

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

Members: Chairman Sullivan and Legislators Addonizio & Albano

Thursday

March 16, 2017

(Immediately following the Economic Development Mtg. beginning at 6:30pm)

The meeting was called to order at 7:47pm by Chairman Sullivan who requested Legislator Scuccimarra lead in the Pledge of Allegiance. Upon roll call, Legislator Addonizio and Chairman Sullivan were present. Legislator Albano was absent. Chairman Sullivan stated Legislator Scuccimarra would sit on the Committee in Legislator Albano's absence.

Item #3 - Approval of Minutes – February 15, 2017

The minutes were approved as submitted.

Item #4 - Approval/ Appointment/ Putnam County Board of Ethics/ Amato

Chairman of the Putnam County Board of Ethics Robert Bickford stated the Board of Ethics should have five (5) members. He stated there are two (2) members who did not wish to be reappointed. He stated therefore, the board currently has three (3) members and it is important that this member be appointed.

Legislator LoBue questioned which members are no longer on the Board.

Mr. Bickford stated Al Lotrecchiano and Nancy Dill are the members who did not wish to be reappointed.

Legislator Nacerino questioned what the commitment is to be a member of the Board of Ethics.

Mr. Bickford stated a big task to be done by the Board of Ethics is to review the financial disclosure statements, which are received early in the year. He stated during this busy time, the Board meets every other month. He stated the Board will also meet a few times during the remainder of the year. He stated the Board will also meet if there is a particular reason to meet. He stated overall, the membership is not very taxing.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Addonizio. All in favor.

Chairman Sullivan stated item #7 would be addressed at this time.

Item #7 - Discussion/ Board of Ethics 2016 Annual Report

Mr. Bickford stated the annual report is a summary of what the Board has done in the past year and attached is a list of board members and employees who have failed to file their financial disclosure statement. He stated there are some individuals who have not filed for several years.

Chairman Sullivan stated in reading through the annual report, it is apparent that the members of the Board of Ethics do extensive work. He questioned how many financial disclosure statements are reviewed by the Board.

Mr. Bickford stated the number of financial disclosure statements vary from year to year; however it is all County employees of a certain level and the members of all Boards.

Legislator LoBue stated the issue regarding failure to file financial disclosure statements is an ongoing discussion each year. She stated this is a lengthy form that needs to be filled out with personal financial information and it is very frustrating that some individuals do not submit the form. She stated it is not fair to those who do submit, especially when those to have failed to file are left in their position on the boards.

Mr. Bickford stated there is no enforcement.

Legislator LoBue suggested removing the individuals from the boards if they are not in compliance with the requirements.

Legislator Nacerino stated this issue is discussed every year. She stated because the members of the boards are volunteers they feel that the financial disclosure form is an invasion of their privacy.

Chairman Sullivan questioned if letters are sent to the individuals who have not filed.

Mr. Bickford stated letters are sent.

Chairman Sullivan questioned if the Legislature has any enforcement in this situation.

County Attorney Jennifer Bumgarner stated it is different when it is a County employee who has not filed.

Mr. Bickford stated all new board members are told that the annual filing of a financial disclosure statement is required when they are appointed.

Chairman Sullivan stated the form is very extensive and he understands why a volunteer may be reluctant to provide the information.

Mr. Bickford stated the County financial disclosure statement is less onerous than the State form. He stated if the County did not have its own form, the State form would be required.

Legislator LoBue stated it is unfair to give a pass to those who have not filed. She stated there are many people who serve as volunteers that do comply and file the form. She stated she believes removing those who are not in compliance would alleviate this issue. She stated serving on a Putnam County board comes with responsibility.

Legislator Nacerino stated if these individuals were removed from the boards, there may not be enough people to have a functioning board.

Chairman Sullivan questioned what the Legislature can do to assist the Board of Ethics with this issue.

Mr. Bickford stated there is a provision in the law that says the individual can be fined; however that is not a popular option. He stated he will notify those who have failed to file that their name has been included on a list and sent to the Legislature.

Commissioner of Board of Elections Cathy Croft questioned where to inquire about becoming a member of the Board of Ethics.

Mr. Bickford stated a letter could be sent to Director of Personnel Paul Eldridge.

Commissioner Croft questioned if the open positions are advertised.

Mr. Bickford stated the positions are not advertised; however they could do so.

Commissioner Croft questioned if an interview is set up once the position has been applied for.

Mr. Bickford stated the appointment is made by the County Executive with the consent of the Legislature.

Legislator LoBue stated there are Putnam County employees on the list of individuals who have not filed their financial disclosure statement.

Mr. Bickford stated he would look into that.

Lithgow Osbourne, resident, stated there are a number of people on the list who are Elected Officials from Philipstown. He questioned if those individuals need to submit the paperwork to both the Town and the County.

Mr. Bickford stated they would need to submit both forms because the requirements differ between the municipalities.

Item #5 - Request for Approval/ Proclamation/ Recognize German American Social Club of Peekskill & Putnam Valley as a Comfort Station

Chairman Sullivan stated the German American Social Club of Peekskill and Putnam Valley is offering their facility as a comfort station in times of emergency.

Legislator Gouldman stated the German American club is a wonderful organization. He stated when it first started, it was for German-American residents to come together and celebrate their heritage. He stated since the population has changed, the club serves all residents on both the Town and County level. He stated the facility is very equipped to deal with emergency situations.

Chairman Sullivan made a motion to approve a proclamation recognizing the German American Social Club of Peekskill & Putnam Valley as a Comfort Station; Seconded by Legislator Scuccimarra. All in favor.

Item #6 - Discussion/ NYSAC/ Proclamation Request/ March as Women's History Month

Chairman Sullivan made a motion to approve a proclamation recognizing March as Women's History Month; Seconded by Legislator Scuccimarra. All in favor.

Item #8 - Discussion/ Proposed Amendment of County Code Section 90-7(c) Denial of Access to Records

Chairman Sullivan stated when this topic was discussed last month there were some questions raised about what provisions other Counties have in place and the possibility of a change needing to go to referendum.

County Attorney Bumgarner stated there was a piece of additional material submitted to the Legislature late in the day. She requested that this be accepted so it can be discussed.

Chairman Sullivan made a motion to waive the rules and accept the additional; Seconded by Legislator Scuccimarra. All in favor.

Chairman Sullivan stated the email was a response from District Attorney Robert Tendency.

County Attorney Bumgarner stated District Attorney Tendency's email was in response to a letter from Senior Deputy County Attorney for Risk & Compliance Adrienne Lotto to the Legislature, which he was copied on. She stated the letter addressed questions that were asked at the February 15, 2017 Rules Committee Meeting. She stated the letter sent by Senior Deputy County Attorney for Risk & Compliance Lotto explains that Westchester County and Rockland County have sections in their Codes that provide exceptions to the Freedom of Information Law (FOIL). She stated these exceptions provide for a process similar to what was proposed by District Attorney Tendency. She stated if an amendment was to be passed utilizing the proposed verbiage, the Records Access Officer for District Attorney Records would then be the District Attorney, who would serve as the Appeals Officer as well. She stated this change would alter and diminish the powers of an existing Elected Official, therefore under the municipal home rule law it would be subject to mandatory referendum. She stated this means it would go on the ballot in the general election in November to be voted on. She stated if the amendment was then approved, the normal process would then be followed. She stated therefore, this change would not be on the books as formal law until the

beginning of 2018. She stated this lengthy process was outlined in the letter sent by Senior Deputy County Attorney for Risk & Compliance Lotto to which District Attorney Tandy responded suggesting a compromise where he would be consulted in certain circumstances. She stated the County Attorney's Office has no objection to this suggestion because the exemptions outlined by District Attorney Tandy are already exemptions under the FOIL law and would not be disclosed anyway. She stated perhaps she and District Attorney Tandy should meet and discuss the process of what occurs when a FOIL request comes in to the District Attorney's Office. She stated documents that are exempt from disclosure are protected. She stated if a document is subject to disclosure, that opinion will be reached. She stated at the end of 2016, a FOIL request came in for a contract and she believed the document should be disclosed; however District Attorney Tandy had a different opinion. She stated if this law is not changed, an appeal would follow the current process and go to the County Executive for the decision to be made of whether or not to disclose the document after consultation with the County Attorney's Office. She stated she has no qualms with working together with the District Attorney's Office on FOIL requests.

Legislator Scuccimarra stated District Attorney Tandy is concerned about sensitive material possibly being disclosed. She agreed that the District Attorney's Office and the County Attorney's Office should work together on such a request.

Legislator LoBue stated she wanted to clarify the record regarding the FOIL request County Attorney Bumgarner referenced. She stated the FOIL request was for a vendor contract for the investigator that was hired for a specific case. She stated in the FOIL request it states that it is understood that there are exemptions and they do not intend to request confidential information. She stated at the February 15, 2017 Rules Committee Meeting District Attorney Tandy had stated a contract and report involving an ongoing criminal investigation was requested. She stated the only thing requested was the vendor contract, which is public information. She stated she believes changing this law would do a disservice. She stated the law has been in place for many years and there have been no problems. She stated she is happy to see that District Attorney Tandy is willing to compromise and work with the County Attorney's Office.

Legislator Nacerino stated based on the explanation given by the County Attorney; it seems that the exemptions under the FOIL law are self-explanatory. She stated it may be a matter of coordinating the efforts of the District Attorney and the County Attorney to ensure that the exemptions are clear.

Chairman Sullivan stated he would like to discuss this again in Committee once County Attorney Bumgarner and District Attorney Tandy have discussed this process.

Item #9 - FYI/ Board of Elections 2016 Annual Report

Commissioner of Board of Elections Cathy Croft stated there were many elections in 2016; the General Election in November and the multiple primaries that were held. She stated the 2017 budget is not as large as last year because there are fewer elections to be held. She stated 78% of registered voters voted this past November. She stated there are over 450 polling inspectors, 86 election districts, and 23 polling places. She

stated the polling place in Putnam Valley will no longer be at the Senior Center, but will rather be at the Ambulance Corps. She stated this is a bigger facility with more parking. She stated she is very cognizant of keeping costs at a minimum. She stated New York State Election Law states that poll workers must be trained once; however Putnam County is one of the only counties in New York State that trains the poll workers twice. She stated Board of Elections is working on voter registration within the schools. She stated a student can pre-register at any point in the year they will be turning 18 and the registration will automatically begin on their birthday.

Legislator Nacerino stated registration forms are handed out in Brewster High School. She suggested reaching out to the Town Clerks for assistance.

Commissioner Croft stated the Board of Elections has already contacted schools in the County to arrange a presentation and to encourage students to register and pre-register.

County Attorney Bumgarner stated it is great that the Board of Elections is spearheading this endeavor. She stated the County Attorney's Office handled the 2016 General Election on behalf of the court system and had many high school seniors and college freshman who came in to vote. She stated however, these students were unable to vote because the person at their high school who was responsible for sending their registration forms to the Board of Elections failed to do so.

Commissioner Croft stated she and Commissioner Scannapieco have also been attending naturalization ceremonies held by the County Clerk to register voters. She stated the League of Women Voters is usually at the ceremonies as well. She stated it is very important for registrations that are collected to be delivered to the Board of Elections.

Legislator Nacerino stated the local municipalities are still fighting for State relief in helping with the costs of elections.

Legislator LoBue questioned what the process is for someone who would like to be a poll worker.

Commissioner Croft stated the interested person can contact Board of Elections. She stated there are different jobs that they can sign up for such as table inspector, poll coordinator, memory card courier, machine operator, etc. She stated State election law dictates that there must be an equal amount of workers for the two (2) highest registered parties. She stated as the date of an election approaches and those positions cannot be filled, other volunteers will be accepted.

Legislator LoBue questioned when someone should inquire.

Commissioner Croft stated anyone interested in being a poll worker should contact Board of Elections as soon as possible. She stated training for the September Primary is held in August and training for the November Election is held in late September or October. She stated the Board of Elections website has a lot of information as well.

Legislator Nacerino questioned if the Town Clerks still coordinate outreach efforts.

Commissioner Croft stated Town Clerks have not been involved since 2008 or 2009. She stated she places a display for voter registration and poll worker forms in each Post Office, Town Hall, and Court throughout the County.

Legislator Nacerino questioned if there are split shifts for poll workers.

Commissioner Croft stated there are no split shifts.

Legislator Gouldman questioned how much a poll worker is paid.

Commissioner Croft stated the pay range is \$225 - \$300 per day depending on the position. She stated the training classes are \$25 and there is a cell phone stipend of \$20.

Legislator Gouldman questioned if absentee ballots are encouraged for poll workers that are not working in their voting location.

Commissioner Croft stated yes.

Chairman Sullivan thanked Commissioner Croft.

Item #10 - Discussion/ County Attorney/ Executive Session

- a. Litigation Report**
- b. Financially Significant Lawsuits**

At 8:32pm Chairman Sullivan made a motion to go into Executive Session to discuss litigation; Seconded by Legislator Scuccimarra. All in favor.

At 9:20pm Chairman Sullivan made a motion to come out of Executive Session; Seconded by Legislator Scuccimarra. All in favor.

No action was taken.

Item #11 - Other Business – None

Item #12 - Adjournment

There being no further business at 9:21pm Chairman Sullivan made a motion to adjourn; Seconded by Legislator Addonizio. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.