deadline for filing an application under this program is May 12, 2014; and**

**WHEREAS, the Health, Social, Educational & Environmental Committee has considered and approved of this application; now therefore be it**

**RESOLVED, that the Department of Social Services is authorized to submit an application for a grant under the current Victim and Witness Assistance Grant Program for an amount to be determined by the program upon awarding of the grant.**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5f – Approval/Local Law/Amend Chapter 203/Code of Putnam County Entitled “Smoking” was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:**

**Legislator Oliverio stated that he would like to re-introduce the amendment of Chapter 203 of the Code of Putnam County entitled “smoking”. This amendment would prohibit the sale of tobacco products in Pharmacies.**

**Legislator Gross stated that this has been before the Legislature many times. He stated that there is no question that smoking is unhealthy, however, he believed that this was an invasive resolution and a “feel good” initiative. He believed that supermarkets and pharmacies had the best protocol of making sure someone is of age when purchasing tobacco products. He believed we were blocking the retail outlets that do the very best job in this area and were putting it in the hands of delicatessens and gas stations where tobacco is normally sold. He stated that sting operations from the Sheriff’s Department show that these are the areas where tobacco and alcohol products are sold to underage individuals. He commended CVS Pharmacy for their decision to ban tobacco products,**

however, that is a business decision which they made. He stated that government is too much in our lives. He stated that smoking is a choice. He stated that we received recent correspondence suggesting that this Legislature approve this because Albany is going to approve something on May 15<sup>th</sup> and Putnam County should be ahead of Albany. He stated that, as Legislators, he believed it was irresponsible to attempt to do this first in order to look good. He stated that the resolution mentions e-cigarettes and nicotine gum. He stated that e-cigarettes are being used as an alternative to smoking tobacco. The NY State Legislature is looking to ban e-cigarettes without even an investigation of the product. He believed this was unfair without having done the research. He asked his fellow Legislators to reconsider and not approve this resolution.

Legislator Scuccimarra stated that we have to consider our youth and the message this is sending. Smoking is an unhealthy act and so many people are dying of lung cancer. She believed that selling cigarettes in Pharmacies was sending a double message to our children. She stated that a Pharmacy is a place where you buy things that promote good health. She stated that health and safety is a priority of this Legislature and we need to send a positive message to everyone in Putnam County that smoking is bad.

Legislator Nacerino echoed Legislator Scuccimarra's comments. She stated that there are valid arguments of government having too much oversight, however, our objective is not to be the first one out of the gate. She believed that our objective is to be proactive in our thinking to ensure the health, safety and wellness of our residents. She stated that as our Commissioner of Health, Dr. Beals had mentioned that many years ago we were all resistant to wearing seatbelts and now that has become second nature. She believed that this too was an important issue and an important stance that we should take. She stated that it does not pertain to delicatessens because they do not sell prescription drugs.

Legislator Tartaro concurred with Legislator Gross in the fact that this legislation is a "slippery slope". However, he also felt that because of the merits of the message that this resolution presents, it certainly outweighs the arguments presented. He stated that he does not believe that smokers should be denied access to cigarettes and he would never be in favor of prohibiting the sale of tobacco products. He agreed with Legislator Oliverio though that this legislation is not banning anything. He stated that there are independent Pharmacies in operation that have voluntarily stopped selling these tobacco products for the same reasons. He believed that it was a change in CVS's business model to stop the sale of these products as well. He did not believe it was significant to be first in New York State to approve this legislation. He stated that similar legislation has been put forward in San Francisco and Boston. He believed it was unfair to put this in the category as "feel good" legislation because smoking is a bad habit.

Legislator Wright concurred with Legislator Gross, with the exception of "feel good" legislation. He believed that everyone's motivation was heartfelt. However, he believed that when you benefit one segment of the retail industry by penalizing another segment of that industry, you are engaging in deciding "winners and losers" in the game of commerce. He believed this was another anti-commerce bill. Whether that is its spirit or only its effect, matters very little. He feared that this legislation would invite litigation. He believed that this legislation was not in the interest of commerce or the legal well-being of Putnam County to engage in this type of prohibited legislation.

Legislator LoBue stated that if the intent of this law was to change the perception of smoking, she was concerned that it was selective enforcement. It did not cover the establishments such as delicatessens, which she believed was the area where the youth purchased the tobacco products without showing proof of their age. She did not believe they purchased these products in Pharmacies. She stated that many children form their opinions while attending school and it is right outside the area of the school where they are smoking and who are clearly underage. She believed that we were going after the wrong entity and if we wanted to do this properly it should be banned by all retailers. She stated we would be driving business away from Pharmacies and sending it right to businesses that do not enforce the law.

Legislator Castellano stated that smoking is a terrible unhealthy habit. However, he had a problem with this legislation which is targeting a specific business. He applauded CVS and hoped that the other Pharmacies would follow suit and stop selling cigarettes. He did not believe it was our responsibility as a Legislature to enact that rule. He believed we would be punishing the companies that probably do the best job in making sure that cigarettes are not sold to underage individuals.

Legislator Wright stated that he lost family members due to smoking and his wife ran the American Cancer Society in this County for decades. He stated that he is well aware of all the deep seeded problems, however, he did not think this was the answer to those problems.

Chairman Albano stated that if he had the opportunity to shop at one of these Pharmacies, he would prefer to shop at one who has voluntarily decided to not sell tobacco products. However, he did not believe that we should be legislating this. He did not believe this legislation would affect the children because they will just go to other stores to purchase tobacco products. He stated that there is also a drug epidemic going on. Do we look at the prescription drugs being sold? He believed that smoking was a terrible habit, however, it was a conscious choice and he did not believe it was right to legislate this.

Roll Call Vote: Four Ayes – Legislators Nacerino, Oliverio, Scuccimarra & Tartaro. Five Nays – Legislators Castellano, Gross, LoBue, Wright & Chairman Albano. Motion Fails.

**APPROVAL/LOCAL LAW/AMEND CHAPTER 203/CODE OF PUTNAM COUNTY ENTITLED  
“SMOKING”**

**A Local Law to Amend Chapter 203 of the Code of Putnam County entitled “Smoking”**

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

**Section 1.**

**Chapter 203 of the Code of Putnam County entitled “Smoking” is hereby amended to include the following changes, which read as follows:**

**Article II, Sale of Tobacco and Tobacco Products**

**§203-17. Legislative Intent.**

**A. This Legislature hereby finds as follows:**

- (1) The laws designed to prohibit the sale of tobacco products in Licensed Health Care Institutions, pharmacies or retail establishments containing a pharmacy within Putnam County should be strengthened in order to best promote the health, safety and welfare of the residents of the County of Putnam; and**
- (2) Each year more than 130,000 adolescents and 2,500,000 adults in New York State currently smoke and smoking kills approximately 25,400 adults in the state each year; and**
- (3) The sale of tobacco products is inconsistent with the mission of Licensed Health Care Institutions because it is detrimental to public health and mitigates efforts to educate patients on the safe and effective use of medication; and**
- (4) Putnam County has a substantial interest in reducing the number of individuals of all ages who use cigarettes and other tobacco products, and in reducing tobacco dependence and the illnesses and premature death associated with tobacco use;**

**B. Accordingly, the purpose of this Article is to prohibit the sale of tobacco products in Licensed Health Care Institutions, pharmacies and retail establishments containing a pharmacy within Putnam County.**

**C. Unless otherwise noted, Article 13-F of the New York State Public Health Law shall apply.**

**§203-18. Definitions.**

**A. As used in this Article, the following terms shall have the meanings indicated:**

- (1) TOBACCO PRODUCTS shall mean one or more of any product in any form containing tobacco, including, but not limited to, cigarettes, chewing tobacco, snuff, dip, cigars, pipe tobacco, blunt wraps, shisha, gutka and bidis; or one or more of any product comprised wholly, or in part, of tobacco that is manufactured as a wrap or a hollow tube designed to be filled by the consumer with loose tobacco or other fillers and then combusted and inhaled; powdered tobacco or nicotine water.**
- (2) HERBAL CIGARETTE means any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including but not limited to, as a cigarette, cigar or pipe filler.**
- (3) BIDIS means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendra leaf (diospyros exculpra), or any other product offered to consumers as “beedies” or “bidis”.**
- (4) GUTKA means a product containing lime paste, spices, areca and tobacco.**
- (5) NICOTINE WATER means bottled water that is laced with nicotine.**

- (6) **SHISHA** means any product made primarily of tobacco or other leaf, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.
- (7) **ELECTRONIC CIGARETTE** or **E-CIGARETTE** means a battery-operated device that contains cartridges filled with a combination of nicotine, flavor and chemicals that are turned into vapor which is inhaled by the user.
- (8) **TOBACCO PARAPHERNALIA** means any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco.
- (9) **PRESCRIPTION DRUGS** shall mean substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them, for which a prescription from a medical professional is necessary in order to obtain same, and specifically does NOT include those drugs which are available “over-the-counter”; It shall also not include devices or their components, parts, or accessories.
- (10) **LICENSED HEALTH CARE INSTITUTION** shall mean any facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, treatment center, dental clinic, dental dispensary; or nursing home, residential health care facility, out-patient lodge, general hospital or any entity subject to licensing by the New York State Department of Health pursuant to New York Public Health Article 28.
- (11) **PHARMACY** shall mean any place in which medical prescriptions and prescription drugs are possessed for the purpose of compounding, preserving, dispensing or retailing, or in which medical prescriptions and prescription drugs are compounded, preserved, dispensed or retailed, or in which such prescriptions are by advertising or otherwise offered for sale at retail.
- (12) **RETAIL TOBACCO BUSINESS** means a sole proprietorship, corporation, limited liability company, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories, either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

**§203-19. Regulation of Sale of Tobacco Products in Pharmacies.**

**A. The sale of tobacco products and tobacco paraphernalia shall be restricted in the following manner:**

- (1) **No person operating a place of business wherein tobacco products, herbal cigarettes, shisha or electronic cigarettes are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any tobacco product, herbal cigarettes, shisha or electronic cigarettes in any manner, unless such products and cigarettes are stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container; provided, however, such restriction shall not apply to retail tobacco businesses, as defined above and in subdivision eight of section thirteen hundred ninety-nine-aa of Article 13-F of the**

**New York State Public Health Law, and to places to which admission is restricted to persons eighteen years of age or older.**

**(2) No Licensed Health Care Institution located in Putnam County shall sell or cause to be sold tobacco products.**

**(3) No pharmacy or retail establishment that contains a pharmacy within it shall sell or cause to be sold tobacco products or tobacco paraphernalia.**

**§203-20. Notice and Enforcement.**

- A. The owner, manager or operator of any establishment regulated by this Article shall be responsible for compliance with the terms contained herein.**
- B. Any citizen may register a complaint under this Article to the Putnam County Health Department.**
- C. The Putnam County Health Department shall be charged with enforcement of this Article. The Public Health Director or Commissioner of Health (whichever is applicable), or his or her duly authorized designee, shall be authorized to issue all notices, orders and other processes as may be necessary in the enforcement of this article.**
- D. Upon written notice of a violation, the Public Health Director or Commissioner of Health (whichever is applicable), or his or her duly authorized designee, shall enforce the provisions of this Article in accordance with Article VI of the Putnam County Sanitary Code.**

**§203-21. Violation and Penalties.**

- A. Any Person found to be in violation of this Chapter shall be liable for civil penalty of not more than \$250 for the first violation, not more than \$500 for the second violation within a two-year period, and not more than \$1,000 for the third and each subsequent violation within a two-year period. Each day on which a violation occurs shall be considered a separate and distinct violation.**

**§203-22. Waiver.**

- A. A written request for a waiver from the provisions of this Article may be submitted to the Public Health Director or the Commissioner of Health, or his or her duly authorized designee. Such request shall establish that:
  - (1) compliance with a specific provision of this Article would cause undue financial hardship, or**
  - (2) there are other factors which exist which would render compliance unreasonable or unpracticable, and**
  - (3) such circumstances are beyond the applicant's control.****
- B. The applicant shall further establish that granting such a waiver will not endanger public health.**
- C. The granting or denying of such waiver shall be in the sole decision of the**

Public Health Director or the Commissioner of Health, or his or her duly authorized designee.

- D. Every waiver granted shall be subject to such conditions or restrictions as may be necessary to minimize the adverse effects of the waiver upon the public health of the residents of the County of Putnam, and to insure that the waiver is consistent with the general purpose of this Article.

**§203-23. Applicability of Other Laws.**

This Article shall not be interpreted or construed to permit the sale of tobacco products or tobacco paraphernalia where it is otherwise restricted by other applicable laws.

**§203-24. Severability.**

If any provision, clause, sentence or paragraph of this Article or the application thereof to any person, firm, corporation, or circumstances shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such invalidity shall not affect, impair, or invalidate the remainder of this Article, which can be given effect without the invalid provision or application, and to this end the remaining provisions of this article are declared to be valid.

**Section 2. Effective Date.**

This local law shall take effect immediately.

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

Item #5g – Approval/Grant Application/Bureau of Emergency Services/2013-2014 Homeland Security Public Safety Answering Point Grant was next. Chairman Albano recognized Legislator Gross, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators LoBue and Wright, Legislator Gross moved the following:

Legislator Wright stated that he would be recusing himself on the vote because his son is the Assistant Director of Homeland Security.

**RESOLUTION #106**

**APPROVAL/GRANT APPLICATION/BUREAU OF EMERGENCY SERVICES/2013-2014  
HOMELAND SECURITY PUBLIC SAFETY ANSWERING POINT GRANT**

**WHEREAS, Section 5-1(D)(1) of the Putnam County Code requires that all grant applications be approved by the Putnam County Legislature prior to submission; and**

**WHEREAS, in the case where time is of the essence where approval is not possible before the submission deadline Legislative approval shall be considered at the next Full Legislative Meeting; and**

**WHEREAS, the Bureau of Emergency Services has the opportunity to submit a grant application under the 2013-2014 Homeland Security Public Safety Answering Point Grant Program; and**

**WHEREAS, this grant in the amount of \$100,000 will be used for PSAP sustainment and reimbursement for operating expenses of a PSAP; and**

**WHEREAS, there is not a matching requirement for this grant; and**

**WHEREAS, the deadline for the submission of this grant application is April 24, 2014 well before the next Full Meeting of the Putnam County Legislature; and**

**WHEREAS, the Protective Services Committee has reviewed and approves of this application; now therefore be it**

**RESOLVED, that the Protective Services Committee approves of the application for the grant from the 2013-2014 Homeland Security Public Safety Answering Point Grant in the amount of \$100,000 by the Putnam County Bureau of Emergency Services and recommends the authorization for this application retroactively by the Putnam County Legislature at its next Full Legislative Meeting as time is of the essence for this grant application.**

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

**Item #5h – Approval/Budgetary Amendment (14A027)/Sheriff’s Department/Marine Patrol Lake Mahopac was next. On behalf of the members of the Protective Services Committee, Legislators LoBue and Wright, Legislator Gross moved the following:**

**Legislator Gross stated that the Town of Carmel felt that they did not have the resources anymore to handle the Marine Patrol. He stated that the Sheriff’s Department has graciously considered taking it over. He stated it is a \$30,000 dollar plus program, however, half of that amount is reimbursed by the State of New York. The fiscal impact on the 2014 budget will be \$16,904.00.**

**Legislator Tartaro stated that he had a lot of difficulty with this proposal for a number of reasons. First being that it is a State owned lake. It is relatively a private lake. You need to be a member of the Community Association and go to the Marina to have access. He believed that it was not the same situation as our patrols on the Hudson where anyone can access it. He believed it was similar to Lake Carmel and those residents pay to maintain the lake in their taxes. He stated that his issue was not with the cost, it was that the Town of Carmel basically said they could no longer afford to do it and then the Sheriff’s Department was asked to take it over.**

**Legislator Nacerino believed that her colleagues were all very uncomfortable with how this unfolded with the fact that the Town of Carmel in essence said that they no longer had the resources to patrol Lake Mahopac and therefore it was dumped in our lap so to speak. She believed this needed to be revisited during budget time this year, however, safety is of paramount importance and she would certainly not want to jeopardize anyone’s safety this summer. She believed that it was something we should do this summer.**

**Legislator Oliverio stated that he understood Legislator Tartaro’s concern, however, precedent was set many years ago. The Town of Putnam Valley disbanded their police department for the same reason the Town of Carmel disbanded the Lake Patrol; the Town of Putnam Valley could no longer afford it and we knew the Sheriff would rescue us.**

**Legislator Tartaro stated that the Town of Carmel has a \$9 million dollar budget and he did not understand how they could not afford \$16,000 dollars for the Lake Patrol.**

**Legislator LoBue stated that the Town of Carmel was having economic issues and they surpassed the tax cap. She stated that the mortgage tax revenue has dropped for them and other than the mortgage tax revenue, they rely on property tax. She stated that they came to the County and asked for help. She stated that the Legislature has discussed revisiting this issue during our budget process to see what the long term effects would be. She stated that the County has helped out another town with garbage removal and it was her opinion that this takes precedence. She stated that tourism and sales tax dollars are generated from Lake Mahopac. She stated that it is not a private community; there is public access if you rent a boat.**

**Legislator Gross stated that he was under the impression that the lake was more private. He stated that his one concern was that we were supporting a private operation, however, that is not true. The County residents can access this lake. He believed that we needed to address this issue down the line in terms of what other services the County may be asked to fund when municipalities no longer can afford them; Cold Spring garbage pickup being a valid point.**

**Legislator Wright stated that it is indeed a subsidy of a town service and not a shared service such as we are supposed to be moving in the direction of. However, he believed there is an emergency circumstance because this very active lake will not be patrolled. If on an interim basis the Sheriff's Department can do this more cost effectively, he would not oppose this. However, he stated that he opposed it in concept because he was of the view that a lake patrol officer should be a retired police officer type individual such as the School Patrol Officers. He believed that discussion should take place in the future, however, he will support this proposal now.**

**Chairman Albano agreed that more and more we do see the need for part time or retired police officers. He stated that what he was not happy with was that there was not a lot of discussion beforehand about the Town of Carmel no longer being able to afford to patrol the lake; it was just dropped in our lap. He questioned if it was the County's responsibility. He stated that we all want to do the right thing and we are concerned about public safety, however, can we go back to the State and ask them to figure out this issue since it is a State lake. He thought that perhaps it would have been better to negotiate with the Town of Carmel to help support them monetarily which would cost the County less than taking over the patrol of the lake. He believed that it was not right to just say that you were no longer going to do something and let someone else figure it out. He stated that the only reason he will vote "yes" to this is because the Town of Carmel is a big producer of sales tax revenue for the County. He stated that he did not like the way this all went down and wanted to discuss this issue in the future.**

**RESOLUTION #107**

**APPROVAL/BUDGETARY AMENDMENT /SHERIFF'S DEPARTMENT/MARINE PATROL  
LAKE MAHOPAC**

WHEREAS, based on fiscal constraints, the Town of Carmel has requested that the Putnam County Sheriff's Department assume responsibility for patrolling Lake Mahopac in 2014; and

WHEREAS, the Sheriff's Department provides the main police protection for most of Putnam County's Towns and believes that this would be an acceptable method of partially sharing Putnam County's Sales Tax Revenues; and

WHEREAS, the Protective Services Committee and the Audit & Administration Committee of the Putnam County Legislature has considered and approved of this budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment (14A027) is hereby approved:

**Increase Estimated Appropriations:**

17003000 51093	Overtime	21,000
17003000 52180	Other Equipment	3,000
17003000 54371	Gasoline & Motor Oil	2,000
17003000 54710	Maintenance & Repairs	4,000
17003000 58001	State Retirement	3,426
17003000 58002	Social Security	1,595
17003000 58004	Workmens Compensation	<u>500</u>
		35,521

**Decrease Estimated Appropriations:**

17003000 54646	Contracts	40,000
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**Decrease Estimated Revenues:**

17003000 415896	Town of Carmel Chargeback	20,800
17003000 433891	State Aid – NYS Park & Rec	<u>583</u>
		21,383

**Decrease:**

10199000 54980	Contingency	16,904
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2014 Fiscal Impact \$16,904

2015 Fiscal Impact \$16,904 plus fringes

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

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

Item #5i – Approval/Worker's Compensation Settlement was next. Chairman Albano recognized Legislator LoBue, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

**RESOLUTION #108**

**APPROVAL/WORKER'S COMPENSATION SETTLEMENT**

WHEREAS, on or about January 16, 2013, December 3, 2012, June 30, 2010 and March 9, 2009, the claimant, Richard Quaglietta, (hereinafter "Quaglietta") while employed by the Putnam County Department of Consumer Affairs, had several work related injuries; and

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

WHEREAS, it is in the County's best interest to settle these claims as the ongoing costs of treatment and litigation are significant and rising; and

WHEREAS, the Law Department and our third party administrator, Pomco Group, both recommend the settlement as an alternative to further litigation and ultimate lifetime payments; 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 two hundred twelve thousand five hundred (\$212,500.00) dollars to Quaglietta and thirty seven thousand five hundred (\$37,500.00) to his counsel; and

WHEREAS, the Law Department, has in fact settled the matter with the claimant for the sum of two hundred twelve thousand five hundred (\$212,500.00) dollars and has obtained settlement documents from outside counsel, which, upon approval of the Putnam County Legislature and the Worker's Compensation Board, will discontinue these matters 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 further costs; now therefore be it

RESOLVED, that the settlement of this matter for the sum of two hundred twelve thousand five hundred (\$212,500.00) dollars to claimant and thirty seven thousand five hundred (\$37,500.00) to his 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.**

#### **PERSONNEL COMMITTEE**

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

Item #5k – Approval/Fund Transfer (14T045)/Office For Aging/Part Time Caseworker/ Temporary was next. Chairman Albano recognized Legislator Nacerino, Chairwoman of the Personnel Committee. On behalf of the members of the Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

**RESOLUTION #109**

**APPROVAL/FUND TRANSFER /OFFICE FOR AGING/PART TIME CASEWORKER/  
TEMPORARY**

WHEREAS, the Department of Office For Aging has requested a fund transfer (14T045) to cover cost of extra hours needed for Part Time Caseworker, to fill in for Full Time Caseworker recovering from surgery, for a three month period from 3/10/14 to 6/14/14; and

WHEREAS, the Personnel 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:  
 10677200 10111 Caseworker 4,290

Increase:  
 10677700 51094 Temporary 4,290

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5L – Approval/Fund Transfer (14T048)/Office For Aging/Temporary/Expanded Transportation was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

RESOLUTION #110

APPROVAL/FUND TRANSFER /OFFICE FOR AGING/TEMPORARY/EXPANDED TRANSPORTATION

WHEREAS, the Office For Aging has requested a fund transfer (14T048) to cover temporary costs and part time fringe benefits for OFA expanded transportation initiative; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee has reviewed and approve said fund transfer; now therefore be it RESOLVED, that the following fund transfer be made:

Decrease:  
 10677700 10103 P/T Daycare Helper 1,162.00  
 10677700 10107 P/T Aging Service Aide 1,826.25  
 10677700 58002 Social Security 228.60  
 10677600 10102 P/T Home Health Aide 2,460.00  
 10677600 10103 P/T Home Health Aide 2,460.00  
 10677600 10104 P/T Home Health Aide 2,460.00  
 10677600 58002 Social Security 564.57  
 11,161.42

Increase:  
 10677200 51094 Temporary 10,368.25  
 10677200 58002 Social Security 793.17  
 11,161.42

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5m – Approval/Fund Transfer (14T050)/District Attorney/Restructuring of District Attorney’s Office was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

Legislator Nacerino stated that this request was revised based on a compromise. She stated that a savings of \$6,896.00 was realized this fiscal year.

Legislator Wright believed that the raises were unprecedented. He believed that it was sending a message to other departments and employees that he did not believe would be willing or able to match. He did not believe that the public sector attorneys were supposed to be compensated at the going rate of the private sector.

Legislator LoBue believed this was unprecedented because an employee left.

Legislator Nacerino stated that there was a heated discussion in the Personnel Committee meeting and she shared Legislator Wright’s concerns. However, in speaking to District Attorney Levy, he agreed to compromise. She stated that in the spirit of good government she would honor that compromise and move forward with this. Although, she believed that basically we were putting the “tail before the dog” because actions are dictating policy instead of policy dictating an action. She stated that she would like to revisit this issue to discuss how and when we honor the restructuring of departments.

Legislator Gross stated that he was happy a compromise was reached.

**RESOLUTION #111**

**APPROVAL/FUND TRANSFER /DISTRICT ATTORNEY/RESTRUCTURING OF DISTRICT ATTORNEY’S OFFICE**

WHEREAS, by Resolution #66 of 2014 the Putnam County Legislature approved of the Restructuring of the District Attorney’s Office for 2014; and

WHEREAS, the District Attorney wishes to further restructure the changes made by Resolution #66 of 2014, changing some of the salaries set by that Resolution; and

WHEREAS, this restructuring has been considered and approved by the Personnel Committee and the Audit & Administration Committee; now therefore be it

RESOLVED, that the salaries set by Resolution #293 of 2013 and amended by Resolution #66 of 2014 setting the salaries of Officers and Employees Paid from County Funds is further amended for the following position effective April 14, 2014:

Budget Line:	Position:	Salary:
116510104	Assistant District Attorney	62,000

And be it further

RESOLVED, that the salaries set by Resolution #293 of 2013 and amended by Resolution #66 of 2014 setting the salaries of Officers and Employees Paid from County Funds is further amended for the following positions effective September 1, 2014:

Budget Line:	Position:	Salary:
116510105	Assistant District Attorney	80,000
116510108	Assistant District Attorney	75,000

And be it further

RESOLVED, that the following fund transfer (14T050) is hereby approved:

Decrease:

10116500 51000 (116510104)	Personnel Services	5,934
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Increase:

10116500 51000 (116410105)	Personnel Services	3,372
10116500 51000 (116510108)	Personnel Services	<u>2,562</u>
		5,934

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

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

Item #5n – Approval/Budgetary Amendment (14A030)/Highways & Facilities/Outside Services was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

RESOLUTION #112

APPROVAL/BUDGETARY AMENDMENT /HIGHWAYS & FACILITIES/OUTSIDE SERVICES

WHEREAS, the Highways & Facilities Department has requested a budgetary amendment (14A030) to cover the cost of outside services; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Decrease:

01 10149000 51000 (149010110)	Personnel Services	19,159
01 10149000 51000 (149010117)	Personnel Services	14,839
01 10149000 51000 (802010108)	Personnel Services	16,250
01 10149000 58002	Social Security	3,844
01 10511100 51000 (511110108)	Personnel Services	14,849
01 10511100 51000 (511110109)	Personnel Services	10,384
01 10511100 58002	Social Security	1,930
02 10511000 51000 (511010114)	Personnel Services	14,389
02 10511000 51000 (511010104)	Personnel Services	11,214
02 10511000 58002	Social Security	<u>1,958</u>
		108,816

01 10149000 54682	Special Services	108,816
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GENERAL FUND

Increase Estimated Revenues:

10131000 428551	Transfer from Road Fund	27,561
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**Increase Estimated Appropriations:**

<b>58760000 53000 51427</b>	<b>FEMA – Mill Road Bridge</b>	<b>1,203,950</b>
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**Increase Estimated Revenues:**

<b>58760000 445971 51427</b>	<b>Federal Aid – Mill Road Bridge</b>	<b>902,962</b>
<b>58760000 435971 51427</b>	<b>State Aid – Mill Road Bridge</b>	<b><u>300,988</u></b>
		<b>1,203,950</b>

**2014 Fiscal Impact – 0 –**

**2015 Fiscal Impact – 0 –**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5p – Approval/Fund Transfer (14T035)/Department of Highways & Facilities/Judicial Natural Gas was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:**

**RESOLUTION #114**

**APPROVAL/FUND TRANSFER /DEPARTMENT OF HIGHWAYS & FACILITIES/JUDICIAL NATURAL GAS**

**WHEREAS, the Department of Highways & Facilities has requested a fund transfer (14T035) to correct and properly budget the 2014 Judicial accounts; and**

**WHEREAS, the Physical Services Committee and the Audit & Administration Committee has reviewed and approve said fund transfer; now therefore be it**

**RESOLVED, that the following fund transfer be made:**

**Decrease:**

<b>01 10116200 54383</b>	<b>Judicial Building Rental</b>	<b>27,000</b>
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**Increase:**

<b>01 10116200 54630</b>	<b>Judicial Natural Gas</b>	<b>27,000</b>
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**2014 Fiscal Impact – 0 –**

**2015 Fiscal Impact – 0 –**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5q – Approval/Renewal of Lease/Veterans of Foreign Wars Post #1374 – 32 Gleneida Avenue, Carmel, New York was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:**

**RESOLUTION #115**

**AUTHORIZING RENEWAL OF LEASE/VETERANS OF FOREIGN WARS POST #1374/32 GLENEIDA AVENUE, CARMEL, NEW YORK**

WHEREAS, the Veterans of Foreign Wars, Post #1374 is the owner of certain real property located at 32 Gleneida Avenue, Carmel, New York 10512, including the building located thereon (hereinafter, referred to as the "VFW"); and

WHEREAS, the County of Putnam and the Veterans of Foreign Wars, Post #1374, previously entered into a lease agreement wherein the County leased the VFW for legitimate County government purposes; and

WHEREAS, the County of Putnam continues to require the VFW for legitimate County government purposes; and

WHEREAS, the County Executive, with the advice and assistance of the County Attorney, has entered into preliminary negotiations with the Veterans of Foreign Wars, Post #1374 for the renewal of the lease of the VFW, and has agreed to an annual rental amount of \$9,000.00; and

WHEREAS, pursuant to Section 215 of the NYS County Law, the County Executive has requested that the Putnam County Legislature grant authorization to enter into such lease; now therefore be it

RESOLVED, that the County of Putnam may enter into a one year lease with the Veterans of Foreign Wars, Post #1374, for the VFW, for the period commencing May 1, 2014 and ending April 30, 2015; and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute a lease agreement with Veterans of Foreign Wars, Post #1374, for said building at the annual rental price of \$9,000.00, which lease shall be in the form attached hereto as Schedule "A".

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5r – Approval/Conveyance of Tax Map Nos. 85.13-1-31 & 32/Town of Putnam Valley was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #116

APPROVAL/CONVEYANCE OF TAX MAP NOS. 85.13-1-31 & 32/TOWN OF PUTNAM VALLEY

WHEREAS, two unimproved parcels of real property identified as Town of Putnam Valley Tax Map Nos.: 85.13-1-31 & 32 were acquired by the County by Tax Deeds, which were recorded in the Office of the Putnam County Clerk in Liber 1921 at Page 355, and in Liber 1884 at Page 430, respectively; and

WHEREAS, said parcels cannot be improved under existing zoning regulations; and

WHEREAS, the Rabbinical Seminary of America owns the adjacent parcel of property identified as Town of Putnam Valley Tax Map No.: 85.13-1-29; and

WHEREAS, the Rabbinical Seminary of America has offered to purchase Town of Putnam Valley Tax Map Nos.: 85.13-1-31 & 32 for the sum of \$6,500.00, which represents more than the County's net investment on the parcel; and

WHEREAS, the Rabbinical Seminary of America has also agreed to merge Town of Putnam Valley Tax Map Nos.: 85.13-1-31 & 32 with its property; and

WHEREAS, the Putnam County Administration has reviewed said offer and recommends the acceptance of same; now therefore be it

**RESOLVED**, that pursuant to Section 31-8(B) of the Putnam County Code, the Putnam County Legislature approves the transfer of Town of Putnam Valley Tax Map Nos.: 85.13-1-31 & 32 to the Rabbinical Seminary of America for the sum of \$6,500.00, together with payment of the appropriate Transfer Tax, Recording Fees, and County, Town, and School Taxes; and be it further

**RESOLVED**, that upon receipt of said monies, Town of Putnam Valley Tax Map Nos.: 85.13-1-31 & 32 shall be conveyed in an “as is” condition by quitclaim deed, which shall provide that said parcels be automatically merged with Town of Putnam Valley Tax Map Nos.: 85.13-1-29; and be it further

**RESOLVED**, that the Putnam County Attorney is authorized to prepare said quitclaim deed, and the Putnam County Executive shall be authorized to execute said quitclaim deed on behalf of the County.

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5s – Approval/Utility Easement/Department of Highways & Facilities/Town of Patterson Tax Map #23.-2-8 was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

**RESOLUTION #117**

**APPROVAL/UTILITY EASEMENT/DEPARTMENT OF HIGHWAYS & FACILITIES/TOWN OF PATTERSON TAX MAP #23.-2-8**

**WHEREAS**, the County is the record owner of a certain parcel of property which is designated and described as 842 Fair Street, Carmel, New York 10512 (Town of Patterson Tax Map No.: 23.-2-8); and

**WHEREAS**, said property is the location of the Putnam County Department of Highways & Facilities; and

**WHEREAS**, the Department of Highways and Facilities has requested that New York State Electric and Gas Corporation install an additional utility pole at said property, in order to provide additional electric service required for the Department of Highways and Facilities to install a new generator; and

**WHEREAS**, New York State Electric and Gas Corporation has provided a proposed utility easement, which provides New York State Electric and Gas Corporation the right to install and maintain said utility pole; and

**WHEREAS**, the Putnam County Department of Highways and Facilities engineers have reviewed the proposed utility easement (a copy of which is attached hereto and made a part hereof as Exhibit “A”), and have determined same to be acceptable; and

**WHEREAS**, the Putnam County Attorney has reviewed and approved the proposed utility easement as to form; now therefore be it

**RESOLVED**, that Putnam County Legislature hereby approves and authorizes the subject utility easement in the form attached hereto and made a part hereof as Exhibit “A”; and be it further

**RESOLVED**, that the Putnam County Executive is authorized to execute said utility easement on behalf of the County, which shall thereafter be recorded in the Putnam County Clerk's Office, Division of Land Records.

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

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

**RESOLUTION #118**

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

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

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

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

WHEREAS, the Putnam County Administration has entered into negotiations with a prospective purchaser for the property identified as 70 Cimarron Road, Putnam Valley, New York (Putnam Valley TM # 72.-1-45); and

WHEREAS, the Putnam County Administration recommends the acceptance of the negotiated offer of \$71,000.00, and as further specified in the Contract of Sale, which is attached hereto and made a part hereof as Schedule “A”; and

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

RESOLVED, that pursuant to the authority vested in the Putnam County Legislature in Section 31-4 and Section 31-8 of the Putnam County Code, the Putnam County Legislature approves the sale of the property identified as 70 Cimarron Road, Putnam Valley, New York (Putnam Valley TM # 72.-1-45) for such amount and upon such other terms and conditions as are contained in the Contract of Sale, which is attached hereto and made a part hereof as Schedule “A”; and be it further

RESOLVED, that the County Executive is authorized to execute the Contract of Sale for the property identified as 70 Cimarron Road, Putnam Valley, New York (Putnam Valley TM # 72.-1-45) which Contract of Sale shall be in the form attached hereto and made a part hereof as Schedule “A”; and be it further

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

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

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

**RESOLUTION #119**

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

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

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

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

**WHEREAS, the Putnam County Administration has entered into negotiations with a prospective purchaser for the property identified as 78 Seminary Hill Road, Carmel, New York (Carmel TM # 55.9-1-23); and**

**WHEREAS, the Putnam County Administration recommends the acceptance of the negotiated offer of \$70,000.00, and as further specified in the Contract of Sale, which is attached hereto and made a part hereof as Schedule "A"; and**

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

**RESOLVED, that pursuant to the authority vested in the Putnam County Legislature in Section 31-4 and Section 31-8 of the Putnam County Code, the Putnam County Legislature approves the sale of the property identified as 78 Seminary Hill Road, Carmel, New York (Carmel TM # 55.9-1-23) for such amount and upon such other terms and conditions as are contained in the Contract of Sale, which is attached hereto and made a part hereof as Schedule "A"; and be it further**

**RESOLVED, that the County Executive is authorized to execute the Contract of Sale for the property identified as 78 Seminary Hill Road, Carmel, New York (Carmel TM # 55.9-1-23) which Contract of Sale shall be in the form attached hereto and made a part hereof as Schedule "A"; and be it further**

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

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

**Item #5v – Approval/NYS Department of Environmental Conservation Environmental Easement/Town of Patterson Tax Map #13.-3-16 &17 was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:**

**RESOLUTION #120**

**APPROVAL/ NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION ENVIRONMENTAL EASEMENT / TOWN OF PATTERSON TAX MAP NOS.: 13.-3-16 & 17**

**WHEREAS, the County of Putnam is the record owner of two (2) parcels of property located in the Town of Patterson, which are designated as Tax Map Numbers 13.-3-16 and 13.-3-17 (hereinafter the "Property"); and**

WHEREAS, the County acquired the Property pursuant to a Judgment duly made on the 11<sup>th</sup> day of December, 2007, and entered in the Office of the Putnam County Clerk on the 12<sup>th</sup> day of December, 2007, in a tax foreclosure proceeding pursuant to the provisions of Article 11 of the New York State Real Property Tax Law, under Index No. 1619/2007; and

WHEREAS, pursuant to Resolution # 238 of 2011 of the Putnam County Legislature, the Property was removed from Roll Section 1-1, County taxable status, and placed in Roll Section 8, wholly exempt; and

WHEREAS, the Property comprises a portion of the former Kessman/Cross-County Sanitation Landfill located on Cornwall Hill Road, which is identified as Site Number 3-40-011 on the Registry of Inactive Hazardous Waste Disposal Sites in New York State; and

WHEREAS, the former owners of the Property previously entered into a Consent Decree with the State of New York, dated January 31, 2006, which provided, amongst other things, that an Environmental Easement covering the property would be executed; and

WHEREAS, said Environmental Easement was not finalized and executed prior to the foreclosure of the Property by the County; and

WHEREAS, State of New York has requested that the County, as current owner of the Property, execute said Environmental Easement, which shall comply with the requirements of New York State Environmental Conservation Law (ECL) Article 71, Title 36, and be in the form attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, said Environmental Easement shall run with the land in perpetuity in order to provide an enforceable means of ensuring the performance of maintenance, monitoring and/or operation requirements of the NYS Department of Environmental Conservation, and to ensure the potential restriction of future uses of the land for the protection of health and the environment; and

WHEREAS, the Putnam County Attorney has reviewed and approved the proposed Environmental Easement as to form; and

WHEREAS, the Putnam County Legislature has reviewed this matter and is desirous of approving and authorizing the execution of said Environmental Easement; now therefore be it

RESOLVED, that Putnam County Legislature hereby approves and authorizes said Environmental Easement, in the form attached hereto and made a part hereof as Exhibit "A", and be it further

RESOLVED, that the Putnam County Executive is authorized to execute said Environmental Easement on behalf of the County after the procedural requirements promulgated by the NYS Department of Environmental Conservation are satisfied, including the preparation of a survey of the Property by NYS Department of Environmental Conservation staff, and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate this matter in the manner approved herein, and be it further

RESOLVED, that a certified copy of this resolution be delivered to the NYS Department of Environmental Conservation, and be it further

RESOLVED, that the resolution shall take effect immediately.

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5w – Approval/Resolution Authorizing Communication Tower Space Lease Agreement/Patterson Tax Map #5.-1-35 was next. On behalf of the members of the

Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Chairman Albano stated that he would be voting “no” for this resolution. He stated that although there is a great need for this communication tower, he would have liked to have seen attached to this agreement the option to purchase this property.

Legislator Oliverio stated that we were informed of the urgency of this matter by Director of IT, Thomas Lannon. Legislator Oliverio stated that we don’t know what may transpire during the term of this lease with respect to buying it.

Legislator Scuccimarra stated that she understood Chairman Albano’s point, however, she would concur with Legislator Oliverio based on the information that was given to us by Director Lannon. She stated that our emergency services throughout the County are having difficulty communicating with one another. She believed it was crucial that we move forward on this.

Legislator Nacerino stated that she would not like to jeopardize or delay the ability to implement something that would promote the safety of our residents.

Legislator Tartaro concurred with Chairman Albano, however, he believed that we need something else in place before we pull the plug.

Legislator LoBue concurred with Chairman Albano. She stated that she did not realize the option to buy was taken out of the agreement.

#### **RESOLUTION #121**

#### **RESOLUTION/AUTHORIZING COMMUNICATION TOWER SPACE LEASE AGREEMENT/ PATTERSON TM # 5.-1-35**

WHEREAS, the Town of New Fairfield is the owner of certain real property located at 212 Tower Road, Patterson, New York 12563, which is further designated as Patterson TM # 5.-1-35, including the Equipment Building and Communication Tower located thereon (hereinafter the “Tower Facilities”); and

WHEREAS, the County of Putnam is desirous of leasing certain space at the Tower Facilities for the purposes of installing and maintaining emergency radio communication equipment, which is necessary to optimize the current radio system; and

WHEREAS, the current radio system is utilized by the Sheriff’s Department, the Bureau of Emergency Services, as well as numerous other County Departments and Putnam County based Fire/EMS Agencies; and

WHEREAS, the County Executive, with the advice and assistance of the County Attorney and the Director of IT/GIS, has entered into preliminary negotiations with the Town of New Fairfield for the lease of said space at the Tower Facilities, and has agreed to a monthly rental amount of \$1,200.00; and

WHEREAS, pursuant to Section 215 of the New York State County Law, the County Executive has requested that the Putnam County Legislature grant authorization for such lease; now therefore be it

RESOLVED, that the County of Putnam may enter into a lease with the Town of New Fairfield for certain space at the Tower Facilities located at 212 Tower Road,

Patterson, New York 12563, which is further designated as Patterson TM # 5.-1-35, and be it further

**RESOLVED**, that the County Executive is authorized to execute said Communication Tower Space Lease Agreement with the Town of New Fairfield, at the rental price of \$1,200 per month, which lease shall be in form attached hereto as Exhibit "A".

**RESOLVED**, this Resolution shall take effect immediately.

**BY ROLL CALL VOTE: SEVEN AYES. TWO NAYS – LEGISLATORS LOBUE & CHAIRMAN ALBANO. MOTION CARRIES.**

Item #5x – Approval/Amend Resolution #75 of 1998/Transit System Advertising was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Legislator LoBue stated that she wanted to ask to table this resolution in order to get a legal opinion. She stated that she didn't realize that we were going to ask the Chambers to produce the signage for the buses.

Legislator Oliverio concurred. He would like a legal opinion with respect to having the Chambers run something that is a County initiative. He stated that many times the County process is to go out to bid for these services.

Legislator Scuccimarra disagreed. She believed that the Chambers were doing this to help Putnam businesses advertise.

Legislator Oliverio made a motion to table this item; seconded by Legislators LoBue & Tartaro.

By Roll Call Vote: Five Ayes – Legislators Gross, LoBue, Oliverio, Tartaro and Wright. Four Nays – Legislators Castellano, Nacerino, Scuccimarra and Chairman Albano. Motion Carries.

#### **APPROVAL/AMEND RESOLUTION #75 OF 1998/TRANSIT SYSTEM ADVERTISING**

**WHEREAS**, by Resolution #75 of 1998, the County of Putnam authorized certain policies and procedures for advertising on the Putnam County's PART system; and

**WHEREAS**, the Transportation Manager/Deputy Commissioner of Planning, Development and Public Transportation of Putnam County, in accordance with the Putnam County Task Force Recommendations of 2013, has suggested amending certain policies and procedures regarding advertising on the PART System and Shelters; and

**WHEREAS**, the County Executive and the Legislature of Putnam County have reviewed the proposed amendments to the policies and procedures established under Resolution #75 of 1998 and concur with the recommendations of the Transportation Manager/Deputy Commissioner of Planning, Development and Public Transportation of Putnam County, as set forth by the Putnam County Task Force Recommendations of 2013, and which are consistent with the recommendations of the Transportation Advisory Council; now therefore be it

**RESOLVED**, that Resolution #75 of 1998 is amended to read as follows:

**RESOLVED**, that the policies and procedures for advertising on Putnam County's PART system and shelters are as follows:

1. Potential advertisers shall contact the Putnam County Chambers of Commerce for information regarding advertising and ad placements.
2. Advertising space is available on a first come, first served basis and no refunds will be made under any circumstances.
3. The County has the right to reject any application for advertisement.
4. Public service announcements will be allowed at the County's discretion and on a space available basis, subject to the same terms and conditions regarding maintenance and management costs in relation thereto.
5. Subject to the approval of the Commissioner of Planning and/or the County's authorized designee, rates for advertising on the PART system and shelters include, without limitation:

**Fixed Route Buses (10 buses)**

**Interior Plan (12 available plans):**

- Includes 1 16" X 7" advertisement on 6 buses
- Cost: \$400.00 per month

**Interior Jumbo & Super Jumbo Plans - (2 sizes available)**

- Super Jumbo (4 available) includes 1 24" X 36" advertisement  
- Cost: \$200 per month
- Jumbo (6 available) includes 1 36" X 14" advertisement  
- Cost: \$180 per month

**Exterior Bus Plan (10 available plans)**

- Includes 1 36" X 8" advertisement on one of 10 buses
- Cost: \$250 per month

**Para-Transit Buses (7 available)**

**Para-transit Interior Plan (7 available plans):**

- Includes 1 16" X 7" advertisement on 6 buses
- Cost: \$300.00 per month

**Bus Shelters (7 Existing shelters)**

**Shelter Ad Small (Presently 7 available plans)**

- Includes 1 22" X 12" advertisement on a select shelter
- \$200 per month

**Shelter Ad Jumbo (7 available plans)**

- Includes 1 51" X 47" advertisement on a select shelter
- \$350 per month

6. Except under limited circumstances pertaining to defective hardware or installation related damage to signs, replacement costs for any signs vandalized, damaged, stolen shall not be the responsibility of the County; however, the County shall, as applicable, be responsible to remove/re-install any such vandalized, damaged, stolen signs.
7. Payment by advertisers will be made by check or money order payable to the Putnam County Commissioner of Finance.
8. The Putnam County Chambers of Commerce is responsible for producing and delivering the final sign(s) for placement on the PART system/shelters to the County no later than thirty (30) days from the date the advertising space is rented. If thirty (30) days lapses and sign(s) are not delivered for placement, as applicable, on the PART system/shelters, the County may release the advertising space to the next available advertiser. If a problem is encountered in producing any sign(s), the Putnam County Chambers of Commerce should contact the County prior to the expiration of the thirty (30) day period to explain the delay and, at the County's discretion, additional time may be permitted for delivery of the final sign(s).

**ECONOMIC DEVELOPMENT & ENERGY COMMITTEE  
(Chairwoman Scuccimarra, Legislators Gross & Wright)**

Item #5y – Approval/Appointments/Putnam County Industrial Development Agency was next. Chairman Albano recognized Legislator Scuccimarra, Chairwoman of the Economic Development & Energy Committee. On behalf of the members of the Committee, Legislators Gross and Wright, Legislator Scuccimarra moved the following:

Legislator Scuccimarra stated that she had serious reservations about this appointment. She stated that over the last few months we have seen that the IDA has not be functioning in the capacity it should be. She did not feel comfortable about this appointment.

Legislator Scuccimarra made a motion to table this item; seconded by Legislator Oliverio.

By Roll Call Vote: Five Ayes – Legislators Nacerino, Oliverio, Scuccimarra, Tartaro and Chairman Albano. Four Nays – Legislators Castellano, Gross, LoBue and Wright. Motion Carries.

**APPROVAL/APPOINTMENT/PUTNAM COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**RESOLVED**, that the following be appointed to the Putnam County Industrial Development Agency:

Randall J. Chiera, Town of Philipstown, to fill an unexpired three (3) year term, said term to expire December 31, 2015.

William H. Nulk, Town of Kent, to fill an unexpired three (3) year term, said term to expire December 31, 2014.

Raymond Ruyack, Town of Southeast, to fill an unexpired three (3) year term, said term to expire December 31, 2015.

James T. Meyer, Town of Carmel, as an Alternate member, for a three (3) year term, said term to expire December 31, 2016.

John M. Zarcone, Town of Putnam Valley, as an Alternate member, for a three (3) year term, said term to expire December 31, 2016.

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

Item #5z – Approval/Budgetary Amendment (14A029)/Office For Aging/Purchase Plaque was next. Chairman Albano recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislator Nacerino and Tartaro, Legislator Castellano moved the following:

Legislator Wright believed that the County of Putnam should not be in the business of soliciting donations from anyone.

Legislator Castellano stated that this was not solicited. Ms. Jane Lobdell gave the money to the County.

Legislator Wright stated that he was against the County being involved in thousands of dollars in budgetary lines dealing with donations.

Legislator Nacerino believed this was a different scenario as was previously discussed. Ms. Lobdell bequeathed an amount of money to the Office For Aging as a senior citizen and in turn we are purchasing a plaque to show our appreciation.

Legislator Wright questioned if giving a gift to an agency of government violated General Municipal Law. He did not believe government was allowed to accept gifts.

Legislator LoBue stated that the money was bequeathed from this woman to the County. She believed it specifically needed to be used for senior transportation. She believed this was different then the County having a fundraising event.

**RESOLUTION #122**

**APPROVAL/BUDGETARY AMENDMENT /OFFICE FOR AGING/PURCHASE PLAQUE**

**WHEREAS**, the Director of the Office For Aging has requested a budgetary amendment (14A029) to purchase a plaque honoring Jane Lobdell for her generous bequest to the County; and

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

**RESOLVED**, that the following budgetary amendment be made:

**Increase Revenues:**

10677200 427050                      OFA Title III – Gifts & Donations                      1,977

**Increase Appropriations:**

10677200 54989                      OFA Title III – Miscellaneous                      1,977

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

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

**Item #5aa – Approval/Budgetary Amendment (14A031)/District Attorney/Asset Forfeiture Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:**

**RESOLUTION #123**

**APPROVAL/BUDGETARY AMENDMENT /DISTRICT ATTORNEY/ASSET FORFEITURE PROGRAM**

**WHEREAS, the District Attorney has requested a budgetary amendment (14A031) for use of District Attorney Reserve Forfeited Asset funds to purchase three (3) new computers for use by the Asset Forfeiture Program staff; and**

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

**RESOLVED, that the following budgetary amendment be made:**

**Increase Revenue:**

<b>10001000</b>	<b>District Attorney</b>	
<b>427152</b>	<b>Asset Forfeiture Program</b>	<b>5,151</b>

**Increase Appropriations:**

<b>10001000</b>	<b>District Attorney Asset Forfeiture Program</b>	
<b>52130</b>	<b>Computer Equipment</b>	<b>3,047</b>
<b>54783</b>	<b>Licensing</b>	<b><u>2,104</u></b>
		<b>5,151</b>

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5bb – Approval/Budgetary Amendment (14A032)/Planning Department/Transportation/Putnam Moves Advertising Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:**

**Legislator Castellano stated that in light of the tabling of Item #5x, he made a motion to table this item as well; seconded by Legislator LoBue. All in favor.**

**APPROVAL/BUDGETARY AMENDMENT /PLANNING DEPARTMENT/ TRANSPORTATION/  
PUTNAM MOVES ADVERTISING PROGRAM**

WHEREAS, the Transportation Program Manager has requested a budgetary amendment (14A032) to fund the Putnam Moves Advertising Program, a partnership between Putnam County and the Putnam County Chambers of Commerce; and

WHEREAS, in 2014 this advertising program is expected to generate \$15,000 in net revenue for Putnam County and result in increased future net revenues, thereby producing a property taxpayer savings;

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

RESOLVED, that the following budgetary amendment be made:

**GENERAL FUND:**

**Increase Estimated Revenue:**

10131000 428641	Transfer to Transportation Fund	15,000
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**Increase Estimated Appropriations:**

10199000 54980	Contingency	15,000
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**TRANSPORTATION FUND:**

**Increase Estimated Appropriations:**

95630000 54646 10111	Contracts	7,500
95630000 54664 10111	Advertising	2,500
99901000 59030	Transfer to General Fund	<u>15,000</u>
		25,000

**Increase Estimated Revenues:**

95630000 417892 10111	Revenue – Bus Advertising	25,000
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2014 Fiscal Impact (\$15,000)  
2015 Fiscal Impact - Undetermined

Item #5cc - Approval/Erroneous Taxes/NYS DOT Tax Map #68.-2-73 was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

**RESOLUTION #124**

**APPROVAL/ERRONEOUS TAXES/NYS DOT TAX MAP #68.-2-73**

WHEREAS, Tax Map parcel 68.-2-73 located in the Town of Southeast is owned by the New York State Department of Transportation having acquired this parcel from Columbus Holding Corp. in 1966 for its I84 Project; and

WHEREAS, the parcel was erroneously added back to the tax roll in 2011 assessing the property to said Columbus Holding Corp.; and

WHEREAS, taxes were assessed to this parcel based on the 2011, 2012 and 2013 tax roll and remain unpaid with the County reimbursing the individual taxing districts for the unpaid taxes; and

**WHEREAS, these unpaid taxes are void and the tax liens created are unenforceable, now therefore be it**

**RESOLVED, that the Putnam County Legislature hereby directs that these erroneous taxes on this parcel be cancelled and that the Commissioner of Finance obtain reimbursement from the individual taxing districts for the monies paid to these districts for these erroneous taxes; and be it further**

**RESOLVED, that the Commissioner of Finance write off the County's portion of the erroneous taxes applicable to this parcel based on the 2011, 2012 and 2013 tax rolls, Fiscal Impact \$771.13.**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5dd - Approval/Semi-Annual Mortgage Tax Report/October 1, 2013 through March 31, 2014 was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #125**

**APPROVAL/SEMI-ANNUAL MORTGAGE TAX REPORT/OCTOBER 1, 2013 THROUGH MARCH 31, 2014**

**WHEREAS, upon receipt of approval of the Semi-Annual Report showing the amounts to be credited to each district of the County of the money collected during the period October 1, 2013 through March 31, 2014 from the New York State Department of Taxation and Finance, the Putnam County Audit and Administration Committee reviewed and hereby forwards same to the Putnam County Legislature; now therefore be it**

**RESOLVED, that pursuant to Section 261 of the Tax Law, the Putnam County Legislature issues tax warrants for the payment to the respective districts of the amounts so credited and authorizes and directs the Commissioner of Finance to make a payment of said amounts to the respective district in accordance with the report as follows:**

<b>Town of Carmel</b>	<b>\$ 339,776.70</b>
<b>Town of Kent</b>	<b>109,284.06</b>
<b>Town of Patterson</b>	<b>57,181.06</b>
<b>Town of Philipstown</b>	
<b>Village of Cold Spring</b>	<b>9,991.53</b>
<b>Village of Nelsonville</b>	<b>2,927.83</b>
<b>Town Outside</b>	<b>125,985.06</b>
<b>Town of Putnam Valley</b>	<b>106,959.56</b>
<b>Town of Southeast</b>	
<b>Village of Brewster</b>	<b>5,629.88</b>

	Town Outside	<u>169,439.43</u>
Total		\$ 927,175.11

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #6 – Other Business**

**Item #6a – Supreme Court Ruling/Upholding Prayers/Local Government Business Meetings/FYI was next.**

**Legislator Wright stated that in light of the Supreme Court’s decision regarding the commencement of Public Meetings with some type of prayer, he asked that the appropriate Committee of this Legislature investigate the reinstatement of what was done in previous years when he was a Legislator with respect to the commencement of deliberations with a prayer. He would like to see that again become the fabric of Putnam County’s deliberations.**

**Legislator Oliverio stated that it should go to the Rules Committee.**

**Item #7 – Recognition of Public**

**Transportation Manager, Vincent Tamagna thanked the Legislature for taking the time in reviewing all of the items on the agenda. He stated that when he was a Legislator he looked to Department Heads if he needed clarification on something specifically if it was a time sensitive matter. He stated that with the tabling of Items #5x and #5bb regarding the Advertising, whether it is \$40,000 dollars or close to \$200,000 dollars in revenue that we have the potential of bringing in, we are now at a standstill. He stated that no one is going to advertise on the Trolley in October. They would advertise in May. He believed some of this was time sensitive by way of agreements. He stated that he or First Deputy County Attorney Negro could have spoken to the question of a legal opinion. However, now it is too late. He stated that he wanted to do everything he could to work as a good partner with the Legislature. He stated that he did not want to lose the revenue that they have a chance of capturing right now and stated that he would need the Legislature to have a special meeting to get this on track.**

**Ms. Paula Clair thanked the Legislature for putting the public’s health and safety first by approving the Algonquin pipeline resolution. Ms. Clair explained about the toxins which could be potentially emitted into the environment and their negative impact to individuals as a result of this expansion.**

**Mr. William Nulk, President of the Putnam County Chambers of Commerce, thanked the Legislature and the Administration for implementing many of the things that they have helped propagate through the Transportation Task Force. He stated that the business community is looking forward to a vibrant Transportation System.**

**Ms. Suzanna Glidden thanked the Legislature for protecting the public’s health and safety by approving the Algonquin resolution, Item #5d.**

**Commissioner of Emergency Services, Adam Stiebeling, thanked the Legislature for authorizing the Communications Tower Space Lease Agreement in Patterson. He stated that this Tower is an essential piece in expanding our microwave system. He stated that**

at this time of year when the foliage starts to come out the radio communications, not only for Fire and Emergency Services but for Law Enforcement in the Putnam Lake, Southeast and Patterson areas, is negatively affected. He stated that this tower, which they have been watching for a few years, has become available and the timing is right to enter into this lease and to pursue purchasing the tower in the future for our communication needs.

First Deputy County Attorney, Andrew Negro, stated that the approval of the Tower Lease addresses an immediate need which Commissioner Stiebeling and Director of IT Lannon have stated many times. He stated that negotiations and dialog with the town are still ongoing. This lease does not preclude the ultimate acquisition of that tower and we are doing our due diligence on working on that conclusion. He stated that if other alternative options become available, this lease does have a termination per convenience clause, therefore we are not locked into this lease in case the negotiations do reach a successful conclusion on the acquisition or other options become available.

County Executive Odell asked that the Legislature close the meeting in honor of County Historian Denis Castelli. She stated that all the work Denis did for the Bicentennial Celebration was incredible. He gave that initiative his heart and soul with all the hours and effort put into that celebration. She stated that with the upcoming 200<sup>th</sup> Birthday of the Historic Courthouse, she stated that she has made a decision and hoped that the Legislature would agree, we should honor Denis Castelli during the celebration. He was a man who not only did so much by serving his Country, but also did so much for this County.

Director of Veterans Affairs, Karl Rohde stated that the Veterans were honored tonight by the sale of the Buddy Poppies. He stated that the significance of Buddy Poppies also means that it is the end of the season which ends with Memorial Day. He stated that this County is unique in that people can honor our veterans on May 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> and 30<sup>th</sup>. This is the 9<sup>th</sup> Annual John Morris Memorial Watchfires where Veterans of Putnam County stand vigil over Putnam County's Hallowed Monuments at Putnam County Veterans Memorial Park. The first three days there is guard duty taking place at Veterans Memorial Park, with continuous Flag Retirement Ceremonies throughout the night from 6pm to 6am each night. He stated that there are thousands of flags that are retired. He stated that Denis Castelli would agree that we need to get more people to attend these services to honor of our fallen comrades.

#### **Item #8 – Recognition of Legislators**

Legislator Oliverio stated that he wished all the moms a “Happy Mother’s Day”.

Chairman Albano requested a moment of silence in memory of County Historian Denis Castelli.

There being no further business, at 9:08 P.M., Chairman Albano made a motion to adjourn; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.