

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
To Be Held In Room 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman LoBue, Legislators Tartaro & Wright

Tuesday

June 17, 2014

(Immediately Following Personnel Mtg.)

The meeting was called to order at 7:13 P.M. by Chairwoman LoBue who requested Legislator Tartaro lead in the Pledge of Allegiance. Upon roll call, Legislator Tartaro and Chairwoman LoBue were present. Legislator Wright was absent.

Item #3 - Approval of Minutes – May 12, 2014

The minutes were approved as submitted.

Item #4 - Discussion/ Recusals and Abstentions

Legislator Nacerino thanked Legislative Counsel Clem Van Ross for clarifying the definitions of both recusal and abstention. She stated she was concerned that recusals and abstentions were being misused. She stated moving forward, everyone is now clear on the proper definitions. She stated an abstention should not be used if a Legislator is on the fence about an item and reasoning must be provided as to why one wishes to abstain or recuse themselves.

Chairwoman LoBue stated it is important to note that the Legislative Manual prevails over Robert's Rules. She read from Legislative Counsel Van Ross's memorandum: An abstention is a voluntary refrain from voting on an issue at hand. Recusal is the recognition of the inappropriateness to express an opinion on a question due to a conflict of interest.

Legislator Tartaro stated he is in agreement that the Legislators should always vote unless there is a conflict. He questioned if one could abstain if they wished.

Legislative Council Van Ross stated reasoning must be provided if one is going to abstain. He stated a lack of information is commonly used as a reason.

Legislator Castellano questioned if one should recuse themselves before any discussion takes place.

Legislative Counsel Van Ross stated if one wishes to recuse themselves, they should be out of it completely.

Legislator Nacerino stated one can abstain if they feel they do not have enough information.

Chairwoman LoBue stated if someone has a conflict, and therefore chooses to recuse themselves, that person cannot comment at all.

Item #5 - Discussion/ County Soliciting Donations/ County Attorney

Chairwoman LoBue stated this item was placed on the agenda at the request of Legislator Wright, who was unable to attend the meeting. She stated she believed the matter should be tabled due to his absence.

Legislator LoBue made a motion to table the discussion regarding the County soliciting donations to next month; Seconded by Legislator Tartaro. All in favor.

Item #6 - Discussion/ Supreme Court's Ruling of Upholding Prayer at Local Government Meetings/ County Attorney

Chairwoman LoBue stated this item was placed on the agenda at the request of Legislator Wright, who was unable to attend the meeting. She stated she believed the matter should be tabled due to his absence.

Legislator Albano stated he does not have an issue with the prayer at Local Government Meetings.

Legislator LoBue made a motion to table the discussion regarding the County soliciting donations to next month; Seconded by Legislator Tartaro. All in favor.

Item #7 - Approval/ Amend Local Law #9 of 2012/ In Relation to Requirement of Providing an Apprenticeship Training Program and Having Appropriate Apprenticeship Agreements in Place by Contractors/ Subcontractors to Putnam County Project Labor Agreements in Connection with the Purchase of Construction Goods and Services for Major Construction Projects

Chairwoman LoBue stated this item was tabled from the June Full Legislative Meeting to the Rules Committee Meeting. She stated she was unclear as to why the law was being changed. She stated she researched this issue and found that the Association of General Contractors of America is not in favor of the change as it squeezes out small construction companies.

Legislator Albano stated it seems the more that is added, the more complicated it gets.

Chairwoman LoBue stated in her research she found that New York State has prevailing wage loss, so non-union workers aren't harmed by the absence of a union shop. She stated however, if they work on a union job they are required to pay dues to

an organization they are not members of. She stated this information was from the Wall Street Journal.

Legislator Albano stated this seems to be adding many more steps. He stated he still does not fully understand it.

Chairwoman LoBue stated she is unaware of the fiscal impact. She stated she contacted someone in Westchester County and found they do not have this as part of the Construction Law in Westchester County.

Director of Consumer Affairs Jean Noel questioned if this had any impact on County Law.

Chairwoman LoBue stated clarification is needed. She stated any Capital Project over \$1 million will trigger the provisions within the law. She stated she is concerned about the small contractors within the County.

Legislator Nacerino stated she is not comfortable saying she fully understands the law. She questioned if this item should be tabled so someone could come and speak to it to provide more information. She stated in terms of Capital Projects, \$1 million is not a lot of money, which means this law would be implemented more often than not.

Legislator Tartaro stated he also thought \$1 million was a low number in the context.

Legislator Nacerino questioned what the incentive for this amendment is.

Legislator Albano stated it is apparently a cost savings.

Chairwoman LoBue made a motion to table this item to next month; Seconded by Legislator Tartaro. All in favor.

Item #8 - Approval/ Appointment/ Home Improvement Board/ Erin Meagher

Director Noel stated it is difficult to get good volunteers and to keep Boards full. She stated Erin Meagher is a great volunteer and she speaks Spanish, which is a great asset to the Home Improvement Board. She stated she resides in Southeast. She stated there is still one vacancy on this Board.

Chairwoman LoBue questioned if Ms. Meagher is aware of the requirement to submit a financial disclosure form.

Director Noel stated she is aware of this requirement.

Chairwoman LoBue made a motion to approve the appointment of Erin Meagher; Seconded by Legislator Tartaro. All in favor.

Item #9 - Correspondence/ Enacting a Local Law for Putnam County/ Regulating the Use of Polystyrene Foam Disposable Food Service Ware by Chain Food Service Establishments/ FYI

Chairwoman LoBue stated this item is an ongoing discussion which was brought forward by Legislator Scuccimarra, who was unable to attend the meeting. She stated Legislator Scuccimarra requested to have this item tabled due to her absence.

Legislator LoBue made a motion to table the discussion regarding regulation of the use of polystyrene foam to next month; Seconded by Legislator Tartaro. All in favor.

Item #10 - Litigation Report/ FYI – Duly Noted

Item #11 - Other Business

a) Update/ Tilly Foster Farm Events July 3rd – 6th

Legislator Albano stated he attended a meeting regarding the Fair to be held at Tilly Foster Farm from July 3rd – 6th. He stated there is a group of 17 people working on the event. He stated the event is expected to generate about \$30,000.

Legislator Oliverio questioned why the Legislature was not involved.

Legislator Albano stated ideas for Tilly Foster Farm were being generated and when the idea for the Fair came, the team ran with it.

Chairwoman LoBue stated this topic will be discussed at the Audit and Administration Committee Meeting in more depth.

Item #12 – Adjournment

There being no further business at 7:32 P.M. Chairwoman LoBue made a motion to adjourn; Seconded by Legislator Tartaro. All in favor.

Respectfully submitted by, Administrative Assistant, Beth Green.