

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

Tuesday

December 6, 2016

7:00 P.M.

The meeting was called to order at 7:03 P.M. by Chairwoman Nacerino who requested that Legislator Gross lead in the Pledge of Allegiance and Legislator Wright to lead in the Legislative Prayer. Upon roll call, Legislators Scuccimarra, Gouldman, Addonizio, Albano, Gross, Castellano, LoBue, Wright and Chairwoman Nacerino were present. Also present was Legislative Counsel Van Ross.

PROCLAMATION

Chairwoman Nacerino stated that unfortunately Cullen Malzo had a conflict with his schedule and was unable to attend the meeting. She requested that Legislator LoBue read the proclamation which would be mailed to Mr. Malzo.

HONORING CULLEN MALZO

WHEREAS, Cullen Malzo, a 19-year-old resident of Mahopac, has been deemed a Hero after rescuing two 17-year-old girls whose vehicle had overturned and landed in Lake Mahopac; and

WHEREAS, Cullen was standing in his driveway on November 10, 2016 in the evening when he witnessed along North Lake Boulevard a vehicle lose control, and flip into Lake Mahopac. He immediately jumped into action, calling 911 and then ran into the lake to do whatever he could; and

WHEREAS, The result of his quick instincts to respond and help in this dire situation was a successful rescue. Cullen extracted both of the young ladies from the vehicle and got them to safety; and

WHEREAS, This real life bravery and kindheartedness demonstrated by this young man on November 10, 2016 resonates throughout this community; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby recognize and publicly thank and honor Cullen Malzo for his heroic response to this dire situation. Two young ladies are alive today because Cullen Malzo did not hesitate and went into action!

**Item #4 – Approval of Minutes – Regular Meeting – September 6, 2016
Special Mtg. Adopt the Budget – October 27, 2016
Regular Meeting – November 1, 2016**

The minutes were accepted as submitted.

Item #5 – Correspondence

- a) County Auditor was duly noted.
- b) Enter County Executive's Veto of Resolution #224 of 2016 into the Journal

Chairwoman Nacerino stated that based on the number of Legislators that indicated to her that they were in favor of having a full-time Historian, it appeared that there were not enough votes to override the County Executive's veto. Therefore, there was no override on this matter.

Legislator Gross explained that he voted against the raise, however, there was no question regarding the individual at all. He stated that Legislator Addonizio had compelling information about counties our size and larger having part-time Historians. He explained that although he supports the current Historian, he was trying to stop growing government.

Item #6 – Pre-filed resolutions:

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE
(Chairwoman Scuccimarra, Legislators Addonizio & LoBue)**

Item #6a – Approval/Budgetary Amendment (16A074)/Department of Social Services/ Child Advocacy Center (CAC) was next. Chairwoman Nacerino recognized Legislator Scuccimarra, Chairwoman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators Addonizio and LoBue, Legislator Scuccimarra moved the following:

RESOLUTION #235

APPROVAL/BUDGETARY AMENDMENT /DEPARTMENT OF SOCIAL SERVICES/CHILD ADVOCACY CENTER (CAC)

WHEREAS, the Commissioner of Social Services has requested a budgetary amendment (16A074) to amend the 2016 Budget to adjust for grant funds in accordance with the Child and Family Safety (Tier 1) grant C-026593 awarded by the NYS Office of Children & Family Services to the Child Advocacy Center for the period 10/01/16 – 9/30/17; 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 Appropriations:

22070000		OEOP Child Advocacy Center	
	52140	AV Equipment	6,450
	54640	Education & Training	19,121
	54646	Contracts	<u>4,500</u>
			30,071

Increase Estimated Revenues:

22070000		OEOP Child Advocacy Center	
	436233	Child Advocacy Center	30,071

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6b – Approval/Budgetary Amendment (16A078)/Health Department/Early Intervention and Pre-K Mandated Costs was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislator Addonizio and LoBue, Legislator Scuccimarra moved the following:

RESOLUTION #236

APPROVAL/BUDGETARY AMENDMENT / HEALTH DEPARTMENT /EARLY INTERVENTION AND PRE-K MANDATED COSTS

WHEREAS, the Acting Commissioner of Health has requested a budgetary amendment (16A078) to account for increased Early Intervention and Pre-K mandated costs; 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 Appropriations:

10405900 54414	Care at Private Institution	25,000
10405900 54441	Itinerant Services	75,000
10405900 54678	Leased Transportation	14,000
10296000 54414	Care at Private Institution	105,000
10296000 54441	Itinerant Services	125,000
10296000 54678	Leased Transportation	<u>165,000</u>
		509,000

Decrease Estimated Appropriations:

10296000 54417	Evaluations	30,000
10199000 54980	Contingency	<u>200,590</u>
		230,590

Increase Estimated Revenues:

10405900 434491	State Aid – EI	55,860
10296000 432773	State Aid – Pre-K	172,550
10296000 444516	State Aid – Pre-K Medicaid	<u>50,000</u>
		278,410

2016 Fiscal Impact - \$200,590

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6c – Approval/Authorizing the Filing of an Application for a State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Master Grant Contract, Under the Appropriate Laws of New York State

was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislator Addonizio and LoBue, Legislator Scuccimarra moved the following:

RESOLUTION #237

APPROVAL/ AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE MASTER GRANT CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, Putnam County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW THEREFORE BE IT RESOLVED by the Putnam County Legislature

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Commissioner of Health or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application, to sign the resulting contract if said application is approved by the STATE; and to provide such additional information as may be required.
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for share of such costs as indicated in the contract.
4. That two (2) certified copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application.
5. That this resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairwoman LoBue, Legislators Albano, Castellano & Scuccimarra)

Item #6d – Approval/Litigation Settlement/Halebian v. County of Putnam was next. Chairwoman Nacerino recognized Legislator LoBue, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Albano, Castellano & Scuccimarra, Legislator LoBue moved the following:

RESOLUTION #238

APPROVAL/LITIGATION SETTLEMENT/HALEBIAN V. COUNTY OF PUTNAM

WHEREAS, John Halebian and Lisa P. Halebian commenced an action against the County of Putnam for trespass, property damage and ongoing nuisance which arose on or about October 23, 2011 and continued from said date for approximately the next 4-6 weeks when the County of Putnam planned, approved, designed, managed, engineered, constructed, arranged for, operated, accepted and controlled the removal of the old Mill Road Bridge (at the Mill Road intersection with Clove Creek) after it was damaged during Hurricane Irene;

WHEREAS, Plaintiff sought recovery for damages caused by trespass and nuisance resulting from the removal and installation of a temporary bridge structure on Mill Road Bridge; and

WHEREAS, Plaintiff agreed to a settlement with the County, subject to the Legislature's approval, in which the County agreed to pay Plaintiff the sum of sixty thousand (\$60,000.00) dollars; and

WHEREAS, the County Attorney and outside counsel both recommended the settlement as an alternative to lengthy litigation; and

WHEREAS, settlement documents will be negotiated with the Plaintiffs which, upon filing with the Court, will discontinue this matter, as well as the eminent domain claim currently pending against the County of Putnam which will allow Plaintiff to receive their settlement payment; and

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

RESOLVED, that the settlement of this matter for the sum of sixty thousand (\$60,000.00) dollars is hereby approved.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6e – Approval/Local Law Amending the Putnam County Code by Adding a New Chapter 115 Entitled “Animal Protection” was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Albano, Castellano and Scuccimarra, Legislator LoBue moved the following:

Legislator LoBue explained that Legislator Gouldman brought this to Committee two (2) years ago and she believed it was important to bring forward.

Chairwoman Nacerino made a motion to accept the additional material; seconded by Legislator Gouldman. All in favor.

Legislator Gouldman explained that in February of 2015 he called on the Legislative body to enact a local law to create an Animal Cruelty Registry in Putnam County. He stated that Rockland, Suffolk, Nassau, Albany and Westchester counties currently have Animal Cruelty Registries. He stated that he was happy to see that this has finally come out of Committee and we will be voting on it this evening. He stated that this Registry will protect the members of our families who can't speak for themselves.

Chairwoman Nacerino explained that she too was proud of the work that has been done by everyone involved in creating this law on behalf of the innocent animals. She thanked

Putnam County SPCA Police Chief Ken Ross and his son for the work that they do and will continue to do to protect animals.

RESOLUTION #239

A LOCAL LAW AMENDING THE PUTNAM COUNTY CODE BY ADDING A NEW CHAPTER 115 ENTITLED “ANIMAL PROTECTION”

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

A New Chapter 115 of the Putnam County Code entitled “Animal Protection” is hereby added to read as follows:

**ARTICLE I
Animal Cruelty Registry Law**

§115-1. Legislative Intent

Animal cruelty is a serious problem, resulting in the abuse of thousands of animals each year in the United States. While New York State has criminalized the cruel treatment of animals, animal abuse continues to occur in Putnam County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. Furthermore, individuals who abuse animals are statistically more likely to commit violent acts against humans and a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.

The Putnam County Legislature finds that it is in the best interest of Putnam County residents to establish an online registry identifying individuals residing in Putnam County that have been convicted of an animal abuse crime and prevent these individuals convicted of animal cruelty from adopting, purchasing, or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale, or other means. Therefore, the purpose of this law is to establish an online registry of individuals residing in Putnam County who are convicted of animal abuse crimes.

§115-2. Definitions

A. “Animal Abuse Crime” shall mean the commission of the following enumerated crimes against an animal:

- (1) Animal Fighting, as defined in the New York State Agriculture and Markets Law (hereinafter “A.M.L.”) §351;
- (2) Overdriving, Torturing and Injuring Animals; Failure to Provide Proper Sustenance, as defined in A.M.L. §353;
- (3) Aggravated Cruelty to Animals, as defined in A.M.L. §353-a;
- (4) Abandonment of Animals, as defined in A.M.L. § 355;
- (5) Failure to provide proper food and drink to Impounded Animals, as defined in A.M.L. §356;

- (6) Carrying animal in a cruel manner, as defined in A.M.L. §359;
 - (7) Poisoning or Attempting to Poison Animals, as defined in A.M.L. §360;
 - (8) Interference with or Injury to certain Domestic Animals, as defined in A.M.L. §361;
 - (9) Throwing substances injurious to animals in public place, as defined in A.M.L. §362;
 - (10) Clipping or cutting the ears of dogs, as defined in A.M.L. §365;
 - (11) Companion Animal Stealing, as defined in A.M.L. §366;
 - (12) Removing, seizing or transporting dogs for research purposes, as defined in A.M.L. §366-a;
 - (13) Harming a Service Animal in the second degree, as defined in New York State Penal Code §242.10;
 - (14) Harming a Service Animal in the first degree, as defined in New York State Penal Code §242.15;
 - (16) Sexual Misconduct with an Animal, as defined in New York State Penal Code §130.20(3);
 - (17) Harming an Animal trained to aid a person with a disability in the first degree, as defined in New York Penal Code §195.12.
- B. “Animal” shall mean any living mammal (except a Human Being), bird, reptile, amphibian, or fish.
 - C. “Animal Abuse Offender” shall mean any person eighteen (18) years of age, or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.
 - D. “Convicted Of” shall mean an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty.
 - E. “Pet Seller” shall mean any individual person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of ownership of animals.
 - F. “Pet Dealer” shall mean any individual person, partnership, firm, corporation or other entity who or which sells or offers to sell more than nine animals per year for profit to the public. Such definition shall include pet stores, as defined in this Article and breeders who sell or offer to sell directly to the consumer animals born and raised on the breeder’s residential premises.
 - G. “Animal Shelter” shall mean any public, privately owned, or not for profit organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures, or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate temporary or permanent homes for such animals.
 - H. “Pet Store” shall mean any facility of an individual, firm, partnership, corporation, company or entity who or which offers animals for sale as part of a business.
 - I. “Residence” shall mean the local where a person maintains a fixed, permanent and principal home and to which he/she, wherever temporarily located, always intends to return.

§115-3. Creation of Animal Cruelty Registry

An online registry shall be established containing the name, residence information, and a head photo, including shoulders, of any individual residing in Putnam County who has been convicted of any animal abuse crime, as defined in this Article. The Putnam County Sheriff is hereby authorized, empowered and directed to collaborate with the Putnam County Society for the Prevention of Cruelty to Animals, Inc. (PCSPCA) to establish and maintain an Animal Cruelty Registry (the "Registry") for such individuals in Putnam County. The Registry shall also contain links to other county Animal Abuse Registries that are available, or as they become available in the future, in the State of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers, Pet Dealers, or other persons or entities located in Putnam County when they shall sell, exchange or otherwise transfer the ownership of any animal. The PCSPCA shall receive all fees associated with the registration as the cost of maintenance and administration of the Registry. The Registry shall be publicly available on the PCSPCA website.

The Registry shall contain the required information about each Animal Abuse Offender for a period of ten (10) years following his or her release from incarceration; or if not incarcerated, from the date of entry judgment. Persons who are convicted of subsequent animal abuse crimes shall remain on the Registry for ten (10) years following their most recent conviction. Upon notification to the Putnam County Sheriff's Office of a successful appeal of a conviction of an animal abuse crime by any individual who had been required to register pursuant to this local law, the information for that individual shall be removed from the Registry within five (5) days following said notification.

§115-4. Registry Requirements

- A. All Animal Abuse Offenders who reside in Putnam County and who are convicted of animal abuse crime on or after the effective date of this law must register with the Registry at the PCSPCA, within the later of ten (10) days of their release from incarceration or if not incarcerated, from the date of entry of judgment.
- B. When a person is convicted of an animal abuse crime in Putnam County, the prosecuting agency shall endeavor to forward to the PCSPCA, the name and address of the convicted person along with the name of the animal abuse crime the person was convicted of, thereby notifying the PCSPCA that the person is required to enroll in the Registry.
- C. Each person required to enroll in the Registry shall submit to the PCSPCA:
 - (1) Their name and any aliases they are known by;
 - (2) Their residential address; and
 - (3) A photograph of their head and shoulders taken from the front not less than 2" x 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.
- D. Each person required to enroll in the Registry shall update their registration information annually in January and within five (5) days of any change of residential address and/or upon any official change of name.
- E. Every person required to enroll in the Registry must pay a fee of fifty (\$50) dollars to the PCSPCA upon initial registration and every January thereafter at the time of their registration update. These funds will be used to pay the administrative and maintenance costs of maintaining the Registry. The PCSPCA may waive part or the entire registration fee where,

because of the indigence of the person, the payment of such fee would work an unreasonable hardship on such offender, his or her immediate family, or any other person who is dependent on such person for financial support.

- F. Each Person convicted of an animal abuse crime in another New York County who moves into Putnam County must enroll in the Registry within ten (10) days of establishing residence in Putnam County.
- G. Each person required to enroll in the Registry is prohibited from possessing, adopting, owning, purchasing or exercising control over any animal at any time while the person is required to be listed on the Registry.
- H. The Putnam County Sheriff, or his/her designee, is hereby authorized and empowered to promulgate such rules and regulations necessary to implement this law.

§115-5. Prohibition from Transferring Animal Ownership to Animal Abuse Offenders

- A. No Pet Seller, Pet Dealer, Pet Store, Animal Shelter, other person or entity located in Putnam County, or any other authorized agents thereof, shall knowingly sell, exchange or otherwise transfer the ownership of any animal to any person listed on the Registry.
- B. Prior to the sale, adoption, exchange, or other transfer of ownership of any animal within Putnam County, the Pet Seller, Pet Dealer, Pet Store, Animal Shelter, other person or entity located in Putnam County, or any other authorized agents thereof, is required to examine the Registry to confirm that the name of the potential owner of the animal is not listed thereon.

§115-6. Penalties

- A. Any Animal Abuse Offender who fails to enroll in the Registry shall be guilty of a violation punishable by:
 - (1) A fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000); or
 - (2) Imprisonment for not more than fifteen (15) days; or
 - (3) both.
- B. Any Animal Abuse Offender required to enroll, or to update his/her enrollment, with the Registry and who, for a second time within any two (2) year period, fails to do so shall be guilty of a class "A" misdemeanor.
- C. Any Animal Abuse Offender who violates the prohibition against possessing, adopting, owning, purchasing, or exercising control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a violation punishable by:
 - (1) A fine of not less than two hundred and fifty dollars (\$250) but not more than one thousand dollars (\$1,000); or
 - (2) Imprisonment for not more than fifteen (15) days; or
 - (3) both.
- D. Any Animal Abuse Offender required to enroll in the Registry and who, for a second time within any two (2) year period, possesses, adopts, owns, purchases, or exercises control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a class "A" misdemeanor.

- E. Any Pet Seller, Pet Dealer, Pet Store, Animal Shelter or other individual or entity located in Putnam County, or any authorized agents thereof, who violate Section 95-14 of this Local Law, shall be guilty of a violation and subject to a maximum fine of two hundred and fifty dollars (\$250). It shall not be a violation of this law if the Pet Seller, Pet Dealer, Pet Store, Animal Shelter or other individual, entity or any authorized agents thereof, checked with the Registry and the name did not appear thereon.
- F. Any Pet Seller, Pet Dealer, Pet Store, Animal Shelter, or other individual or entity located in Putnam County, or any authorized agents thereof, who a second time within two (2) years violates Section 95-14 of this Local Law shall be guilty of a class "A" misdemeanor.
- G. Any person who knowingly purchases or adopts an animal on behalf of an individual who is required to register with the Registry shall be guilty of a violation punishable by a fine of not less than two hundred and fifty thousand dollars (\$250) but not more than one thousand dollars (\$1,000), or imprisonment for not more than fifteen (15) days, or both.

§115.7. Applicability

This law shall apply to all persons convicted of animal abuse crimes as defined by Section 95-11 of Article III, on or after the effective date of this law.

§115.8. Enforcement

This law shall be enforced by the Putnam County Sheriff Department, local law enforcement officers and officers of the PCSPCA.

§115.9. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 2. Effective Date

This law shall take effect immediately upon filing with the New York Secretary of State.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #6f – Approval/Budgetary Transfer (16T337)/Planning Department/Vehicle Purchase was next. Chairwoman Nacerino recognized Legislator Albano, Chairman of the Physical

Services Committee. On behalf of the members of the Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #240

APPROVAL/BUDGETARY TRANSFER /PLANNING DEPARTMENT/VEHICLE PURCHASE

WHEREAS, the Deputy Commissioner of Planning has requested a budgetary transfer (16T337) to cover the cost of a vehicle purchase; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary transfer; now therefore be it RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

10802000 52650	Motor Vehicles	26,000
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Decrease Estimated Appropriations:

10651000 54678	Veterans Transportation	17,000
10802000 54182	Consultants	<u>9,000</u>
		26,000

2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6g – Approval/Fund Transfer (16T341)/Highways & Facilities/Overtime was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #241

APPROVAL/FUND TRANSFER /HIGHWAYS & FACILITIES/OVERTIME

WHEREAS, the Commissioner of Highways & Facilities has requested a fund transfer (16T341) to cover Overtime costs through Year End; 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:

01-10711000 51094	Temporary	7,000
02-10511000 51094	Temporary	<u>10,000</u>
		17,000

Increase:

01-10098000 51093	Overtime	7,000
02-10511000 51093	Overtime	<u>10,000</u>
		17,000

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6h – Approval/Amendment to Lease Agreement/Butterfield Realty LLC/ Cold Spring Senior Center was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #242

APPROVAL/AMENDMENT TO LEASE AGREEMENT/BUTTERFIELD REALTY LLC/ COLD SPRING SENIOR CENTER

WHEREAS, pursuant to Resolution # 240 of 2015, the Putnam County Legislature approved a Lease Agreement, in the form attached thereto, between Butterfield Realty LLC and the County of Putnam for 6,000 square feet of space at The Lahey Pavilion, located at 1756 Route 9D, Cold Spring, New York; and

WHEREAS, the leased premises will be the future location of a new and expanded senior center facility serving the senior population in the Town of Philipstown and the surrounding areas within the County; and

WHEREAS, prior to its execution, the terms and conditions of said Lease Agreement were modified by the parties, and revised versions thereof were approved by the Putnam County Legislature pursuant to Resolution # 107 of 2016, Resolution # 171 of 2016 and Resolution # 187 of 2016; and

WHEREAS, said Lease Agreement has been executed by the parties; and

WHEREAS, the County and Butterfield Realty LLC have agreed to amend Article 6.03 of the Lease Agreement, dated October 27, 2016, in order to provide language satisfactory to the Village of Cold Spring Planning Board with respect to the provision of transportation services to the senior constituency who will utilize and attend said senior center facility; and

WHEREAS, the Putnam County Legislature has reviewed the proposed Amendment to the Lease Agreement between Butterfield Realty LLC and the County of Putnam and agrees with same; now therefore be it

RESOLVED, that the Putnam County Legislature approves the Amendment to the Lease Agreement between Butterfield Realty LLC and the County of Putnam, dated October 27, 2016, which shall be in the form and content attached hereto as Exhibit “A”; and be it further

RESOLVED, that the County Executive is authorized, with the advice and the assistance of the County Attorney, to execute said Amendment, which shall be in the form and content attached hereto as Exhibit “A”.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6i – Approval/ Adoption SEQRA Negative Declaration/ Approval Lease Agreement/ Approval Land Use Zoning Exemption For The Facility / Cell Tower / Kern Building Location was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

Legislator LoBue stated that she would be abstaining. She explained that she had some questions during the Committee meeting which she felt has not been addressed. She explained that she sent a memorandum to the Administration requesting a copy of the Comprehensive Plan regarding the data showing the necessity of the cell towers; unfortunately a response was not received. She stated that she also had issues with the SEQRA which indicates this is an Unlisted Action. She believed it should be a Type I Action which would require the long form environmental review. She believed that the trigger which would make it a Type I Action is the height of the pole; anything over 100 feet would be considered a Type I Action. She stated that the monopole is 180 feet. She stated that she was concerned about subjecting the County to a possible Article 78 proceeding.

Legislator Wright stated that in the absence of what was requested months ago, the Comprehensive Plan, he too would be abstaining. He believed that the Legislature should have that document prior to the approval process.

Legislator Gross stated that the tower would be on County property and it is not near residential property. He stated that it needs to be a certain height so that line of sight communications can move forward. He believed the towers were important for emergency communications.

Chairwoman Nacerino concurred. She stated that in the Town of Patterson, Metro North is erecting a 180 foot monopole in the middle of a residential neighborhood. She stated that nobody wants a cell tower near them, however, it is necessary for our emergency responders to be able to communicate.

Legislator Albano explained that it is imperative for the County to have a quality communication system. He explained that, although there is no perfect place to install a cell tower, this was located in a commercial area which he believed made sense.

Chairwoman Nacerino called for a Roll Call on the item.

RESOLUTION #243

ADOPTION SEQRA NEGATIVE DECLARATION/ APPROVAL LEASE AGREEMENT/ APPROVAL LAND USE ZONING EXEMPTION FOR THE FACILITY / CELL TOWER / KERN BUILDING LOCATION

WHEREAS, the County of Putnam is the owner of the property located at 29 Milan Road, Brewster, New York a/k/a Town of Southeast TM # 45.-1-25 & 26 a/k/a the "Kern Building" (hereinafter the "Property"); and

WHEREAS, the County desires to use a portion of the Property for the installation of a wireless communications support structure in order to improve County wide wireless communications for emergency services; and

WHEREAS, Homeland Towers, LLC (hereinafter "Homeland") desires to use a portion of the Property to install the support structure and compound area necessary to accommodate the wireless coverage needs of various County Emergency Service Departments, in addition to providing the capacity for the collocation of private public utility wireless communication facilities in order to close significant gaps in reliable wireless service that exist in the vicinity of the Property within the County and avoid the proliferation of towers; and

WHEREAS, the County and Homeland desire to enter into a public-private partnership by entering into a lease agreement (hereinafter the "Agreement"), a copy of which is attached hereto as Schedule "A", for the purpose of constructing a 180-foot tower (the "Facility"), with County emergency service antennas located thereon and which shall provide for the collocation of commercial wireless communication facilities including antennas and related equipment on the Facility all of which shall be situated on or within a 2,400 square foot lease parcel; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with Homeland regarding the Agreement; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve the Agreement; and

WHEREAS, the Facility will provide and facilitate wireless telecommunications services essential for responding to accidents, natural disasters and for reporting medical emergencies and other dangers such as potential criminal activity; and

WHEREAS, the Agreement between the County and Homeland is for surplus County property not presently being utilized by the County and not anticipated to be needed by the County over the term of the Agreement other than for the placement of County antennas and equipment at the Facility; and

WHEREAS, the installation of a wireless communications facility and the approval of lease agreement thereof has been determined to be a SEQR Unlisted Action in accordance with the New York State Department of Environmental Conservation's Part 617; and

WHEREAS, in accordance with the requirements of SEQRA, a short Environmental Assessment Form ("EAF"), along with a natural resources inventory including wetlands and endangered species, a Federal Aviation Administration ("FAA") aeronautical evaluation, an antenna site Federal Communications Commission ("FCC") RF compliance assessment and report, and visual resource evaluation has been prepared to describe the potential environmental impacts associated with the project; and

WHEREAS, that unless otherwise objected to, the Putnam County Legislature previously determined, pursuant to Resolution # 166 of 2016, to declare itself and serve as "lead agency", as such term is defined in 6 NYCRR Part 617.2(u); and

WHEREAS, the Putnam County Department of Planning on behalf of the Putnam County Legislature, circulated said notice to serve as lead agency along with the short EAF and above noted supporting documentation to all involved and/or interested agencies on August 10, 2016 for the required thirty (30) day period; and

WHEREAS, the Putnam County Legislature has received no objection with respect to its intent to act as "lead agency" with respect to the implementation of SEQRA and, therefore, assumes Lead Agency status herein with respect to this project; and

WHEREAS, based upon a careful review of the action as a whole, of the EAF, supporting documents and of the criteria set forth in 6 NYCRR Part 617.7(c), and after considering all of the public input that has been received, the Putnam County Legislature, as "lead agency", has determined that the project will not have a significant adverse effect on the environment; and

WHEREAS, it is recognized under New York State Law that counties are accorded certain "immunity" from local zoning regulations; and

WHEREAS, the leading New York Court of Appeals decision, Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702 ("Monroe"), establishes the "balancing of the interests" approach for determining whether a project should be accorded immunity from local zoning regulations; and

WHEREAS, Monroe permits the County to determine whether or not it is in the public interest to subject a particular project serving governmental interests to local zoning; and

WHEREAS, Monroe discusses the following nine (9) factors for consideration when balancing the interests of the public and the governmental entity:

- 1) The nature and scope of the instrumentality seeking immunity;
- 2) The encroaching governmental entity's legislative grant of authority;
- 3) The kind of function or land use involved;
- 4) The effect local land use regulation would have upon the enterprise concerned;
- 5) Alternative locations for the facility in less restrictive zoning areas;
- 6) The impact upon legitimate local interests;
- 7) Alternative methods of providing the proposed improvement;
- 8) The extent of the public interest to be served by the improvements; and
- 9) The intergovernmental participation in the project development process and an opportunity to be heard; and

WHEREAS, the County has analyzed each of the foregoing considerations to determine whether the Facility should be exempt from the local municipal zoning regulations and has determined that the Facility as proposed, should be exempt from such zoning regulations; now therefore be it

RESOLVED, that after duly noticed public hearings and upon the evidence adduced there at, it is hereby found and determined that based upon a review of the foregoing considerations, the Putnam County Legislature has adopted the following findings of fact:

1) Pursuant to Section 3 of New York State County Law, the County is a municipal corporation of the State of New York. Among other things, the County provides emergency and public safety protection to its residents. For example, the County operates an EMS department pursuant to Section 223-b of New York State County Law and a Sheriff's department pursuant to Article 17 of New York State County Law. Such departments rely heavily on wireless communications to protect the public health, safety and welfare. Reliable wireless communications are a critical resource that is necessary for the County to provide emergency and public safety protection. Therefore, the County is purely public in nature and is a governmental entity that provides an essential public service.

2) The Facility will be located within the municipal borders of the Town of Southeast ("Town") and within the County of Putnam. Pursuant to Section 31-22 of the Putnam County Code, the County has authority to lease surplus County-owned lands. Pursuant to Section 3 of New York State County Law, the County is a municipal corporation comprising the inhabitants within its boundaries and formed for the purpose of exercising such powers and discharging such duties of local government and administration of public affairs as may be imposed or conferred upon it by law.

3) The function or land use that is contemplated by the County under the Agreement is a wireless communications facility (the "Facility"). The Facility will consist of a 180-foot tower and compound to support the communication needs of various County departments, and to provide for the collocation of antennas

operated by wireless public utility telecommunications service providers. Such collocation opportunities will decrease the proliferation of towers. The Facility will serve the public interest in that it allows the County public service and emergency service entities the ability to effectively communicate using the County's wireless systems. The Facility will also offer the general public and the County emergency service entities a wireless communications alternative particularly well suited for responding to accidents, natural disasters and for reporting medical emergencies and other dangers such as potential criminal activity. The County notes that federally licensed wireless services such as Verizon Wireless have been deemed to be essential public services by both New York State and Federal Courts. See *Cellular One v. Rosenberg*, 82 NY2d 364 (1993), and *Cellular Telephone Company v. Town of Oyster Bay*, 166 F.3d 490 (2d Cir. 1999).

4) Imposing local land use regulations on the proposed Facility would have the effect of unreasonably delaying an essential public need for immediate and effective emergency response and reliable wireless communications. It is the public policy of the United States "to make available so far as possible, to all people of the United States a rapid, efficient, nationwide and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication . . . [.]" 47 U.S.C. §151. The project will also further the goals and objectives established by Congress under the federal Telecommunications Act of 1996. The federal Telecommunications Act of 1996 is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "rapid deployment of new telecommunications technologies (emphasis supplied)." *Reno v. ACLU*, 521 U.S. 844, 117 S.Ct. 2329, 2337-38, 138 L.Ed.2d 874 (1997). The federal Telecommunications Act of 1996 builds upon the regulatory framework for commercial mobile [radio] services which Congress established in 1993. Indeed, since 1993, it has been the policy of the United States to "foster the growth and development of mobile services that, by their nature, operate without regard to state lines as an integral part of the national telecommunications infrastructure." H.R. Rep. No. 103-111, 103d Cong., 1st Sess. 260 (1993) (emphasis added). In 1999, Congress expanded further upon this policy by enacting the Wireless Communications and Public Safety Act of 1999, Pub.L. 106-81, 113 Stat. 1286 (the "911 Act"). The "911 Act," empowered the FCC to develop regulations to make wireless 911 services available to all Americans. The express purpose of the Act, as articulated by Congress, was "to encourage and facilitate the prompt deployment throughout the United States of seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs" (emphasis added).

5) There are no alternative locations for the Facility in less restrictive zoning areas as such facilities are permitted in all Town zoning districts by conditional use permit. Moreover, the proposed location for the Facility at the subject Property is ideal in order to minimize aesthetic impacts to the greatest extent feasible based on the large size of the property and distance from neighboring uses, as demonstrated by the Visual Resource Evaluation. The Property already supports large scale municipal operations and, therefore, the location of the Facility on the

Property will not be detrimental to the community. By controlling the location of the Facility on County property, the County can ensure that there is adequate infrastructure in place for the location of emergency communication antennas, while controlling the proliferation of new towers. Moreover, the Facility is part of an overall County wide wireless communications network. The location of the Facility fits within the existing County wide network and remedies gaps in service that currently hamper emergency services communications. The approval of the Agreement is also conditioned on Homeland making space available on up to three (3) other existing and/or proposed towers in the County, upon reasonable terms and conditions, thereby further expanding the County's wireless communications systems.

6) The Facility will not have an adverse environmental or other impact on the public because the Facility will be sited on a large parcel. The Facility will benefit the public interest by providing essential services and by producing revenue for the County, while also providing critical infrastructure for County emergency wireless communications and public utility commercial wireless services and will be sited to minimize any potential adverse environmental impacts. The Facility will comply with all structural standards and will not adversely affect the health, safety or general welfare of the public. The Facility will not cause any harmful interference with the frequencies of any radio, television, telephone or other uses. The Facility will have no impact on pedestrian or vehicular traffic since the proposed use is unmanned requiring infrequent maintenance visits of approximately once per month. The Facility will not produce any smoke, gas, odor, heat, dust, noise above ambient levels, fumes, vibrations or flashing lights; the Facility will not generate solid waste, waste water or sewage, will not require water supply or waste disposal, and will not attract insects, vermin or other vectors. Any human exposure to electromagnetic energy from the Facility even under "worst case" conditions, will be several orders of magnitude below the exposure limits established by the FCC, the American National Standards Institute, the Institute of Electronic and Electrical Engineers, the National Council on Radiation Protection and Measurements, and the New York State Department of Health. The Facility will not impact any wetlands and will not be located within any wetland buffers.

7) Due to the topography of the County, the proposed height of the Facility is necessary to provide reliable wireless communications services in the local area and support collocation thereby discouraging the proliferation of towers.

8) The Facility will protect and promote the public interest in that it will serve and benefit the entire community by providing the infrastructure necessary to offer the public a wireless telecommunications services essential for protecting public health, safety, and welfare, including the provision of enhance 911 services.

9) The zoning exemption contemplated by this resolution shall apply and extend to the commercial public utility antennas and related equipment located on or associated with the Facility consistent with the decision of the New York State Court of Appeals in the Matter of Crown Communication New York, Inc., 4 N.Y.3d 159.

10) The Agreement is for County land that will not be required by the County over the term of the Agreement except to the extent that the County will place its antennas and equipment at the Facility. The County will benefit from the Agreement revenue as well as the ability to place its antennas and equipment on the Facility. Moreover, the public private partnership will result in the County not being required to expend significant resources to construct and maintain the necessary tower and supporting infrastructure.

11) The County Board of Legislators has reviewed the Agreement and has conducted a public hearing. All Involved/Interested Agencies, including the Town in which the Facility is located, have been notified of the proposal and offered the opportunity to comment; and be it further

RESOLVED, that the Putnam County Legislature designates itself as “Lead Agency” in this matter, as defined in 6 NYCRR Part 617.2(u); and be it further

RESOLVED, that the Putnam County Legislature, as “Lead Agency”, hereby determines that the project will not have any significant adverse environmental impacts; and be it further

RESOLVED that a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the Putnam County Legislature, as “Lead Agency”, hereby issues a Negative Declaration in connection with the project, a copy of which is attached hereto as Schedule “B”, and be it further

RESOLVED, that the lease premises is surplus space owned by the County; and be it further

RESOLVED, that the Putnam County Legislature approves the Agreement between the County of Putnam and Homeland, in the form attached hereto and made a part hereof as Schedule “A”, and that the Putnam County Executive is authorized to execute said Agreement, conditioned upon Homeland agreeing to make space available to the County over the next four (4) years on up to three (3) other existing and/or proposed towers in the County upon reasonable terms in conditions and free of rental charge, provided the County antenna and equipment specifications, tower locations and loading are similar to the specifications, tower locations and loading with respect to this facility. Moreover, the three (3) towers offered by Homeland to the County are all inclusive as the parties acknowledge that other agreements contain a similar provision and the number of sites is not intended to be cumulative (e.g. the number of sites offered by Homeland to the County is a total of three [3] among all agreements); and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Agreement between the County and Homeland in the manner approved herein; and be it further

RESOLVED, that based upon the foregoing balancing of interests, it is not in the public interest to subject the Facility, including the collocation of commercial wireless facilities, to local zoning and land use regulations.

BY ROLL CALL VOTE: SEVEN AYES. TWO ABSTENTIONS – LEGISLATORS LOBUE & WRIGHT. MOTION CARRIES.

Item #6j – Approval/ Adoption SEQRA Negative Declaration/ Approval Lease Agreement/ Approval Land Use Zoning Exemption For The Facility / Cell Tower / Bureau of Emergency Services Location was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #244

ADOPTION SEQRA NEGATIVE DECLARATION/ APPROVAL LEASE AGREEMENT/ APPROVAL LAND USE ZONING EXEMPTION FOR THE FACILITY / CELL TOWER BUREAU OF EMERGENCY SERVICES LOCATION

WHEREAS, the County of Putnam is the owner of the property located at 112 Old Route 6, Carmel, New York a/k/a Town of Carmel TM # 55.15-1-21 a/k/a the “PCBOES Building” (hereinafter the “Property”); and

WHEREAS, the County desires to use a portion of the Property for the installation of a wireless communications support structure in order to improve County wide wireless communications for emergency services; and

WHEREAS, Homeland Towers, LLC (hereinafter “Homeland”) desires to use a portion of the Property to install the support structure and compound area necessary to accommodate the wireless coverage needs of various County Emergency Service Departments, in addition to providing the capacity for the collocation of private public utility wireless communication facilities in order to close significant gaps in reliable wireless service that exist in the vicinity of the Property within the County and avoid the proliferation of towers; and

WHEREAS, the County and Homeland desire to enter into a public-private partnership by entering into a lease agreement (hereinafter the “Agreement”), a copy of which is attached hereto as Schedule “A”, for the purpose of constructing a 160-foot tower (the “Facility”), with County emergency service antennas located thereon and which shall provide for the collocation of commercial wireless communication facilities including antennas and related equipment on the Facility all of which shall be situated on or within a 2,400 square foot lease parcel; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with Homeland regarding the Agreement; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve the Agreement; and

WHEREAS, the Facility will provide and facilitate wireless telecommunications services essential for responding to accidents, natural disasters and for reporting medical emergencies and other dangers such as potential criminal activity; and

WHEREAS, the Agreement between the County and Homeland is for surplus County property not presently being utilized by the County and not anticipated to be needed by the County over the term of the Agreement other than for the placement of County antennas and equipment at the Facility; and

WHEREAS, the installation of a wireless communications facility and the approval of lease agreement thereof has been determined to be a SEQR Unlisted Action in accordance with the New York State Department of Environmental Conservation’s Part 617; and

WHEREAS, in accordance with the requirements of SEQRA, a short Environmental Assessment Form (“EAF”), along with a natural resources inventory including wetlands

and endangered species, a Federal Aviation Administration (“FAA”) aeronautical evaluation, an antenna site Federal Communications Commission (“FCC”) RF compliance assessment and report, and visual resource evaluation has been prepared to describe the potential environmental impacts associated with the project; and

WHEREAS, that unless otherwise objected to, the Putnam County Legislature previously determined, pursuant to Resolution # 167 of 2016, to declare itself and serve as “lead agency”, as such term is defined in 6 NYCRR Part 617.2(u); and

WHEREAS, the Putnam County Department of Planning on behalf of the Putnam County Legislature, circulated said notice to serve as lead agency along with the short EAF and above noted supporting documentation to all involved and/or interested agencies on August 10, 2016 for the required thirty (30) day period; and

WHEREAS, the Putnam County Legislature has received no objection with respect to its intent to act as “lead agency” with respect to the implementation of SEQRA and therefore, assumes Lead Agency status herein with respect to this project; and

WHEREAS, based upon a careful review of the action as a whole, of the EAF, supporting documents and of the criteria set forth in 6 NYCRR Part 617.7(c), and after considering all of the public input that has been received, the Putnam County Legislature, as “lead agency”, has determined that the project will not have a significant adverse effect on the environment; and

WHEREAS, it is recognized under New York State Law that counties are accorded certain “immunity” from local zoning regulations; and

WHEREAS, the leading New York Court of Appeals decision, Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702 (“Monroe”), establishes the “balancing of the interests” approach for determining whether a project should be accorded immunity from local zoning regulations; and

WHEREAS, Monroe permits the County to determine whether or not it is in the public interest to subject a particular project serving governmental interests to local zoning; and

WHEREAS, Monroe discusses the following nine (9) factors for consideration when balancing the interests of the public and the governmental entity:

- 1) The nature and scope of the instrumentality seeking immunity;
- 2) The encroaching governmental entity’s legislative grant of authority;
- 3) The kind of function or land use involved;
- 4) The effect local land use regulation would have upon the enterprise concerned;
- 5) Alternative locations for the facility in less restrictive zoning areas;
- 6) The impact upon legitimate local interests;
- 7) Alternative methods of providing the proposed improvement;
- 8) The extent of the public interest to be served by the improvements; and
- 9) The intergovernmental participation in the project development process and an opportunity to be heard; and

WHEREAS, the County has analyzed each of the foregoing considerations to determine whether the Facility should be exempt from the local municipal zoning regulations and has determined that the Facility as proposed, should be exempt from such zoning regulations; now therefore be it

RESOLVED, that after duly noticed public hearings and upon the evidence adduced there at, it is hereby found and determined that based upon a review of the foregoing considerations, the Putnam County Legislature has adopted the following findings of fact:

1) Pursuant to Section 3 of New York State County Law, the County is a municipal corporation of the State of New York. Among other things, the County provides emergency and public safety protection to its residents. For example, the County operates an EMS department pursuant to Section 223-b of New York State County Law and a Sheriff's department pursuant to Article 17 of New York State County Law. Such departments rely heavily on wireless communications to protect the public health, safety and welfare. Reliable wireless communications are a critical resource that is necessary for the County to provide emergency and public safety protection. Therefore, the County is purely public in nature and is a governmental entity that provides an essential public service.

2) The Facility will be located within the municipal borders of the Town of Carmel ("Town") and within the County of Putnam. Pursuant to Section 31-22 of the Putnam County Code, the County has authority to lease surplus County-owned lands. Pursuant to Section 3 of New York State County Law, the County is a municipal corporation comprising the inhabitants within its boundaries and formed for the purpose of exercising such powers and discharging such duties of local government and administration of public affairs as may be imposed or conferred upon it by law.

3) The function or land use that is contemplated by the County under the Agreement, is a wireless communications facility. The Facility will consist of a 160-foot tower and compound to support the communication needs of various County departments, and to provide for the collocation of antennas operated by wireless public utility telecommunications service providers. Such collocation opportunities will decrease the proliferation of towers. The Facility will serve the public interest in that it allows the County public service and emergency service entities the ability to effectively communicate using the County's wireless systems. The Facility will also offer the general public and the County emergency service entities a wireless communications alternative particularly well suited for responding to accidents, natural disasters and for reporting medical emergencies and other dangers such as potential criminal activity. The County notes that federally licensed wireless services such as Verizon Wireless, have been deemed to be essential public services by both New York State and Federal Courts. See *Cellular One v. Rosenberg*, 82 NY2d 364 (1993), and *Cellular Telephone Company v. Town of Oyster Bay*, 166 F.3d 490 (2d Cir. 1999).

4) Imposing local land use regulations on the proposed Facility would have the effect of unreasonably delaying an essential public need for immediate and effective emergency response and reliable wireless communications. It is the public policy of the United States "to make available so far as possible, to all people of the United States a rapid, efficient, nationwide and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication . . . [.]" 47 U.S.C. §151. The project will also further the goals and objectives established by Congress under the federal Telecommunications Act of 1996. The federal Telecommunications Act of 1996 is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "rapid deployment of new telecommunications technologies (emphasis supplied)." *Reno*

v. ACLU, 521 U.S. 844, 117 S.Ct. 2329, 2337-38, 138 L.Ed.2d 874 (1997). The federal Telecommunications Act of 1996 builds upon the regulatory framework for commercial mobile [radio] services which Congress established in 1993. Indeed, since 1993, it has been the policy of the United States to “foster the growth and development of mobile services that, by their nature, operate without regard to state lines as an integral part of the national telecommunications infrastructure.” H.R. Rep. No. 103-111, 103d Cong., 1st Sess. 260 (1993) (emphasis added). In 1999, Congress expanded further upon this policy by enacting the Wireless Communications and Public Safety Act of 1999, Pub.L. 106-81, 113 Stat. 1286 (the “911 Act”). The “911 Act,” empowered the FCC to develop regulations to make wireless 911 services available to all Americans. The express purpose of the Act, as articulated by Congress, was “to encourage and facilitate the prompt deployment throughout the United States of seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs” (emphasis added).

5) There are no alternative locations for the Facility in less restrictive zoning areas as such facilities are permitted in all Town zoning districts by conditional use permit, except the Conservation Zone. Moreover, the proposed location for the Facility at the subject Property is ideal in order to minimize aesthetic impacts to the greatest extent feasible based on the large size of the property and distance from neighboring uses, as demonstrated by the Visual Resource Evaluation. The Property already supports large scale municipal operations and, therefore, the location of the Facility on the Property will not be detrimental to the community. By controlling the location of the Facility on County property, the County can ensure that there is adequate infrastructure in place for the location of emergency communication antennas, while controlling the proliferation of new towers. Moreover, the Facility is part of an overall County wide wireless communications network. The location of the Facility fits within the existing County wide network and remedies gaps in service that currently hamper emergency services communications. The approval of the Agreement is also conditioned on Homeland making space available on up to three (3) other existing and/or proposed towers in the County, upon reasonable terms and conditions, thereby further expanding the County's wireless communications systems.

6) The Facility will not have an adverse environmental or other impact on the public because the Facility will be sited on a large parcel. The Facility will benefit the public interest by providing essential services and by producing revenue for the County, while also providing critical infrastructure for County emergency wireless communications and public utility commercial wireless services and will be sited to minimize any potential adverse environmental impacts. The Facility will comply with all structural standards and will not adversely affect the health, safety or general welfare of the public. The Facility will not cause any harmful interference with the frequencies of any radio, television, telephone or other uses. The Facility will have no impact on pedestrian or vehicular traffic, since the proposed use is unmanned requiring infrequent maintenance visits of approximately once per month. The Facility will not produce any smoke, gas, odor, heat, dust, noise above ambient levels, fumes, vibrations or flashing lights; the Facility will not generate solid waste, waste water or sewage, will not require water supply or waste disposal, and will not attract insects, vermin or other

vectors. Any human exposure to electromagnetic energy from the Facility even under “worst case” conditions, will be several orders of magnitude below the exposure limits established by the FCC, the American National Standards Institute, the Institute of Electronic and Electrical Engineers, the National Council on Radiation Protection and Measurements, and the New York State Department of Health. The Facility will not impact any wetlands and will not be located within any wetland buffers.

7) Due to the topography of the County, the proposed height of the Facility is necessary to provide reliable wireless communications services in the local area and support collocation thereby discouraging the proliferation of towers.

8) The Facility will protect and promote the public interest, in that it will serve and benefit the entire community by providing the infrastructure necessary to offer the public a wireless telecommunications services essential for protecting public health, safety, and welfare, including the provision of enhance 911 services.

9) The zoning exemption contemplated by this resolution shall apply and extend to the commercial public utility antennas and related equipment located on or associated with the Facility consistent with the decision of the New York State Court of Appeals in the Matter of Crown Communication New York, Inc., 4 N.Y.3d 159.

10) The Agreement is for County land that will not be required by the County over the term of the Agreement except to the extent that the County will place its antennas and equipment at the Facility. The County will benefit from the Agreement revenue as well as the ability to place its antennas and equipment on the Facility. Moreover, the public private partnership will result in the County not being required to expend significant resources to construct and maintain the necessary tower and supporting infrastructure.

11) The County Board of Legislators has reviewed the Agreement and has conducted a public hearing. All Interested Agencies, including the Town in which the Facility is located, have been notified of the proposal and offered the opportunity to comment; and be it further

RESOLVED, that the Putnam County Legislature designates itself as “Lead agency” in this matter, as defined in 6 NYCRR Part 617.2(u); and be it further

RESOLVED, that the Putnam County Legislature, as “Lead agency”, hereby determines that the project will not have any significant adverse environmental impacts; and be it further

RESOLVED that a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the Putnam County Legislature, as “Lead agency”, hereby issues a Negative Declaration in connection with the project, a copy of which is attached hereto as Schedule “B”, and be it further

RESOLVED, that the lease premises is surplus space owned by the County; and be it further

RESOLVED, that the Putnam County Legislature approves the Agreement between the County of Putnam and Homeland, in the form attached hereto and made a part hereof as Schedule “A”, and that the Putnam County Executive is authorized to execute said

Agreement, conditioned upon Homeland agreeing to make space available to the County over the next four (4) years on up to three (3) other existing and/or proposed towers in the County upon reasonable terms in conditions and free of rental charge, provided the County antenna and equipment specifications, tower locations and loading are similar to the specifications, tower locations and loading with respect to this facility. Moreover, the three (3) towers offered by Homeland to the County are all inclusive as the parties acknowledge that other agreements contain a similar provision and the number of sites is not intended to be cumulative (e.g. the number of sites offered by Homeland to the County is a total of three [3] among all agreements); and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Agreement between the County and Homeland in the manner approved herein; and be it further

RESOLVED, that based upon the foregoing balancing of interests, it is not in the public interest to subject the Facility, including the collocation of commercial wireless facilities, to local zoning and land use regulations.

BY ROLL CALL VOTE: SEVEN AYES. TWO ABSTENTIONS – LEGISLATORS LOBUE & WRIGHT. MOTION CARRIES.

Item #6k – Approval/ 2016 Congestion Mitigation and Air Quality (CMAQ) Program Proposals for Project Funding was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #245

APPROVAL 2016 CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM PROPOSALS FOR PROJECT FUNDING

WHEREAS, the County Executive and the Putnam County Legislature agree that implementing projects that reduce traffic congestion and improve air quality, reduce greenhouse gas emissions, improve water quality and preserve open space are wholly in the best interests of the County taxpayers; and

WHEREAS, grant funding opportunities exist in connection with projects that focus on reducing vehicular emissions and vehicular travel, which projects, if implemented, are expected to positively impact the County's air quality and mitigate congestion in the County and are wholly in the best interests of the County taxpayers; and

WHEREAS, Project Proposals were sought by the New York Metropolitan Transportation Council (NYMTC)-Mid-Hudson South Transportation Coordinating Committee (MHSTCC) for grant funding opportunities offered through the Congestion Mitigation and Air Quality Program (CMAQ), which Program is administered by the Federal Highway Administration (FHWA), and the County submitted its proposed Project Proposals (attached hereto as Exhibit A) to the MHSTCC for members' review and consideration; and

WHEREAS, MHSTCC voting members accepted the County's Project Proposals and the County, in order to make application for CMAQ Program funding through the FHWA, must submit supporting documentation, data, and information as part of the overall application process for such grant funding for the aforesaid Project Proposals; and

WHEREAS, if grant funding is awarded to the County for Project Proposals in connection with the aforesaid CMAQ Program by the FHWA, the Federal contributions will be eighty (80%) percent match, *to wit*:

<u>Proposed Project</u>	<u>Location/Description</u>	<u>Federal Amount</u>	<u>County Match*</u>
Traffic Signal Upgrades	(10) traffic signals (throughout the County)	\$2,500,000	\$625,000
Bus Replacements	(20) 16-20 passenger buses	\$1,523,200	\$380,800
Maybrook Bikeway I-Phase B	Design/construction 2.7 mi bike path (in Patterson)	\$1,800,000	\$450,000
Traffic Improvements	Fair Street/Route 52 (in Carmel)	\$1,500,000	\$375,000
Traffic Improvements	Mt. Hope Road/Route 6 (in Mahopac)	<u>\$1,000,000</u>	<u>\$250,000</u>
		\$8,323,200	\$2,080,800

* Exclusive of NYSDOT ten (10%) percent match if respective Project Proposal is accepted by the Federal Transit Administration (FTA) to administer same

and

WHEREAS, the County, by and through the Putnam County Department of Planning, Development and Public Transportation, is desirous to submit supporting documentation, data, and information to the MHSTCC in connection with the above Proposed Projects as part of the overall application process; and

WHEREAS, the County Executive and the Putnam County Legislature agree that the County's submission of Project Proposals, together with supporting documentation, data and information as part of the overall application process, in furtherance of the aforesaid goals to reduce traffic congestion and improve air quality, is wholly in the best interests of the County taxpayers; now therefore be it

RESOLVED, that the County Executive, together with the County Legislature, support the County's applications and submission for CMAQ Program funding and approves the Putnam County Department of Planning, Development and Public Transportation's request to submit to the application process for CMAQ Program funding; and it is hereby further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute federal/state/local agreement(s), as the case may be, upon approval by the respective agency(s) of the County's Project Proposal(s) and application(s) as aforesaid; and it is hereby further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6L – Approval/ Local Law To Amend Section 31-8(B)(2)(E) of the Putnam County Code Entitled “Private Sale” was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

Legislator Addonizio explained how this proposal initiated on her part. She explained that she spoke with a few auction companies while attending the January NYSAC conference. She believed it would be a great idea to implement the auction process along with the Multiple Listing Service (MLS) procedure that is currently being utilized. She invited a gentleman from one of the auction companies to attend the April Physical meeting and present an overview of the services offered by his company. She explained that we would keep the MLS process in place, however, we would revisit the properties that do not sell within one (1) year and decide if the auction process would be then be used.

RESOLUTION #246

APPROVAL/ LOCAL LAW TO AMEND SECTION 31-8(B)(2)(e) OF THE PUTNAM COUNTY CODE ENTITLED “PRIVATE SALE”

Be it enacted by the County Legislature of the County of Putnam as follows:

Section 1:

Putnam County Code Section 31-8(B)(2)(e) is hereby amended to read as follows:

(e) Sale of property where it has first been determined by the Legislature that is would be most financially advantageous to the County to offer said property for sale through the applicable multiple listing service by utilizing the services of a licensed real estate broker, selected in accordance with the applicable provisions of Chapter 140 of the Putnam County Code. The initial offer amount shall be determined by the Enforcing Officer, based upon a certified appraisal and/or a comparative market analysis, and with the advice and recommendation of the ~~Legislature~~, the County Attorney, the Director of Real Property Tax Services, and the licensed real estate broker so retained and approved by the Legislature. Any/ all subsequent modifications to the offer amount shall thereafter be determined by the Enforcing Officer based upon the advice and recommendation of the licensed real estate broker so retained and approved by the Chairman of the Physical Services Committee of the Putnam County Legislature ~~which who~~ shall inform other members of the Legislature of the modification. In the event that the property so listed in the multiple listing services does not sell within one year of its listing then the property shall be sold at public auction pursuant to Section 31-8(A)(1) of the Putnam County Code unless the Legislature extends the period of listing.

Section 2:

This local law shall be effective immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**PROTECTIVE SERVICES COMMITTEE
(Chairman Gouldman, Legislators Gross & Wright)**

Item #6m – Approval/Budgetary Amendment (16A077)/Sheriff’s Department/Donation Used to Purchase a Replacement K-9 Vehicle was next. Chairwoman Nacerino recognized Legislator Gouldman, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

Legislator Gross commended Mr. Stilwell for his generous donation. He requested that a thank you letter be sent to him.

Chairwoman Nacerino stated that she sent him a thank you letter as he resides in her Legislative District. However, she questioned if the Legislative Body would like to send a thank you letter, she would be happy to do that as well.

RESOLUTION #247

APPROVAL/BUDGETARY AMENDMENT /SHERIFF’S DEPARTMENT/DONATION USED TO PURCHASE A REPLACEMENT K-9 VEHICLE

WHEREAS, the Sheriff’s Department has received, through the generosity of Joseph D. Stilwell, a donation amount of \$44,000.00 with the intention that these funds be used to purchase a replacement K-9 Vehicle; and

WHEREAS, the Sheriff’s Department has requested a budgetary amendment (16A077) to place these funds in the Road Patrol Motor Vehicle line; and

WHEREAS, the Protective 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 Revenues:

17311000 427050	Road Patrol – Gifts & Donations	44,000
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Increase Expenses:

17311000 52650	Road Patrol – Motor Vehicles	44,000
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6n – Approval/Budgetary Amendment (16A080)/Sheriff’s Department/Road Patrol Vehicle Purchase was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #248

APPROVAL/BUDGETARY AMENDMENT /SHERIFF’S DEPARTMENT/ROAD PATROL VEHICLE PURCHASE

WHEREAS, the Sheriff's Department has requested a budgetary amendment (16A080) to cover the replacement cost of one (1) Road Patrol Vehicle which was involved in an accident 10/01/16 and was determined to be a total loss; and

WHEREAS, insurance recovery funds will be used to purchase the new vehicle; and

WHEREAS, the Protective 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 Revenues:

17311000 426800	Road Patrol – Insurance Recoveries	44,534.73
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Increase Expenses:

17311000 52650	Road Patrol – Motor Vehicles	44,534.73
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6o – Approval/Budgetary Amendment (16A081)/Sheriff's Department/ Purchase Vehicle was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #249

APPROVAL/BUDGETARY AMENDMENT /SHERIFF'S DEPARTMENT/ PURCHASE VEHICLE

WHEREAS, the Sheriff's Department has requested a budgetary amendment (16A081) to utilize State Criminal Alien Assistance Program (SCAAP) funds deferred from prior years for the purchase of a new inmate transfer vehicle for the Jail; and

WHEREAS, additional funds will also be requested through fund transfer (16T335) for the purchase of this vehicle (see Resolution #250 of 2016); and

WHEREAS, the Protective 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 Revenues:

10315001 44389F 10032	Jail Fed/SCAAP – Crim Alien – SCAAP Grant	43,000
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Increase Expenses:

10315001 52650 10032	Jail Fed/SCAAP Gr – Motor Vehicles	43,000
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6p – Approval/Fund Transfer (16T335)/Sheriff’s Department/ Purchase Motor Vehicle was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #250

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

WHEREAS, by Resolution #249 of 2016 (budgetary amendment 16A081), the Putnam County Legislature approved the purchase of a new inmate transfer vehicle for the Jail using State Criminal Alien Assistance Program (SCAAP) funds deferred from prior years; and

WHEREAS, the Sheriff’s Department has requested a fund transfer (16T335) to cover the cost of additional funding needed to purchase said vehicle; and

WHEREAS, the Protective 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:

10315001 54640 10032	Training	4,675
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Increase:

10315001 52650 10032	Motor Vehicles	4,675
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6q – Approval/Fund Transfer (16T342)/Sheriff’s Department/Furniture/Maintenance & Repairs was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #251

APPROVAL/FUND TRANSFER/SHERIFF’S DEPARTMENT/FURNITURE/MAINTENANCE & REPAIRS

WHEREAS, the Sheriff’s Department has requested fund transfer (16T342) to cover costs associated with the purchase of chairs, shelving, storage cabinet and the necessary flooring repair in the Correctional Facility; and

WHEREAS, the Protective 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:

10315000 54580	Prisoner Board Out	13,250
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Increase:

10315000 52110	Furniture/Furnishings	9,000
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10011000 54710	Maintenance & Repairs	<u>4,250</u>
		13,250

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6r – Approval/Fund Transfer (16T312)/Coroners/ Purchase Motor Vehicle to Replace Red-lined Vehicle was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #252

APPROVAL/FUND TRANSFER / CORONERS/ PURCHASE MOTOR VEHICLE TO REPLACE RED-LINED VEHICLE

WHEREAS, the Coordinator of Coroners Michael Nesheiwat has requested a fund transfer (16T312) to purchase a new Motor Vehicle to replace his Red-lined vehicle; and WHEREAS, the Protective 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:		
10118500 54151	Post Mortem Examinations	18,000.00
10118500 54646	Contracts	<u>20,485.55</u>
		38,485.55

Increase:		
10118500 52650	Motor Vehicle	38,485.55

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6s – Approval/Fund Transfer (16T356)/Bureau of Emergency Services/Upgrade Computer Towers in 911 was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #253

APPROVAL/FUND TRANSFER /BUREAU OF EMERGENCY SERVICES/UPGRADE COMPUTER TOWERS IN 911

WHEREAS, the Commissioner of the Bureau of Emergency Services has requested a fund transfer (16T356) for the upgrade of Computer Towers in 911; and

WHEREAS, the Protective 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:		
13398900 54510	Maintenance/Repair	36,000

Increase:		
13398900 52130	Computer	36,000

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY POLL VOTE: EIGHT AYES. ONE RECUSAL – LEGISLATOR WRIGHT. MOTION CARRIES.

Item #6t – Approval/Fund Transfer (16T361)/Sheriff’s Department/Replacement Vehicle was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #254

APPROVAL/FUND TRANSFER/SHERIFF’S DEPARTMENT/REPLACEMENT VEHICLE

WHEREAS, the Putnam County Sheriff has requested a fund transfer (16T361) to cover the cost of one (1) replacement vehicle for two (2) marked vehicles, Unit 251 and Unit 213, coming off the road; and

WHEREAS, the Protective 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:		
17311000 54370	Automotive/Road Patrol	39,501.85

Increase:		
17311000 52650	Motor Vehicle/Road	39,501.85

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

PERSONNEL COMMITTEE
(Chairwoman Nacerino, Legislators Castellano & Wright)

Item #6u – Approval/Fund Transfer (16T306)/Office for Senior Resources/ Accountant/ Temporary Assignment was next. On behalf of the members of the Personnel

Committee, Legislators Castellano and Wright, Chairwoman Nacerino moved the following:

RESOLUTION #255

APPROVAL/FUND TRANSFER /OFFICE FOR SENIOR RESOURCES/ ACCOUNTANT/ TEMPORARY ASSIGNMENT

WHEREAS, the Director of the Office for Senior Resources has requested a fund transfer (16T306) to cover costs associated with Temporary assignment to a higher grade position retroactive to 8/31/16; 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:

10677200 51000 (6772 10118)	Fiscal Manager	2,100
10677200 58002	Social Security	<u>161</u>
		2,261

Increase:

10677300 51000 (6773 10103)	Accountant	2,100
10677300 58002	Social Security	<u>161</u>
		2,261

2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6v – Approval/Fund Transfer (16T358)/Board of Elections/Overtime was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Wright, Chairwoman Nacerino moved the following:

RESOLUTION #256

APPROVAL/FUND TRANSFER /BOARD OF ELECTIONS/OVERTIME

WHEREAS, the Commissioners of Board of Elections have requested a fund transfer (16T358) to cover overtime costs associated to Election Day; 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:

10145000 51094	Temporary	5,000
10145000 54314	Postage	13,000
10145000 54311	Printing	<u>9,000</u>
		27,000

Increase:
10145000 51093

Overtime

27,000

2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #6w - Approval/Semi-Annual Mortgage Tax Report/April 1, 2016 through September 30, 2016 was next. Chairwoman Nacerino recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano & Gouldman, Legislator Castellano moved the following:

RESOLUTION #257

APPROVAL/SEMI-ANNUAL MORTGAGE TAX REPORT/APRIL 1, 2016 THROUGH SEPTEMBER 30, 2016

WHEREAS, upon receipt of approval of the Semi-Annual Report showing the amounts to be credited to each district of the County of the money collected during the period April 1, 2016 through September 30, 2016 from the New York State Department of Taxation and Finance, the Putnam County Audit and Administration Committee reviewed and hereby forwards same to the Putnam County Legislature; now therefore be it

RESOLVED, that pursuant to Section 261 of the Tax Law, the Putnam County Legislature issues tax warrants for the payment to the respective districts of the amounts so credited and authorizes and directs the Commissioner of Finance to make a payment of said amounts to the respective district in accordance with the report as follows:

Town of Carmel	\$ 521,409.69
Town of Kent	134,084.94
Town of Patterson	97,156.71
Town of Philipstown	
Village of Cold Spring	16,015.08
Village of Nelsonville	4,630.58
Town Outside	200,251.04
Town of Putnam Valley	162,907.73
Town of Southeast	

	Village of Brewster	9,170.20
	Town Outside	<u>272,464.73</u>
Total		\$1,418,090.70

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Other Business.

There was no other business submitted to the meeting.

Item #8 – Recognition of Public.

Dawn Willis of Brewster thanked the Legislature for passing the Animal Cruelty Register. She stated that she has seen what animal cruelty looks like first hand. She also thanked Chief Ross and Detective Ross for doing a tremendous job that is very difficult.

Lynne Eckardt, Town of Southeast Councilwoman, believed it would have been more transparent to see how the Legislature voted on the County Executive’s veto of budget Resolution #224 of 2016. She also explained how the budget process is difficult for the public to understand. Ms. Eckardt questioned if the litigation settlement was covered by insurance.

Chairwoman Nacerino stated she did not believe so.

Ms. Eckardt thanked Legislators Wright and LoBue for abstaining on the Lease Agreement for the Cell Towers. She explained that although she has attended the Legislative meetings, she believed that it was difficult to obtain information. She stated that although it is not located in a neighborhood, the cell tower will be seen from Lake Tonetta. She stated that it was not clear that the line of sight portion of the tower for the County would be at 130 feet, however it will go to 180 feet for Verizon and three (3) other companies which the County will profit from. She explained that the other towers have been put on hold and she was not sure where the line of sight would go. She explained that nothing has been unveiled yet for where the other towers will be, therefore, she was not clear on why we would proceed with only two (2) towers. She then questioned if the \$1.4 million on the Mortgage Tax resolution was more than the second period last year.

Legislator Castellano stated that he would get that information for her.

Andrew DeStefano, Town of Patterson resident, thanked the Legislature for approving the Animal Registry. He explained the relationship between animal abuse and domestic violence. He provided some statistics of 107 women he interviewed in domestic violence shelters in New York City and provided the amount of women who owned dogs and the percentage of dogs that were also abused.

Legislator LoBue stated that abusers are attracted to animals because they have no voice. She stated that with the adoption of this registry the animals will now have a voice.

Legislator Gross stated that we are all on the same page about supporting this registry. However, we did receive a letter from the Pet Industry Joint Advisory Council in Alexander, Virginia who do not like the idea at all.

Legislator Wright stated that he learned many years ago when he was prosecuting a serial killer that there is a very high correlation Nationwide among the psychological profiles of serial killers. He stated that there is a high correlation between those individuals and a history of animal abuse when they were young. The psychological profile fits someone who acts out on a defenseless subject.

Item #9 – Recognition of Legislators.

Legislator Gouldman stated that this is Legislators Gross and Wright's last Full Legislative meeting. He thanked them for their insight. He shared that it was a wonderful experience working with both of them and that he has learned a lot from both of them.

Legislator Addonizio stated that Legislators Gross and Wright will be missed.

Chairwoman Nacerino stated that both Legislators Gross and Wright have devoted themselves to public service and helping others in various capacities for most of their adult life. She stated that we truly admire and respect them. She stated that they have certainly set the bar high for their peers. She thanked them for their service.

Legislator Wright recognized and welcomed his successor Legislator Elect Neal Sullivan. He stated that he has known him for a long time and believed that he will serve the people in his Legislative District well.

Legislator Gross also recognized and welcomed his successor Paul Jonke. He believed that Legislator Elect Jonke would have a candid and straight forward voice on issues. Legislator Gross stated that it has been his pleasure and an honor to work with his colleagues. He explained that there were times when they might not have always agreed on issues, however that was part of the governmental process. He thanked his fellow Legislators and the residents of his Legislative District for their support.

Legislator Albano stated that it was a pleasure to work with both Legislators Wright and Gross.

Chairwoman Nacerino wished everyone a happy and safe holiday season.

There being no further business, at 7:46 P.M., Chairwoman Nacerino made a motion to adjourn in memory of Undersheriff Convery; seconded by Legislator Albano. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.