

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

**Members: Chairwoman Addonizio, Legislators Gouldman & Scuccimarra**

**Thursday June 18, 2015**  
**(Immediately Following Economic Development beginning at 6:30pm)**

The meeting was called to order at 6:01 P.M. by Chairwoman Addonizio who requested Legislator Gouldman lead in the Pledge of Allegiance. Upon roll call, Legislators Gouldman & Scuccimarra and Chairwoman Addonizio were present.

**Item #3 - Approval of Minutes – May 13, 2015**

The minutes were approved as submitted.

**Item #4 - Discussion/ Amend Local Law #16 of 2001/ Chapter 112 of the Putnam County Code Entitled “Vehicle Policy”**

Deputy County Attorney Anna Diaz stated she had reviewed the Vehicle Policy (Policy) and found that some protocol seems impractical. She stated it would be worthwhile to establish a team of representatives from the Risk Department, the Law Department, the Sheriff’s Department, and Personnel with the intention of possibly amending some aspects of the Policy.

Legislator Scuccimarra questioned what aspects of the Policy Deputy County Attorney Diaz found impractical.

Deputy County Attorney Diaz stated the letter from the Sheriff was focusing on the drug and alcohol testing, as well as the investigation of Sheriff’s Department accidents. She stated the Sheriff’s Department has faced issues with the investigation of accidents as the local Law Enforcement agencies have not been willing to investigate accidents that involve the Sheriff’s Department. She stated the unions have established their own policy in regards to drug and alcohol testing, which would supersede the Vehicle Policy for union employees.

Legislator LoBue questioned if how other Counties handle this issue could be researched. She stated her concerns with the notification of accidents to the Legislature. She stated an incident took place over a year ago and the Legislature was not notified. She questioned what the policy was in regards to notifying the Legislature when an accident occurs.

Deputy County Attorney Diaz stated she will look further into the policy.

Legislator LoBue stated not having the information surrounding the incident available immediately does a disservice to the department and the individual involved.

Legislator Albano stated there are many County Vehicles on the road. He stated unless there is something the Legislature should be concerned about, notification is not necessary. He stated incidents are going to happen and as long as everything is handled correctly, the Legislature does not need to get involved. He stated the Legislature should be made aware of situations that are questionable or that require a large amount of money. He also stated when possible, another agency should investigate an accident.

Chairwoman Addonizio stated questions were raised with this specific incident because Legislators were not aware of it until it was in the newspaper.

Legislator Albano stated if it were a bigger issue the Legislature would have been made aware of it.

Legislator Wright questioned if the Policy states that all accidents involving County vehicles must be investigated by an outside agency or just vehicles belonging to the Sheriff's Department.

Legislator Albano stated only accidents involving Sheriff's Department vehicles are to be investigated by an outside agency. He stated however, when possible having an outside law enforcement agency investigate any County vehicle accident would provide more clarity and transparency.

Legislator LoBue stated an investigation from an outside agency to investigate County Departments other than the Sheriff's Department accidents is not necessary. She stated proper protocol was not followed in the incident that occurred over a year ago. She stated an outside agency was not called and no alcohol test was administered.

Legislator Albano stated an alcohol test should only be administered for a valid reason. He stated it should not be because of who is involved in the accident. He stated in the case of a minor incident, someone should not be scrutinized more than someone else.

Legislator Wright questioned what the policy is regarding chemical tests being administered after an accident takes place.

Deputy County Attorney Diaz stated the Policy states "...the employee shall submit to an Alconsensor/Breathalyzer test within one hour of the accident..." She stated the Alconsensor test is a breath test and the Breathalyzer tests chemical levels. She stated the two (2) tests are written in the policy as interchangeable, however they are different. She stated the Breathalyzer is a higher standard test than the Alconsensor. She stated the responding Officer must choose which test to administer.

Legislator Wright clarified that union employees are not included in this part of the policy.

Deputy County Attorney Diaz stated union employees are governed by their Collective Bargaining Agreement. She stated under the agreement, a union employee must submit to testing only under reasonable suspicion following an accident.

Legislator Wright questioned if this applies to the CSEA contract as well.

Deputy County Attorney Diaz stated the CSEA contract has negotiated an agreement for their members who are involved in an accident. She stated the employee must test for alcohol and/or drugs as soon as possible after an accident if the driver receives a citation.

Legislator Wright questioned when the current Vehicle Policy was adopted.

Deputy County Attorney Diaz stated the Vehicle Policy was adopted in 2001.

Legislator Wright questioned when the contract provisions were put in.

Deputy County Attorney Diaz stated she is not aware of when the provisions were put in place.

Legislator Wright stated the Sheriff's memo addressed the difficulty with having another law enforcement agency investigate a Sheriff's Department accident. He suggested amending the policy to state that if another agency is not available to investigate a County accident, the driver should be taken to a hospital to have a blood test done.

Legislator LoBue stated the Policy was not followed in the incident that happened last year.

Deputy County Attorney Diaz stated she is not familiar with that specific incident.

Legislative Counsel Clem Van Ross suggested asking the County Attorney, the Risk Department, the Sheriff, and the Personnel Department to form a committee to review the Policy.

Legislator Wright stated he does not like to ask those who will be following the policy to amend the policy.

Chairwoman Addonizio stated at this point, it is unclear if protocol was followed in that specific situation.

Legislator LoBue suggested having the Law Department come next month with an opinion of the incident so it will be clear if procedure was followed.

Chairwoman Addonizio agreed.

Legislator Castellano stated this incident was a bump in the parking lot. He stated the person followed what he believed the procedure to be. He stated Police Officers have a reasonability to perform their duties and if they felt that this individual was impaired, a test would have been administered.

Legislator Scuccimarra stated she agrees with Legislator Castellano. She stated as she read in the newspaper, the employee backed into someone's car in a parking lot. She stated the employee did not leave the scene.

Legislator LoBue stated the question is whether or not policy was followed.

Legislator Castellano stated if the employee had driven away after hitting the parked car, there would be an issue. He stated the incident was reported.

Legislator Albano stated the Legislature needs to read the policy over.

Legislator Castellano stated no lawsuit arose from this situation and he believes the employee did the right thing.

#### **Item #5 - Discussion/ Proposed Charter Changes**

##### **a) County Legislature/ Section 2.08 Confirmation of Appointments**

Chairwoman Addonizio stated Legislator Wright requested this item be discussed. She stated this change would remove the 60-day provision from the confirmation of appointments.

Legislator Wright stated the suggestion came from Legislative Counsel Van Ross. He stated this stops the clock that the Legislature was recently on when deciding whether or not to confirm the Commissioner of Emergency Services. He stated it will foster a better communication between the Executive and Legislative branches. He stated the circumstances surrounding the Emergency Services Commissioner confirmation were very different.

Legislator Albano stated no action is an action. He stated the Legislature has an obligation to act on appointments within a certain amount of time. He stated not acting within that time frame is saying the appointment is okay. He stated a spot should not be left vacant.

Chairwoman Addonizio stated the appointment of the Commissioner of Emergency Services was an unusual situation.

Legislator Albano stated 60 days is reasonable and an action should be taken.

Legislator LoBue stated she agrees with Legislator Wright. She stated the 60-day provision takes the power away from the Legislative branch. She stated if an action is not made within 60 days of an appointment, it is automatically confirmed.

Legislator Albano stated the Legislature made a decision within the 60 days. He stated government needs to move along.

Legislator LoBue stated once a letter of appointment is sent by the County Executive, the Legislature has 60 days from the date of the letter to act on it.

Legislator Castellano stated the 60 days is needed because the Legislature needs to act. He stated an appointment could be in Committee for months without being acted on without a limit. He stated a decision was made and the Legislature came up with a temporary solution.

Legislator LoBue stated litigation was involved in the Emergency Services appointment. She stated the Deputy stepped up and became Acting Commissioner for the time being, which is why there are levels of management.

Legislator Albano stated after 60 days of the Legislature not acting, the appointment is automatic. He stated if the Legislators do not act, they are not doing their job.

Legislator Castellano stated it could take months to make a decision and without such a provision, government stalls.

Legislator Wright stated the suggestion from Legislative Counsel Van Ross was meant for an uncomfortable situation.

#### **b) Bureau of Emergency Services/ Section 12.20 Commissioner**

Legislative Counsel Van Ross stated when this provision (removal with 2/3 vote of the Legislature) was first put in the Charter, the person selected was the Fire Coordinator appointed by the Legislature. He stated since that time, a new phase has begun and the Legislature does not have control over who fills the position of Commissioner of Emergency Services. He questioned why the Legislature should have the power to say no to the County Executive's appointment.

Legislator Scuccimarra stated she agrees with Legislative Counsel Van Ross.

Legislative Counsel Van Ross stated no other Commissioner has this provision in the Charter. He stated the only other Commissioner with this provision is the County Attorney, which has different circumstances. He stated if the County Executive wants to remove the Commissioner of Bureau of Emergency Services, she should be able to do so without input from the Legislature.

Legislator Gouldman questioned why this provision was put in place.

Legislative Counsel Van Ross stated it was requested by Former Commissioner of Emergency Services Bob McMahon.

Legislator LoBue stated the Charter is “Executive heavy.” She stated she would like to keep this provision in. She stated on page 5 of Judge Grossman’s ruling of the recent Commissioner of Emergency Services case, there is a footnote regarding inserting language about the oath of office into the confirming resolution of an appointee. She stated she would like this added to the Charter under each position that requires an oath of office.

Legislator Albano stated it is State Law that the oath of office must be filed.

Legislative Counsel Van Ross stated State Law pre-empts what is in the Charter.

Legislator LoBue stated the Deputy Commissioner of Emergency Services is not required to file an oath of office. She stated when the Deputy Commissioner became Commissioner, if he was not told he needed an oath of office, he would not know.

Legislator Castellano requested clarification on the two (2) positions that require a 2/3 Legislative vote for removal.

Legislative Counsel Van Ross stated the County Attorney is the second position, and there are specific reasons as to why that position needs a 2/3 vote for removal.

Legislator Castellano questioned if the term limit of an Appointed Official coincides with the term of the County Executive.

Legislative Counsel Van Ross stated the prior County Executive appointed officials at the beginning of his term and did not reappoint for 20 years. He provided the example of the Commissioner of Finance being appointed to the position, and being reappointed 20 years later.

Legislator Castellano questioned if the Commissioner of Finance was reappointed by the current County Executive.

Legislative Counsel Van Ross stated he was reappointed by the current County Executive.

Legislator Castellano stated the Legislature recently confirmed the appointments of Commissioners.

Legislator Albano stated it is good to have a balance of government. He stated he believes the appointments should coincide with the term of the County Executive.

Legislator Wright stated the County Attorney and the Emergency Services Commissioner are the only two (2) commissioner positions that have the 2/3 Legislative vote for removal language in their section of the Charter.

Legislator Castellano stated the previous Emergency Services Commissioner was not reappointed to his position, and the 2/3 vote from the Legislature was not required because he was not reappointed to a term.

Legislative Counsel Van Ross stated that question was not resolved in the lawsuit.

Legislator Wright stated there are term appointed officials in County government. He stated he is unsure if Commissioners should have a term because if someone is hired and they do a poor job, they are locked into that term.

Legislator Albano stated it is the County Executive's ability to reappoint, and the option is there when the term ends to not reappoint.

Legislator Wright stated if there were terms and a removal was to take place; it opens the County up to a possible legal issue. He stated the language in the Charter states the Commissioner of Emergency Services shall serve at the pleasure of the County Executive.

Legislative Counsel Van Ross stated there is no term on the position of the Commissioner of Emergency Services. He stated the person in that position serves at the pleasure of the County Executive. He stated at any point the County Executive may decide to remove the Commissioner.

Legislator Albano stated he would prefer that the matter come before the Legislature if it is in the middle of the County Executive's term.

Legislator Scuccimarra stated Judge Grossman advised the Legislature to remove the 2/3 Legislative vote.

Legislative Counsel Van Ross stated there is a conflict in the language in the statute.

Legislator Castellano questioned if the Legislature could get a list of the terms and their lengths for Commissioners, such as the Commissioner of Finance.

Legislative Counsel Van Ross stated the Commissioner of Finance does not have a term and serves at the pleasure of the County Executive.

Legislator Castellano questioned why the Legislature recently reappointed Commissioners.

Legislative Counsel Van Ross stated when the County Executive began her new term, it was her decision to reappoint the Commissioners.

Legislator Wright stated every Commissioner in Putnam County is an “at will employee.” He stated two (2) of those at will employees are subject to a 2/3 vote of the Legislature.

Legislator Castellano stated he likes the idea of the term for Commissioners because at the beginning of the County Executive’s term, the positions would need to be reappointed. He stated if there was an issue with a Commissioner, the Legislature can voice their concern.

Chairwoman Addonizio stated terms may cause a problem if there is an issue with the person before the term is up.

Legislative Counsel Van Ross stated the person is a holdover until the appointment or reappointment takes place.

Legislator Wright stated when a newly elected County Executive is in office, the Commissioners, as a courtesy, should tender their resignation and have the County Executive decide whether or not they would like them to stay. He stated this process took place as a courtesy.

Legislator Castellano stated it should remain that the County Executive would still be able to remove at any point, even with a term in place.

Legislator Albano stated when the County Executive’s term is up there must be clarification on the status of the Commissioner positions.

Legislator Castellano stated this needs to be clarified so everyone understands the removal and appointment process.

Legislative Counsel Van Ross stated there are no terms and each Commissioner serves at the pleasure of the County Executive. He stated the two (2) positions, Commissioner of Emergency Services and County Attorney serve at the pleasure of the County Executive and removal is contingent on a 2/3 vote of the Legislature. He stated he is suggesting that the 2/3 vote by the Legislature for removal of the Commissioner of Emergency Services should be stricken from the Charter.

Legislator Wright stated he would prefer to see that provision stay in.

Legislative Counsel Van Ross stated since no appointment has been made, if the Charter is changed, the position would be subject to the change.

Chairwoman Addonizio questioned if the appointment of the Commissioner of Emergency Services would be voted on at the July 7, 2015 Full Legislative Meeting.

Legislative Counsel Van Ross stated the Legislature has not received a letter of appointment.

Legislator Wright stated in regards to the inclusion of the filing of an oath of office in a confirming resolution, he suggested having the Clerk of the Legislature send the oaths of office via certified mailing to appointees. He stated the reasoning for this suggestion is so appointees are all made aware of their duty to sign and file their oath of office.

#### **Item #6 - Discussion/ Legislative Chair Term Limits**

Chairwoman Addonizio stated there is currently an unspoken term limit of two (2) years for the position of Legislative Chair. She stated making this limit official will provide more opportunity for others to serve as Chair.

Legislator Wright stated a term limit on the Legislative Chair seat is a good idea.

Legislator Albano stated a three (3) year Legislative Chair has only happened a few times. He stated if the Chair is very good in the position they should be able to serve for a third year.

Legislator Scuccimarra stated she agrees with Legislator Albano. She stated it has always been a gentleman's agreement that the Chair would serve just two (2) years. She stated there could be a situation where no one else is interested in being Chair and the current Chair is doing a great job. She stated in that case, the Chair could serve more than two (2) years. She stated the position is voted on by the entire Legislature each year. She stated the process is fine the way it is.

Chairwoman Addonizio stated a term limit would take the politics out of it.

Legislator Castellano stated the Legislative term limits of four (4) terms, or 12 years, was just passed in recent years. He stated the Legislative term limits should be given more time to play out before enacting term limits on the Legislative Chair. He stated nothing is wrong with the process of choosing a Legislative Chair.

Legislator Gouldman stated there is no issue with the way the Chairmanship is selected. He stated the Legislature votes on who they would like to be Chair.

#### **Item #7 - Discussion/ Proposed Mid-Point Charter Review 2015**

Legislator Scuccimarra questioned what Legislator Wright meant by "...the Legislative salaries that have grown significantly." (Referring to backup to item #7 on agenda.)

Legislator Wright stated the salaries began at \$9,000. He stated the County was once the fastest growing County in the State, however the population has plateaued. He stated the budget has continued to grow in spite of the lack of population growth. He stated he would like to look into setting up a mid-point Charter review.

Legislator Scuccimarra stated the Legislature owes it to the taxpayers to take a look at things periodically.

Legislator Wright stated in the past, Supervisors would meet monthly and report back to the Towns.

**Item #8 - Correspondence/ State Board of Elections/ Consolidation of 2016 Presidential and Congressional Primaries/ FYI**

Chairwoman Addonizio stated combining the 2016 presidential primary with the congressional primary in New York will save \$50 million.

Legislator Gouldman stated he believes it should be part of the regular primary in September.

Legislator Wright stated he does not think it is a good idea to combine the primaries as it tends to have a disproportionate impact on the turnout of voters.

Legislator Gouldman stated on the other hand, it may be a benefit to combine the primaries. He stated the last election held in Putnam County was for the school board. He stated in Putnam Valley 3.5% of registered voters voted.

Legislator Castellano stated this is a step in the right direction. He stated four (4) years ago, there were three (3) different elections. He stated a few years ago, the Federal, U.S. Senate, and Congressional primaries were in June. He stated in 2016, it will be in April to coincide with the Presidential election. He stated those who need to collect petitions to be placed on the ballot will be doing so in the winter months.

Legislator Gouldman stated four (4) years from now, it will change again.

Legislative Counsel Van Ross stated the congressional primary is set by the court. He stated the State politicians do not want the primary moved to August, they want to keep it in September.

**Item #9 - Litigation Report/ FYI – Duly Noted**

**Item #10 - Other Business**

**a) Discussion/ Late Agenda Items Surpassing Proper Committee and Going Straight to the Audit Committee**

Chairwoman Addonizio stated items have been coming into the Legislative Office after the date of their proper Committee and therefore being placed on the Audit agenda. She stated if a time sensitive item is sent to the Legislative Office to be placed on the Audit Agenda rather than the proper Committee it should be done so with a letter of necessity.

Legislative Counsel Van Ross stated this should be finalized at another meeting.

Legislator Albano stated reasoning should be provided.

Legislator Wright stated items may be time sensitive because Departments have grown accustomed to waiting to send items to the Legislative Office. He stated another issue with putting things through Audit is that it leaves the least possible amount of time for the Legislators to consider the item before having to vote on it at the Full Legislative Meeting.

#### **b) Discussion/ Town of Kent Sharing Internet Server with County**

Legislator Wright questioned if any other Legislator was aware that the Town of Kent is looking into sharing the County's server.

Legislator Scuccimarra stated this was discussed at the June Fiscal Vision & Accountability Commission Meeting. She stated at the meeting, she had questioned cost.

Legislator Albano stated nothing has come before the Legislature regarding sharing the server.

Legislator Wright stated the Legislature should be involved in this decision.

Chairwoman Addonizio stated Deputy County Executive Bruce Walker went to the Town of Kent Town Board Meeting to discuss this. She stated she saw the end of the conversation when it was broadcast on TV.

Legislator Wright stated a cost must be involved in this somehow. He again stated the Legislature should be involved.

Legislator Gouldman stated the cost may be an issue as well as the space on the server. He stated the email policy was discussed a few months ago because our servers were running out of space.

Legislator Scuccimarra suggested having Deputy County Executive Walker come to the next meeting to discuss this.

Legislator Wright stated an explanation after the fact is not as good as following the logical process.

#### **Item #11 – Adjournment**

There being no further business at 7:48 P.M. Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.