

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

6:00pm

June 22, 2017

The meeting was called to order at 6:04pm by Chairman Sullivan who requested Legislator Albano lead in the Pledge of Allegiance. Upon roll call, Legislator Addonizio, Legislator Albano, and Chairman Sullivan were present.

Item #3 - Approval of Minutes – May 10, 2017

The minutes were approved as submitted.

Item #4 - Approval/ Litigation Settlement/ Westchester Disabled on the Move, Inc.

Chairman Sullivan stated this litigation was a result of the Putnam County Golf Course not being in compliance with some of the standards of the Americans with Disabilities Act (ADA). He stated the County has entered into a settlement to make some improvements such as adding more handicapped parking spaces, making changes to the pathways, widening the door to the patio, making the downstairs bathrooms and showers ADA compliant, adding a portable lift to the stage in the banquet room, and adding ramps to the sidewalk. He stated along with these significant improvements to the Golf Course a payment of \$17,500 will be paid to the plaintiff.

Legislator Albano stated there are some older buildings in the County that were built when the compliance standards were different. He stated the facilities are now being brought up to modern standards one-by-one. He stated this is actually a positive thing for Putnam County in the end.

Chairman Sullivan stated the building has been significantly improved and more people will now have access. He questioned what the cost of the renovations was.

Legislator LoBue stated she believes the cost was \$250,000.

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

Item #5 - Approval/ Litigation Settlement/ Levy v. Smith, et al.

Chairman Sullivan stated the settlement total sum is \$150,000; \$125,000 due and payable from the County of Putnam and \$25,000 will be paid directly and personally from Sheriff Donald Smith.

Ann Fanizzi, resident, stated her objection to the use of taxpayer money for the payment of an individual lawsuit. She stated this lawsuit involved an individual; not the Sheriff's Department. She stated the Sheriff's Department did not engage in this defamation; an individual did and he should take responsibility for his own individual action. She stated this matter should be taken further and the taxpayers should not be beholden to the payment of \$125,000. She stated the payment of that money is the responsibility of Sheriff Smith, as he is the one who defamed former District Attorney Adam Levy. She stated he lied and put every citizen of Putnam County in jeopardy. She stated the honorable thing for Sheriff Smith to have done is to have resigned his position and then paid the full amount personally. She stated she has a letter that was composed by her attorney, which she read into the record. She stated they have also contacted the Attorney General.

Chairman Sullivan thanked Ms. Fanizzi for her comments.

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

Chairman Sullivan stated there is an additional item; a letter submitted by Town of Southeast Councilwoman Lynne Eckardt. He questioned if there was a motion to waive the rules and accept this additional item. He stated no motion was made, therefore this item will not be accepted.

Item #6 - Approval/ Fund Transfer 17T114/ County Attorney/ Provide Funding for Litigation Settlement/ Levy v. Smith, et al.

Ms. Fanizzi wished to be heard on item #5. Chairman Sullivan ruled this public comment was out of order since the vote had been taken.

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

Item #7 - FYI/ Litigation Report

County Attorney Jennifer Bumgarner stated the full litigation report would be submitted for the July Meeting along with a cover memo and reports pertaining to specific cases.

Chairman Sullivan stated having a different version of the litigation report highlighting significant cases or changes in cases has been discussed.

County Attorney Bumgarner stated that can be discussed further. She stated some items have been removed such as individual pistol permit hearings.

Item #8 - Other Business

a. Discussion/ Ride-Hailing Services Operating in New York State

Legislator Albano made a motion to waive the rules and accept the other business; Seconded by Legislator Addonizio. All in favor.

Legislator Castellano thanked Chairman Sullivan for accepting this item as Other Business. He stated when he was at the NYSAC Legislative Conference in January he attended a meeting regarding ride sharing. He stated the counties in upstate New York were in favor of having services such as Uber and Lyft operate in their county. He stated Putnam County is unique to “upstate” because there are many taxi companies operating here. He stated these companies are obligated to follow the regulations set forth by the Westchester Taxi & Limousine Commission (TLC) if they operate within Westchester County, such as bringing customers to and from the Westchester Airport. He stated Putnam County does not have a TLC, therefore cannot regulate services such as Uber. He stated he believes that Uber does not want there to be a TLC. He stated Uber operates in New York City under the NYC TLC. He stated counties have the opportunity to opt-out of allowing ride sharing. He stated Westchester County is making a decision of whether or not to opt-out. He stated if the decision is made that ride sharing services must operate under the Westchester County TLC, it would level the playing field. He stated he believes Rockland County is moving forward with creating a TLC and Dutchess County created a TLC last year. He stated he would like to discuss the possibility of creating a TLC in Putnam County again.

Legislator Albano questioned what the insurance requirements are.

Legislator Nacerino stated presently, there is no insurance or protection for the consumer; therefore it is a risk to utilize the service should an incident occur. She stated ride sharing services do not follow the same requirements as taxi companies that operate under a TLC. She stated creating a TLC in Putnam County could provide protection and must be seriously thought about. She stated Putnam is a small county and it would be costly and cumbersome to create a TLC; however in light of these services being authorized to operate throughout New York State, it is worth reconsidering.

Chairman Sullivan stated insurance in relation to these services would be for protection of the customers. He stated if an accident were to occur, the driver may not have the proper insurance to protect the passenger. He stated in a licensed taxi, the consumer is protected.

Legislator Addonizio stated it can be very risky.

Legislator Scuccimarra stated she would like to look into this further. She stated there are very few taxi services on the western side of the County and the companies that do operate in that area are very expensive. She stated a company such as Uber may be a more reasonable option. She stated she understands that there are risks involved with these companies; however she would like to keep exploring the option. She stated the use of ride sharing services is growing. She stated she would like her constituents to have an opportunity to save money while having more options for transportation.

Chairman Sullivan questioned how these services would be regulated within the County.

Legislator Castellano stated at the NYSAC Conference he learned that Uber does not want regulation at all. He stated Uber operates with no regulation in other parts of the Country where there are no taxi companies to compete with. He stated in New York City, Uber is working under the NYC TLC. He stated he would like to know what decision Westchester will make. He stated prior to companies such as Uber and Lyft, gypsy taxi cabs were a concern because they did not have the proper insurance. He stated customers want to utilize companies that operate their business correctly and have the proper insurance. He stated this is something that needs to be investigated.

Ruth Ayala-Quezada, owner of Carmel Taxi & Car Service, Inc. stated she would like the County to opt-out of allowing ridesharing services and create regulations. She stated once regulations are in place, she would support ridesharing companies operating within Putnam County. She stated this is a matter of public safety, especially because many customers of these companies are millennials. She stated many young adults do not often think through potential risks associated with utilizing a service such as Uber or Lyft. She stated the drivers working for these companies could be anyone. She stated insurance is important for protecting the consumer. She stated she believed that insurance companies such as Geico, Allstate, and Progressive will not cover incidents that occur with regular vehicles if they are operating under a ridesharing company. She stated therefore, there would be no coverage for the customer in the vehicle nor another vehicle involved. She stated there are many expenses associated with taxi cab companies such as livery insurance, worker's compensation, and liability insurance. She stated taxi companies will not be able to compete with ridesharing companies such as Uber or Lyft because the ridesharing companies do not have the same requirements or expenses. She stated she would like there to be a level playing field for all for-hire services. She stated she lives in Putnam County and has been working in Putnam for many years. She stated allowing unregulated services such as Uber and Lyft to operate within the County will impact her company and she is concerned that she may not be able to keep all of her employees. She stated she is asking for fair competition and basic regulations.

Eric Moss, employee of Alley's Way Car Service, Inc. stated in reference to safety; an incident occurred recently in Chicago where an Uber driver picked up a customer and the customer fatally stabbed the driver. He stated drivers need protection as well. He stated with the proper insurance held by the company he works for, he is protected. He suggested requiring payment by ridesharing services to the Towns as well as the taxi and limousine companies.

Emilio Paulo, operator of 8294 Transportation in Putnam County stated he provides Medicaid transportation. He stated it will be difficult to compete with companies such as Uber or Lyft because their regulations are less stringent. He stated for instance, these companies do not require the driver's personal record and there is no insurance

requirement. He stated it is illegal for a vehicle with a regular license plate to work for hire. He stated to create a TLC in Putnam County would require a lot of time, effort, and regulation. He suggested exploring the possibility of contracting with the Westchester TLC. He stated all the drivers who operate in Putnam County must be covered through the Westchester TLC if they want to enter Westchester. He stated some towns in Westchester County have their own TLC as well, such as Bedford Hills. He stated many towns regulate the amount of taxi cabs to avoid an overcrowding of cabs. He stated in order for the Towns to have the authority to provide licenses for the vehicles, the County should hire a shop to inspect taxi cabs. He stated in order to obtain a license from the TLC there are many requirements to meet. He stated drivers must pass a background check and a drug test. He stated this ensures the drivers are safe to transport the customers.

Legislator Addonizio agreed with the points made by Mr. Paulo.

Bill Nulk, President of the Putnam County Chambers of Commerce stated there is a provision in the State law that allows all counties and major cities to opt-out of allowing TNC (transportation networking companies) to pick up within their boundaries. He suggested opting out until there is a better understanding. He stated it may be more difficult to opt-out once it begins.

Legislator Albano stated he has heard many good ideas and comments tonight. He stated he would like to opt-out for now until the County can look more into regulation.

Legislator Addonizio questioned how long the opt-out period would be.

Legislator Scuccimarra stated she would like to hear from Uber and Lyft.

Chairman Sullivan stated there are many constituents who would like to utilize the ridesharing companies; however it must be done the right way.

Legislator Castellano stated he believes the answer is to level the playing field. He stated the Legislature has discussed creating a TLC many times. He stated surrounding counties such as Westchester and Dutchess have their own TLC. He stated he would like to know what Westchester County will decide. He stated he would like to look into Mr. Paulo's suggestion of sharing services with the Westchester TLC. He stated enforcement in northern Westchester is light, therefore he is concerned that enforcement in Putnam would be even less. He stated there are many moving parts to this and he is glad the discussion has begun. He stated the County can opt-out at any point. He stated he would like to have more information.

Chairman Sullivan questioned if the County must act before June 29th, when ridesharing becomes authorized in New York State.

Ms. Ayala-Quezada stated it is her understanding that there is no time limit when a county can opt-out. She stated her concern with waiting to opt-out is that people begin

investing in the companies and many issues can arise when the authorization for the services goes into effect and then the county decides to opt-out afterwards. She suggested opting out before June 29th.

Legislator Nacerino questioned under whose authority is it to opt-out; the Legislature or Administration. She stated June 29th is next week.

Legislator LoBue stated the Committee is not in a position to make a decision tonight.

Ms. Ayala-Quezada stated there are many taxi companies within Putnam County that would be affected who are in attendance tonight. She stated the industry will be impacted by this authorization and she would appreciate the Legislature's support. She stated ridesharing companies should be allowed, but they should have to operate at the same level as the rest of the taxi companies.

Chairman Sullivan questioned if Carmel Taxi & Car Service, Inc. has enough taxis to meet the demand of the public.

Ms. Ayala-Quezada stated yes. She stated she has 20 taxicabs and on a regular Monday through Friday shift there are about 15 of them on the road. She stated by about 8:00pm she has two (2) cabs on the road because the demand is less. She stated the company closes at midnight every day except Saturday because the demand is low and there are risks involved.

Legislator Albano stated regulation is necessary in order to protect the public. He suggested opting out until these issues can be addressed.

Legislator LoBue stated the law needs to be reviewed prior to making a decision.

Legislator Nacerino stated she would like to see what decision is made by Westchester County. She stated there are strict regulations, especially at the Westchester Airport in regards to taxis and car services.

Chairman Sullivan stated more information will need to be collected prior to June 29th.

Anna Tigre, representative for Southeast Taxi, stated her taxi company pays fees to the Village of Brewster as well. She stated they operate their business in the correct way and ridesharing companies having the ability to operate in this area is a threat to existing taxi companies.

Legislator LoBue stated the Village of Brewster has a Taxi Commission and the towns have authority over this regulation. She stated when creating a TLC was discussed, a letter was sent to each town requesting that they relinquish their authority to the County.

Legislator Castellano stated the Village of Brewster is the only municipality in Putnam with a Taxi Commission and there are six (6) taxi companies that are authorized to wait

at the Brewster train station. He stated their concern about companies such as Uber and Lyft having the authority to operate anywhere is a legitimate one. He stated another concern is an increase in traffic due to taxis and ridesharing vehicles waiting for their customers.

Ms. Tigre stated there are already Uber vehicles operating at the Brewster train station, bringing customers from Danbury.

Legislator Castellano stated having a TLC would make enforcement easier.

Legislator Albano suggested making the towns aware of this as well.

Juan Carlos, operator of Flash Car Service, stated the taxi companies who operate at the Brewster train station keep their cars in one (1) line to conserve the space. He stated companies such as Uber or Lyft will utilize more space, making it more difficult for taxis. He stated the fees that the six (6) taxi companies pay to the Village of Brewster every three (3) months increase each year. He stated it will be difficult to compete with ridesharing services because they are not subject to those same fees.

Ms. Ayala-Quezada clarified that the taxi companies who operate within the Village of Brewster also operate throughout Putnam County.

Chairman Sullivan stated the State legislation will be reviewed prior to June 29th. He thanked everyone for their comments.

Item #5 – Approval/ Litigation Settlement/ Levy v. Smith, et al. (Continued)

Ms. Fanizzi stated she would like to have a written legal opinion from the attorney who supported Chairman Sullivan's ruling on the letter from Councilwoman Eckardt that was submitted to the meeting as additional material. She stated she will write a letter to the attorney.

Legislative Counsel Robert Firriolo stated Legislative Counsel advises the Legislature, not the public.

Chairman Sullivan stated that Legislative Counsel advises the Legislature.

Item #9 – Adjournment

There being no further business at 7:02pm Chairman Sullivan made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.