

**SPECIAL MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
CALLED BY THE CLERK AT THE REQUEST OF THE CHAIR
TO BE HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

**Wednesday May 23, 2012
(Immediately following Physical Services Mtg. Starting @ 6:30 P.M.)**

The meeting was called to order at 8:15 P.M. by Chairwoman Conklin who led in the Pledge of Allegiance. Upon roll call, Legislators Tamagna, Oliverio, Othmer, Albano, Gross, Birmingham, LoBue, DiCarlo and Chairwoman Conklin were present. Also present was Legislative Counsel Van Ross.

Item #3 - Override/County Executive's Veto/Resolution #86 of 2012
Chairwoman Conklin stated that Resolution #86 of 2012 was the approval to discontinue the eviction proceedings at 34 Gleneida Avenue. It was vetoed by the County Executive. She stated that we will be discussing whether or not to override this veto.

Legislator DiCarlo stated that the County Attorney would need to get permission from the Legislature in order to start eviction proceedings.

Legislator Birmingham stated that the Legislature was told at a Physical Services Committee meeting, prior to this vote, that the term was "Notice to Quit" which was served on the EDC & IDA. Subsequent to that, the County Attorney stated that it was not a "Notice to Quit", it was a letter telling them that they had 30 days. He stated that he sent a letter to the County Attorney requesting the entire backup for the "Notice to Quit". He stated that it might be a moot point at this time since we have all spoken about not evicting them and the Legislature would need to be involved in evicting them. However, our antennas were raised when the statement was made that there was a "Notice to Quit" sent and that the people that were working there were handed this legal document.

Deputy County Attorney, Andrew Negro, stated that it was a 30 day notification that the month to month tenancy was not going to continue based upon the anticipation that the new lease would be signed. This is quite different than commencing eviction proceedings. A Notice to Quit is not the formal commencement of a Real Property Actions and Evictions Proceedings.

Legislator Birmingham questioned what a "Notice to Quit" was and why it was brought up.

Deputy County Attorney Negro stated that when there is a month to month tenant, a Notice to Quit is a notice stating that the intent is not to go forward with a month to month tenancy after the proscribed period of time.

Legislator Birmingham questioned if the County Executive could make that determination on her own or was it the Legislature's determination.

Deputy County Attorney Negro stated that if you were asking if it's the commencement of litigation, it is not. Therefore, the Legislature would not have to approve it.

Legislator Birmingham stated that he wasn't asking if it was a commencement of litigation. He asked if an eviction under another name was going to take place. He questioned if booting them out from their offices would be a Legislative determination or an Executive determination.

Deputy County Attorney Negro stated that he would need to look into that. It was a prerequisite. It was not a part of the actual proceedings.

Legislator Birmingham stated that his reason for voting for Resolution #86 was that we wanted to put the brakes on to whatever process was being taken. We felt that things were moving a little too quickly.

Legislator Othmer stated that he had a problem with the word "eviction" because he did not believe it applied here. He viewed this as a relocation. There was no reason to stop this.

Legislator Albano stated that the "Notice to Quit" was not an eviction. Nothing was finalized or legal until the Legislature approves it.

Legislator Birmingham stated that records from the EDC & IDA were moved to the County Office Building with no legal imprimatur from the Legislature. He stated whether it was an eviction or not, they were moved. He viewed it as a de facto eviction.

Deputy County Executive, Bruce Walker, explained that the term "eviction" came from the discussions during the Physical Services Committee. The term "Notice to Quit" was nothing more than a discussion between the Administration and Mr. Kevin Bailey as to how he should be working with his Board to finalize the move and to go through the voting process. At no time did we tell them they were being evicted. He stated that Mr. Bailey and the Board voted unanimously to move over to the County Office Building. The Administration thought it was a practical consideration to move their files in anticipation of their move and to make it a seamless transition. The reason the Administration vetoed the resolution was because we felt it was a misrepresentation of what happened. It asserts that the Administration violated the Charter, which he believed they did not.

Legislator Birmingham stated that one could make the argument that the constructed use space of a non-County organization, such as the EDC/IDA, does violate the Code. In Section 31 of the Putnam County Code it states that they shall not make use of the space until the Legislature votes on it. He stated that they made use of the space when their property was moved into the County Office Building.

Legislator LoBue stated that she was contacted by members of the EDC, IDA and SCORE. People were frightened to say they were being threatened and pressured to move to the County Office Building. There were discussions about selling the building before it was even discussed in Committee. Then the Legislature found out there was a notice to vacate. At the end of the day, the Legislature was circumvented, items were moved to the County Office Building and we were discussing this all after the fact.

Chairwoman Conklin moved the following; seconded by Legislator Oliverio.

By Roll Call Vote: Three Ayes; Legislators LoBue, Oliverio & Conklin. Six Nays; Legislator Albano, Birmingham, DiCarlo, Gross, Othmer & Tamagna. Motion Failed.

APPROVAL/OVERRIDE/COUNTY EXECUTIVE'S VETO /RESOLUTION #86 OF 2012

RESOLVED, that the County Executive's veto of Resolution #86 of 2012, after Legislative reconsideration, is hereby overridden.

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

Item #4a – Approval/Agreement to Obtain FEMA Public Assistance Grant was next.

Legislator LoBue moved the following; seconded by Legislator Tamagna.

RESOLUTION # 122

APPROVAL/IN SUPPORT OF AGREEMENT TO OBTAIN FEMA PUBLIC ASSISTANCE GRANT FOR WORK PERFORMED IN THE AFTERMATH OF HURRICANE IRENE AND TROPICAL STORM LEE

WHEREAS, the County of Putnam, in mitigating the damages in Putnam County resulting in the aftermath of the natural causes referred to as Hurricane Irene and Tropical Storm Lee (the "Disasters"), which occurred in/about August 2011 and September 2011, respectively, seeks assistance to fund necessary repairs, particularly the repairs to the Mill Road Bridge in Philipstown (the "Project work") caused by the devastation of such Disasters in Putnam County; and

WHEREAS, pursuant to the declarations of disaster emergency declared by Governor Andrew M. Cuomo on August 25, 2011 through Executive Order No. 17, and on September 15, 2011 through Executive Order No. 21, Executive Law §29 and General Municipal Law §99-r, which authorized the New York State Department of Transportation (NYS DOT) and the County of Putnam to undertake the Project work and authorized NYS DOT and the County of Putnam to enter into an Agreement (the "Agreement") to undertake the Project work, and Executive Order No. 19 issued by Governor Andrew M. Cuomo on September 1, 2011 and the continuation of the terms of that Executive Order by Executive Order No. 25, which temporarily suspended provisions of State laws to the extent such laws "would prevent, hinder or delay action necessary to cope with the ... disaster"; and

WHEREAS, the New York State Department of Transportation (NYS DOT) is able to and has agreed to provide assistance to the County of Putnam in undertaking its mitigation efforts relative to the Disasters; and

WHEREAS, the NYS DOT has provided the Project work, namely, a temporary structure has been placed at Mill Road necessary to restore Mill Road over Clove Creek access; and

WHEREAS, the County Executive, together with the Legislature of the County of Putnam, desires to enter into an Agreement with NYS DOT (the "Agreement") in connection with and in furtherance of the Project work, for which application was made to and approved by the Federal Emergency Management Agency (FEMA) to receive FEMA funds; and

WHEREAS, the NYS DOT is an agency eligible to receive federal funds made available by FEMA and is authorized to be the direct recipient of the funds made available by FEMA in connection with the Project work; now therefore be it

RESOLVED, that the County of Putnam may enter into the Agreement with NYS DOT regarding the Project work pursuant to the aforementioned Executive Orders and statutory provisions; and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute the Agreement, attached hereto as Schedule "A"; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL IN FAVOR. MOTION CARRIES.

There being no further business, at 8:30 P.M., Chairwoman Conklin made a motion to adjourn; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.