

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

Tuesday

September 3, 2013

7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairman Othmer who requested that the Director of Real Property, Lisa Johnson, lead in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Oliverio, Nacerino, Albano, Gross, Castellano, LoBue and Chairman Othmer were present. Legislator DiCarlo was absent. Legislator Albano left the meeting at 7:18 P.M. Also present was Legislative Counsel Van Ross.

PROCLAMATIONS

Chairman Othmer requested that Legislator Oliverio present the proclamation to the Deputy Commissioner of Social Services/Mental Health/Youth Bureau, Joseph DeMarzo, Executive Director of the National Council on Alcoholism and Other Drug Dependencies/Putnam, Kristin McConnell and the National Council on Alcoholism and Putnam County Communities That Care Coalition Coordinator, Elaine Santos.

RECOGNIZING SEPTEMBER AS “NATIONAL RECOVERY MONTH”

WHEREAS, behavioral health is an essential part of health and one’s overall wellness and prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, preventing and overcoming mental and/or substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally. We must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, in 2011, 2.3 million people ages 12 or older received specialty treatment for a substance use disorder and 31.6 million adults ages 18 or older received mental health services, according to the *2011 National Survey on Drug Use and Health*. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

WHEREAS, on October 1, 2013 as a result of the Affordable Care Act, more than 11 million uninsured individuals with behavioral health needs will become eligible for affordable insurance coverage for their treatment needs, according to the *2011 National Survey on Drug Use and Health*. We must ensure that all of these individuals are successfully enrolled into coverage; and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and the Putnam County Communities That Care Coalition invite

all residents of Putnam County to participate in *National Recovery Month (Recovery Month)*; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim September 2013 as *National Recovery Month* and together with the Putnam County Communities That Care Coalition encourage all Putnam County residents to observe this month with appropriate programs, activities, and ceremonies to support this year's *Recovery Month*.

“CONTAGION” MOVIE SHOWN AT EMERGENCY SERVICES BUILDING ON 9/20/13 - FYI

Commissioner of Health, Dr. Allen Beals, invited everyone to attend the viewing of the film “Contagion” on September 20, 2013 at 6:30 pm at the Emergency Operations Center. He stated that there will be a brief informative discussion following the film which will educate residents on how the Health Department and Emergency Services prepares for emergency situations. There will also be sampling of food and demonstrations of how residents can prepare this food even if they lose their electricity. He stated that there will also be a raffle and the opportunity to receive crank radios and flashlights.

Item #3 – Approval of Minutes – Regular Meeting – August 7, 2013

The minutes were approved as submitted.

Item #4 – Correspondence

- a) County Auditor was duly noted.

Item #5 – Pre-filed resolutions:

Chairman Othmer stated that Legislator Albano needed to leave the meeting early, therefore, Chairman Othmer stated that the Physical Services Committee items would be considered first on the agenda.

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

Item #5h – Approval/Putnam County Veterans’ Residence/Lease Agreement Renewals was next. Chairman Othmer recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #176

APPROVAL/PUTNAM COUNTY VETERANS’ RESIDENCE/LEASE AGREEMENT RENEWALS

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

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

WHEREAS, the County of Putnam previously entered into separate lease agreements with the veterans listed in the attached Schedule "A", for single-residence rooms in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreements expired on July 31, 2013 and the County of Putnam is desirous of renewing same for a period of one (1) year; now therefore be it

RESOLVED, that the County of Putnam approves the renewal of the leases between the County and the veterans listed in the attached Schedule "A"; and be it further

RESOLVED, that the County Executive is authorized to execute renewal lease agreements with the veterans listed in the attached Schedule "A", for said single-residence rooms in the Putnam County Veterans' Residence at the rental amounts listed in the attached Schedule "A", which renewal leases shall be in the form attached hereto as Schedule "B"; and be it further

RESOLVED that the County Attorney is authorized to take whatever legal action is necessary to effectuate said renewal lease agreements in the manner approved herein and as written.

RESOLVED, this Resolution shall take effect immediately.

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

SCHEDULE "A"

<u>TENANT NAME</u>	<u>ROOM #</u>	<u>MONTHLY RENT</u>
1. Wilfred M. Watts	1	\$400.00
2. Gerard Carretta	2	\$400.00
3. Thomas Vitro	5	\$400.00
4. Vernon A. Nix	6	\$400.00
5. Werner F. Heinert	7	\$400.00
6. Louis J. Caruso*	9	\$200.00
7. Eugene Simmons	10	\$400.00
8. Patrick J. Brady	11	\$400.00
9. John S. Noble	12	\$400.00

*House Manager

Item #5i – Approval/Sale of Certain County Properties Pursuant to Chapter 31 of the Putnam County Code was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #177

APPROVAL/SALE OF CERTAIN COUNTY PROPERTIES 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 prospective purchasers for the certain properties identified in the attached Schedule "A"; and

WHEREAS, the Putnam County Administration recommends the acceptance of such negotiated offers as reflected in the attached Schedule "A", and as further specified in the respective Contracts of Sale, which are attached hereto and made a part hereof as Schedule "B"; and

WHEREAS, the Putnam County Legislature has reviewed said negotiated offers, 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 certain properties identified in the attached Schedule "A" for such amounts and upon such other terms and conditions as are contained in the Contracts of Sale, which are attached hereto and made a part hereof as Schedule "B"; and be it further

RESOLVED, that the County Executive is authorized to execute the Contracts of Sale for the certain properties identified in the attached Schedule "A", which Contracts of Sale shall be in the form attached hereto and made a part hereof as Schedule "B"; and be it further

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

RESOLVED, this Resolution shall take effect immediately.

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

SCHEDULE "A"

<u>TAX MAP</u>		<u>ADDRESS</u>	<u>CONTRACT PRICE</u>
Kent	TM # 20.7-1-36	101 Seven Hills Lake Dr.	\$75,000.00
Kent	TM # 11.8-1-16	152 Church Hill Road	\$76,000.00
Patterson	TM # 25.71-2-36	219 Haviland Drive	\$60,000.00
Patterson	TM # 13.-2-42	483 Mooney Hill Road	\$50,000.00
Southeast	TM # 45.-2-15	426 Route 312	\$41,000.00
Philipstown	TM # 27.12-1-72	129 East Mountain Road South	\$60,000.00

Item #5j – Approval/Conveyance of Tax Map Nos. 83.67-1-16 & 17/Town of Putnam Valley was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #178

APPROVAL/CONVEYANCE OF TAX MAP NOS. 83.67-1-16 & 17/TOWN OF PUTNAM VALLEY

WHEREAS, two unimproved adjoining parcels of real property identified as Town of Putnam Valley Tax Map Nos.: 83.67-1-16 & 17 were acquired by the County by Tax Deed, which was recorded in the Office of the Putnam County Clerk on October 18, 2011, in Liber 1884 at Page 430; and

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

WHEREAS, Michael A. Stelmaszyk owns the adjacent parcel of property identified as Town of Putnam Valley Tax Map No.: 83.67-1-15, which is improved by a single family dwelling; and

WHEREAS, Michael A. Stelmaszyk has offered to purchase Town of Putnam Valley Tax Map Nos.: 83.67-1-16 & 17 for the sum of \$2,210.00, which represents the County's net investment on the parcel; and

WHEREAS, Michael A. Stelmaszyk has also agreed to merge Town of Putnam Valley Tax Map Nos.: 83.67-1-16 & 17 with his 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.: 83.67-1-16 & 17 to Michael A. Stelmaszyk for the sum of \$2,210.00, 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.: 83.67-1-16 & 17 shall be conveyed in an "as is" condition by quitclaim deed, which shall provide that it be automatically merged with Town of Putnam Valley Tax Map Nos.: 83.67-1-15; 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. LEGISLATOR DICARLO WAS ABSENT. MOTION CARRIES.

Item #5k – Approval/Fund Transfer (13T175)/Commissioner of Finance/Putnam Golf Course Contracts was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

Legislator Oliverio thanked Commissioner of Finance Carlin for providing the contracts that were requested in a timely manner.

Legislator LoBue stated that she had additional questions with respect to expenditures. She stated that there was an interior designer hired, architect, advertising costs and costs associated with the Highway Department employees working at Putnam Golf, Inc. for four months.

Legislator LoBue made a motion to table this item back to Committee; seconded by Legislator Oliverio.

By Roll Call Vote: Two Ayes – Legislators LoBue & Oliverio. Six Nays – Legislators Albano, Castellano, Gross, Nacerino, Scuccimarra and Chairman Othmer. Legislator DiCarlo was absent. Motion Failed.

RESOLUTION #179

APPROVAL/FUND TRANSFER /COMMISSIONER OF FINANCE/PUTNAM GOLF COURSE CONTRACTS

WHEREAS, in the 2013 Putnam County Budget \$284,705 in potential salaries for personnel at the Putnam Golf Course along with fringes bring the total to \$384,507 was placed in sub-contingency; and

WHEREAS, due to the actual operational structure of the Golf Course this \$384,507 is not needed for salaries but will be needed for the Golf Course contracts; and

WHEREAS, the Commissioner of Finance has requested a fund transfer (13T175) to incorporate this change; and

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

RESOLVED, that the following fund transfer be made:

Decrease:

10199000 54993	Sub-contingency Salaries	384,507
-----------------------	---------------------------------	----------------

Increase:

10085000 54646	Putnam Golf Course – Contracts	384,507
-----------------------	---------------------------------------	----------------

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY ROLL CALL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. LEGISLATOR DICARLO WAS ABSENT. MOTION CARRIES.

Item #5L – Approval/Acceptance of Amendment B 2012-2013 Snow & Ice Agreement was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #180

APPROVAL/ACCEPTANCE OF AMENDMENT B 2012-2013 SNOW & ICE AGREEMENT

WHEREAS, by Resolution #286 of 2009 the Putnam County Legislature approved a Pilot Agreement with the State of New York for Snow and Ice Removal; and

WHEREAS, this agreement was for three (3) years and was encompassed by Agreement No. D014735; and

WHEREAS, by Resolution #78 of 2012 this agreement was extended through June 30, 2014; and

WHEREAS, an amendment to this agreement has been proposed for the 2012-2013 winter season based on revised estimated expenditures to more accurately reflect the season; and

WHEREAS, the amendment will enable the New York State Department of Transportation to reimburse Putnam County an additional \$154,607.50 over the estimated expenditure; and

WHEREAS, the acceptance of Amendment B will allow the processing of said reimbursement; now therefore be it

RESOLVED, that the County Executive is hereby authorized to execute the attached Amendment B.

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

Item #5m – Approval/Budgetary Amendment (13A053)/Commissioner of Highways & Facilities/Snow & Ice Agreement was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #181

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF HIGHWAYS & FACILITIES/SNOW & ICE AGREEMENT

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (13A053) to account for an increase in State Snow and Ice Agreement Revenue; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10511000 52650	Motor Vehicles	132,000
10511000 52680	Other Equipment	<u>22,608</u>
		154,608

Increase Estimated Revenues:

10514400 423021	State Aid – Snow & Ice	154,608
-----------------	------------------------	---------

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

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

Item #5n – Approval/Grant Application/Highways & Facilities/Transportation Enhancement Program (TEP) was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

Legislator LoBue stated that there were two parts to this. One was the Morningthorpe Bridge and the second is the Vegetation Management Plan. She stated that the grant has a matching portion of 20%. However, the Vegetation Plan on Lake Gleneida needs approval from DEP. She asked if the question could be split.

Chairman Othmer believed that the Legislature would be authorizing the submittal of the grant application.

Legislative Counsel Van Ross stated that the grant application has been submitted because of time issue. The Legislature is only authorizing the step to submit the application. At this time we do not know if the County would be selected to receive the grant funds.

Legislator Oliverio stated that the second to last Whereas Clause states: "WHEREAS, should the project or projects be selected by the TEP reviewing Committee, Putnam County would then need to commit 20% matching funds". Legislator Oliverio stated that this resolution only approves the application.

Legislator Albano stated that concurred. He stated that the agreement with the DEP is 95% complete. There are a few technical points to work out, however he believed those would not create any road blocks. He stated that he would hate to lose this grant.

First Deputy County Attorney, Andrew Negro, stated it was his understanding that Deputy County Executive Walker made a representation at the last Physical Services Meeting that the Vegetation Management Plan was informally approved and there was an agreement between the County and DEP.

Legislator LoBue stated that it looked like we had the votes to approve this grant application, therefore, she stated that the question did not have to be split.

RESOLUTION #182

APPROVAL/GRANT APPLICATION/HIGHWAYS & FACILITIES/TRANSPORTATION ENHANCEMENT PROGRAM (TEP)

WHEREAS, Section 5-1(D) of the Putnam County Code requires the County Legislature to approve all applications for grants prior to submission, however, in the case where time is of the essence and Legislative approval before submission is not possible the Legislature shall consider the grant application at the next Legislative meeting, and

WHEREAS, Grant funding has become available to qualified applicants for certain "transportation enhancing" projects under the Transportation Enhancement Program (TEP) with an application deadline of August 19, 2013; and

WHEREAS, two County projects were identified as falling within the criteria of TEP Grants; and

WHEREAS, the grant applications if selected will provide funding for:

1. The Morningthorpe Bridge conversion to a pedestrian bridge; and
2. The Vegetation Management Plan along Lake Gleneida; and

WHEREAS, upon submittal of this grant application, a funding commitment by the County is not required; and

WHEREAS, should the project or projects be selected by the TEP reviewing Committee, Putnam County would then need to commit the 20% matching funds; and

WHEREAS, the Morningthorpe Bridge Project is estimated at \$2.5 million and the Vegetation Management Plan is estimated at \$500,000.00; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the Commissioner of Highways & Facilities application for the Transportation Enhancement Program (TEP) Grant for these two projects.

BY ROLL CALL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. LEGISLATOR DICARLO WAS ABSENT. MOTION CARRIES.

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

Item #5a – Approval/Budgetary Amendment (13A046)/Health Department/CAC Child Fatality Prevention Program was next. Chairman Othmer recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #183

APPROVAL/BUDGETARY AMENDMENT/HEALTH DEPARTMENT/CAC CHILD FATALITY PREVENTION PROGRAM

WHEREAS, the Health Department has requested a budgetary amendment (13A046) to fund the necessary lines for the Grant funds for the Child Fatality Prevention Program which has been renewed for the period of August 1, 2013 through July 31, 2014; 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:

11401006 412941 10064	CAC Child Fatality Grant (Child Advocacy Center)	10,693
-----------------------	---	--------

Increase Appropriations:

11401006	CAC Child Fatality Grant	
51094 10064	Temporary	9,960
58002 10064	Social Security	<u>733</u>
		10,693

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT.
MOTION CARRIES.**

Item #5b – Approval/Budgetary Amendment (13A047)/Health Department/Early Intervention Billing and Revenue Collection was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #184

APPROVAL/BUDGETARY AMENDMENT/HEALTH DEPARTMENT/EARLY INTERVENTION BILLING AND REVENUE COLLECTION

WHEREAS, the Health Department has requested a budgetary amendment (13A047) to allow for the changes instituted by the New York State Department of Health in the way all county Early Intervention Departments are billed and in the way revenues are received; 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:

Decrease Revenue:

10405900 434491	State Aid EI Education Transportation	120,000
10405900 416216	Early Intervention Insurance Recoveries	<u>35,000</u>
		155,000

Decrease Appropriations:

10405900 54414	EI Care at Private Institutions	37,000
10405900 54417	EI Intervention Evaluations	5,000
10405900 54441	EI Intervention Itinerant	<u>113,000</u>
		155,000

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT.
MOTION CARRIES.**

**PERSONNEL COMMITTEE
(Chairman DiCarlo, Legislators Gross & Nacerino)**

Item #5c – Approval/Fund Transfer (13T164)/Department of Social Services/Temporary was next. Chairman Othmer recognized Legislator Nacerino, member of the Personnel Committee. On behalf of the members of the Committee, Legislators Gross and Chair DiCarlo, Legislator Nacerino moved the following:

RESOLUTION #185

APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/TEMPORARY

WHEREAS, the Commissioner of Social Services has requested a fund transfer (13T164) to provide Part Time Child Protective Services (CPS) Caseworker coverage due to a maternity leave (12 weeks) through 12/31/13; 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:

10102000 51000	Personal Services (601002101)	\$11,294
-----------------------	--	-----------------

Increase:

10102000 51094	Temporary	\$11,294
-----------------------	------------------	-----------------

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS DICARLO WAS ABSENT. MOTION CARRIES.

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

Legislator Oliverio apologized to Ms. Johnson. He stated that he has held a strong stance with respect to not appointing individuals who reside in the County. He stated that Ms. Johnson does a great job and deserves the position. He stated that he did not want to have a “no” vote on the record and therefore he would abstain from voting.

Legislator LoBue concurred with Legislator Oliverio.

Chairman Othmer stated that Legislators LoBue and Oliverio have held true to their belief of appointing individuals who reside in Putnam County. He stated that Ms. Johnson is a native of Putnam County, she is doing a great job, and he is proud to be part of the process of her appointment.

Legislator Gross stated that he is proud to support her position.

Legislator Castellano stated that many times you have to go outside of the County to get the best individual to serve Putnam County. He stated that this is one of those occasions. Ms. Johnson has done a great job and deserves the position.

Legislator Oliverio stated that he feels very strongly about finding individuals who are vested for their taxation through their abilities in the County. He stated that this was his personal belief.

Legislator Castellano stated that we want to get the best people to serve Putnam County and on occasion we have to look outside of Putnam County.

RESOLUTION #186

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

WHEREAS, pursuant to Article 4, Section 4.03 of the Putnam County Charter and Article 15-A, Section 1530 of the Real Property Tax Services Law, appointment has been made by County Executive MaryEllen Odell of Lisa Johnson as Real Property Tax Director for a six year term beginning October 1, 2013; now therefore be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Putnam County Charter, does hereby confirm the appointment of Lisa Johnson as Real Property Tax Director for a six year term beginning October 1, 2013.

BY ROLL CALL VOTE: FIVE AYES – LEGISLATORS CASTELLANO, GROSS, NACERINO, SCUCCIMARRA & CHAIRMAN OTHMER. TWO ABSENTIONS – LEGISLATORS LOBUE & OLIVERIO. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

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

Item #5e – Approval/Local Law to Amend Chapter 135/Code of Putnam County Entitled “Contractors” was next. Chairman Othmer recognized Legislator Nacerino, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the Committee, Legislators Castellano & DiCarlo, Legislator Nacerino moved the following:

Legislator Nacerino stated that the amendment pertains only to “mow and blow”. She stated that Legislator Oliverio was approached by a constituent who was concerned about the requirement of businesses obtaining a bond when engaged in lawn mowing/ground maintenance/leaf blowing. Legislator Nacerino stated that the Rules Committee checked with the legal department to see if we could seek some relief for the small businessmen. It was stated that we could and therefore we modified the local law to reflect that determination.

Legislator LoBue clarified that the change removed the bond requirement for these small businesses.

RESOLUTION #187

APPROVAL/LOCAL LAW/AMEND CHAPTER 135/CODE OF PUTNAM COUNTY ENTITLED “CONTRACTORS.”

A Local Law to Amend Chapter 135 of the Code of Putnam County entitled “Contractors.”

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

Section 1.

Section 135-2 of Chapter 135 of the Code of Putnam County entitled “Definitions” is

hereby amended to read as follows:

§ 135-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD -- The Home Improvement Board of Putnam County, as provided herein.

CUSTOM HOME -- A new single-family residence to be constructed on a parcel of land designated by a tax map number and owned by the purchaser at the time of contract, provided that such residence is intended for residential occupancy by such purchaser.

DIRECTOR -- The Director of Consumer Affairs, Weights and Measures.

HOME IMPROVEMENT

A. The repair, replacement, remodeling, refinishing, installation, construction, alteration, conversion, modernization, beautification, improvement or addition to a parcel of land designated by a tax map number or a building or that portion thereof which is used or designed to be used as a private residence apartment or dwelling place, including, but not limited to:

- (1) Asphalt or blacktop or driveway sealing.
- (2) Landscaping and gardening.
- (3) Arboriculture.
- (4) Lawn mowing/ground maintenance/leaf blowing/~~or any similar outdoor vocation.~~
(Note: shall not apply to full-time students under the age of 22 engaged in seasonal or part-time employment and who do not have employees).
- (5) Swimming pools.
- (6) Porches, patios, terraces, decks and any other outdoor stonework.
- (7) Garages and garage doors.
- (8) Central vacuum cleaning systems.
- (9) Storm windows.
- (10) Septic systems.
- (11) Insulation.
- (12) Waterproofing.
- (13) Tiling.
- (14) Fencing.
- (15) Painting and wall coverings.
- (16) Flooring and wall-to-wall carpeting.
- (17) Masonry.
- (18) Roofing.
- (19) Awnings or siding.
- (20) Antennas or satellite dishes.
- (21) Carpentry.
- (22) Excavation.
- (23) Environmental reclamation.
- (24) Other interior or exterior improvements.

B. "Home improvement" shall also mean the construction of a custom home, the installation of home improvement goods or the furnishing of home improvement services.

C. Notwithstanding the foregoing, "home improvement" shall not include:

- (1) The sale or construction of a new home, other than a custom home as defined in this section.
- (2) The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation or application of the goods or materials.

- (3) Work performed upon a residence by the owner, or upon a building owned by or controlled by any federal, state or local government, including school districts.
- (4) The sale or installation of appliances, such as stoves, refrigerators, freezers, room air conditioners, dishwashers, clothes washers or dryers, which are designed to be removable from the premises without material alteration thereof
- (5) The sale or installation of decorative goods or services, such as draperies and carpets.
- (6) The performance of repairs, replacements, or other services pursuant to an express or implied warranty, or a maintenance agreement as defined in § 395-a of the New York State General Business Law.

HOME IMPROVEMENT BUSINESS -- The business of providing a home improvement to an owner for a profit, fee, remuneration, favor or as part of a barter agreement.

HOME IMPROVEMENT CONTRACT -- An agreement in writing or contained in one or more documents, which is signed by the parties, for the performance of a home improvement between a home improvement contractor and an owner.

HOME IMPROVEMENT CONTRACTOR -- Any person, firm or corporation who owns, operates, maintains, controls, transacts or conducts a home improvement business or who undertakes or advertises a home improvement service, or offers to undertake or agrees to perform any home improvement for the owner for a fee, remuneration, favor or as part of a barter agreement, other than a bona fide employee of the registrant. "Home improvement contractor" does not include a person, firm, corporation, landlord, cooperative corporation, condominium board of managers, joint tenant or cotenant that owns, in whole or in part, the property to be improved.

LEGISLATURE -- The Putnam County Legislature.

OWNER -- Any homeowner, tenant, or any other person who orders, contracts for or purchases a home improvement or the service of a contractor, or the person entitled to the performance of the work of a contractor pursuant to a home improvement contract.

PERSON -- An individual, firm, partnership, association, corporation, trust, owner, contractor, salesman or other legal entity.

REGISTRANT -- A person registered to engage in the home improvement business under the provisions of this chapter.

SUBCONTRACTOR -- A person, other than a supplier of materials or laborer, who enters into a contract, written or verbal, with a contractor for the performance of any part of the contractor's contract, or a subcontractor's contract, as the case may be, and who does not perform work other than as a subcontractor.

Section 2.

Section 135-3 of Chapter 135 of the Code of Putnam County entitled "Registration required; home improvement business" is hereby amended to read as follows:

§ 135-3. Registration required; home improvement business.

- A. Registration required. No person shall maintain, conduct, operate or engage in a home improvement business within the County of Putnam, or hold himself or herself out as being able to do so, unless such person is registered pursuant to this chapter.
- B. Exceptions.
 - (1) No registration shall be required of any person who performs labor or services for a contractor or subcontractor duly registered hereunder for wages or salary.
 - (2) A license issued by the Putnam County Plumbing Board or the Putnam County

Board of Examiners for Electrical Contractors shall be deemed a registration in compliance with this section for the benefit of the holder thereof to perform work within the scope of his or her profession.

C. Rules governing registration application.

- (1) An application for an original or renewal registration required by this Subsection C shall be in writing upon a form prescribed by the Director. The Director may seek from an applicant sufficient relevant information about the applicant's character, experience, financial stability and other relevant information necessary to evaluate the applicant's qualification to be registered.
- (2) Each application, except for a business engaged in lawn mowing/ground maintenance/leaf blowing, shall be accompanied by a surety license and permit bond in the amount of \$25,000 with a minimum policy term of two years, conditioned upon the assurance that during the term of the registration, the registrant will continue to comply with the provisions of this title to assure that upon default in the performance of any contract, the advance payments made thereon, less the reasonable value of services actually rendered to the date of such default, of the reasonable costs of completion of the contract in the event of noncompletion thereof, will be refunded to the purchaser, owner or lessee with whom such contract was made. In addition, the bond shall inure to the benefit of any owner with whom the registrant shall enter into any home improvement contract or provide any home improvement during the period of registration.
- (3) Each applicant shall be required to provide a valid certificate of liability insurance naming Putnam County Department of Consumer Affairs as a certificate holder and additional insured.
- (4) Each applicant shall provide proof that worker's compensation insurance is in full force and effect for all workers within the applicant's employ, including subcontractor personnel, along with the application.
- (5) Each applicant shall provide the Director with a copy of his or her photo identification as a precondition to the issuance of a registration.
- (6) Effective May 9, 2011, each applicant for an original or renewal registration when applicable shall provide the Director with proof of completion of a best management practices course for lawn and garden care as required per § 135-4 of this chapter.

D. Content of registration application.

- (1) An application for an original or renewal registration required by this section shall be in writing upon a form prescribed by the Director.
- (2) In addition to that information sought on an application for registration, the Director, or his or her duly authorized designee, may seek from an applicant such sufficient and relevant information about the applicant's character, experience, financial stability and other relevant information necessary to evaluate the applicant's qualifications to be registered.
- (3) All applications for an original or renewal registration certificate shall include a representation by the applicant, in a form as determined by the Putnam County Legislature, that he or she will use the E-Verify Internet-based system, operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), to verify the employment authorization of his or her newly hired employees, and maintain records documenting his or her use of E-Verify during the term of his or her registration certificate. If such representations are not made, such registration certificate will not be issued. All applications shall also be accompanied by documentation issued by the U.S. Department of Homeland Security indicating that the applicant has registered as

an E-Verify user, An applicant's failure to comply with the provisions as described herein shall constitute grounds for the imposition of a fine and/or the suspension or revocation of a registration certificate and/or the denial of an application for the renewal of a registration certificate, in accordance with the applicable provisions of this chapter. This Subsection D shall not apply to applicants who have no employees or applicants who reasonably anticipate that no employees will be hired during the term of such registration certificate.

E. Proper display of registration.

- (1) Each and every registration certificate issued pursuant to this chapter shall be posted in a conspicuous location at the registrant's place of business, and a wallet identification card, which shall contain a photograph of the holder thereof and which shall be issued by the Director, shall be carried with each contractor or employee and displayed upon request. The registration number shall be included on all documents distributed by the registrant, including all advertisements.**
- (2) Each registrant shall be required to affix to a location to be determined by the Director on all vehicles owned/leased or used in the performance of the occupation so registered, a valid sticker in a form to be determined by the Director.**
 - (a) Said bumper sticker shall be provided by the Putnam County Department of Consumer Affairs.**
 - (b) Each registrant shall be issued one bumper sticker at no cost at the time of registration. Any additional stickers shall be provided to the registrant at a cost to be determined by the Director on an annual basis.**
 - (c) A valid vehicle registration must be provided at the time of registration, renewal or at any time in which a sticker is requested.**
 - (d) All stickers issued pursuant to this chapter shall remain the property of the Putnam County Department of Consumer Affairs.**

F. Assignment or transfer of registration.

- (1) A registration to conduct a home improvement business issued to an individual may be assigned or transferred for the remainder of the registration period to a partnership or corporation if the registrant is a member of such partnership or a stockholder of such corporation owning not less than 25% of the outstanding stock at the time of such assignment or transfer, and the remaining stockholders or partners meet the requirements of this chapter.**
- (2) Registration of a partnership may be assigned or transferred for the remainder of the registration period to any one member of such partnership, provided that he or she obtains the consent of all of the other members of such partnership and otherwise meets the requirements of this chapter.**

G. Miscellaneous provisions governing registration.

- (1) Any change in status, ownership, management, address, trade name or other material change shall be communicated to the Director, in writing, within 15 days of said change.**
- (2) Unless suspended, revoked or voluntarily surrendered, any registration issued hereunder shall expire on the last day of the 24th month after issuance.**
- (3) The Director, or his or her duly authorized designee, shall use the E-Verify Internet-based system, operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), to verify the status of all applicants for a registration certificate prior to such certificate being issued.**

Section 3.

This Local Law shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #5f – Approval/Local Law to Amend Chapter 190/Code of Putnam County Entitled “Plumbing and Mechanical Trades” was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Castellano and DiCarlo, Legislator Nacerino moved the following:

Legislator Nacerino stated that this revision took out the helper registration requirement in the Plumbing and Mechanical Trades law.

Chairman Othmer stated that he requested this revision. He stated that there were some inconsistencies when the three trades laws were mirrored over the years. He believed that there were certain regulations in the law that inhibited the construction businesses in Putnam County. He stated that the Electrical Board chose to keep the Helpers registration in the Electrical Law.

Legislator Nacerino stated that the change provides flexibility to the contractor. She stated that the three trades laws are still being reviewed to determine what is applicable across the board for all three laws and where changes need to be reflected.

Chairman Othmer stated that many contractors are not union contractors. He stated that if employees belong to a union, their hours are documented as a Journeyman or Apprentice. This documentation of time is needed when a person wants to become a Master Plumber or Master Electrician. He stated that in the case of a person working for a non-union contractor, there were times when these Journeyman or Apprentice employees’ time or years of service were not being documented.

Legislator Nacerino stated that it is important to have the necessary documentation.

RESOLUTION #188

APPROVAL/LOCAL LAW/AMEND CHAPTER 190/CODE OF PUTNAM COUNTY ENTITLED “PLUMBING AND MECHANICAL TRADES.”

A Local Law to Amend Chapter 190 of the Code of Putnam County entitled “Plumbing and Mechanical Trades.”

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

Section 1.

Section 190-3 of Chapter 190 of the Code of Putnam County entitled “Definitions is hereby amended to read as follows:

§ 190-3. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings, unless otherwise indicated by the context:

BOARD -- The Plumbing and Mechanical Trades Board of Putnam County as provided for by this chapter.

BUSINESS ENTITY -- Shall include any corporation, partnership, limited partnership or joint venture formed for the purpose of engaging in the business and/or trade of plumbing and/or related mechanical trades.

CERTIFICATE OF COMPETENCY -- A certificate issued by the Board to persons who have successfully completed an examination for master plumber or other mechanical trade as provided for by the provisions of this chapter.

DIRECTOR -- The Director of the Putnam County Department of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

FAMILY -- A spouse of a Board member, or a person claimed as a dependent on the Board member's latest individual tax return.

FIRE PROTECTION SPRINKLER SYSTEM -- All devices and apparatuses comprising the sprinkler system extending from the clapper valve station(s) to and including the sprinkler heads and inspection test stations, and any other required apparatuses and terminal points within the piping system.

~~**HELPER** -- 1) A person who is learning the plumbing or related trade under the direct supervision and control of a licensed master plumber or a licensed or certified mechanical tradesperson in Putnam County. 2) Any person working on a job site in Putnam County under a licensed master plumber who is not a licensed master plumber or licensed journeyman. Effective June 30, 2009, the Board will issue helper registration cards upon successful application to the Board.~~

HVAC SYSTEM -- Any device or apparatus used in connection with a heating, ventilation and/or air-conditioning system located in any building structure whatsoever. For purposes of this chapter, this definition shall include all conveyance pipes for any and all types of refrigerant gas, oil and/or water, including piping to potable water connections.

INCIDENTAL POTABLE WATER CONNECTION -- A connection to an existing potable water system that does not involve substantial modification, alteration and/or repair to the existing system. For purposes of this chapter, an "incidental potable water connection" does not include the installation of, alteration of and/or modification to a potable water, waste, soil and/or vent system or replacement of valves or backflowing devices.

JOURNEYMAN -- A person who works within Putnam County and is employed by and under the direct supervision and control of a licensed master plumber or a licensed or certified mechanical tradesperson, with a minimum of five (5) years experience in plumbing, heating, sheetmetal, or HVAC; or has met the requirements of the Certified Employee Training Program (CETP) offered through the National Propane Gas Association; or has satisfied the state guidelines permitting a person to install protection sprinklers~~10,000 hours' experience as a helper in the plumbing, heating, or with a minimum of 2,000 hours' experience as a helper in the LP gas, sprinkler, pump installation, water treatment, or well-drilling trade, or a minimum of 6,000 hours' experience in HVAC.~~ Effective June 30, 2008, a journeyman will be required to successfully complete an examination for registration as a journeyman plumber cardholder or certification as a journeyman mechanical tradesperson cardholder. Prior to June 30, 2008, the Board will issue journeyman plumber cards and journeyman mechanical tradesperson cards upon successful application to the Board.

LAWN, GARDEN AND AGRICULTURAL SPRINKLER SYSTEM -- A system of piping or other mechanical means for the purpose of supplying land with water by artificial means, as by diverting streams, flooding or spraying, or to moisten, wet or nourish vegetation, lawns, crops or other agricultural means.

LEGISLATURE -- The Putnam County Legislature.

LP GAS SYSTEM -- All devices and apparatuses comprising the liquid petroleum gas piping system for all LP-gas-burning appliances extending from the point of connection with the local supplier's meter and/or storage tank to all termination points contained in the customer's piping system.

MASTER PLUMBER -- A person who engages in or carries on the craft of plumbing, as provided for by the provisions of this chapter.

MECHANICAL TRADES -- Trades that are directly related to the trade of plumbing and subject to certification under the provisions of this chapter:

- A. Fire sprinkler systems: installation, repair and maintenance;
- B. Lawn, garden and/or agricultural sprinkler systems: installation, repair and maintenance;
- C. LP gas systems (including natural, propane, butane, and any other gas used for heating, cooking, or ornamental purposes from the point of connection with the local supplier's meter and/or storage tank to all termination points contained in consumers' piping system, and oxygen and similar piping systems located at medical offices): installation, repair, maintenance, extension, relocation and/or alteration;
- D. Heating, ventilation and air-conditioning (HVAC) systems: installation, repair and maintenance, extension and/or alteration; and
- E. Water well, pump, storage, treatment and/or filtration systems: installation, drilling, repair and maintenance.

MECHANICAL TRADESPERSON -- A person engaged in any one of the mechanical trades as defined by this chapter.

PERSON -- Shall include an individual, partnership, corporation, business organization or other similar entity.

PLUMBER -- A craftsman who installs, repairs pipes, fixtures and other apparatus relating to the distribution of water or gas in a building and for disposal of sewage, as defined by the New York State Plumbing Code, Chapter 2.

PLUMBING -- Utility consisting of the pipes, fixtures and other apparatus for the distribution of water or gas in a building or for the disposal of sewage; the occupation of a plumber, as defined by the New York State Plumbing Code, Chapter 2.

POTABLE WATER SOURCE -- Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

SHEET METAL -- Utility consisting of the duct work and material for the distribution of air-controlled movement.

Section 2.

Section 190-4 of Chapter 190 of the Code of Putnam County entitled "License required" is hereby amended to read as follows:

§ 190-4. License required.

- A. No person shall engage in, carry on or conduct the business or trade of plumbing or similar mechanical trade within the County of Putnam, and no person shall represent

himself or herself to be or advertise as a plumber, master plumber or mechanical tradesperson within the County of Putnam, unless duly licensed or certified in accordance with the provisions of this chapter.

- B. No person shall engage in the business or trade of plumbing or other similar mechanical trade, as defined herein, or hire himself or herself out to perform the services of master plumber, licensed or certified mechanical tradesperson, or journeyman plumber or journeyman mechanical tradesperson, ~~or helper~~ unless he or she has been duly authorized to do so by the issuance of a master plumber license, mechanical trades certification, or journeyman plumber card or journeyman mechanical tradesperson card, ~~or helper registration~~.
- C. No person who has been licensed or certified under the provisions of this chapter shall commence any new installation, repair or alteration to any plumbing or gas system within the County of Putnam without first having obtained the appropriate permit(s) from the local building department having jurisdiction, which shall forward a copy of the same to the Board.
- D. Nothing contained in this chapter shall be construed to obviate the need for procuring any and all permits otherwise required by law for the performance of plumbing and/or mechanical trades work.

Section 3.

Section 190-5 of Chapter 190 of the Code of Putnam County entitled "Plumbing and Mechanical Trades Board" is hereby amended to read as follows:

§ 190-5. Plumbing and Mechanical Trades Board.

- A. There shall be a Plumbing and Mechanical Trades Board ("Board") consisting of nine members, who shall each be residents of the County of Putnam.
- B. The Board shall interview all candidates for Board membership and submit all candidates' resumes to the Legislature.
- C. Board members shall be appointed by a majority vote of the Putnam County Legislature. Board members shall serve a term of three years and at the pleasure of the Legislature.
- D. At no time may more than one owner, shareholder or employee of the same partnership, corporation, business organization or other similar entity, or more than one member of the same family, serve on the Board at the same time.
- E. The composition of the Board shall be as follows:
 - (1) One member shall be a licensed professional engineer with a minimum of five years active practice in New York State; a licensed professional engineer currently employed by the Putnam County Department of Health; or licensed master plumber with a minimum of 10 years' experience, but who is no longer actively engaged in the trade of plumbing or other mechanical trade, as defined herein.
 - (2) One member shall be a journeyman plumber or building inspector.
 - (3) One member shall be a resident of the County and shall not be nor have been a ~~helper~~, licensed plumber, journeyman plumber or a licensed or certified mechanical tradesperson. Said member shall serve a term of three years.
 - (4) Two members shall be licensed master plumbers with a minimum of five years' experience as such.
 - (5) One member shall be a licensed master plumber with a minimum of five years'

- experience as such or a licensed journeyman plumber who is a resident of the County of Putnam and who has a minimum of five years' experience as such.
- (6) One member shall be a certified HVAC mechanical tradesperson with a minimum of seven years' experience as such.
 - (7) One member shall be a certified LP gas mechanical tradesperson with a minimum of seven years' experience.
 - (8) One member shall be a certified well driller with a minimum of seven years' experience.
- F. **Secretary.** Excepting the current Secretary to the Board, all future secretaries to the Board shall be appointed by the County Executive. The Secretary shall report to the Director, who shall be responsible for the direct daily supervision of the Secretary.
 - G. **Chairperson and Vice Chairperson.** The Board, by majority vote of the entire Board, shall elect a Chairperson and Vice Chairperson, each of whom shall serve a one-year term. A Chairperson shall serve no more than two consecutive one-year terms. Once a Chairperson has served two consecutive one-year terms, he/she shall be prohibited from serving as the Board Chairperson or Vice Chairperson for a period of not less than two years.
 - H. **Quorum.** A majority of the Board shall constitute a quorum for the transaction of business. As a matter of illustration, a quorum for this nine-member board is five.
 - I. **Vacancies.** In the event of a vacancy on the Board, such vacancy shall be appointed by a majority vote of the Putnam County Legislature to fulfill the remainder of the vacating member's term.
 - J. **Removal.** A Board member may be removed by majority vote of the Putnam County Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause as set forth in the Board's rules and regulations.

Section 4.

Section 190-8 of Chapter 190 of the Code of Putnam County entitled "Application and examination procedure" is hereby amended to read as follows:

§ 190-8. Application and examination procedure.

- A. **Written application.** Written applications of licensure and/or certification shall be submitted to the Secretary of the Board on the form prescribed by the Board. At a minimum, each application shall set forth the name, residence address, business address, telephone numbers and trade names of the applicant, plus such additional information concerning his or her qualifications as the Board may require. The Board shall not require a letter from a former employer evidencing experience in the applicant's respective field. All applications shall be signed by the applicant, whose signature shall be duly acknowledged. Applications must be made in the name of the individual seeking licensure and/or certification. If the applicant is an officer, owner or employee of a plumbing and/or mechanical trade business, partnership or corporation, then the application shall set forth the names of all officers, owners and employees thereof as of the date of application. [Amended 5-4-2010 by L.L. No. 10-2010]
- B. **Proof of current or prior employment, qualifications and fitness for licensure.** The Board shall investigate the employment history, qualifications and fitness of any applicant requesting licensure pursuant to this chapter. All applicants with relevant

work experience outside of Putnam County must provide proof of such experience. Applicants with relevant work experience within Putnam County shall be required to show proof of such work experience within Putnam County if the applicant has not been issued a ~~Putnam County helper or~~ Putnam County journeyman registration card. Proof of employment must include the name and address of the former employer, the length of time the applicant worked for the former employer and the type of work the applicant performed while working for the former employer. Proof of employment may include but is not limited to letters from the former employers evidencing experience in the applicant's respective field, tax returns and work logs. [Amended 5-4-2010 by L.L. No. 10-2010]

- (1) Applicants for a master plumber's license must have ~~10,000 hours' experience as a helper and~~ 8,000 hours' experience as a journeyman in the plumbing trade under the employ of a licensed master plumber.
 - (2) Applicants for certification in the heating, HVAC or sheet metal trades must have ~~6,000 hours' experience as a helper and~~ 8,000 hours' experience as a journeyman in the heating, HVAC or sheet metal trade under the employ of a licensed master tradesman.
 - (3) Applicants for certification in the L.P. gas, sprinkler, pump installation, water treatment or well drilling trades must have ~~2,000 hours' experience as a helper and~~ 2,000 hours' experience as a journeyman in the L.P. gas, sprinkler, pump installation, water treatment or well drilling trades under the employ of a licensed master tradesman.
- C. Upon receipt of an application, the Secretary shall immediately forward a copy of the same to the Chairman of the Board.
- D. Testing fee. Where applicable, applications must be accompanied by the appropriate testing fee. Testing fees collected under this chapter shall not be refundable in the event of failure to take or pass the written examination.
- E. Written examination. Upon satisfactory submission of all application materials, the applicant shall be required to take and successfully complete the appropriate Putnam County examination for the trade for which licensure and/or certification is sought. Either the Board or an approved testing agency shall provide written examinations a minimum of four times per calendar year. The date, time and place of testing shall be determined by the Board or the approved testing agency. The Board shall provide applicants with a minimum of two weeks' written notice of testing dates. A complete record of every examination administered under the provisions of this chapter shall be kept on file with the Board for a period of three years following the date of examination.
- F. Passing grade. Applicants must receive a grade of 70% or higher on the written examination to qualify for licensure. Applicants shall be notified of the results of their written examinations within 10 working days after the date of the examination. The names and addresses of all successful applicants shall be registered by the Board in the plumbing and mechanical trades licensing records maintained by the Board.
- G. Failing grade. In the event an applicant fails the written examination (i.e., receives a 69% or lower), he or she may reapply for licensure under the provisions of this chapter, subject to the following additional waiting periods:
- (1) Second written examination: at the next available test date, measured from the date of the applicant's first written examination.
 - (2) Third and subsequent written examination: one-year waiting period, measured from the date of the applicant's preceding written examination.
 - (3) New application required. An applicant who fails the written examination three times must submit a new application, accompanied by payment of the

appropriate fee.

H. Fees. The amounts for testing, licensing, renewal and other fees provided for under the provisions of this chapter shall be set by resolution of the Putnam County Legislature. All fees collected under the provisions of this chapter are nonrefundable.

I. Exceptions to testing requirements; reciprocal licensing.

- (1) The Board, with legislative approval, may waive the examination requirements and issue a master plumbing license or a mechanical trade certification to any person holding an equivalent current and valid license or certification issued by other political subdivisions of the State of New York outside of Putnam County, provided that, in the judgment of the Board, the qualifications for such licenses or certifications by such other political subdivisions are substantially similar to those required by or permitted pursuant to this chapter. Furthermore, such political subdivision shall similarly issue a license or certification without examination to an individual with such qualifications licensed or certified in Putnam County, as evidenced by local law and/or resolution by such political subdivision. Both Putnam County and the political subdivision shall file with their respective County or Town Clerk these reciprocity agreements. All other requirements for licensure and/or certification provided for by this chapter remain applicable to such persons. Such persons are subject to all provisions of this chapter.
- (2) Licenses and/or certifications issued pursuant to Subsection I may be renewed in accordance with the provisions of this chapter.
- (3) Persons licensed or certified in accordance with this subsection must at all times retain their licensure and/or certification from the conferring jurisdiction. Failure to do so will result in immediate termination of the license and/or certification issued hereunder.
- (4) Nothing in this subsection shall obviate the need for procuring any permits for plumbing work otherwise required by local or state law, rule or regulation.

J. Employment authorization using E-verify system.

- (1) All applications for an original or renewal registration certificate shall include a representation by the applicant, in a form as determined by the Putnam County Legislature, that he or she will a) use the E-Verify Internet-based system, operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), to verify the employment authorization of the applicant and all newly hired employees, and b) maintain records documenting his or her use of E-Verify during the term of his or her registration certificate. If such representations are not made, such registration certificate will not be issued. All applications shall also be accompanied by documentation issued by the U.S. Department of Homeland Security, indicating that the applicant has registered as an E-Verify user. An applicant's failure to comply with the provisions as described herein shall constitute grounds for the imposition of a fine and/or the suspension or revocation of an application for the renewal of a registration certificate, in accordance with the applicable provisions of this chapter. This subsection shall not apply to applicants who have no employees or applicants who reasonably anticipate that no employees will be hired during the term of such registration certificate.
- (2) Applicants who hire workers from a temporary agency or temporary staffing company shall not be required to use the E-verify Internet-based system to verify employment authorization of those workers hired through the temporary agency or staffing company. ~~However, all other rules applicable to helpers in this Chapter shall apply to workers hired through a temporary agency or staffing~~

~~company.~~

Section 5.

Section 190-9 of Chapter 190 of the Code of Putnam County entitled "Issuance and renewal of license and/or certification" is hereby amended to read as follows:

§ 190-9. Issuance and renewal of license and/or certification.

- A. Issuance of license and/or certification. Upon payment of the appropriate fee, the Board shall issue a license or mechanical trade certificate to the approved applicant, together with an indicia of licensure or certification evidencing the same (which shall remain the property of the County of Putnam). Licenses and/or certifications shall be issued to individuals only.
- B. Term.
- (1) Each master plumbing license and/or mechanical trades certification issued hereunder shall expire on the next succeeding 31st day of December.
 - (2) Beginning on the 30th day of June 2008, each journeyman plumber's card and each journeyman mechanical tradesperson card shall be issued for a two-year period expiring on the second succeeding 30th day of June and shall be issued upon the payment of a two-year fee. Thereafter, such journeyman plumber's card and journeyman mechanical trades card shall expire on the 30th day of June of each even-number year.
 - ~~(3) All helper registration cards issued pursuant to the definition of "helper" in § 190-3 of this chapter shall expire on June 30, 2011, and shall be issued upon payment of a two-year fee. Thereafter each helper registration card shall expire on the 30th day of June of each odd-number year.~~
- C. Renewals. Applications for renewal of a license or certification duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board on the form prescribed by the Board at least 30 days prior to the expiration date of the license and/or certification and shall be accompanied by the appropriate annual licensing fee. Upon request by the Board, applicants for renewal must provide the Board with such proof as may be necessary and appropriate to satisfy the Board of the applicant's qualifications, competency and fitness to carry on the trade for which he or she is licensed and/or certified.
- D. Late renewal. If application for renewal is not made within the time prescribed herein, the Board, in its sole discretion, may nevertheless renew the license and/or certification in accordance with the Board's rules and regulations. In such event, before the Board may issue a renewal, the licensee or certificate holder must pay the appropriate penalty fee, as set by the Legislature. If an application for a renewal is not made by March 31, the Board will notify the applicant by registered mail that his or her application for renewal has not yet been received, and an additional late fee, in an amount set by the Board and approved by the Legislature, shall be assessed against the licensee or certificate holder, which fee shall be paid in full prior to the issuance of a license or certificate renewal.
- E. Severance of business ties; notice to Board. Whenever a licensed master plumber or licensed or certified mechanical tradesperson representing a plumbing or mechanical trades business, which operates under a trade, partnership or corporate name, severs his or her relationship with such business, it shall be the duty of the licensee and/or certificate holder and the business to notify the Board of such action within 30 days

from the date thereof. Failure to do so shall be deemed sufficient cause for denying a new license, certification and/or renewal thereof to such person and prohibiting the business to continue in the business of plumbing and/or mechanical trades.

- F. Presentation on demand. All licensees, certificate holders and card holders shall be required to present evidence of licensure, certification or registration upon demand by the Director, the Code Enforcement Officer(s) and/or the License Enforcement Officer(s) appointed under this chapter and Chapter 135, Contractors, and Chapter 145, Electricians, of Putnam County. Failure to do so shall constitute a violation of this chapter. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter.
- (1) Licensed and certified contractors shall require all workers working for the licensed or certified contractor on a job site to carry identification at all times while on the job site. A violation of this section shall subject the licensed or certified contractor to a civil penalty as provided for in this chapter.
 - (2) Should a licensed or certified contractor be charged with a violation of § 190-9F(1) for a worker not carrying identification, the licensed or certified contractor shall have two County business days to produce the worker's identification to the Department of Consumer Affairs for a reduction in the civil penalty. In order to receive a reduction in the civil penalty, at the time the identification is produced to the Department of Consumer Affairs the licensed or certified contractor shall present the payroll records of the employee or evidence of the licensed or certified contractor's payment to the company that employs the worker found on the job site without identification.
- G. Military service exception. In the event a licensee and/or certificate holder is called to active duty in the United States military, his or her license and/or certificate shall be deemed frozen during the period of such active duty. Upon return from active duty and presentation to the Board of proof of the dates of active duty, such license and/or certificate shall be reactivated effective the day after the last date of active duty and credited for each day of active duty. This exception shall be retroactive to account for any deployment occurring after September 11, 2001.

Section 6.

Section 190-11 of Chapter 190 of the Code of Putnam County entitled "Registration of helpers and journeymen" is hereby amended to read as follows:

§ 190-11. Registration of ~~helpers and~~ journeymen.

- A. No person who is licensed as a master plumber or licensed or certified as a mechanical tradesperson pursuant to this Putnam County Plumbing and Mechanical Trades Law shall hire any person to perform services of a journeyman plumber or journeyman tradesperson in Putnam County unless such person has obtained a journeyman plumber card or journeyman mechanical tradesperson card under this chapter.
- ~~B. No person who is licensed as a master plumber or licensed or certified as a mechanical tradesperson pursuant to this Putnam County Plumbing and Mechanical Trades Law shall hire any person to perform services of a helper in Putnam County unless such person has registered as a helper under this chapter.~~
- C. A licensed master plumber or certified mechanical tradesperson shall respond to the Board's request for information regarding the registered journeymen ~~and helpers~~

employed by the licensed master plumber or certified mechanical tradesperson. The licensed master plumber or certified mechanical tradesperson must provide the specific information requested by the Board within the specific time frame of such request. [Amended 5-4-2010 by L.L. No. 10-2010^{EN}]

- D. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter, except that a master plumber shall be responsible for any and all unregistered employees.
- E. This section shall not be construed to impose penalties upon an employee of an unlicensed plumber or an unlicensed or uncertified mechanical tradesperson. Should an unlicensed plumber or unlicensed or uncertified mechanical tradesperson hire a journeyman plumber, or journeyman mechanical tradesperson ~~or helper~~, the unlicensed plumber or uncertified mechanical tradesperson shall be penalized.

Section 7.

Section 190-12 of Chapter 190 of the Code of Putnam County entitled “Unlicensed or unregistered plumbers and uncertified or unregistered mechanical tradespersons” is hereby amended to read as follows:

§ 190-12. Unlicensed or unregistered plumbers and uncertified or unregistered mechanical tradespersons.

- A. No person who has not qualified for and obtained a license, certificate, or registration card issued under the provisions of this chapter shall represent himself or herself to the public, or engage in the work of, a licensed master plumber, journeyman plumber, licensed or certified mechanical tradesperson, or journeyman mechanical tradesperson ~~or helper~~ in Putnam County.
- B. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter, except that a master plumber shall be responsible for any and all unregistered employees.

Section 8.

Section 190-21 of Chapter 190 of the Code of Putnam County entitled “Prohibited Acts” is hereby amended to read as follows:

§ 190-21. Prohibited acts. [Amended 5-4-2010 by L.L. No. 10-2010]

The following acts are strictly prohibited:

- A. Abandonment or failure to perform, without justification, any contract for plumbing or mechanical trades work or project engaged in or undertaken by the contractor.
- B. Making any substantial misrepresentation in the procurement of a contract for plumbing or mechanical trades work, or making any false promise likely to influence, persuade or induce.
- C. Any fraud in the execution of or in the material alteration of a contract for mechanical trade work, or making any false promise likely to influence, persuade or induce.
- D. Any fraud in the execution of or in the material alteration of any contract, promissory note or other document incident to a contract for plumbing or mechanical trades

work.

- E. Making a false statement or providing false information in making an application for registration, including duplicate or renewal.
- F. Making a false statement or providing false information when responding to the Board's request for information regarding registered journeymen ~~and helpers~~ employed or formerly employed by the licensed master plumber or certified mechanical tradesperson.
- G. Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of a contract for plumbing or mechanical trades work with knowledge that it represents a greater monetary obligation than the agreed-upon consideration for the contract.
- H. Demanding or receiving any payments prior to the signing of a contract for plumbing or mechanical trades work.
- I. Receiving at or before the time of execution of a contract a deposit of more than 1/3 of the contract price.
- J. Directly or indirectly publishing any advertisement relating to plumbing or mechanical trades work which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading, or by any means of advertising or purporting to offer the general public any mechanical trade work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.
- K. Disregard and violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.
- L. Failure to notify the Board, in writing, of any change or control in ownership, management or business name or location.
- M. Failure to adhere to any of the requirements as set forth in § 190-4 of this chapter.
- N. Conducting a plumbing or mechanical trades business in any name other than the one in which the contractor is registered.
- O. Failure to respond to the Board's request for information regarding the registered journeymen ~~and helpers~~ employed or formerly employed by the licensed master plumber or certified mechanical tradesperson.
- P. Failure to comply with any order, demand or requirement made by the Board pursuant to the various provisions of this chapter.
- Q. Failure to list registration number in any and all advertisements for the registered plumbing or mechanical trades business.
- R. Failure to establish or maintain financial solvency, taking into account the scope and size of a person's business in relation to the person's current assets, liabilities, credit rating, net worth and circumstances affecting solvency. Such financial information shall be confidential and not a public record but, where relevant, shall be admissible as evidence in any administrative hearing or judicial action or proceeding.
- S. Failure to maintain the proper insurance, surety license and permit bond, as required by § 190-26 hereof.
- T. Any fraud in recommending the installation, repair or replacement of any item the tradesman knew or should have known was not required.
- U. Work which is not consistent with New York State Building Codes, local codes, contemporary industry standards or any other applicable codes.

Section 9.

This Local Law shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT.
MOTION CARRIES.

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

Item #5g – Approval/Fund Transfer (13T165)/Sheriff’s Department/Purchase Vehicle for Corrections Division was next. Chairman Othmer recognized Legislator Gross, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators LoBue and Oliverio, Legislator Gross moved the following:

RESOLUTION #189

APPROVAL/FUND TRANSFER /SHERIFF’S DEPARTMENT/PURCHASE VEHICLE FOR CORRECTIONS DIVISION

WHEREAS, the Sheriff’s Department has requested a fund transfer (13T165) to purchase a vehicle for the Corrections Division; and

WHEREAS, the Protective 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:

10315001 52180 10032	Other Equipment (SCAAP Grant)	\$26,000
-----------------------------	--	-----------------

Increase:

10315001 52650 10032	Motor Vehicle (SCAAP Grant)	\$26,000
-----------------------------	--	-----------------

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT.
MOTION CARRIES.

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

Item #5o – Approval/Authorization/Legislators to Attend September New York State Association of Counties Fall Seminar was next. Chairman Othmer recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #190

APPROVAL/AUTHORIZATION/LEGISLATORS TO ATTEND SEPTEMBER NEW YORK STATE ASSOCIATION OF COUNTIES FALL SEMINAR

WHEREAS, three Legislators and Legislative Counsel have requested permission to attend the New York State Association of Counties Fall Seminar to be held in Saratoga Springs, New York, in September 2013 for registration and lodging total expenditure of approximately \$695.00 per person; and

WHEREAS, the Audit & Administration Committee has reviewed and approves their requests; now therefore be it

RESOLVED, that three Legislators and Legislative Counsel are authorized to attend the New York State Association of Counties Fall Seminar to be held in Saratoga Springs, New York in September 2013.

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #5p – Approval/Budgetary Amendment (13A048)/Office For the Aging/Purchase of Two Vehicles for the Medical Transportation Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #191

APPROVAL/BUDGETARY AMENDMENT /OFFICE FOR THE AGING/PURCHASE OF TWO VEHICLES FOR THE MEDICAL TRANSPORTATION PROGRAM

WHEREAS, the Office For the Aging Department has requested a budgetary amendment (13A048) for the purchase of two vehicles for the Medical Transportation Program utilizing the bequest from Jane Lobdell; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10677200 52650	Motor Vehicles	\$47,000
-----------------------	-----------------------	-----------------

Increase Estimated Revenues:

10677200 427050	Gifts & Donations	\$47,000
------------------------	------------------------------	-----------------

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

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

RESOLUTION #192

APPROVAL/LOCK OUT / TAG OUT POLICY

WHEREAS, the County of Putnam seeks to create a safe working environment for its employees and the public; and

WHEREAS, the County of Putnam as part of a comprehensive safety program strives to be compliant with the Occupational Safety and Health Act (hereinafter "OSHA") and Public Employee Safety and Health (hereinafter "PESH") regulations; and

WHEREAS, OSHA, specifically 29 CFR 1910.147, dictates that the County must have a Lock Out or Tag Out Policy, and it establishes the minimum requirements of said program; and

WHEREAS, the union representatives, specifically the CSEA union representatives, played an integral role in developing such a program, and have reviewed and approved the policy submitted by the Putnam County Senior Deputy County Attorney for Risk and Compliance; and

WHEREAS, the Safety Committee also reviewed and approved said policy; and

WHEREAS, the Legislature's Physical Services Committee and its Audit & Administration Committee has reviewed and approves this Lock Out / Tag Out Policy; now therefore be it

RESOLVED, that the Lock Out/ Tag Out Policy developed by the County is hereby adopted by the Putnam County Legislature in the form attached hereto, provided that the Putnam County Law Department may from time to time amend said policy as it deems necessary, so long as said changes do not materially alter the policies and procedures contained therein.

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #5r – Approval/Creation of the Position of Safety Officer was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #193

APPROVAL/CREATION OF THE POSITION OF SAFETY OFFICER

WHEREAS, Putnam County is faced with ever rising costs and expenses, including the many costs associated with Worker's Compensation; and

WHEREAS, the County of Putnam, as part of a comprehensive safety program strives, to be compliant with the Occupational Safety and Health Act (hereinafter "OSHA") and the Public Employee Safety and Health (hereinafter "PESH") regulations; and

WHEREAS, there have been several recent accidents, including a near fatality, which emphasize the critical need for a countywide Safety Officer; and

WHEREAS, the addition of a full-time Countywide Safety Officer who will work collaboratively with the Senior Deputy County Attorney for Risk and Compliance is drastically needed; and

WHEREAS, the County Attorney and Senior Deputy County Attorney for Risk and Compliance, along with the Director of Personnel, have recommended the creation of the position of Safety Officer effective September 1, 2013; and

WHEREAS, the Legislature's Physical Services Committee and its Audit & Administration Committee has reviewed and approves of the creation of this position, now therefore be it

RESOLVED, that the position of Safety Officer be established.

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #5s – Approval/Budgetary Amendment (13A058)/County Attorney/Provide Funding for a New Position of Safety Officer was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

Legislator Oliverio questioned the date of the examination.

Legislator Castellano stated that it was in October. He stated that he had asked the question if a person could be hired in advance. He stated that apparently they don't have someone in mind for the time being. However, it is certainly possible and once the person gets appointed, they would have to score one of the top three in the exam in order to keep the position.

RESOLUTION #194

APPROVAL/BUDGETARY AMENDMENT /COUNTY ATTORNEY/PROVIDE FUNDING FOR A NEW POSITION OF SAFETY OFFICER

WHEREAS, the County Attorney has requested a budgetary amendment (13A058) to provide funding for a new position of Safety Officer; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10142000 51000	Personal Services	17,406
10142000 58001	Retirement	1,566
10142000 58002	FICA	1,332
10142000 58003	Disability	522
10142000 58004	Workers Compensation	696
10142000 58006	Dental	333
10142000 58007	Vision	145
10142000 58008	Health	3,795
10142000 58011	Flex	<u>542</u>
		26,337

Decrease:

10199000 54980	Contingency	26,337
----------------	-------------	--------

2013 Fiscal Impact \$26,337

2014 Fiscal Impact \$59,000 & Fringes

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #5t – Approval/Budgetary Amendment (13A059)/Sheriff’s Department/Use of T-Commission Funds/Purchase Overhead Doors/Nelsonville Substation was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #195

APPROVAL/BUDGETARY AMENDMENT /SHERIFF’S DEPARTMENT/USE OF T-COMMISSION FUNDS/PURCHASE OVERHEAD DOORS/NELSONVILLE SUBSTATION

WHEREAS, the Sheriff’s Department has requested a budgetary amendment (13A059) to utilize T-Commission Funds to purchase overhead doors for the Nelsonville Substation; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Revenue:

10311000 426605	Inmate T Commission Use of Reserve	4,690
------------------------	---	--------------

Increase Appropriations:

10011000 54710	Jail Maint – Maintenance & Repair	4,690
-----------------------	--	--------------

2013 Fiscal Impact – 0 -

2014 Fiscal Impact – 0 -

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #5u – Approval/Budgetary Amendment (13A061)/Commissioner of Health/Elimination of Nutritionist 1 (SS) Position within WIC Program was next.

Legislator Castellano stated that recently there have been a few questions raised to the Chairman of the Personnel Committee pertaining to this item and unfortunately he is not here this evening to speak to these issues.

Legislator Castellano made a motion to table this item back to the Personnel Committee; seconded by Legislator LoBue. All in favor.

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF HEALTH/ ELIMINATION OF NUTRITIONIST 1 (SS) POSITION WITHIN WIC PROGRAM

WHEREAS, the Commissioner of Health has requested a budgetary amendment (13A061) to allow for the elimination of a Nutritionist 1 SS (Spanish Speaking) Position within the WIC (Women, Infants and Children) Program; and

WHEREAS, the WIC Department remains 200 cases below its targeted caseload of 1500 clients per year; and

WHEREAS, the WIC Department's current caseload does not warrant the amount of staff dedicated to this program; 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 Estimated Appropriations:

10021000 51000	Personal Services	12,512
10021000 58002	FICA	<u>957</u>
		13,469

Decrease Estimated Revenues:

10408200 43401L	State Aid – Public Health	4,504
-----------------	---------------------------	-------

Increase:

10199000 54980	Contingency	8,965
----------------	-------------	-------

2013 Fiscal Impact (8,965)

2014 Fiscal Impact (60,249) & Fringes

Item #5v – Approval/Fund Transfer (13T198)/Commissioner of Highways & Facilities/Temporary was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #196

APPROVAL/FUND TRANSFER /COMMISSIONER OF HIGHWAYS & FACILITIES/ TEMPORARY

WHEREAS, the Commissioner of Highways & Facilities has requested a fund transfer (13T198) to fund temporary line from a vacant position; and

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

RESOLVED, that the following fund transfer be made:

Decrease:

0110511100 51000	Personal Services	\$40,000
0110511100 58002	Social Security	<u>765</u>
		\$40,765

Increase:

0110511100 51094	Fac. Temporary	\$30,000
0110711000 51094	Park Temporary	\$10,000
0110711000 58002	Park Social Security	<u>765</u>
		\$40,765

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #5w – Approval/Contract/Outside Auditors was next.

Legislator Castellano stated that six proposal were submitted in response to the Request for Proposal that was sent out, which was then narrowed down to three companies throughout New York State. There were six individuals that reviewed the application process. He stated that after careful deliberations with the individuals reviewing the proposals and the Legislators, Legislator Castellano recommended approving a contract with O'Connor Davies, LLP. He stated that they are a local company out of Harrison, New York. He stated that he wanted to thank our previous Auditors for doing a fantastic job.

Legislator Castellano made a motion to approve O'Connor Davies, LLP. as the Outside Auditors.

Chairman Othmer stated that Legislator Castellano did a great job with respect to the interview process of selecting an Outside Auditing Company.

RESOLUTION #197

APPROVAL/CONTRACT/OUTSIDE AUDITORS

WHEREAS, on July 3, 2013, Putnam County issued a Request for Proposal for outside auditing services for the years 2013, 2014, 2015, 2016 and 2017 with the option of two, one year renewals; and

WHEREAS, after a review of the six proposals submitted in response to the Request for Proposal the Audit & Administration Committee recommended contracting with O'Connor Davies, LLP for personal services, encompassed in the terms as specified in the Request for Proposal; now therefore be it

RESOLVED, that the Putnam County Legislature designates O'Connor Davies, LLP for outside services encompassing the terms as specified in the Request for Proposal for a price not to exceed \$77,500 for the year 2013 and with prices for the years 2014, 2015, 2016 and 2017 as specified in their letter of August 21, 2013.

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #5x – Approval/Litigation Settlement/Watts v. County of Putnam was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #198

APPROVAL/LITIGATION SETTLEMENT/WATTS V. COUNTY OF PUTNAM

WHEREAS, on or about September 13, 2010, Plaintiff, Rosetta Watts, commenced an action against the County of Putnam and Defendants, Sergeant Michael Szabo, Deputy Sheriff Matthew Monroe, Deputy Sheriff Francis McDonough, Investigator Thomas Corless and Deputy Sheriff William Myer, for violation of her rights secured by the Civil Rights Act of 1871, 42 U.S.C. §1983; and

WHEREAS, Plaintiff sought damages, both compensatory and punitive, an award of costs, interest and attorney's fees for battery, false arrest and imprisonment and violations of her 4th amendment freedom from unlawful search and seizure and her 14th amendment right to due process; and

WHEREAS, Plaintiff, agreed to a settlement with the County, subject to the Legislature's approval, in which the County agreed to pay said plaintiff the sum of \$35,000.00; and

WHEREAS, the County Attorney, assigned counsel, James A. Randazzo, Esq., and NYMIR claims counsel have all recommended the settlement as an alternative to trial; and

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

RESOLVED, that the settlement of this matter for the sum of thirty-five thousand (\$35,000.00) dollars is approved.

BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT. MOTION CARRIES.

Item #7 – Recognition of Public

Director of Veterans Affairs, Karl Rohde, thanked the Legislature for approving the Veterans Residence Leases. He stated that there was one less lease signed this year. He stated that he was sad to report that one of the original ten tenants, World War II Navel Veteran George Gisondi, passed away last week. He asked that at the conclusion of the meeting if we could have a moment of silence in memory of George.

Item #8 – Recognition of Legislators

Legislator Castellano stated that the Village of Brewster's Founders Day event will take place on September 15, 2013 on Main Street. He invited all to attend.

Legislator Gross mentioned that the month of October is when the Legislature starts to review the 2014 budget.

Legislator Nacerino mentioned that Saturday, September 7, 2013 is Patterson's Community Day. She also wanted to wish all the school children a safe and successful school year.

Legislator Oliverio wished all our Jewish Residents the best as they celebrate one of their high holy days; Rosh Hashanah. He also mentioned that Saturday, September 21, 2013 is Putnam Valley Town Day, beginning at 1:00 pm. He also mentioned that on October 12, 2013 from 10:00 am to 1:00 pm, Glenn Niese, Putnam Valley's Resident Maple Farmer of 136 Wicoppee Road, will serve a buffet breakfast using his own maple syrup. He stated that Veterans eat free and the cost for family members is \$8.00.

Legislator Scuccimarra stated that there will be a Medication Take Back Day at the American Legion Hall on Cedar Street in Cold Spring on September 21, 2013 from 9:00 – 12:00. She stated that this was a good way to help keep pharmaceuticals out of our waters.

Chairman Othmer stated that September 11th is coming up and he asked everyone to never forget the many lives that were lost that day. He also asked everyone to keep Congress and the President in their prayers especially with the tough decisions they may be facing regarding the tragic events taking place in Syria.

Legislator LoBue stated that she would like to close the meeting in memory of two residents that recently passed away; distinguished Veteran, George Gisondi and Sally Peacock, who was the Town of Carmel Accountant for over 67 years.

There being no further business, at 7:47 P.M., Chairman Othmer made a motion to adjourn; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.
