

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman Addonizio and Legislators Ellner & Nacerino

Thursday

May 16, 2024

The meeting was called to order at 6:30pm by Chairwoman Addonizio who requested Legislator Ellner lead in the Pledge of Allegiance. Upon roll call Legislators Ellner and Nacerino and Chairwoman Addonizio were present.

Item #3 – Acceptance of Minutes – April 9, 2024

The minutes were approved as submitted.

Item #4 – Approval/ Town of Kent American Rescue Plan Act (ARPA) & Sales Tax Funding Change Request

Chairwoman Addonizio explained the request for the ARPA and Sales Tax Funding from the county to be reallocated. She stated the Town of Kent requested an additional \$70,000 for the Town Hall Renovation Project, as costs have exceeded the original budget, and that the town would also like an additional \$30,000 for improvements at Ryans Field for the tennis, basketball, and pickleball courts. She stated the Food Security Project will be reduced by \$100,000 as the town officials feel they will not be able to spend the full amount in the designated time frame. She clarified that the \$30,000 for Ryans Field was presented to the county's ARPA consultant and deemed ARPA compliant under the requirements.

Commissioner of Finance Michael Lewis explained that this is a direct result of having their town hall meeting, getting municipalities on board, understanding the process, and understanding the guidelines. He stated everyone is now responsive and he expressed his excitement for the progression of these projects.

Chairwoman Addonizio affirmed they are getting close to the deadline and asked if they had another year until the deadline.

Commissioner of Finance Michael Lewis clarified that they have until the end of the year to commit the funds, and an additional two years to spend the funds and get the projects done.

Legislator Gouldman asked if all towns were falling into place with the ARPA funding.

Commissioner of Finance Michael Lewis stated yes, and that the next agenda item will be Philipstown, and then in other business will be the town of Carmel. He expressed

that at this point they have almost addressed every municipality. He stated that the smaller villages are on target.

Legislator Gouldman thanked Commissioner Lewis for working with the towns.

Legislator Nacerino expressed her belief that it is good that the towns have had time to reassess their needs and their priorities, thus allowing them to properly repurpose the funds.

Commissioner of Finance Michael Lewis commended the county's ARPA consultant and her team for reaching out to the municipalities. He commended Director of Compliance and Intergovernmental Relations Jennifer Caruso and Planning Commissioner Barbara Barbosa for their work.

Chairwoman Addonizio made a motion to approve Town of Kent American Rescue Plan Act (ARPA) & Sales Tax Funding Change Request; Seconded by Legislator Ellner. All in favor.

Item #5 – Approval/ Town of Philipstown Sales Tax Funding Change Request

Chairwoman Addonizio explained the request for the Sales Tax portion or \$369,670 of the approved \$739,340 to be reallocated to a different project in the Garrison Landing Water District which would include a new well and the expansion of water source capacity.

Director of Compliance and Intergovernmental Relations Jennifer Caruso explained that the Town of Philipstown would be repurposing their sales tax allocation. She stated the town's ARPA funding is yet to be determined, and there is a question on the project's ARPA eligibility. She has been working with the ARPA consultant on a solution. She stated that in the meantime, the Sales Tax portion has been put forward to address emerging project needs.

Chairwoman Addonizio made a motion to approve Town of Philipstown Sales Tax Funding Change Request; Seconded by Legislator Nacerino. All in favor.

6. Discussion/ Requests from the Law Department to the Putnam County Clerk for Records of the County that are maintained by the Clerk's Office

County Clerk Michael Bartolotti stated any records maintained by the County Clerk's Office are open to public view unless sealed by law or court order. He requested an elaboration on the specific records being discussed.

Legislator Jonke stated that the County Attorney had informed the Legislature of files that the County Clerk's Office was not releasing upon the County Attorney's request.

County Attorney Compton Spain stated that this is a matter that should probably be addressed through the Charter. He clarified that this matter arose during executive session when he had explained that there was a file in relation to a case that his office was unable to get hold of. He stated that he did not add this item to the agenda and clarified that he was summonsed over. He expressed difficulty in discussing with department heads why the County Attorney's Office needs requested files.

Senior Deputy County Attorney Heather Abissi clarified that privileges in relation to legal matters often prevent the County Attorney's Office from disclosing with department heads why certain files are requested. She explained that the County Attorney's Office had asked County Clerk Michael Bartolotti to disclose a file that was understood to be a District Attorney file. She clarified that the County Attorney's Office had previously asked for the file through fulfilling a Freedom of Information Law (FOIL) request. She stated that the file was necessary for responding to a discovery demand and that County Clerk Michael Bartolotti suggested the County Attorney's Office request the file directly from the District Attorney's Office. She explained that the District Attorney's Office was unwilling to give the file without an explanation of why County Attorney's Office wanted it.

Legislator Nacerino explained that the crux of this dialogue is in regard to establishing the guidelines in the County Clerk's Office for keeping and distributing files. She believes the County Clerk is in a custodial position in relation to legal files and is unable to distribute any file upon request.

County Clerk Michael Bartolotti clarified that the County Clerk's Office is not the legal custodian of these records and that it is the department that is the legal custodian of that record. He explained that the County Clerk's Office does not destroy, transfer, or ascend to the archives any record without the knowledge and consent of the department that created the record. He explained that the only time a department loses legal custody of a record is if that record has been ascended to archives by its department for archival purposes.

Senior Deputy County Attorney Heather Abissi proposed a discussion on whether an amendment to the Charter granting the County Attorney access to these files is necessary. She stated that the County Attorney is responsible for representing all county agencies and in order to do that, there will be times when the County Attorney will need access to files without providing a reason for accessing the file to the department responsible for the file. She reaffirmed that in order for the County Attorney to ethically and effectively represent the county, the County Attorney will need access to files without being forced to give a reason why.

Legislator Jonke stated that the reason he asked for this item to be placed on the agenda is because he believes the County Attorney should have all the records that he may need in as quick a time period as he can get them. He asked County Clerk Michael Bartolotti if the County Attorney owes the District Attorney an explanation as to why the County Attorney's Office needs the files.

County Clerk Michael Bartalotti responded by suggesting that that is a matter to be settled between the County Attorney and the District Attorney. He stated that he would caution against allowing the County Attorney access to files of other departments. He stated that his office does not know what is in any files and there may be files sealed by operation of law. He provided an example of matrimonial files, stating that the only people with access to matrimonial files absent a court order are the involved parties, their attorneys of records, and the courts.

County Attorney Compton Spain explained that the County Attorney's Office has ethical obligations that they have to adhere to, which makes his office different from other departments. He stated that this particular matter that arose is from a case from over thirty years ago that is of great consequence to the county that the County Attorney's Office is trying to defend. He explained that this case involves highly sensitive matters, and it spans many former District Attorneys and Sheriffs. He stated that this particular file is significant because the County Attorney's Office was reviewing it for a FOIL request and, upon review, an attorney in the office saw something that might be relevant to the matter at hand.

Senior Deputy County Attorney Heather Abissi explained that when the County Attorney's Office had requested the file for a FOIL, they were given the file with no problem. She stated that now, the County Attorney's Office is asking for the file back and they are being met with resistance.

Legislator Nacerino stated that this is an unprecedented matter and that she would not support changing the Charter to allow the Law Department the ability to encroach upon these files without the knowledge and consent of the relevant department head. She explained that such an action would go against the procedure of the County Clerk's Office.

Senior Deputy County Attorney Heather Abissi stated that the County Attorney's Office was asked by the District Attorney to provide information as to why they needed the file, and that the County Attorney's Office deemed that sharing this information would be ethically wrong. She explained that the county departments are clients of the County Attorney and that the County Attorney is looking for transparency in order to effectively defend the county.

Legislator Nacerino stated that while she understands the County Attorney's Office may be acting in the interest of the county, it is not okay to ask the County Clerk to circumvent the District Attorney.

County Attorney Compton Spain stated that this is not an active file.

Legislator Ellner asked County Clerk Bartolotti if, in general, all files within the County Clerk's Office are available to anyone.

County Clerk Michael Bartolotti replied by explaining that the records management center of the County Clerk's Office is responsible for keeping the records of departments that cannot house them themselves. He stated that it is a cooperative records management department. He stated that by allowing a department to access the records of a different non-consenting department, the integrity of records management department would be compromised. He reiterated that nothing is done to a record without the knowledge and consent of the department that created the record.

Legislator Ellner asked County Clerk Michael Bartolotti what the policy and procedure is if consent to access records of another department is denied.

County Clerk Michael Bartolotti explained that the county department that is the legal custodian would have to directly give their consent to the department seeking their records. He explained that this is a matter between the department that created the records and the department that is seeking the records. He stated that there is no procedure beyond that.

Legislator Nacerino expressed her belief that allowing the County Attorney access to any files would be a slippery slope and it would challenge the integrity of the management of records. She also questioned why the County Attorney's Office had not chosen to submit a new FOIL request.

Senior Deputy County Attorney Heather Abissi clarified that the County Attorney's Office had not submitted the original FOIL request, rather they were responding to a FOIL request on behalf of the county. She stated that the County Attorney's Office had chosen not to submit a new FOIL request due to restrictions limiting information provided through the FOIL. She provided an example of a circumstance in which it would be appropriate to not notify a department head of a reason for needing a specific file, saying if a department head was accused of malfeasance, then their knowledge of the County Attorney needing a file on them might incentivize that department head to change their behavior. She stated in circumstances like these, it might be inappropriate to notify the department head of the lawsuit until they had knowledge of what the relevant records say.

County Clerk Michael Bartolotti stated that such a matter should be resolved through a petition to the court.

Senior Deputy County Attorney Heather Abissi stated that in this particular instance, an application to the court would be negative and embarrassing and that impending litigation could harm the county's interest. She explained that these concerns with petitioning to the court are the reasons why the County Attorney's Office sought to resolve this matter internally.

County Attorney Compton Spain emphasized that this is a very limited set of circumstances.

Legislator Nacerino explained that this is not just a matter concerning one case, but a matter concerning setting a protocol that needs to be respected and one concerning the ensured protection of each department's files.

County Attorney Compton Spain stated that the County Attorney's Office differs from other departments because it represents the county in litigation matters.

Legislator Nacerino stated that the County Attorney's Office has never had the privileges to access files without the knowledge and consent of the department that made the files.

County Attorney Compton Spain responded by stating that what his office is trying to accomplish has never been done before. He expressed that the County's policy will hamstring the County Attorney's Office and theoretically will continue to do so. He suggested a revised procedure in which the County Attorney is able to sign out a file and meet in executive session to explain why he needs the particular file.

Legislator Jonke stated that his goal for adding this item to the agenda was to make the County Attorney's life easier. He stated that the County Attorney should have access to these records. He asked County Clerk Michael Bartolotti if there is anything about the policy that does not conform with state law.

County Clerk Michael Bartolotti stated that the policy conforms to state law, and that he checked with colleagues around the state and with the state archives to make sure of this.

Legislator Jonke asked County Attorney Compton Spain what the District Attorney's response was when it was explained to the DA that the Law Department could not share why it needs the file due to ethical concerns.

County Attorney Compton Spain stated that part of the problem is, upon explanation, the file could potentially be gone through very thoroughly and things that they are looking for could be removed. He stated he doesn't want to accuse anyone of that, but there is the possibility that a document is removed.

Legislator Nacerino expressed her belief that there is a trust issue between the Law Department and the District Attorney's Office. She stated that there is a need to protect the custodial oversight of the County Clerk and the protocol in place. She explained that the District Attorney is an elected official, and to encroach upon his files seems like an unethical way to conduct business, and it would set a bad precedent of blurring lines between who can do what and when. She stated that she will not support that.

Senior Deputy County Attorney Heather Abissi stated that the file was a closed and archived file.

County Clerk Michael Bartolotti clarified that the file was not in the archives.

Senior Deputy County Attorney Heather Abissi explained that the District Attorney's Office had stated that the file was in the archives.

County Clerk Michael Bartolotti stated that the District Attorney's Office is incorrect, and the file is, in fact, not in the archives.

Legislator Ellner asked if there is a way to conduct a legislative subpoena of the file.

Legislative Counsel Robert Firriolo stated that there is a way for the Legislature to conduct investigations and to issue subpoenas. He stated that this is a gray area and there is not a lot of case law on legislative subpoenas, but the Charter does give that power to the Legislature. He stated that in theory, the Law Department would come to the Legislature and explain that they are not getting cooperation in the production of a county document, and the Legislature could order someone to turn over a document because it is county property.

County Attorney Compton Spain explained that it is his position that the file is county property. He clarified that he is not trying to solicit active files, and that this file is closed. He emphasized that this particular litigation spans thirty years.

Legislator Nacerino stated that she would like to send a letter to the District Attorney requesting a rationale for why he would not release these records.

County Attorney Compton Spain explained that there are other ways he can get the information he needs.

Legislator Nacerino explained that she feels very strongly about protecting the integrity of the County Clerk's Office, and that she is concerned about the ramifications of allowing the County Attorney to circumvent the District Attorney for the sake of accessing files. She explained that she is not basing this position around one case, and that this is a slippery slope.

County Attorney Compton Spain stated that the County Attorney's Office is different from other departments because it represents the county departments in legal matters. He stated that the departments are clients to the County Attorney's Office, and it is the County Attorney's responsibility to act quickly when it comes to legal matters concerning the county.

Lynne Eckardt, resident of Southeast, asked how much of the County Clerk's Office records are digitized and if digitization of files would solve the problem of potential tampering.

County Clerk Michael Bartolotti stated a great deal of the records are digitized. He stated since 2015 they have received about \$600,000 worth of grant money to digitize. He explained that they digitize all day every day and it absolutely protects the integrity

of the files. He stated they have great security monitoring in their facility; it's alarmed, it's equipped with cameras, and many of the boxes containing sensitive information are physically taped. He explained that they don't know the specifics of what is in the boxes, and that they do not touch them, because they are not their records, they just manage them.

Legislator Crowley asked how the County Clerk's Office knows they are getting the records back as they were after someone signs records out.

County Clerk Michael Bartolotti explained that only the department that created the record can sign out the record.

Legislator Crowley suggested that safeguards should be put into place when a file is copied for a FOIL request.

County Clerk Michael Bartolotti stated if the County Attorney's Office is working through a FOIL request, they would contact the department, and they would not directly contact records management.

County Attorney Compton Spain stated the question is who do these files technically belong to. He stated he believes they are county files and that there should be a provision that mandates the protection and maintenance of these files.

County Clerk Michael Bartolotti explained that with District Attorney records, you would have to apply to the appellate division to get permission to have those records destroyed. He explained for any other record, they follow the Records Retention Schedule, and those records only get destroyed if the Records Management Department feels that their useful life under the retention schedule has ended. He clarified that they would need approval from the Records Management Office and the relevant department head to then have that record destroyed. He also clarified that the only files that get archived are files that are available to the public. All other records are overseen by the Record Management Department.

County Attorney Compton Spain stated that he thinks it should be mandated that all files should be sent to the County Clerk, and that these records belong to the county and the taxpayers.

Chairwoman Addonizio asked County Clerk Michael Bartolotti how other counties move forward with records management.

County Attorney Compton Spain stated that the Attorney General had simply told him that this is a county matter. He also stated that he thinks the Charter should be clearer.

County Clerk Michael Bartolotti stated that procedure is similar in other counties.

Legislator Nacerino explained that these procedures are in place for a reason, and we cannot have interchangeable people going into other departments files just because they are considered county property. She stated that the County Attorney's Office is a department of the county and has to abide by the same rules as other departments of the county.

Legislator Crowley explained that she is having a hard time understanding, with the ethical obligations at hand and the potential costly nature of this case, why this document is such an issue. She stated that it is concerning that this is unprecedented, and she wants to know why this is happening. She stated that it is bothersome that this file has become an unobtainable file.

County Attorney Compton Spain explained that this situation is leading them down a path in which the County Attorney's Office will have to discuss sensitive information with individuals who maybe should not be aware of such information. He stated that he is trying to do everything he can to protect the county and limit the amount of money that it will have to pay.

Legislator Nacerino stated that overstepping these procedures could have unwanted trickle-down ramifications and that she thinks the District Attorney needs to be heard from.

Chairwoman Addonizio stated that a confidential memo can be sent to the District Attorney.

County Attorney Compton Spain stated that he does not want to go down that slippery slope. He explained that it is healthy for the county for him to have a healthy relationship with the District Attorney and the Sheriff.

Legislator Ellner asked how time sensitive this matter is.

Senior Deputy County Attorney Heather Abissi stated that they have discovery demands pending, but new counsel has been brought in for each of the respective parties, and that will give a little bit of wiggle room, because the court has given the new attorneys time to catch up. She stated that because they have been given some time, the County Attorney's Office has not taken action to seek a legislative subpoena. She explained that as time goes on, it will become more urgent, and they would have to give an affidavit from the staff member that viewed the file if they cannot get the information in time.

County Attorney Compton Spain clarified that it does not matter if someone was malicious in their actions, the county is responsible. He stated that they were thinking there may have been bad actors when they started and that the county may be able to avoid some liability, however the County Attorney's Office now believes the county cannot avoid liability. He stated that the only two issues with the case are how much the county will pay, and who will pay.

Director of Compliance and Intergovernmental Relations Jennifer Caruso asked if the County Attorney's Office has an ethical obligation to meet the discovery demand.

Senior Deputy County Attorney Heather Abissi explained that the County Attorney's Office is bound by ethical rules, which separates them from other county departments. She explained they could be ethically grieved if they violate these rules, leading to an investigation by the appellate division's grievance committee.

Legislator Nacerino stated that this begs the question of why the District Attorney is adamant about not releasing these files.

County Attorney Compton Spain stated that the District Attorney just wants to know what is going on.

Legislator Nacerino asked why they cannot tell the District Attorney what is going on in an ethical manner.

Senior Deputy County Attorney Heather Abissi explained that the County Attorney's Office had informed the District Attorney that they were attempting to respond to a discovery demand. She stated that going beyond that would be inappropriate. She explained that if the Law Department does not promptly respond to the discovery demand, there may be malfeasance attributed to them that would drive the value of this case up.

Legislator Nacerino stated the intention of the Committee to send the District Attorney a memorandum to find out his reasoning for withholding the file.

County Attorney Compton Spain explained that he wants the county records in order to help him effectively defend the county, and he would be glad to justify any of his actions.

7. Discussion/ Putnam County v. Voutsinas Litigation

Chairwoman Addonizio referred to a timeline of entries on the legal file list. She stated the first entry was dated 6/2/23, and then subsequent dates were provided. On 7/12/23, 9/13/23, 11/2/23, and 12/6/23 the law department provided the Legislature with a legal file list. She stated that there were no particular entries for this case on any of those four dates. She stated on 12/13/23 the outside counsel was appointed by the County Attorney and Voutsinas was sued for a declaratory judgement. She then stated that there were three more dates that the law department provided a legal file list with no entry for this case. Those dates were 2/15/24, 3/15/24, and 4/3/24. She summarized by saying they received seven (7) legislative file lists with no entries for this case.

Legislator Jonke stated that on May 6, 2024, the Legislature received a copy of a decision on an action that was started by the county against an individual. He explained

that the Legislature was unaware of this legal proceeding's existence. He stated that this case was not on any of the legal reports from when the filing occurred until now. He asked if the Law Department can initiate a legal action or proceeding without the permission of the Legislature and he expressed concern with not knowing about the proceeding, and if there are other matters the Legislature is unaware of.

Senior Deputy County Attorney Heather Abissi stated that she cannot speak to the legal reports. She explained that she took this case over from former Senior Deputy County Attorney Connor McKiernan, and to her knowledge, he had been in contact with Counsel Robert Firriolo and was trying to brief him on this and was told he did not need to be involved. She stated that section 11-2 of the Charter should be looked at because it is "circular" in how it is written. She stated that the County Attorney sought approval through the County Executive as permitted by the Charter. She stated they did this due to the potential conflict of interest for the Legislature in this matter.

County Attorney Compton Spain stated that the case was previously brought up and that there is no matter that he has spent more time on than this case.

Legislator Jonke questioned if the Legislature has the right to know if the County Attorney is filing a lawsuit on behalf of the county.

Chairwoman Addonizio asked Legislative Counsel Robert Firriolo to explain the Putnam County Code section 11-2.

Legislative Counsel Robert Firriolo stated that Senior County Attorney Heather Abissi's previous statements were incorrect. He clarified by saying the County Attorney does not have the authority, under any circumstances, to initiate litigation. He explained that only the Board of Supervisors or the Legislature can initiate litigation. He stated there is case law that says the County Executive can only initiate litigation when the Charter authorizes the County Executive. He then explained that our County Charter does not authorize the County Executive to file litigation. He stated that the code clearly says the County Attorney shall not have the power to file litigation unless it is a judgement for money under \$10,000 or if the County Attorney is directed to do so by an officer, board, or commission having the power or authority under statute. He clarified that neither the County Attorney, nor the County Executive have the power under statute or under the Charter. He stated that the County Attorney's Office brought forward a legal proceeding that violated section 11-2 of the code.

Legislator Nacerino noted Deputy Senior County Abissi was the outside counsel for the County before becoming an employee. She stated she takes offense to the assumption that asking permission of the Legislature for this case may lead to a conflict of interest.

Deputy Senior County Attorney Heather Abissi stated that in order to avoid the appearance of impropriety, the County Attorney sought the approval from the County Executive.

Legislator Nacerino stated that she does not see any perceived conflict of interest with the entirety of the Legislature.

County Attorney Compton Spain stated there was a lot of misunderstanding, and a lot happened prior to him coming in.

Legislator Jonke asked why the case was not mentioned on any of the litigation reports.

Senior Deputy County Attorney Heather Abissi stated that this was responsive to a notice of claim file brought against the county.

Legislative Counsel Robert Firriolo stated he was contacted by then Deputy County Attorney McKiernan in preparation for the 50H hearing. He clarified that he had never heard about this matter from anyone in the law department after he had spoken to the Senior Deputy County Attorney on July 10, 2023.

County Attorney Compton Spain asked what was done wrong in the procedure of this matter.

Legislator Nacerino responded by stating the policy and procedure was violated.

County Attorney Compton Spain stated it was his understanding that the case was on the report, but it had not explained exactly what the County Attorney's Office was doing.

Legislator Sayegh stated she wants the Legislature to see all litigation on the reports, regardless of if it has seen activity.

Legislator Jonke stated that if County Attorney Compton Spain had come to the Legislature with the litigation request, he likely would have been given total support by the Legislature to initiate litigation.

Senior Deputy County Attorney Heather Abissi stated the County Attorney's Office intended to avoid protracted litigation.

Legislator Nacerino stated, they are simply speaking to the fundamentals and procedures that are to be followed as dictated by the Charter.

County Attorney Compton Spain stated this matter predated him. He stated that it is up to the Legislature as to what happens to 34 Gleneida Avenue.

Chairwoman Addonizio stated that 34 Gleneida Avenue was voted to be sold, and it was not.

County Attorney Compton Spain stated that the county is in the process of re-upping with the real estate entity at the moment.

Legislator Crowley stated she wanted to know what the conflict of interest was that stopped the County Attorney's Office from coming to the Legislature and instead caused them to go to the County Executive.

Chairwoman Addonizio explained that the individual being discussed is her son-in-law. She stated that she did recuse herself and that this fact had nothing to do with the seven (7) month delay in the litigation report.

County Attorney Compton Spain stated that it was an extremely awkward situation, and the County Attorney's Office was trying to maneuver in such a way that would avoid getting personal and naming names. He also stated that he did not settle the case, because he felt the county did not owe the money.

Legislator Jonke asked County Attorney Compton Spain if he still believes he can initiate litigation without coming to the Legislature first.

Deputy Senior County Attorney Heather Abissi stated that County Attorney Compton Spain went to the County Executive in a good faith belief that he could receive authorization to initiate litigation from the County Executive based on their reading of the Charter.

County Attorney Compton Spain stated that next time there is a special proceeding, he will notify the Legislature and ask for the authority to initiate litigation.

Legislator Sayegh questioned how we safeguard from this happening again.

County Attorney Compton Spain explained that the only reason he went to the County Executive was due to the nature of the entire circumstance.

Lynne Eckardt, resident of Southeast, asked what the policy is regarding conflict of interest, specifically, she asked what constitutes one and what the procedure is when a conflict of interest occurs.

Legislative Counsel Robert Firriolo stated that the Putnam County Ethics Code has a very thorough section on defining conflicts of interest, and which relatives of an employee or an official would constitute a conflict of interest. He suggested that anyone who wants to see the specifics should look at it under the ethics provisions.

Lynne Eckardt, resident of Southeast, asked Chairwoman Addonizio when she recused herself.

Chairwoman Addonizio stated she recused herself from the beginning, stating that she was not present at the meeting in which the matter was originally discussed due to illness.

Lynne Eckardt, resident of Southeast, stated that she recommends future recusals be made in public.

Chairwoman Addonizio stated that this matter containing a potential conflict of interest had only been discussed at one (1) meeting, which was the meeting she was not present for, therefore there was no need to state her recusal in writing.

Legislative Counsel Robert Firriolo clarified that there was no vote taken by the Legislature to sell 34 Gleneida Avenue to the person of interest. He stated there were three (3) resolutions by which the Legislature put the property on the market through the MLS. He stated there was the initial resolution, then there was a resolution requiring a comparative market analysis, and finally a resolution requiring an appraisal. He added, following the appraisal, the Legislature set the selling price. He stated there was a meeting in which the prospective purchaser came to discuss the parking issue. He stated the contract for the prospective purchaser was set at full price. He explained that there was no vote by the Legislature concerning this individual.

County Attorney Compton Spain stated that the meeting with the prospective purchaser caused confusion and misunderstanding. He stated that former Deputy County Attorney Connor McKiernan had come to his office and told him that he had felt threatened on several different occasions.

Lynne Eckardt, resident of Southeast, suggested in the future to have recusal in writing so that the public understands exactly what happened.

Legislator Jonke stated that at the rules meeting of December 2022, there was side agreement to the contract at the last minute that allowed the purchaser to buy 24 parking spaces outright, but there was no appraisal with it. He stated there was a lot of pressure to get this done by the end of 2022, and he felt it was derailed at the meeting.

Lynne Eckardt, resident of Southeast, said this was a big question to leave so last minute. She stated that some people felt it should be leased space, while others felt it should be sold. She stated that doing something like this so last minute required a concrete answer that made sense for everyone. She felt the decision was very rushed.

Legislator Ellner asked does the law department have the ability to bring litigation without the authorization of the Legislature.

County Attorney Compton Spain stated that he does absolutely not have that authority, and he stated why he chose to avoid the Legislature in this particular situation.

8. Discussion/ Requiring Resumes for Board Appointments/ Legislator Montgomery

Chairwoman Addonizio made a motion to table item #8. Seconded by Legislator Nacerino. All in favor.

9. FYI/ Litigation Report

Legislator Sayegh asked if the Legislature knows if these are all the cases. She questioned the integrity of these reports.

Legislator Nacerino stated that was part of the discussion in Item #7.

10. Other Business

Chairwoman Addonizio made a motion to accept the other business. Seconded by Legislator Ellner. All in favor.

10a. Other Business - Approval - Town of Carmel ARPA & Sales Tax Funding Change Request

Commissioner of Finance Michael Lewis stated he worked diligently with the Town of Carmel. He stated they wanted to repurpose \$1,315,630 to resurfacing and repaving. This amendment to the final rule would allow some recipients to use this money for repaving.

Legislator Ellner stated that he lives in water district #2, and the water treatment plant there has served its useful life. He stated the town is doing something very good for those who live in Water District #2, therefore he is in favor of this request.

Legislator Crowley stated she is also in favor of this request, because the roads are horrendous in the area.

Chairwoman Addonizio made a motion to approve Town of Carmel ARPA & Sales Tax Funding Change Request. Seconded by Legislator Ellner. All in favor.

11. Adjournment

There is no further business at 8:04 pm, Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Ellner. All in favor

Respectfully submitted by Owen Lennon, PILOT Intern.