

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

Wednesday

December 4, 2012

7:00 P.M.

The meeting was called to order at 7:03 P.M. by Chairwoman Conklin who requested that Legislator Tamagna lead in the Pledge of Allegiance. Upon roll call, Legislators Tamagna, Oliverio, Albano, Gross, Birmingham, LoBue, DiCarlo and Chairwoman Conklin were present. Legislator Othmer was absent. Also present was Legislative Counsel Van Ross.

Chairwoman Conklin stated that the Legislature has the honor of having the newly elected Legislators here this evening. She requested Legislator Tamagna start with the introductions.

Legislator Tamagna stated that after eighteen years of sitting on the Legislature, he will not be here in January. He stated that he has enjoyed every minute of it. He stated that he was proud to introduce the next Legislator representing District #1, Barbara Scuccimarra.

Chairwoman Conklin welcomed Ginny Nacerino who would be the next Legislator representing District #4 covering the Patterson area.

Legislator Birmingham stated that we have a newly elected Legislator, Joe Castellano, who will do a great job representing the people of District #7, which includes the Village of Brewster, part of the Town of Southeast, the Hamlet of Mahopac and part of the Hamlet of Carmel. He stated that Mr. Castellano currently serves on the Town of Southeast Zoning Board. He also has a County background as well. His professional career is with another County's government.

Chairwoman Conklin requested that Legislator Gross present the proclamation for "Hudson Valley Cerebral Palsy Association" to Mr. Howard Yager, the Executive Director of the United Cerebral Palsy of Westchester/Putnam and his assistant Melissa Kamin.

**PROCLAMATIONS**

**Hudson Valley Cerebral Palsy Association**

WHEREAS, the Hudson Valley Cerebral Palsy Association is located in the Town of Southeast and provides programs and advocates for those with cerebral palsy, including critical services such as, specialized transportation, medical care, and early childhood programming; and

WHEREAS, Hurricane turned Post-Tropical Cyclone "Sandy", dubbed "Superstorm Sandy" by mainstream media outlets, made landfall in the United States off the coast of New Jersey on October 29, 2012. Superstorm Sandy

roared inland causing massive and widespread destruction and power outages for hundreds of thousands of residents spanning multiple states, cities, towns, and villages. In Putnam County, Superstorm Sandy caused 90% of residents to lose power and closed more than 200 roads; and

WHEREAS, Executive Director of the Hudson Valley Cerebral Palsy Association, Mr. Howard Yager, and his staff graciously opened their doors to residents of Putnam County and surrounding towns for six days, fourteen hours a day. Their office location was used to distribute dry ice and water, allow residents to shower, as well as charge mobile phones and computers. The kindhearted help and assistance offered by the Hudson Valley Cerebral Palsy Association, served as a much needed resource to many residents that would have had significant difficulties getting through Superstorm Sandy without their generosity; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature recognize and thank Mr. Howard Yager & his staff at Hudson Valley Cerebral Palsy Association for opening their doors to numerous residents of Putnam County and nearby towns during Superstorm Sandy.

Item #3 – Approval of Minutes – Budget & Finance Mtg – October 3, 2012  
B&F Public Hearing – October 3, 2012  
Public Hearing – October 23, 2012  
Special Meeting - October 24, 2012

The minutes were approved as submitted.

Item #4 – Correspondence  
a) County Auditor

There was no activity during the reporting period.

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE**  
(Chairman Oliverio, Legislators Othmer & Tamagna)

Item #5a – Approval/Memorialization/Support of Public Assistance Integrity Act/Senate Bill No. S-7671 – Assembly Bill No. A-10758 was next. Chairwoman Conklin recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators Othmer and Tamagna, Legislator Oliverio moved the following:

**RESOLUTION #266**

**APPROVAL/MEMORIALIZATION/SUPPORT OF PUBLIC ASSISTANCE INTEGRITY ACT/SENATE BILL NO. S-7671/ ASSEMBLY BILL NO. A-10758**

WHEREAS, public assistance is designed to help needy families provide care for their children, promote job preparation and achieve self-sufficiency, and

WHEREAS, Food Stamps benefits provide help to low-income working people, seniors, the disabled and others to feed their families. Temporary Assistance programs,

like Family Assistance, which is federally funded through Temporary Assistance for Needy Families, provides additional cash assistance to help pay for housing and energy costs, paper products, school supplies and other expenses, and

WHEREAS, taxpayers support public assistance programs to help their fellow citizens get back on their feet, and

WHEREAS, the majority of families and individuals receiving public assistance use the assistance responsibility to help care for their families, but it is also evident that abuse does occur, and

WHEREAS, a recent report from WNYT-TV in Albany examined records from 11 Counties and showed tens of thousands of dollars in cash assistance has been withdrawn from ATM's located at adult entertainment clubs, OTB's, liquor stores and tobacco retailers, and

WHEREAS, the Public Assistance Integrity Act would protect the use of public assistance benefits by prohibiting the sale or purchase of alcoholic beverages, tobacco products or lottery tickets with public assistance benefits and the electronic withdrawal of public assistance benefits in casinos, liquor stores and establishments providing adult-oriented entertainment, and

WHEREAS, the Public Assistance Integrity Act, sponsored by Senator Thomas W. Libous, passed the Senate with overwhelming support in 2012 but remained in the Assembly's Social Services Committee, now therefore be it

RESOLVED, that the Putnam County Legislature requests that 2012 Senate Bill S-7671 and Assembly Bill A-10758 known as the Public Assistance Act be reintroduced in the 2013 session of the N.Y.S. Legislature, and be it further

RESOLVED, that the Clerk of the Legislature shall forward a copy of this Resolution to Governor Andrew M. Cuomo, the Senate Majority Leader, the Assembly Speaker, Senator Greg Ball, the Senator representing the 41<sup>st</sup> Senate District, Assemblywoman Sandra R. Galef, Assemblyman Steve Katz and the New York State Association of Counties.

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

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE  
(Chairman Othmer, Legislators Albano & Gross)**

Item #5b – Approval/Local Law to Amend Chapter 55 of the Putnam County Code Entitled “Ethics, Code of, and Financial Disclosure” was next. Chairwoman Conklin recognized Legislator Albano, as a member of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the Committee, Chairman Othmer and Legislator Gross, Legislator Albano moved the following:

Legislator Albano stated that this will allow the County Board of Ethics to consider matters involving officers and employees of a municipality within the County if the municipality has a Code of Ethics but has no Board of Ethics.

Legislator Tamagna stated that there was a discrepancy between the State Law and the County Law. Though the State Law did allow for this consideration, it was not included in the Putnam County Code. The Board of Ethics is a stand-alone Board. This change to the law is making it clear that the Board has the jurisdiction contemplated by the General Municipal Law.

**RESOLUTION #267**

**APPROVAL/LOCAL LAW TO AMEND CHAPTER 55 OF THE PUTNAM COUNTY CODE ENTITLED "ETHICS, CODE OF, AND FINANCIAL DISCLOSURE"**

**A Local Law to Amend Chapter 55 of the Putnam County Code entitled "Ethics, Code of, and Financial Disclosure"**

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

**Section 1.**

**Section 55-16 of the Putnam County Code is hereby amended to read as follows:  
§55-16. Board of Ethics jurisdiction, powers, and duties.**

- A. Except as provided in Section 808 of the N.Y.S. General Municipal Law, the Board of Ethics may only act with respect to officers and employees of the County.**
- B. The termination of a municipal officer's or employee's term of office or employment with the County shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed on him or her by this chapter.**
- C. Internal organization and procedures; other powers and duties.**
  - 1. The Board of Ethics shall adopt rules and regulations governing its own internal organization and procedures in a manner consistent with this chapter. Such rules and regulations shall guarantee due process and be consistent with all applicable state laws and adopted after consultation with the Putnam County Attorney.**
  - 2. The Board of Ethics shall have such other powers and duties as shall be provided by or pursuant to Article 18 of the General Municipal Law of the State of New York, or any other applicable law.**
- D. The County Attorney shall provide legal services to the Board of Ethics upon request, except that in cases where the Board of Ethics deems it necessary or appropriate, the Board may engage the services of outside counsel with the consent of the County Legislature which shall not be unreasonably withheld.**

**Section 2.**

**Section 55-20 of the Putnam County Code is hereby amended to read as follows:**

**§55-20. Advisory opinions.**

- A. The Board of Ethics shall render advisory opinions to County officers and employees with respect to the interpretation and application of this chapter, or Article 18 of the N.Y.S. General Municipal Law.**

- B. Consistent with Section 808 of the N.Y.S. General Municipal Law, the Board of Ethics shall also render advisory opinions to officers and employees of municipalities wholly or partly within the County with respect to Article 18 of the N.Y.S. General Municipal Law or any code of ethics adopted pursuant thereto.**
- C. The Board of Ethics shall render any such advisory opinion only pursuant to a written request by an officer or employee of the County or of a municipality wholly or partly within the County consistent with Section 808 of the N.Y.S. General Municipal Law. The request must relate to the officer's or employee's official duties and responsibilities. The Board of Ethics shall acknowledge receipt of any such request within 30 days after receipt thereof, and shall act upon such request within 60 days of receipt or may treat the request as a complaint governed by §55-18.**
- D. Advisory opinions of the Board of Ethics, and the identity of the person requesting an advisory opinion shall be confidential, and in no event shall an advisory opinion or the identity of the officer or employee be disclosed by the Board of Ethics. The person to whom an advisory opinion is rendered may make such disclosures with respect to the advisory opinion as he or she may wish.**

### **Section 3.**

**This Local Law shall take effect immediately.**

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

#### **PHYSICAL SERVICES COMMITTEE (Chairwoman LoBue, Legislators Albano & Othmer)**

**Item #5c – Approval/Authorizing Implementation & Funding/Federal Aid & State Marchiselli Program-Aid Eligible Costs/Putnam Bikeway 2, Stage 2/Towns of Carmel & Southeast was next. Chairwoman Conklin recognized Legislator LoBue, Chairwoman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:**

#### **RESOLUTION #268**

#### **APPROVAL/AUTHORIZING IMPLEMENTATION & FUNDING/FEDERAL AID & STATE MARCHISELLI PROGRAM-AID ELIGIBLE COSTS/PUTNAM BIKEWAY 2, STAGE 2/TOWNS OF CARMEL & SOUTHEAST**

**WHEREAS, a Project for the Putnam Bikeway 2, Stage 2 in the Towns of Carmel and Southeast, Putnam County, PIN 8757.83 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and**

**WHEREAS, Resolution No. 225 and No. 282 adopted by Putnam County Legislature on August 6, 2009 and October 8, 2009 respectively approved and agreed to**

advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection and construction supervision work; and

WHEREAS, it was subsequently found necessary to undertake additional construction, construction inspection and construction supervision work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional construction, construction inspection and construction supervision work for the project; and

WHEREAS, Putnam County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction; construction inspection and construction supervision work for the Project or portions thereof.

NOW, THEREFORE, the Putnam County Legislature, duly convened does hereby RESOLVE, that the Putnam County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Putnam County Legislature hereby authorizes Putnam County to pay in the first instance 100% of the federal and non-federal share of the cost of the additional construction, construction inspection and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$711,000 (\$8,611,000 minus previous \$7,900,000) is hereby appropriated from and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Putnam County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive of Putnam County be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Putnam County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

**AUDIT & ADMINISTRATION COMMITTEE**  
(Chairwoman Conklin, Legislators Birmingham & LoBue)

Item #5d – Approval/Budgetary Transfer (12A098)/Coroners/Post Mortem Exams was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

**RESOLUTION #269**

**APPROVAL/BUDGETARY TRANSFER/CORONERS/POST MORTEM EXAMS**

WHEREAS, the Coordinator of Coroners has requested a budgetary transfer (12A098) to cover an unanticipated increase in mandated autopsies for the remainder of 2012; and

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

RESOLVED, that the following budgetary transfer be made:

**Increase Estimated Appropriations:**

10118500 54151	Post Mortem Exams	\$23,400
10118500 54646	Contracts	<u>\$15,500</u>
		\$38,900

**Decrease Estimated Appropriations:**

10199000 54980	Contingency	\$38,900
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2012 Fiscal Impact \$38,900

2013 Fiscal Impact – 0 –

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

Item #5e – Approval/Fund Transfer (12T155)/Sheriff’s Department/Purchase Computers, Scanners & Printers was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

**RESOLUTION #270**

**APPROVAL/FUND TRANSFER/SHERIFF’S DEPARTMENT/PURCHASE COMPUTERS, SCANNERS & PRINTERS**

WHEREAS, over the years the Sheriff’s Department has received State Criminal Alien Assistance Program (SCAAP) grants which if not used are rolled over and encumbered for future years, and

WHEREAS, the need has arisen to use some of these funds for the purchase of computers, scanners, printers, etc., and

WHEREAS, the Sheriff’s Department has requested a fund transfer (12T155) to purchase these computers, scanners and printers; 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:**

10315001 54300 10032	Miscellaneous	6,080.40
10315001 54310 10032	Office Supplies	919.64
10315001 54311 10032	Printing	2,000.00
10315001 54313 10032	Books & Supplements	1,284.00
10315001 54314 10032	Postage	1,000.00
10315001 54646 10032	Contracts	15,000.00
10315001 54675 10032	Travel	<u>1,000.00</u>
		27,284.04

Increase:  
 10315001 52130 10032                      Computer                      27,284.04

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

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

Item #5f – Approval/Fund Transfer (12T353)/Sheriff’s Department/Purchase Vehicle was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

**RESOLUTION #271**

**APPROVAL/FUND TRANSFER/SHERIFF’S DEPARTMENT/PURCHASE VEHICLE**

WHEREAS, the Sheriff’s Department has requested a fund transfer (12T353) to cover the cost to purchase a vehicle; 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:

<b>Decrease:</b>		
13311000 52110	Furniture	36.02
13311000 52120	Office Equipment	300.00
13311000 54311	Printing	500.00
13311000 54385	Uniforms	4,500.00
13311000 54510	Machine Maintenance	2,929.00
13311000 54640	Education & Training	1,544.00
13311000 54675	Travel	1,000.00
13311000 54782	Software & Acc.	8,535.41
13311000 54634	Telephone	<u>6,655.57</u>
		<b>26,000.00</b>

Increase:  
 13311000 52650                      Motor Vehicle                      26,000.00

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

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

Item #5g – Approval/Fund Transfer (12T365)/Finance/Contracts/Special District Attorney Expenses was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

**RESOLUTION #272**

**APPROVAL/FUND TRANSFER/FINANCE/CONTRACTS/SPECIAL DISTRICT ATTORNEY EXPENSES**

WHEREAS, the Commissioner of Finance has requested a fund transfer (12T365) to cover expenses for Special District Attorney pursuant to Judge Scheinkman's orders; 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:		
10199000 54980	Contingency	3,000
Increase:		
10116500 54646	Contracts	3,000
	2012 Fiscal Impact – 0 –	
	2013 Fiscal Impact – 0 –	

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

Item #5h – Approval/Fund Transfer (12T379)/Bureau of Emergency Services/911 Dispatcher Overtime was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

**RESOLUTION #273**

**APPROVAL/FUND TRANSFER/BUREAU OF EMERGENCY SERVICES/911 DISPATCHER OVERTIME**

WHEREAS, the Acting Commissioner of Emergency Services has requested a fund transfer (12T379) to cover 911 Dispatcher Overtime; 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:		
13398900 54634	Telephone	\$10,765
Increase:		
13398900 51093	Overtime	\$10,000
13398900 58001	Fica	<u>765</u>
		\$10,765
	2012 Fiscal Impact – 0 –	
	2013 Fiscal Impact – 0 –	

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

Item #5i – Approval/Fund Transfer (12T383)/County Attorney/Legal Services was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

**RESOLUTION #274**

**APPROVAL/FUND TRANSFER/COUNTY ATTORNEY/LEGAL SERVICES**

WHEREAS, the County Attorney has requested a fund transfer (12T383) to cover legal services invoices for the remainder of 2012; and

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

RESOLVED, that the following fund transfer be made:

**Decrease:**

10193000 54933	Judgments & Claims	\$25,000
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**Increase:**

10142000 54125	Legal Services	\$25,000
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2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

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

Legislator LoBue made a motion to table Item #5i. She stated that clarification of this fund transfer was requested at the Audit Committee meeting. She stated that the fund transfer request is to cover the invoices for the remainder of the year, however, it wasn't specific. She stated that she met with County Auditor Alfano-Sharkey yesterday and Legislator LoBue stated that she saw that one of the legal cases, which happened to be the Community Foundation, there was an additional \$30,000 dollars in bills which were paid by the County on November 15, 2012.

Legislative Counsel Van Ross stated that this item was already approved. Therefore, there would need to be a motion to reconsider this item.

Legislator LoBue made a motion to reconsider; seconded by Legislator Oliverio.

By Roll Call Vote: Four Ayes – Legislators DiCarlo, LoBue, Oliverio and Chairwoman Conklin. Four Nays – Legislators Albano, Birmingham, Gross and Tamagna. Legislator Othmer was absent. Motion Fails.

Item #5j – Approval/Grant Application/Office For Aging/NY Connects System Integration Grant was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:

**RESOLUTION #275**

**APPROVAL/GRANT APPLICATION/OFFICE FOR AGING/NY CONNECTS SYSTEM INTEGRATION GRANT**

**WHEREAS, section 5-1(D) of the Putnam County Code requires the Putnam County Legislature to approve all grant applications prior to their submission, and  
WHEREAS, the County's Office For the Aging has requested approval to apply for a two year grant from the N.Y.S. Office For the Aging totaling \$18,400 each year, and  
WHEREAS, this grant is intended to improve "dementia capability" among the grant recipients including the following:**

- **Information & Assistance on Full Range of Long Term Services and Supports.**
- **Options Counseling.**
- **Dementia Screening.**
- **Care Transitions.**
- **Expanded Capacity for the Chronic Disease Self-Management Program.**
- **Caregiver Supports.**
- **Consumer Directed Services.**
- **Streamlined Eligibility for Public Benefits Access; and**

**WHEREAS, there is no local match required for this grant; and  
WHEREAS, the Audit & Administration Committee has reviewed and approves this application request; now therefore be it**

**RESOLVED, that the Putnam County Legislature grants approval for the Office For the Aging to apply to the N.Y.S. Office For the Aging for the two year grant of \$18,400 each year under its NY Connects System Integration Grant Program.**

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

**Item #5k – Approval/Grant Application/Office For Aging/Advocacy Begins at Home Grants – Phase 2 was next. On behalf of the members of the Audit & Administration Committee, Legislators Birmingham & LoBue, Chairwoman Conklin moved the following:**

**RESOLUTION #276**

**APPROVAL/GRANT APPLICATION/OFFICE FOR AGING/ADVOCACY BEGINS AT HOME GRANTS – PHASE 2**

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

**WHEREAS, this section provides an exception to this requirement when time is of the essence and legislative approval is not possible before submission, then in that event approval shall be considered at the next Full Legislative Meeting; and**

**WHEREAS, the County's Office For the Aging submitted an application for an Advocacy Begins at Home Grants – Phase 2 to the national Association of Nutrition and Aging Services Program; and**

**WHEREAS, this application had to be submitted by November 23, 2012; and**

**WHEREAS, there are three awards nationally between \$5,000 and \$7,500; and**

**WHEREAS, while Putnam County is the smallest County in the area in New York State, it currently has the second largest growing over 60 population, and by the year 2015 we expect it to be the largest growing over 60 population in the State; and**

**WHEREAS, it is essential for our County to receive whatever grants we can to help with the financial burden of this senior population growth; and**

**WHEREAS, as there is no local match required for this grant; and**

**WHEREAS, the Audit & Administration Committee has reviewed and approves this application request; now therefore be it**

**RESOLVED, that the Putnam County Legislature approves and authorizes the grant application previously submitted by the Putnam County Office For the Aging for the Advocacy Begins at Home Grants – Phase 2 under the National Association of Nutrition and Aging Services Program.**

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

**Item #6 – Other Business**

**Item #6a – Approval/Confirmation/County Executive’s Appointment/Commissioner of Planning, Development and Public Transportation was next. Legislator DiCarlo moved the following; seconded by Legislator Birmingham.**

**Legislator DiCarlo stated that there were two public hearings held today with respect to Resolution #263 of 2012 regarding a Local Law/Putnam County Commissioner of Planning, Development and Public Transportation Residency Requirements. One at 4:30 pm and one at 6:30 pm. There was no one from the public that attended. The resolution was then signed by the County Executive and filed with the Legislative Clerk.**

**Legislator Birmingham stated that before he talks about what this vote is about, he would like to talk about what it is not. It is not about whether or not it is permissible to have an out of County resident be the Commissioner of Planning. That decision was made by the majority of the Legislature last month. This vote tonight is about a position that has gone unfilled for almost a year now. He stated that he will be voting in favor of this resolution. He stated that judging from this person’s resume alone, this person has devoted a significant part of his professional life, if not his whole professional life, in the profession of planning. He believed this person will serve the people of Putnam County very well and believed it was someone who will bring the County to that next step with respect to planning. He asked his colleagues to view this nomination on its merits alone and not on the philosophical issue which was brought up last month.**

**Legislator Oliverio stated that he understood Legislator Birmingham’s position, however, philosophy is part and parcel with government. The whole basis of our democracy was created by individuals who had certain philosophies. He stated that he will be a “no” vote, not based on the individual, but on the philosophical tenor. He believed that the person holding this high power managerial position should reside and vote in this County. The person being recommended has a very good resume. If not for the issue of residency, he stated that he would probably be a “yes” vote.**

**Legislator Albano stated that he would be voting “yes”. He believed it was an important position and we have a resume of someone who meets and exceeds what we are looking for. He stated that he had faith in the Administration’s recommendation. He stated that he would prefer someone residing in the County, however, more importantly he wanted to see a highly qualified person fill the position. He believed we have that person and need to move forward.**

**Legislator Tamagna stated that the resume speaks for itself. He stated that sometimes you do have to look outside of the County. He stated that our responsibility is to the people of Putnam County to find the best and most qualified person. He believed it was up to the Administration and management to make these decisions. In addition to what**

the resume looks like, there is a personality behind it. There is a person that needs to interact, not only with upper management team, but up and down, inside and out, from one end of this County to the other. He believed the County Executive had the ultimate say of who fits her team best. The Legislature's responsibility is to confirm the appointment. He stated that he is glad to see this position finally being filled.

Chairwoman Conklin stated that her concern was that she believed the position could have been offered to this person with a requirement of the person becoming a resident of the County within a year. She did not believe this would be an unreasonable request. She believed that could have been another way to handle this situation and therefore she would be a "no" vote. She stated that this was her philosophy and had to vote with her conscience.

Legislator Gross stated that he would be voting in support of the nominee. He has spoken with the person and felt that he was well qualified. He believed the vacancy of the position has gone on for too long. The County needed a Planning Commissioner. He stated that in speaking with a Planner from another State, this person stated that there are advantages of having a Planner living out of the County. He told him that they approach things with an unprejudicial view.

Legislator LoBue stated that she would be voting "no". Residency is just one issue. She stated that the former Commissioner of Planning for Putnam County, who was the Planner for thirty years, had a Master's Degree in City Planning. She stated that in the beginning of the year the Administration wanted to merge the Highway and Planning Departments. That is why this position has been put off to the side. The Legislature kept asking when the Administration would be advertising for the Commissioner of Planning. She believed it was advertised past the summer months. She did not understand why this person can't be appointed in January. She stated that it had nothing to do with the person being recommended, but was how this process has been handled. She stated that she has heard rumors to the effect that this person might know certain people within the County. She did not feel comfortable. She also did not believe that advertising for this position in the Pennysaver was appropriate or the best way to market this position for the County. She believed there was something to be said for people that are vested in the community; people that live here. She stated that 75% of County residents travel outside Putnam County for work. She believed that the position should be readvertised the way we were told it was supposed to be a few months ago.

Legislator Birmingham stated that the Legislature should not be voting tonight on rumors. That has no place in public policy. The person being recommended does have a bachelor's degree, a master's degree and many professional years in government. He stated that to point the finger back at us a little, the reason this appointment is so late in the year precisely isn't being said. The County Executive came to the Legislature in the beginning of the year with a plan to merge the Highway and Planning Departments. It became evident that the majority of the Legislature, himself included, didn't think that was a good idea. So now he would hate to see us use the County Executive's acquiescence to our wishes against it. He believed that much of the reason the position has been empty for a year was because we required that there be a full position here when the County Executive had what she thought was a very good plan and we told her "no". He stated that she responded to our "no" and he did not believe we should vote against it now. He believed the person needed to come on board as soon as possible.

**RESOLUTION #277**

**APPROVAL/CONFIRMATION /COUNTY EXECUTIVE'S APPOINTMENT/COMMISSIONER OF PLANNING, DEVELOPMENT AND PUBLIC TRANSPORTATION**

**WHEREAS, as by letter filed with the Clerk of the Putnam County Legislature on November 21, 2012 the County Executive has appointed Anthony J. Ruggiero , MPA, AICP of 33 Weston Avenue, Fishkill, New York as Commissioner of Planning, Development and Public Transportation for Putnam County; and**

**WHEREAS, this appointment requires confirmation by the Putnam County Legislature; and**

**WHEREAS, prior to this December 4, 2012 meeting of the Legislature the County Executive has filed with the Clerk of the Legislature an approved copy of Resolution #263 of 2012 amending by Local Law the Code of Putnam County by adding a new Chapter 81 entitled "Planning, Development and Public Transportation Residency Requirements" thereby waiving the residency requirements for the Commissioner of this position; and**

**WHEREAS, pursuant to Section 27(c) of the Municipal Home Rule Law there is still the ministerial requirement of filing with the Secretary of State, now therefore be it**

**RESOLVED, that the Legislature hereby confirms the appointment of Anthony J. Ruggiero as Commissioner of Planning, Development and Public Transportation, pursuant to the terms of both the Putnam County Charter and Resolution #263 of 2012, which confirmation shall become effective upon the filing of said Local Law with the New York State Department of State.**

**BY ROLL CALL VOTE: FIVE AYES. THREE NAYS – LEGISLATORS LOBUE, OLIVERIO & CHAIRWOMAN CONKLIN. LEGISLATOR OTHMER WAS ABSENT. MOTION CARRIES.**

Chairwoman Conklin stated that for the record there was information provided for Item #5k which corrected the amount of homebound meal deliveries. The correct number is 27,000 and not 4,000.

Item #6b – Approval/Legislative Representative/Jury Board was next. Chairwoman Conklin moved the following; seconded by Legislator Birmingham.

**RESOLUTION #278**

**APPROVAL/LEGISLATIVE REPRESENTATIVE/JURY BOARD**

**RESOLVED, that Roger Gross be appointed Legislative Representative to the Putnam County Jury Board, said term to expire on December 31, 2012.**

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

**Item #7 – Recognition of Public**

Director of Veterans Affairs, Karl Rohde referred to the County Executive's proclamation which Putnam County Director of Tourism Libby Pataki spoke about before the meeting started regarding "Bells for Peace 2013". He stated that very often when you talk to veterans and individuals in the military, the word "peace" doesn't necessarily come up. When our soldiers are trained they are being trained to defend this Country and to bring peace through strength. He stated that the County Executive and Mrs. Pataki realize that

there is no group that seeks peace more than veterans, especially veterans that have been in war. He thanked them for starting this initiative.

Charles Cook, Patterson resident wanted clarification on the Ethics Code that the County now opens it to those municipalities that do not have an Ethics Board. He questioned if a local municipality has an Ethics Board but due to the complexities of the complaint, could that town board refer that complaint to the Putnam County Ethics Board?

Director of Personnel, Paul Eldridge, who is also a member of the Ethics Board, said, “yes” that it could be referred to the Putnam County Ethics Board.

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

Legislator Tamagna stated that the County Executive’s proclamation which we received was not part of our record (Bells for Peace 2013). However, he hoped that what the Legislature could do to memorialize this for future years, is to pass a proclamation at our Year End Meeting that would become a part of our proceedings. He believed it would go a long way in becoming part of our history in sending a message out. He stated that he would also like to wish the people of Putnam County a safe and happy holiday and a great New Year.

Legislator Oliverio wished everyone a happy holiday. He stated that he sat next to Legislator Tamagna for the last seventeen years at these meetings. He stated that there were many great initiatives put forward during that time and he will certainly be missed. He stated that he has not served as long with Chairwoman Conklin and Legislator Birmingham, however, they have brought a bright light to this Legislature and will be sorely missed.

Legislator DiCarlo recognized and welcomed Mr. Anthony Ruggiero who was appointed Commissioner of Planning this evening.

Mr. Ruggiero thanked the Legislature. He also thanked County Executive Odell for the opportunity. He stated that it was a homecoming for him since he was raised in this County. He stated that he was very excited about this opportunity.

Legislator DiCarlo wished everyone a Merry Christmas, Happy Chanukah and a wonderful Kwanza. He stated that he was tired of hearing that it is a “holiday tree”. This country was founded on Judeo-Christian Ideology and it was about time that we go back to some old school stuff. He also asked that everyone please drive safely during this holiday season. He stated that to the Legislators that would be leaving, it was bitter-sweet. He stated that he has learned a lot from all of them and it was an honor to serve with them. He wished them all the best in their future endeavors.

Legislator Albano recognized the Legislators that would be leaving. He stated that he learned a lot from them and appreciated their advice. He also wished good luck to the newly elected Legislators. He wished everyone a Merry Christmas, Happy Holidays and a Great New Year!

Legislator Gross stated that he had great respect for Legislator Birmingham’s judgment, perspective and knowledge of the Charter and the law. He stated that he has also known Chairwoman Conklin and her family for a number of years and appreciated her judgment,

professionalism and her eloquence. He stated that he respected Legislator Tamagna's deep knowledge and understanding of the County government. He stated that he would miss them all very much.

Legislator LoBue stated that it was an honor working with Legislators Tamagna, Conklin and Birmingham. She stated that although they didn't always agree on certain issues, they always stuck together. She thanked them all and wished them the best. She also wished everyone a Merry Christmas and Happy Chanukah.

There being no further business, at 7:42 P.M., Legislator Birmingham made a motion to adjourn; seconded by Legislator Tamagna. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.