

**PERSONNEL COMMITTEE
ROOM 318
OF THE
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**
Members: Chair Nacerino, Legislators Castellano and Wright

Tuesday

May 12, 2015

The meeting was called to order at 6:30p.m. by Chairwoman Nacerino who requested Legislator Wright lead in the Pledge of Allegiance. Upon roll call, Chairwoman Nacerino and Legislators Castellano and Legislator Wright were present.

Item #3) Approval/Personnel Meeting Minutes/March & April 2015

Chairwoman Nacerino stated that the minutes were accepted as submitted.

Legislator Castellano made a motion to waive the Rules and accept the Additional; Seconded by Legislator Wright. All in favor.

Chair Nacerino stated that she will be changing the order of the agenda items. She stated that agenda item #4 will require an Executive Session, therefore she will be moving it to the end of the agenda.

Item#5) Approval/Reclassification of Position/Fiscal Department's Senior Typist To Account Clerk Typist/Office for Senior Resources

Chair Nacerino stated that she spoke to Office for Senior Resources Director Sheehy regarding this request. She stated that there is an employee who is retiring from the Department. She stated an evaluation and reassessment of the Department was conducted. She stated it was determined that an Account Clerk Typist would be better suited to the duties, tasks and responsibilities moving forward.

Personnel Director Eldridge stated that is all correct and in addition there will be a savings of approximately \$1,500.

Chair Nacerino made a motion to approve/Reclassification of Position/Fiscal Department's Senior Typist To Account Clerk Typist/Office for Senior Resources; Seconded by Legislator Castellano. All in favor.

Item#6) Approval/Fund Transfer (15T057)/ Cover O.T. Costs Due to Open Personnel Line/Sheriff's Department

Chair Nacerino made a motion to approve Fund Transfer (15T057)/ Cover O.T. Costs Due to Open Personnel Line/Sheriff's Department; Seconded by Legislator Castellano. All in favor.

Item #7) Discussion/Explanation on the use of "Personnel Investigation Report"

Chair Nacerino stated that this inquiry was made by Legislator Wright.

Personnel Director Eldridge stated that Captain Martin from the Putnam County Sheriff's Department is present to address this inquiry.

First Deputy County Attorney Negro made a recommendation that if the discussion is going to get specific in nature of a particular person, individual or position et al the discussion, in his professional opinion, would need to be held in Executive Session.

Chair Nacerino stated that she will be cognizant of that. She stated that the inquiry is for the Legislature to learn the function of this type of report in a general manner not specific to personnel.

Captain Martin and Undersheriff Convery were present and requested to address the Committee on this matter.

Legislator Wright stated that in his 35-40 years of experience and working around County Government he has never heard of the Personnel Investigation Report (PIR) being used outside of the Sheriff's Agency.

Captain Martin stated that it is used for internal matters such as workplace violence matters or an incident where a Sheriff's Member was involved.

Legislator Wright stated he understands that a PIR is used in matters pertaining to the Sheriff's Department. He questioned if the County Executive can request a PIR regarding someone.

Chair Nacerino questioned who is allowed access to the information that is compiled via the PIR.

Captain Martin stated that if the PIR is started with a Sergeant then it works itself up through chain of command.

Chair Nacerino questioned if the Personnel Director and the County Executive have access to the PIR.

Captain Martin stated that maybe not all of the in-house information would be able to be reviewed.

Legislator LoBue questioned when this policy was enacted.

Captain Martin stated he believes it was enacted in the 1980's.

Legislator LoBue stated then this procedure has been in place. She stated that she can understand an investigation being done internally, within the Sheriff's Department. She questioned how often are PIRs conducted outside of the Sheriff's Department on County Employees. She stated that she is a bit concerned with this.

Personnel Director Eldridge stated that he suggests that the Committee agree to go into Executive Session. He stated then it can be explained how this came about and it would clear up any questions or concerns.

8:05p.m.

Chair Nacerino made a motion to go into Executive Session to discuss a Personnel Matter; Seconded by Legislator Castellano. All in favor.

8:20pm.

Chair Nacerino made a motion to come out of Executive Session; Seconded by Legislator Castellano. All in favor.

Chair Nacerino stated that no action was taken.

Item #8) Discussion/Cost of Printing PBA Contracts

Legislator Castellano questioned rather than printing the PBA Contracts can they be made available on-line.

Personnel Director Eldridge stated that it is included in the agreement that printed copies be made available. He stated it will be made available on-line also. He stated in the negotiations of the CSEA Contract there was an attempt to make it available on-line only. However, it was requested that a limited amount of printed copies be made available.

Chair Nacerino stated that she believes that is a reasonable compromise. She questioned if the cost of the printing is covered by the County.

Personnel Director Eldridge stated that in the case of the printing of the PBA Contract the County agreed to pay for the limited amount of copies. He stated that with the CSEA Contract the cost will be shared between the County and the Union.

Item #9) FYI/Putnam County Automobile Accident Report

Chair Nacerino stated this is an FYI item to keep the Legislature informed of any activity. She stated that the report does not look as though it has changed since the report that was submitted in April.

Item #10) Other Business

- a) **Approval/Fund Transfer (15T071)/Use savings from a vacant position to cover overtime needed to comply with the 30 day limit for determining eligibility and processing recertification for the SNAP program (food stamps)/Dept. of Social Services**

Chair Nacerino made a motion to approve Fund Transfer (15T071)/Use savings from a vacant position to cover overtime needed to comply with the 30 day limit for determining eligibility and processing recertification for the SNAP program (food stamps); Seconded by Legislator Castellano. All in favor.

- b) **Approval/Fund Transfer (15T070)/Cover unplanned Staff Shortage Feb, 2015 thru Aug., 2015/Office for Senior Resources**

Chair Nacerino made a motion to approve Fund Transfer (15T070)/Cover unplanned Staff Shortage Feb, 2015 thru Aug., 2015; Seconded by Legislator Nacerino. All in favor.

Item #4) Approval/Confirmation/Appointment Commissioner of Bureau of Emergency Services On an Acting Basis/Anthony Sutton

8:25p.m.

Chair Nacerino made a motion to go into Executive Session to discuss Personnel Matter related to Agenda Item #4; Seconded by Legislator Castellano. All in Favor.

8:55p.m.

Chair Nacerino made a motion to come out of Executive Session; Seconded by Legislator Castellano. All in favor.

Chair Nacerino stated that no action was taken in the Executive Session. She stated that she would like to invite members of the audience to address the Committee regarding Agenda Item #4.

Acting Commissioner of Bureau of Emergency Services Lipton stated that in his opinion, for the past two (2) years the Bureau of Emergency Services (Bureau) has not been in a good place. He stated now there is an opportunity to bring a gentleman on board who is extremely knowledgeable, educated, well respected and can surely help the Bureau and turn things around, making it a better place for Putnam County. He stated he is concerned for the residents of Putnam County. He stated the Bureau works with the Fire Response Agencies, EMS, Police, and Emergency Dispatchers. He stated that the Bureau is having a difficult time keeping it all running smoothly. He stated he is having a difficult time keeping the Bureau afloat. He stated that he is doing the best he can, but he needs help and he needs support. He stated Mr. Sutton would be a great addition to the Bureau. He stated he understands that there is a legal issue that the Legislature needs to deal with, but it is a shame that the residents of Putnam County are bearing the brunt of this entire matter. He stated if there is some way that an Acting Commissioner could be brought on board it would help the Bureau and him tremendously. He stated in a few hours he is leaving on vacation and that leaves the Bureau wide open. He stated there is a lot of things happening. He stated as an example the recent matter at Indian Point. He stated he was called in for the night, it was a Saturday night. He stated when he received the call to come in, it interrupted a dinner he was having with his wife, celebrating their 34th anniversary. He stated he has passed along all of the contact information to the other members of the Bureau, while he is on vacation, but it is just not fair anymore.

Legislator Castellano questioned Acting Commissioner Lipton if he believes that Mr. Sutton is the best candidate for the job of Commissioner of Bureau of Emergency Services for Putnam County.

Acting Commissioner Lipton stated, besides himself, yes he does. He stated in the short time that he has spent with Mr. Sutton he carries with him experience, knowledge and he believes he would be a great addition to the Bureau.

Legislator Gouldman stated, in his opinion, Acting Commissioner Lipton displayed a great deal of character by coming forward and being so honest, he thanked him.

Legislator LoBue stated she is confused. She stated Mr. Lipton is the Acting Commissioner, and reported that the job of Acting Commissioner is over his head, too much work and so forth and so on. She stated that she is disappointed in what she heard.

Acting Commissioner Lipton stated that he would like this matter to be fixed.

Legislator LoBue stated that she has been told by numerous people in the fire department community that Acting Commissioner Lipton's hands have been strapped. She stated that it was reported to her that Acting Commissioner Lipton has tried to get things done, and has been told that nothing is happening until the County has a Commissioner.

Acting Commissioner Lipton stated that is true.

Legislator LoBue stated that is a problem. She stated as Acting Commissioner you have the responsibility and should have the ability to execute action where and when it is needed. She stated that the County Executive should not be preventing you from doing your job. She stated that the County Executive's Office, in past years, has never micromanaged the Bureau of Emergency Services.

Legislator Nacerino stated from her perspective she does not think that the County Executive is making decisions or does she believe that Acting Commissioner Lipton is speaking to his inability to command the Bureau. She stated that she believes that he is speaking to the fact that the County is in limbo because of the transition. She stated that she believes it would behoove the Legislature to make a decision tonight regarding this appointment. She stated as Legislator Oliverio also used to say, the objective of government is to protect the health, safety and welfare of the County residents. She stated that she believes this Legislature has an obligation to the people of Putnam County to have a qualified individual in place to command the Bureau and bring forth new ideas, policies and procedures.

Supervisor of the 911- Call Bureau Cindy Jacobsen stated this is not a case of Deputy Commissioner Lipton not being able to act in the capacity of the Commissioner. She stated that she started with the 911-Call Bureau when it opened ten (10) years ago. She stated in that time she has watched the change of department structure. She stated that there was at one time an Emergency Manager Position and support staff that no longer exist. They were not given the approval to staff the Emergency Manager position. She stated that if Mr. Lipton is going to serve as the Acting Commissioner, there needs to be a Deputy Commissioner put in place. She stated that currently he is trying to do three (3) extremely demanding critical jobs: Commissioner, Deputy Commissioner and Emergency Manager. She stated that people are leaving the Bureau and not being replaced. She stated that his hands are tied; paperwork has been sent to the Administration to get people replaced and it is being held up. She stated that the personnel is decreasing in numbers, but the same amount of work needs to be done. She stated the Bureau is not the type of office that paper work can be put aside until someone can get to it. She stated that she does not want to speak for Mr. Lipton, however she believes he meant, when he said he is drowning, that he had the responsibility to get done what he was assigned as Deputy Commissioner plus he has everything the Commissioner was working on. She stated that people are trying to assist, but they have their responsibilities and the staff at the Bureau

continues to get smaller and smaller. She stated she is confident that Rob Lipton would be a very effective Commissioner; however he would need to have a Deputy Commissioner. She stated that she knows Mr. Sutton from working with him on numerous levels when she worked as a Fire Chief in Westchester. She stated that she believes he would be a great asset, she stated either one of them could do a great job that is not the issue.

Putnam County Deputy Fire Coordinator Ken Clair stated that Mr. Lipton has done a great job. He was told to step into the position and take it over, and he did. He stated that he has been doing the best job he can. He stated that he needs help. He stated that there is a big issue going on in the arena of the County's Fire Departments and EMS agencies. He stated wasting time arguing about this appointment is not helping. He stated that he would like to see Mr. Sutton appointed as Acting Commissioner of Bureau of Emergency Services. He stated that Mr. Sutton is a very qualified and has a very diverse and impressive background that will serve Putnam County well.

Chair Albano thanked Mr. Lipton for his honesty. He recognized that he believes, Mr. Lipton has been doing a good job serving in the role as Acting Commissioner of Bureau of Emergency Services. He stated that he sees a man here who is trying to do two (2) critical jobs and doing them the best he can. He stated that he is in support of appointing Mr. Sutton as Acting Commissioner.

Legislator Scuccimarra stated that she agrees that the position of the Commissioner of Bureau of Emergency is critical. She stated that the Legislature has heard from the people tonight who have all clearly stated that there needs to be a Commissioner in place. She stated she supports moving this appointment forward.

Legislator Gross stated that all of his colleagues are concerned about the health, safety and welfare of the residents of the County. He stated that he agrees that Mr. Sutton is an outstanding candidate. He stated it is unfortunate, in his opinion, in the messy manner this entire issue has been handled. He stated he wants to do what is best for the County. He stated that there is a litigation matter that needs to be given consideration in any decision made. He agrees that Mr. Lipton has been doing a good job in his role as Acting Commissioner. He stated that if there needs to be 911 employees hired, Acting Commissioner Lipton should be allowed to do so.

Legislator Gouldman stated one person cannot do two (2) jobs; especially at the top level of the emergency services. He stated that he believes the appointment tonight needs to be done for the health, safety and welfare of the Putnam County community.

Chair of the Fire Advisory Board Rick Tofte stated that he wanted to echo the sentiments expressed this evening that the appointment of an Acting Commissioner needs to be done tonight. He stated that morale is very low. He stated the Bureau employees currently are not working well together. He stated that there is nothing getting done. He stated leadership is lacking. He stated that in terms of the litigation matter, it is his opinion, things need to move forward. Mr. Lipton is doing the best job he can do. He stated unfortunately he needs to call the County Executive to get permission to take action on certain things. He stated he agrees with

Legislator LoBue that he does not agree with that process. He stated that he is unclear on when the charter changed and it gave the County Executive authority over the Bureau etc. He stated regardless, the moral is at an all-time low and action needs to be taken.

Legislator LoBue stated she would like to apologize if her statements came out wrong in terms of the job that Mr. Lipton is doing as the Acting Commissioner. She stated she is disappointed Mr. Lipton is not being given the chance to do the job, he is capable of doing, as Acting Commissioner. She stated there is something terribly wrong with the process and chain of command. She stated that she was not in favor of bringing Mr. Sutton forward until the Legislature came to an agreement. She stated that she believes it was a bad decision and embarrassing for Mr. Sutton. She stated that the litigation is a matter to be addressed. She stated that besides that, in her opinion, the entire process is wrong.

Legislator Castellano stated in the Charter it is stated that the County Executive selects the Commissioner of the Bureau of Emergency Services, with approval by the Legislature. He stated that he believes that Mr. Sutton is an excellent candidate. He stated in his opinion he believes the Legislature is doing a disservice to the residents of Putnam County in not taking action to appoint Mr. Sutton to the Commissioner position.

Legislator Scuccimarra stated that she agrees with Legislator Castellano. She stated that she is aware that there are some of her colleagues who do not agree, however she stated that the members of the emergency services agencies have expressed their desire for the need to take action on this appointment. She stated that she believes it is time.

Chair Nacerino stated that the Legislature recognizes that there are some deficiencies, but part of that recognition is then putting the right people in place and the right amount of people in place. She stated that is how the Bureau will work at its top efficiency.

Legislator Wright stated that he believes there are a couple of issues. He stated that one is the Charter itself. He stated the County Executive's appointment is subject to a 2/3 vote of the Legislature, and the appointee serves at the pleasure of the County Executive, subject to removal by a 2/3 vote of the Legislature. He stated it is not an appointment for a fixed term. He stated that some of the problem tonight is that the letter from the County Executive dated May 7, 2015 to the Legislature stated that she wished the appointment as an Acting Commissioner for a term commencing on confirmation and continuing through December 31, 2018. He stated that First Deputy County Attorney Negro communicated that language in the letter was not the County Executive's it was language from the Department of Law. He stated he knows that this Committee sat with Mr. Sutton at last month's meeting. He stated the Committee acknowledged that if there was an adverse reaction by the Court to the County's position; Chair Nacerino confirmed at that time with Mr. Sutton that he was aware that if the decision of the Court is that the previous Commissioner return to his position with the County, then Mr. Sutton would no longer have a job. He stated that Mr. Sutton confirmed, verbally at the April Committee meeting that he was aware of that. He stated that he believes that the Legislature is on the same page that the County should have an Acting Commissioner until the litigation is resolved. He stated that the Department of Law has clarified that the language in the appointing letter is not indicative to the County Executive's position regarding the matter. He stated that he can support the

resolution with the understanding of everyone in the room, including and most importantly the appointee, that this is an Acting position done in a manner to keep the Legislature out of the underlying litigation. He stated that there will be no conversion of it to a permanent position on June 2nd, 2015, by reference of other letters or anything like that. He stated as long as everyone is of that mind, then he will support the resolution including the amendment that needs to be made by the Department of Law.

First Deputy County Attorney Negro stated that the Resolution submitted speaks to itself. He stated that as Legislator Wright elaborated, this appointment is on an Acting basis.

Legislator Castellano stated that an appointment to a permanent Commissioner of Bureau of Emergency Services would need to come back to the Legislature and would need to be approved with a 2/3 vote in favor of the appointment.

Chair Nacerino stated that conversely if the litigation is not in favor of the County, then it will be incumbent of this Legislature to make a decision. She stated that action will need to be taken on the “Old Commissioner” and the “Acting Commissioner”.

Chair Nacerino read the proposed resolution in to the record of appoint of Mr. Anthony W. Sutton to the position of Acting Commission of Bureau of Emergency Services.

Chair Nacerino made a motion to approve the resolution “Appointment Commissioner of Bureau of Emergency Services On an Acting Basis/Anthony Sutton”; Seconded by Legislator Castellano. All in favor.

Item #11) Adjournment

There being no further business, at 9:30P.M. Chair Nacerino made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Diane Trabulsy, Deputy Clerk of the Legislature.