

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

Members: Chairman Sullivan and Legislators Addonizio & Albano

Monday **March 12, 2018**
(Immediately following Health Mtg. beginning at 6:30pm)

The meeting was called to order at 8:25pm by Chairman Sullivan who requested that Legislator Albano lead in the Pledge of Allegiance. Upon roll call Legislator Addonizio, Legislator Albano, and Chairman Sullivan were present.

Item #3 - FYI/ County Clerk Annual Report

County Clerk Michael Bartolotti stated the office of the County Clerk oversees the County Clerk's Office, the Department of Motor Vehicles (DMV), and Records Management. He stated their annual report is provided to Legislature, which shows a breakdown of the monies collected and the distribution of those monies throughout the year. He stated unfortunately, the majority of the money collected goes elsewhere. He stated for instance, in 2017 the County Clerk's Office collected over \$10 million in gross receipts; however the County only kept \$1.2 million. He stated the County Clerk's Office collects a myriad of costs for filing of various documents such as land recordings and court documents throughout the year. He stated the majority of money from land recordings does stay within the County as revenue. He stated unfortunately, the County does not keep much of the revenue generated from processing court documents. He stated there are numerous fees associated with court documents, for instance when an index number is purchased, the cost is \$210, however the County keeps about \$20. He stated there are other fees that go right to the State Office of Court Administration. He stated the County does a great deal of the work processing and maintaining the files, and unfortunately the money goes elsewhere. He stated in regards to mortgage taxes, the Towns get 50% of the tax collected, the MTA gets 30% of the tax collected, and there are other programs that receive small amounts of these taxes. He stated other than the towns, when mortgage tax was implemented, it was meant to go to the individual municipalities within the County as a revenue stream. He stated as the years have progressed, the State and the MTA have seen this as an opportunity to keep raising the rate. He stated the rates have risen over the years to 1.05% for Putnam County. He stated Putnam is one of the counties that no longer have a local split that goes to the County.

Chairman Sullivan questioned if counties without the MTA tax have a lower rate.

County Clerk Bartolotti stated yes, every county has a different tax rate. He stated sometimes they have special taxes for things such as preservation if they are located in

a preservation district. He stated a county that is not in the transportation district would probably have about a 0.75% tax rate.

Legislator Albano stated a town like Carmel collects tremendous mortgage tax because of all the growth and building. He stated the taxpayers there paid for the \$33 million sewer plant that allowed the growth. He stated the taxpayers are paying for it in one way and then the money is going out in another direction.

County Clerk Bartolotti stated this tax is for anyone who takes out a mortgage on their property and was intended to go to the municipality where the property is located and they would use that to improve their infrastructure and to relieve the property taxes. He stated unfortunately, other organizations see the opportunity and there are more hands going into the same pocket.

County Clerk Bartolotti stated the DMV was very busy in 2017 and he is very proud of the knowledgeable employees who do their best to get customers in and out in a timely fashion and make the DMV a pleasant experience. He stated there are customers that come to the Putnam County DMV from all over.

Chairman Sullivan stated within the last year he has become aware of people who do not live in Putnam, but come to our DMV because it is quick, friendly, and simple compared to others.

County Clerk Bartolotti stated he makes sure that customer service is paramount and the revenue that comes along with the customers is an added bonus. He stated he, as a County Clerk and as a part of the County Clerk's Association, has been fighting the State for many years to increase the County's share of the revenues that are processed in office. He stated the County only keeps 12.7% of the revenue collected. He stated as shown on the report the DMV collected \$13.4 million in motor vehicle fees, exclusive of the sales tax, and the County kept only \$2.3 million. He stated he has spoken to our State representatives about this and it is very important to have legislation passed that would allow counties to keep the revenue they are deserving of. He stated he believes we, on the County level, would be better stewards of the revenue to not only offset property taxes for the citizens, but to get the extra tools that would make the DMV that much more efficient.

Chairman Sullivan clarified that the 12.7% that the County keeps is from transactions done in the DMV office. He questioned what percentage the County keeps if people mail things in.

County Clerk Bartolotti stated the County keeps none of the revenue generated from mail-in transactions sent to Albany. He stated that is why he always urges people to mail their transactions to the County, 40 Gleneida Avenue, and it will be sent to the DMV.

Legislator Addonizio questioned if the DMV has a drop box.

County Clerk Bartolotti stated yes, there is a drop box at the door at DMV and there is also a drop box at Philipstown Town Hall. He stated the box in Philipstown is checked daily by a Sheriff's Deputy and they bring any documents over to the DMV Office.

Legislator Albano stated the Putnam County DMV has developed a great relationship with the car dealerships as well, which brings in a lot of business. He stated they like utilizing our DMV because the job gets done efficiently.

County Clerk Bartolotti stated Putnam County is in a very advantageous geographic location as we are the southernmost County-run DMV in New York State. He stated all counties below Putnam including the five (5) boroughs are all State run, therefore Putnam garners a great deal of customers themselves that come from other counties as well as the dealerships in Rockland County, Westchester County, New Jersey, and Connecticut. He stated the Putnam DMV has a great reputation and gets the documents back to most dealerships quicker than the State's dealer bureau can get it back, which can take about three (3) or four (4) weeks. He stated Putnam DMV can get it back within two (2) weeks or less. He stated there are dealerships in Pennsylvania that overnight documents along with pre-paid envelopes so the Putnam DMV can process the work and overnight it back to them at no cost to the County. He stated the County collects 12.7% of everything done in the Putnam County DMV. He stated if it is mailed in to Albany, Putnam gets nothing and if transactions are done online, the County gets about 2.5%-3%. He stated the County DMV is the one doing all the work, but most of the revenue goes to the State. He stated if a customer called the Putnam County DMV, they may have to wait a few minutes to speak to someone, however if a customer calls the State DMV, they may not get to speak to anyone at all. He stated the online transactions can also be tricky because there are times when the person does not receive what they are looking for. He stated for instance, if an individual renews their registration online and does not receive it in the mail; they will come into the Putnam DMV office where their information will be checked to ensure everything is correct and then they will be given a duplicate registration at a nominal cost. He stated he hopes the State will recognize how valuable county-run DMVs are and increase the percentage retained by the County.

Legislator Scuccimarra stated Philipstown is very fortunate to have the DMV drop box in Town Hall.

County Clerk Bartolotti stated they are very fortunate to have a Sheriff's Deputy check that drop box daily and bring any documents right to the DMV. He stated he cannot stress enough that things can also be mailed right to the County.

Legislator Scuccimarra stated residents of Philipstown have the tendency to go north or south rather than going to the DMV in Brewster.

County Clerk Bartolotti stated something he has always wanted to do is to have more of a presence throughout the County. He stated he would like to explore the possibility of

having a temporary DMV Office or full County Clerk's Office on the western side of the County to be more available to the residents of the western side while generating more revenue for the County.

Legislator Castellano questioned how many counties north of Putnam have county-run DMVs.

County Clerk Bartolotti stated he believes outside of Westchester, Rockland, Nassau, & Suffolk Counties and the five (5) boroughs, Albany County and Onondaga County are the only counties that do not have county-run DMVs.

Deputy County Clerk Jimmy McConnell stated he believes 51 of the 62 counties in New York are county-run.

Item #4 - FYI/ Board of Ethics Annual Report

Board of Ethics Member Roderick Cassidy stated the Board of Ethics reviewed and approved 190 financial disclosure forms. He stated 16 were returned for more information. He stated 24 people failed to file in 2017 and although that number is still high, it is down from 38 in 2016. He stated during the course of the year the Board of Ethics issued one (1) opinion and reviewed the Code of Ethics for possible updates, which it did not require. He also stated no complaints were received in 2017.

Chairman Sullivan questioned if the Board of Ethics sends the paperwork to the individuals who are required to file a financial disclosure report.

Mr. Cassidy stated that is correct.

Legislator Nacerino stated in the past, discussions have been had regarding the failure to file the financial disclosure report and the difficulty to get volunteers on boards. She stated volunteers may have concerns about producing a personal statement such as the financial disclosure report. She stated that being said, she sees there are elected officials on the list of those who have not filed. She stated there is a big difference between a volunteer and an elected official not filing. She stated she, as an elected official, believes it is her duty and obligation to comply.

Mr. Cassidy stated he presumes that there are individuals who are required to submit multiple financial disclosure forms for different municipalities, and they may assume that if they fill out one (1) it covers both areas. He stated there are also people who have repeatedly failed to file.

Legislator Nacerino stated she can understand why there would be resistance from volunteers. She stated she believes there is a different standard for an elected official. She questioned if there is repercussion for not filing.

Mr. Cassidy stated there is whatever repercussion is agreed upon. He stated there could be substantial repercussions including shaming them, fining them, or striking them from their role.

Legislator Nacerino stated a volunteer could be removed from their role, but an elected official could not be.

Mr. Cassidy stated he is not suggesting this, but an option is to publicly shame the elected officials.

Legislator Scuccimarra questioned if letters are sent to those who have not filed.

Mr. Cassidy stated yes, the Board of Ethics has followed up with everyone.

Legislator Nacerino stated this is an ongoing problem. She stated she is concerned that an elected official would not comply with this requirement.

Mr. Cassidy stated most individuals who have not filed are volunteers.

Legislator Nacerino stated although she does not agree, she can understand the volunteers not wanting to submit the personal information. She stated the bar is set higher for an elected official.

Mr. Cassidy stated there are ways to handle those who fail to file although none of them are pleasant.

Legislator Castellano questioned the use of the asterisk (*) next to names on the list. He questioned if those who do not have an asterisk have only failed to file this year.

Mr. Cassidy stated that is correct. He stated names without an asterisk means the person filed the year before. He stated that could mean this is the person's first time not filing, or that they have failed to file in the past but filed the prior year.

Legislator Albano stated his concern of the constituents' viewpoint to address this issue of individuals failing to file.

Legislator Nacerino stated conversely, it speaks to the point, or lack thereof, of filing if there is no set rule to go by for those who fail to file.

Chairman Sullivan questioned how surrounding counties such as Westchester and Dutchess deal with individuals who fail to file.

Mr. Cassidy stated he is unaware of what those counties may have in place to address this issue.

Item #5 - Approval/ Support Funding for Veterans Peer to Peer Support Program

Legislator Scuccimarra stated there is a chance that the funding for this program will be cut from the State budget next year. She stated this is such a successful program and to cut the funding would be senseless.

Legislator Albano stated Veterans deserve all the help they can get.

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

Item #6 - Approval/ Memorialization/ Urging New York State to Fully Fund Early Voting Operations (Tabled from February Meeting)

Commissioner of Board of Elections Cathy Croft stated when this was discussed at last month's meeting, cost was a concern. She stated it is her hope if this goes through that the Board of Elections could be used as one of the early polling sites. She stated poor weather on Election Day could affect voter turnout. She stated she would like to try early voting for at least one (1) year and she believes it is something worth looking into.

Chairman Sullivan stated the memorialization on the agenda is not to state Putnam County's position of early voting; rather it is urging the state to provide funding for early voting if it is passed.

Legislator Castellano stated last month it was mentioned that the polling places would have to be near mass transit.

Commissioner Croft stated it is not a requirement to have it near mass transit, however it would be helpful. She stated she believes it would be best to have an early polling site in Carmel to serve voters from Kent, Southeast, Patterson, and Carmel and one on the western side, possibly on Route 9 to serve Philipstown and Putnam Valley.

Legislator Castellano stated as long as the State funds this, it is great. He stated his concern is that the State will only fund it temporarily and the cost will then land on the County.

Legislator Nacerino stated discussion was had at last month's meeting regarding whether early voting is needed in Putnam County. She stated should early voting be passed, Putnam County would request that it be funded by the State.

Commissioner Croft stated the need in Putnam County is something that will not be known until this is tried.

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

Item #7 - Approval/ Memorialization/ Supporting the Governor's Initiative to Match State Judgement Interest Rates with Federal Levels

Chairman Sullivan stated the State charges 9% interest on a judgement and Federal levels are 1%-2%. He stated this memorialization would support lowering the State's interest rate to match the Federal level. He stated the memorialization states that sometimes it takes months or years and the interest ends up to exceeding the judgement award.

Legislator Castellano questioned why the State would want to lower the interest rate.

Chairman Sullivan stated this would match the State rate to the Federal rate.

Legislative Counsel Robert Firriolo stated the interest is assessed against the losing party in certain litigation. He stated that interest calculation begins at the very outset, and is sometimes retroactive, to the action. He stated this resolution is making the point that because of court delays sometimes cases go on for years, resulting in years of interest at 9%. He stated the Federal rules of civil procedure have the same provisions but set the interest at a much lower rate, at 1%-2%. He stated the 9% in New York is an outlier and he is unaware of any states that charge anywhere near 9%. He stated the resolution is a reflection of the fact that when these cases are dragged on, not necessarily at the fault of the losing party, the losing party is required to pay the 9% interest.

Legislator Castellano stated his job with Westchester County requires him to enter judgements, which he has been doing for many years. He stated 9% is charged from the time the judgement is entered. He stated many times, in the agreements with credit cards individuals would be paying a lot more than 9%, therefore there is always a push to enter the judgements to begin the 9% interest rate. He stated if a judgment is not paid within 10 years, it basically doubles because 9% per year is being charged. He stated he believes people would be less likely to pay.

Legislative Counsel Firriolo stated this is not a question of not paying. He stated for example, if an individual loses a case and they believe they should have won, they file an appeal. He stated the appeal could take years to get through the system and if they lose, that individual is then on the hook for the interest payment for all the years the appeal was in the process. He stated conversely, say an individual won on the trial level but lost on the appeal. He stated that individual who was completely in the clear all of a sudden might be responsible for years of pre-judgement interest at 9%. He stated this is a recognition of how long cases can take.

Legislator Castellano questioned if the judgement is entered, even if it went to appeal and the judgement still stands, the interest rate at that point would remain 9% or be lowered to 1%-2%.

Legislative Counsel Firriolo stated this memorialization supports reducing that to the Federal interest rates.

Legislator Castellano stated he is concerned that the judgements will not get paid. He stated many times, the person waits so long to pay, the creditor will waive the interest and charge the base amount only, giving the person a 0% loan for years.

Chairman Sullivan stated 9% is very high as compared to interest rates today.

Legislative Council Firriolo stated this resolution is only tailored to judgement accruing during an appellate process.

Legislator Addonizio stated according to the resolution, the State's 9% interest rate matched the Federal rate in the 1970's when the rate was set. She stated today, the Federal interest rates are 1%-2%.

Chairman Sullivan stated the rates should be tied to a moving index so it adjusts over time and does not stay at 9% forever.

Legislator Castellano agreed. He stated he has been involved in this process for over 20 years and the 9% interest rate has never changed.

Chairman Sullivan stated the resolution is supporting matching the State interest rate to the current Federal interest rate.

Legislator Nacerino stated this will restore some fairness and equity to the process that the individual has no control over.

Legislator Castellano stated people need to be pushed to pay; a 2% interest payment is not motivational for someone to pay faster.

Legislative Counsel Firriolo stated his understanding is that the concern raised by NYSAC is that counties that have judgements against them cannot afford to risk the 9% interest they would be charged to appeal in a case that they would otherwise appeal. He stated if the appeal drags on for years, which is very well could, the county would be required to pay the interest beginning with pre-judgement which would go back even farther.

Legislator Castellano stated he now understands the government aspect of this. He stated there are so many people with judgements against them that refuse to pay now.

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

Item #8 - Approval/ Memorialization/ Commending the State’s Efforts to Improve Cyber Security for Election Systems, and Calling for Expanding those Efforts to Include all County Information Systems

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

Item #9 - Approval/ Memorialization/ Calling on the State to Help Counties and Local Governments Reduce Local Taxes by Prohibiting Cost Shifts and New Costs to Counties and Taking More Fiscal Responsibility for State Health, Human Service, and Public Safety Programs

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

Item #10 - Approval/ Memorialization/ Calling for the Full Repeal of the New York State Scaffold Law or Reform to Include a Pure Standard of Comparative Negligence

Chairman Sullivan stated the cost of insurance is driven up by this. He stated in New York State, when a general contractor is building a house it typically costs about \$10,000 for the insurance. He stated in other states insurance costs a nominal amount because of comparative negligence. He explained that if someone gets hurt on a construction job the law in New York makes it so easy for them to sue to contractor. He stated for example, a subcontractor can show up at the worksite drunk and get injured as a result and sue the contractor for not providing a proper safe work environment and the subcontractor will win. He stated insurance providers have been fighting to change this for many years. He stated unfortunately, many of the State senators and assembly members are lawyers and are making a lot of money from this, therefore they do not want to see it changed.

President of the Putnam County Chamber of Commerce Bill Nulk stated for the last three (3) decades the Chamber of Commerce has been calling for a similar bill providing a reasonable percentage of fault rather than 100%; it is long overdue. He stated he believes New York State is the only state left that has this.

Legislator Addonizio stated this was first imposed in 1885 when there was no modern safety equipment. She stated it is time for a change.

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

Item #11 - Update/ Veteran’s Service Medal Advisory Panel

Legislator Castellano stated a breakfast fundraiser was held this past Saturday, March 10th which raised over \$3,000 and had about 80 attendees. He stated Homestyle

Caterers provided the breakfast food at a good price and George's Place provided coffee at no cost. He showed the first draft of the new medal and stated it is still being worked on. He stated the draft shows a more authentic version of what a Native American from this area would look like.

Chairman Sullivan questioned if anything is on the other side of the medal.

Legislator Castellano stated there will be.

Legislator Gouldman questioned what the cost of the medal would be.

Legislator Castellano stated the medals would be about \$18.00 each. He stated they will do more fundraising to cover the cost of this medal.

Legislator Addonizio stated they were discussing having the Historic Courthouse on the other side of the medal because that is where the medal was given out 100 years ago.

Legislator Nacerino stated this endeavor is very well received and it is heartwarming to see the responses. She stated the breakfast had a great turnout and they will continue their quest to raise money for the medals. She stated they would like to continue this for the next few years to provide Veterans of the various wars with medals, beginning with World War II.

Legislator Castellano stated if anyone would like to donate, they can do so through the Putnam County Joint Veterans Council and checks can be made payable to PCJVC. He stated this address is also on their Facebook page.

Chairman Sullivan suggested doing a motorcycle rally with the Veterans.

Legislator Addonizio stated they gave a donation. She stated there were leftover eggs from the breakfast and she brought them to the Humane Society to give to the dogs.

Legislator Castellano stated the other leftovers were donated to the Veteran homes. He stated Homestyle Caterers was outstanding and very generous.

Item #12 - FYI/ Litigation Report – Duly Noted

Item #13 - Other Business – None

Item #14 - Adjournment

There being no further business at 9:16pm Chairman Sullivan made a motion to adjourn; Seconded by Legislator Addonizio. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.