

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

Members: Chairwoman LoBue, Legislators Tartaro & Wright

Monday **5:30pm** **July 21, 2014**

The meeting was called to order at 5:32 P.M. by Chairwoman LoBue who requested Legislator Wright lead in the Pledge of Allegiance. Upon roll call, Legislator Wright and Chairwoman LoBue were present. Legislator Tartaro was absent.

Item #3 - Approval of Minutes – June 17, 2014

The minutes were approved as submitted.

Item #4 - Discussion/ Adoption of Legislation Regarding Cost Benefit Analysis of All Private Contracts in Excess of \$5,000

Legislator Oliverio stated two (2) similar resolutions have been passed; one (1) in Ulster County and one (1) in the City of Poughkeepsie. He stated in Ulster County, the amount to be made public is \$50,000 or more and in the City of Poughkeepsie, the amount is \$5,000 or more. He stated the transparency is vital. He provided an example of a \$15,000 limit. He stated whenever the County makes an expenditure of \$15,000 or more, the reason for the expenditure must be given and it must be publicized through a public meeting or placed on the County website.

Chairwoman LoBue stated she supports this wholeheartedly. She stated this enables Elected Officials to perform their tasks with transparency.

Legislator Wright questioned who would do the cost benefit analysis.

Legislator Oliverio stated whichever department makes the expenditure will submit the amount and reasoning.

Legislator Wright stated the County is a member of NYSAC and dues are paid. He questioned if this payment would be made public, even though it is approved through the budget process.

Legislator Oliverio stated this resolution would not be to approve or disapprove of a purchase, but to explain why and when the purchase was made. He stated the budget can be confusing if one is not familiar with reading it, and this will make it easier for the public to understand when and why purchases were made. He stated some purchases are specified in the budget; however the public is unaware of these purchases. He stated this is a way to keep the public involved in these monetary procedures.

Chairwoman LoBue stated a cost benefit analysis is helpful to understand the money being spent. She stated it helps keep everyone involved instead of doing things in reverse. Chairwoman LoBue then read a portion of Ulster County's Local Law.

Legislator Nacerino questioned if this will change the procurement policy to lower the threshold.

Legislator Oliverio stated that is correct.

Legislator Nacerino stated her concern is the impact of each department's daily operations. She stated this may be micromanaging routine expenditures. She stated these expenditures are vetted through the County Auditing Department. She questioned if there was an outcry from the public concerning this lack of information.

Putnam County Auditor Michele Sharkey stated the procurement policy states that any purchase over \$100.00 must be done with a purchase order. She questioned if this information would be posted before encumbering the money or paying any invoice.

Legislator Oliverio stated the money should be encumbered prior to any notice being put out. He stated the money being spent belongs to the public and they deserve to know how it is being spent. He stated this is not an addition to the purchasing process but it is a monthly posting of all expenditures.

County Auditor Sharkey clarified that this would be done after purchases are made.

Legislator Oliverio stated this is correct. He stated the purchases are already approved, and this would just notify the public of the purchases.

Legislator Albano stated he would be more comfortable if the limit was a high number. He stated with a low number, more purchases would be posted which could cause confusion among the public. He stated Department Heads are hired to ensure accurate purchases are being made within their budget.

Legislator Oliverio stated this proposal is not questioning how the money is being spent.

Chairwoman LoBue stated it is about transparency.

Legislator Oliverio stated currently, for a member of the public to get this information, they would have to fill out a FOIL (Freedom of Information Law) request.

Legislator Albano stated he is concerned that this may open a can of worms if the amount is too low. He stated \$50,000 may be a high enough limit.

Chairwoman LoBue stated this is just in the discussion phase right now. She also stated the cost benefit analysis is beneficial to the Legislature as well as the public.

Legislator Wright stated initially, he was concerned that this may be cumbersome to staff, however after learning this will be done once purchases are made, it is no longer a concern. He stated when he was the Chairman of the Audit & Administration Committee there was an appropriation register that was provided by the Finance Department weekly. He stated the document was broken down in a fashion that was easy to read. He stated recently, he has been working with County Auditor Sharkey who stated the Legislature may be able to have a similar document soon. He stated if there were a way to program the software to automatically separate any purchase over the financial limit decided upon by the Legislature, then the information could easily be uploaded to the County's webpage. He questioned Legislator Albano's concern of people raising questions regarding purchases.

Legislator Albano stated the public may not understand the purchases made and small, routine purchases may create unwarranted questions. He stated a larger limit makes sense.

Legislator Oliverio stated the public has the right to ask any questions they have. He stated the amount will not be a small amount so miniscule purchases will not be questioned.

Legislator Albano stated the public absolutely has the right to question anything. He also stated department heads are hired to make the proper decisions when it comes to any purchases.

Legislator Wright stated Legislator Albano touched on his concern of burdening department heads with having to justify their purchases as well as burdening the Legislature with the questions that may arise. He stated a question from the public may be out of order under certain circumstances such as a department purchasing a computer system upgrade which was allocated for in the current year budget. He stated a purchase such as this may be a cause for concern to a member of the public if they are unaware that the finances were properly budgeted for and already approved.

Legislator Albano stated when small numbers are being looked out outside of the budget process, it could cause confusion. He stated this may be justified with a larger limit.

Legislator Wright stated he is unclear on the cost benefit analysis, which suggests more information is provided than what was purchased and why.

Legislator Oliverio stated this would only require what was purchased with the reason for the purchase.

Legislator Wright stated this is done during the budget process.

Legislator Oliverio stated it is done in the budget process however the public does not have access to the budget. He stated the Legislators are elected to keep the public involved.

Legislator Wright stated he is concerned with stating it twice.

Legislator Nacerino stated she supports openness and transparency in government. She stated she would be more comfortable with a higher threshold. She stated she would like to hear feedback from the Department Heads on how this would impact their day to day operations. She also stated the threshold is important, and she does not believe anything should be hidden from the public, however too much information may be overload.

Legislator Oliverio stated he is not afraid to give the budget to the public. He stated this will not be cumbersome as it is any purchase made over the limit and the reasoning for it. He stated this will avoid some FOIL requests that the public must submit to find out where their money is being spent.

Legislator Albano stated if a cost analysis of an event is requested, it is processed as quickly as possible.

Legislator Oliverio stated it is easier to have the information posted on the website.

Chairwoman LoBue stated the threshold must be decided.

Legislator Wright stated the cost benefit analysis is done during the budget process. He questioned if this would be redone to be put on the website.

Legislator Oliverio stated this is not as complicated as it seems. He stated it is simply stating what was purchased, the reasoning, and the amount spent.

Legislator Wright stated what Legislator Oliverio is describing is post payment disclosure.

Legislator Oliverio stated that is correct.

Legislator Wright stated what is before the Committee is something incidental and should be part of a cost benefit analysis. He stated the original Ulster County resolution was designed under the scheme of a cost benefit analysis. He stated it seems more than just disclosure after the purchase.

Chairwoman LoBue stated she was unaware of the cost benefit analysis. She stated a cost benefit analysis is showing the math on paper to justify an investment.

Legislator Oliverio stated a cost benefit analysis is not what this resolution would be requiring. He stated it is disclosure with reasoning.

Chairwoman LoBue stated perhaps the wording should be adjusted to avoid confusion.

Legislator Wright stated as some cost benefit analyses submitted in the past were unsatisfying to some Legislators, he was trying to encourage the Budget and Finance Committee to meet and discuss what information they would like to see in the budget process.

Chairwoman LoBue stated this matter will be revisited next month.

Item #5 - Discussion/ Restrictions Regarding Campaigning on County Property

Legislator Oliverio stated in the entranceway of the County Office Building there were lollipops and American flags with the County Executive's name on them. He stated he brought this before the Committee to find out if having these items in a County building is allowed. He stated if it is allowed, it should be equitable and each incumbent should have items available. He stated at an event held at the Putnam County Golf Course, the County Executive addressed the crowd. He stated if this is acceptable, he would like to do the same. He stated he would rather keep all campaigning off County grounds.

Legislator Scuccimarra stated she understands Legislator Oliverio's concern, however it can be difficult to define campaigning and to define County property. She stated when she was campaigning, she handed out literature at many County owned facilities as she wore her sticker. She also stated she attended and volunteered to park cars at the 4-H fair as well.

Chairwoman LoBue questioned if Legislator Scuccimarra volunteered at the 4-H fair to hand out literature.

Legislator Scuccimarra stated she was not at the fair to campaign and she did not hand out literature, however she did wear her button.

Chairwoman LoBue stated this touches on the Signage Law. She stated the office, rather than the individual should be referred to. She believes having personal literature on County grounds is inappropriate. She stated candy is not an official piece of literature.

Legislator Nacerino stated she is unsure if she supports the materials in the County Office however she finds nothing wrong with the County Executive making an opening statement at a County owned property as it falls under the purview of their responsibilities as County Executive.

Legislator Albano stated Legislator Oliverio has an ad for the 4-H fair in the paper that reads "Sponsored by Sam Oliverio, Jr."

Legislator Oliverio stated the ad was misprinted in the paper and he has submitted an apology to be run in the paper. He stated he sponsored the advertisement only.

Legislator Albano questioned how far the Legislature should go with this matter.

Legislator Oliverio stated he does not want the County Office Building to become campaign headquarters.

Chairwoman LoBue stated former County Executive Bob Bondi never had any campaign materials in the building.

Legislator Oliverio stated former County Executive Bob Bondi avoided politicking. He stated the fact that there is a campaign going on is not easily ignored. He stated he would just like to keep it off County grounds. He stated if everyone feels it is appropriate, he would participate as well. He stated each Legislator is of equal standing to the County Executive.

Deputy County Attorney Sandra Fusco stated this issue is a constitutional one. She stated Legislator Oliverio is 100% correct in stating what is good for one, is good for the other. She stated there is no statutory prohibition to put materials in the entranceway of the County Office Building. She stated there is no ethical violation either. She stated when there are any restrictions on expression, one must be careful because it may be violating the constitution. She stated Legislator Oliverio can place materials on County property as well.

Legislator Wright questioned if materials would be permitted if they were printed with a website which lead to a donation webpage.

Deputy County Attorney Fusco stated as long as the materials are not soliciting donations, they may be placed on County property. She stated there is no prohibition with solely the individual's name.

Legislator Oliverio stated he would like someone from the Administration to have been present at the meeting so they could add to the conversation. He stated he would like to suggest keeping all campaigning off County grounds.

Deputy County Attorney Fusco stated the lollipops and flags have been removed from the entranceway.

Legislator Oliverio questioned if at an event it is appropriate to speak of programs or initiatives the Elected Official is working on. He stated he would rather suggest to the County Executive or the Deputy County Executive leaving County business out when greeting. He stated his concern of events turning into political debates.

Deputy County Attorney Fusco stated she attended the event at the Putnam County Golf Course where the County Executive introduced the band. She stated she did not witness anything political.

Legislator Wright questioned who will police these matters.

Deputy County Attorney Fusco stated what is good for one should be good for all.

Director of the Office for Senior Resources stated many people who are running for office come to the senior events. She stated they had a policy that stated an Elected Incumbent was welcome to attend events, while those who are running for office are discouraged. She stated the seniors attend the events to interact with one another. She stated it can get dicey when those who are running come to the events and interrupt the seniors and hand out political items. She provided an example of cookies being handed out which are contradictory to their nutrition program.

Chairwoman LoBue stated it is a nice courtesy to have the Elected Incumbent be able to come to the event. She stated is in unfair for those who are running to go to the same event and have the same access as Elected Officials. She stated personally, she has no interest in having the spotlight on her. She stated it is not fair to the seniors because in a sense, they are being used.

Director Sheehy stated the Office for Senior Resources tries to ensure Elected Officials are invited to any event they host.

Legislator Oliverio stated he would like to keep the campaigning out totally.

Legislator Albano stated having the materials in the entranceway was not wrong. He stated the Legislators have the same rights.

Chairwoman LoBue stated campaigning on County property is not against the law; however she believes it is distasteful.

Legislator Albano stated he respects Chairwoman LoBue's view, however it is for the individual to decide.

Item #6 - Discussion/ Disclosure of People Working in the County

Legislator Wright made a motion to waive the rules and accept the additional; Seconded by Chairwoman LoBue. All in favor.

Chairwoman LoBue stated there were two (2) recent incidents that prompted her to bring this matter to Committee. She stated those incidents were the worker in the District Attorney's Office who was being privately funded and the worker who filled in temporarily for the Director of Communications who continued to do work upon the Director's return. She stated she was questioned by several people regarding workers

coming and going, especially with the PILOT program. She stated she requested a list to ensure these workers were being tracked for security reasons.

Director of Personnel Paul Eldridge stated the prime intern program that the County has is the PILOT (Putnam Invests in Leaders of Tomorrow) program; however it is not the only program. He stated each department has a 1094 account, which is their temporary line. He stated in addition to those coming to work for the County through the PILOT program, many departments have had people come in to do various jobs through their temporary lines. He stated many students come in the summer time as well as on their winter break. He stated throughout the year, the total amount of interns that have worked at the County is 87. He stated upon researching this, the Personnel Department found that there are both paid and unpaid interns. He stated for example, the Sheriff's Department has a program through which they bring in criminal justice majors and the intern is eligible to receive college credit for their time spent there. He stated CAP (Community Action Program) and BOCES have similar programs as well. He stated he would like to keep consistency in the way workers are introduced to the County and its procedures, whether that worker is paid or unpaid. He stated this has been discussed with the County Executive as well.

Legislator Oliverio stated this is outstanding. He stated he believes it is smart to have each person be vetted through Personnel. He stated many departments deal with confidential information and it is vital for each worker to understand the importance of keeping this information confidential.

Director Eldridge stated any intern or worker who will be in a confidential environment must first sign a confidentiality statement. He stated often times, temporary employees are even isolated from confidential work.

Chairwoman LoBue stated she is glad to hear this will be implemented and consistent.

Legislator Nacerino stated she was first confused as to why this matter was not discussed by the Personnel Committee. She stated after hearing the explanation, it does make sense for this to be a discussion by the Rules Committee. She stated she was unaware that some interns or temporary help were not vetted through the Personnel Department. She stated this is a big liability issue and the County must be aware of who is working in the County. She stated in a court of law, they are unauthorized personnel.

Director of Consumer Affairs Jean Noel stated her department frequently has the opportunity to utilize individuals from the Workforce Program. She stated there is an individual who was interviewed recently and is scheduled to begin work within the next few days. She stated this particular individual has done work with DSS and the Office for Senior Resources.

Director Eldridge stated he is aware of the individuals who participate in the Workforce Program. He stated the program is directly through DSS and the Workforce Investment

Act. He stated the individuals are vetted through that program; however the Personnel Department is looking into any program such as this to find out if there are any additional steps that need to be taken.

Item #7 - Discussion/ County Soliciting Donations/ County Attorney

Deputy County Attorney Fusco stated First Deputy County Attorney Negro was unable to attend the meeting; however he did send his opinion on this matter to the Legislative Office.

Legislator Wright stated the memorandum received from First Deputy County Attorney Negro confirmed what he had thought. He stated a County department is not allowed to solicit donations for any reason.

Chairwoman LoBue stated this matter arose when a large donation was made by Jane Lobdell to the Office for Senior Resources (formerly Office for the Aging). She stated to show appreciation, it was suggested that a plaque be made.

Legislator Wright stated that donation as well as an event being put on by the Health Department made him raise this question.

Chairwoman LoBue stated there is an upcoming event that was funded by donations. She stated going forward; there will be no more soliciting of donations. She stated perhaps a memorandum should be sent to Department Heads notifying them of this response.

Legislator Wright stated he does not want the County Department Heads in violation of the law. He stated outside agencies, such as the Putnam County Chambers of Commerce, can solicit donations on behalf of the County; however the donations cannot be accepted by the County itself.

Legislator Nacerino stated when she was a Councilwoman in the Town of Patterson they were cited by the auditors for a fundraiser they held. She stated government cannot solicit donations in any form.

Legislator Albano stated a memorandum should be sent to all Department Heads clarifying the regulations regarding this matter.

President of the Putnam County Chambers of Commerce Bill Nulk questioned how a Department should go about asking an outside agency to fundraise on their behalf. He stated there are many organizations that would be willing to support events that the County holds and they should be going about fundraising in the proper fashion.

Chairwoman LoBue stated it is out of the Legislature's hands.

Legislator Oliverio stated there was a student in his school that unfortunately lost their house to a fire. He stated the school began a fundraiser for the student and their family; however the fundraiser was shut down by their legal department because a school cannot legally solicit donations. He stated the school then contacted an outside agency to proceed with the fundraising.

Legislative Counsel Clem Van Ross stated the memorandum to Department Heads may be more impactful coming from the Law Department.

Item #8 - Discussion/ Supreme Court's Ruling of Upholding Prayer at Local Government Meetings/ County Attorney

Deputy County Attorney Fusco stated Deputy County Attorney Daniel Harvey was unable to attend the meeting; however he did send his opinion in the form of a memorandum to the Legislative office.

Legislator Wright stated he believes it may be beneficial to commence Legislative meetings with a prayer.

Legislator Oliverio stated he liked Legislator Wright's wording of the prayer and the idea in general. He stated he would like Legislator Wright to lead the prayer at the meetings.

Legislator Wright stated he would like to keep the prayer simple and use it as a time to stop, reflect, and go forth and do some good.

Legislator Albano stated he is in support of this.

Legislator Nacerino stated it is a nice gesture. She stated the prayer should be more spirit based than religious based.

Item #9 - Approval/ Amend Local Law #9 of 2012/ In Relation to Requirement of Providing an Apprenticeship Training Program and Having Appropriate Apprenticeship Agreements in Place by Contractors/ Subcontractors to Putnam County Project Labor Agreements in Connection with the Purchase of Construction Goods and Services for Major Construction Projects

Chairwoman LoBue stated County Executive MaryEllen Odell requested this amendment go to the Legislature for approval.

Legislator Oliverio stated there is a representative present to speak to this item.

Mr. Edward Cooke, the Council Representative for the Northeast Regional Council of Carpenters questioned if this amendment was in relation to Project Labor Agreements.

Legislator Oliverio stated that is correct.

Mr. Cooke stated there are concerns regarding small businesses and their ability to compete. He stated a local example of the benefit of this law is the Kent Sewer Project. He stated had this project been a project labor agreement with the New York State labor law requirement, millings from Pennsylvania would be required to use some New York residents to construct the project. He referred to a packet he brought with him to the meeting. He stated in a nutshell, if this law were to be passed it would give New York citizens and legitimate contractors a more competitive edge. He stated there are cost benefits as well. He stated he sits on the Workforce Investment Board in Westchester County. He gave an example of four (4) unemployed youths who took part in their apprenticeship program and work at Pepsi. He stated the investment in the individuals has paid off in Westchester County as those four (4) people who were unemployed now have a career.

Legislator Oliverio stated apprentices should be embraced, especially since it employs local residents. He stated there is a fear of increased costs, however the apprentices make less money than those above them.

Mr. Cooke stated apprentices make 50% less than a master.

Legislator Oliverio stated this is actually a cost savings.

Chairwoman LoBue stated she is concerned that no other County has implemented this provision into law.

Mr. Cooke stated being cutting edge is an advantage for Putnam County. He stated when using a project labor agreement, anyone working on that project has the availability of apprentices. He stated by enacting this law locally, New York State contractors registered in the program have the ability to compete on projects. He stated this is non-exclusionary.

Chairwoman LoBue confirmed that this included both non-union and union workers.

Mr. Cooke stated the project labor agreement requires that anyone working on the program follows the rules of the local collective bargaining. He stated it turns any project into a union based project, where the contractors coming in have the availability and the manpower.

Legislator Albano stated he is concerned as it only applies to bigger contracts. He stated there may also be someone bidding on a large contract that is not qualified.

Chairwoman LoBue stated the threshold is only \$1 million, which is low. She stated she would be in favor of raising this threshold.

Mr. Cooke stated many times, smaller contractors get involved and these contractors are not financially capable of sustaining payroll, the benefit portion and the material

flow. He stated \$1 million is a lot of money in terms of project labor agreements. He stated there are small contractors who struggle with \$300,000 contracts.

Legislator Oliverio stated he feels \$1 million is a realistic threshold. He stated he researched AFL-CIO (American Federation of Labor and Congress of Industrial Organizations) and looked into their program and found that it sustains an equitable workforce. He stated using an apprentice saves money.

Chairwoman LoBue stated she is unclear on the money savings. She stated no one should be excluded.

Legislator Albano stated as long as it has the element of the apprenticeship, it is a cost savings.

Mr. Cooke stated the law states that they would have to be registered with the New York State apprenticeship program. He stated this gives an advantage to New York State contractors. He stated there must be a union apprentice on premise and they must be affiliated with the New York State apprenticeship program. He stated these apprentices also must be New York residents. He stated there are more non-union registered apprenticeship programs than there are union apprenticeship programs. He stated there is a four (4) to one (1) advantage to the non-union apprenticeship programs. He stated there is a five (5) to one (1) worker to apprentice ratio. He stated these apprentices are receiving on the job, craft specific training.

Director Noel stated there are 1,893 registered home improvement contractors. She questioned if this would impact those who register or re-register through the County.

Mr. Cooke stated in order to bid the project labor agreement, they would have to be registered and craft specific in that trade.

Director Noel questioned if the Department of Consumer Affairs would be required to notify the registrants if this was to pass.

Mr. Cooke stated the project labor agreements come out with a specific bid document spec which will specify this.

Director Noel questioned if this would administratively prevent them from registering or accepting a license.

Mr. Cooke stated it would not.

Chairwoman LoBue stated it will affect the bid process. She questioned if Mr. Cooke would explain who he is in regard to this matter.

Mr. Cooke stated he is a member of the Northeast Regional Council of Carpenters, a union representative of 14 years. He stated he has been negotiating the language of

the PLA process for ten (10) of those 14 years. He stated he works closely with Eddie Doyle of the Building Trades. He stated he is the trustee of his local union.

Chairwoman LoBue questioned if he served on any County Boards.

Mr. Cooke stated he sits on the Putnam County Veteran's Advisory Committee. He stated he also represents the Westchester County Workforce Investment Board. He stated Westchester County Executive Rob Astorino appointed him to that Board. He stated the only economic advantage to this amendment is that this protects New York business and New York residents. He stated he would like the Law Department to vet this matter.

Chairwoman LoBue questioned if there was a political endorsement from the union for this change to be made.

Mr. Cooke stated all endorsements are already done. He stated he would not mix politics and protecting New Yorkers.

Deputy County Attorney Fusco stated she wrote the local law and ensured Mr. Cooke that it is legal and ethical.

Legislator Albano stated he sees no down side.

Legislator Wright made a motion to approve the amendment; Seconded by Chairwoman LoBue. All in favor.

**Item #10 - Approval/ Amend Chapter 83 of the Code of Putnam County
"Department of Probation"**

Chairwoman LoBue stated she was unable to attend the Personnel Meeting when this was discussed originally. She stated the amendment is not the issue. She stated she has inquiries regarding the cost as this is a sophisticated piece of equipment. She questioned if it is being rented.

Legislator Oliverio stated it is not being rented and the machine is free forever.

Probation Director Gene Funicelli stated there is no obligation and the department can stop using the machine at any point.

Chairwoman LoBue questioned if this arrangement is in writing.

Deputy County Attorney Fusco stated the only thing the County will be paying for is the consumables that are used with the machine. She stated the only thing in writing is the request for the County to use the machine and to train the personnel. She stated from a business standpoint, it is better not to have a contract as it gives the County more freedom. She stated she believes the company is confident that the equipment will be

well received and this will put them on the map. She stated there is no cost to utilize the equipment; however the County will be responsible for the cost of the chemicals and consumables needed.

Legislator Wright questioned what the estimated annual cost is.

Director Funicelli stated the cost in comparison to what it is now to what it will be is comparable. He stated they pay about \$12,000 per year for basic urine tests in addition to specialized testing such as saliva. He stated due to the fact that there is no leasing fee attached to the machine, the cost of the tests will be comparable.

Chairwoman LoBue stated she has a concern with the long term costs that may be attached to bringing the machine in and adding personnel.

Legislator Albano stated since there is nothing in writing, the County has the freedom to make any decision at any time. He stated the costs appear to be similar, and more information will be available when the machine is installed and being used. He stated in regards to the extra personnel, that person is not being hired just to work with the machine, but they can be used in general in the Probation Department.

Chairwoman LoBue stated when she questioned where else this equipment is utilized she was told it was in Brooklyn. She stated Brooklyn has much different demographics and a higher volume than in Putnam County.

Director Funicelli stated this matter will be discussed at the Audit & Administration Committee meeting and Chairman Castellano requested that a representative from the company be present. He stated he is working on getting someone from the company to attend that meeting.

Chairwoman LoBue stated perhaps the change in the law should be tabled to Audit.

Legislative Counsel Clem Van Ross stated the Local Law in question deals only with the usage fee and has nothing to do with the equipment itself.

Legislator Nacerino stated having this machine expedites the testing process and allows the Court to be more efficient. She stated although there is nothing in writing there is a 30 day opt-out. She stated she had questioned if there were any competing vendors that supplied this that may be considered in the event the company decides to charge. She stated with this Local Law, the County has the ability to charge the fees to the probationers for each test they take. She stated although these fees are not mandatory, any extra income is a good thing. She stated this procedure is more effectively done in house.

Chairwoman LoBue stated the time frame of sending a test to the lab is two (2) days as opposed to doing this in house, where the time frame is essentially immediately. She stated she could understand this more if the lab took more time to deliver the results.

Legislator Nacerino stated at the Personnel Meeting where this matter was discussed, Judge Reitz made a very compelling argument as to how the immediate results would improve the Court's efficiency. She stated the personnel line was also discussed and it is a part-time position. She stated the person in this position will mainly be handling the testing, which will alleviate the probation officers from having to do it on top of their other work. She stated this person would be paid a much lower salary than the probation officers and be more fit to do this type of work.

Chairwoman LoBue stated to be clear the salary for the part-time position has been requested at \$20,000. She requested that Deputy County Attorney clarify the terms of having the equipment.

Deputy County Attorney Fusco stated the County will be utilizing the equipment at no cost or lease and there is no commitment. She stated from a business standpoint, with this arrangement, the County does not have to worry about breach of contract because there is no contract. She stated as of right now, the County is paying 100% of the lab costs. She stated with this amendment, the person being tested will be responsible to pay for the test.

Legislator Wright questioned if the fees can be raised annually.

Deputy County Attorney Fusco stated the Local Law is worded in a way that leaves the changing of the fees at the discretion of the Probation Department.

Legislator Wright questioned why it is necessary to take on additional personnel when this job is being done outside. He stated the part-time position may become a full-time position. He stated a mal performing government seems to take on more responsibility in house when it can be outsourced.

Legislator Oliverio stated it is important to have this service done in house because of the immediate results it provides. He stated these results are admissible in Court. He stated if someone comes in under the influence, it is determined immediately.

Legislator Wright questioned if the Office of Court Administration would be willing to reimburse the cost of the extra personnel.

Legislator Albano stated the issue at hand is whether or not a fee should be charged to those being tested. He stated to complete the test takes about one (1) or two (2) minutes. He stated Director Funicelli stated he could use the help in his Department. He stated this person can be used to help with the testing and then float through the department doing various tasks.

Director Funicelli stated the reason why the position was identified as Probation Assistant was so the person would be able to perform other tasks when there is no testing to be done. He stated the number of hours and the salary that goes along is

negotiable. He stated it is more efficient to do this in house rather than sending it out to the lab.

Legislator Wright stated if testing is being done throughout the week at any given time during the day, the part-time person will not be able to administer every test.

Legislator Albano stated three quarters of the testing is done in house already. He stated the machine is the finalization, and having it in house will save two (2) days. He stated it should be decided on whether or not a fee will be charged to those being tested.

Chairwoman LoBue stated charging a fee is not a panacea. She stated the charge is small dollar amounts that cannot be enforced. She stated if someone does not pay, it is not worth the dollar amount to bring litigation.

Legislator Nacerino stated it is important to remain cognizant of the fact that this cannot be enforced, however it can be exercised. She stated any fees recouped are extra. She stated this is dealing with vulnerable people in vulnerable situations. She stated enforcement will not be pursued, however the County will be happy with any money collected.

Legislator Wright stated he does not understand why the Charter would be amended to allow a fee to be collected when it was announced that the fee cannot be enforced.

Chairwoman LoBue stated this is not a revenue stream and will not be a profitable arrangement.

Legislator Nacerino stated this will not be profitable, however it is efficient.

Legislator Albano stated it should be decided if a fee will be charged and then the position should be considered.

Chairwoman LoBue stated she wanted to know the total picture. She stated something that is working effectively is being changed. She stated it is not perfect; however perfection comes at a price.

Legislator Wright stated he does not support this as explained. He questioned if this is operational in other counties.

Chairwoman LoBue stated it is being utilized in Brooklyn.

Legislator Albano stated it should be implemented for one (1) month, and in that time it will become clear if this is something that should continue. He stated it can be stopped at any time.

Legislator Wright stated the use of the machine does not require Legislative approval. He stated if in a few months, the department still believes they are in need of another person, then they may come back to the Legislature and it may be discussed.

Chairwoman LoBue stated Legislator Wright's point is valid. She stated Probation should see how the testing goes and provide an update to the Legislature so a decision can be made going forward.

Legislator Nacerino stated the position being requested is for a part-time employee to help with the machine. She stated this person would be paid less than what a Probation Officer would be paid to do the same job. She stated having someone in a part-time position would be beneficial so some overload work may be done as well. She stated when other departments have come before the Legislature requesting similar positions, the Committee has approved them.

Chairwoman LoBue questioned what departments have come before the Legislature requesting such positions with an increase in the budget amount.

Legislator Nacerino stated what she is referring to did not require an increase in the budget amount, however there were substantial raises. She stated the Committee showed their respect and appreciation for the way the Department Head runs their department. She stated she is speaking to the philosophy. She stated it was done in the Sheriff's Department and the District Attorney's Office.

Chairwoman LoBue stated she does not agree with Legislator Nacerino's philosophy. She stated a new position is being requested with a salary of \$20,000. She stated this was not the case when the District Attorney came before the Legislature.

Legislator Nacerino stated she was speaking to the philosophy that the Legislature did not underscore that request.

Chairwoman LoBue made a motion to move the amendment to the Audit & Administration Committee. The motion was not seconded and therefore died.

Item #11 - Correspondence/ Enacting a Local Law for Putnam County/ Regulating the Use of Polystyrene Foam Disposable Food Service Ware by Chain Food Service Establishments/ FYI

Legislator Wright made a motion to waive the rules and accept the additional; Seconded by Chairwoman LoBue. All in favor.

Chairwoman LoBue stated she requested input from the Sheriff's Department and the Office for Senior Resources on this matter as they both have large food service components.

Legislator Albano stated Undersheriff Convery notified him that the jail does not use Styrofoam and has not used it for a few years.

Chairwoman LoBue stated a chart was received from the Office for Senior Resources displaying the increased cost the department will face if Styrofoam is banned.

Director of the Office for Senior Resources Pat Sheehy stated the increase is about 200%.

Legislator Wright stated theoretically, the cost of the alternative products will inevitably increase due to the fact that Styrofoam would no longer be available. He stated he is not supportive of this as the decision not to use the product should be voluntary. He stated he believes it is a good thing, however the good comes out when government says you must.

Legislator Scuccimarra stated in February 2013 this Bill was introduced into the Assembly. She stated if this goes through the Senate, this is a moot point as it will be banned throughout the State. She stated this is nothing personal to Director Sheehy, however when she has attended Senior events she noticed that everything used for dining was made of Styrofoam. She stated the Styrofoam cups have a useful life of ten (10) to 20 minutes and they are in the environment for hundreds of years. She stated recycle centers do not accept Styrofoam because it does not recycle, it breaks down into smaller pieces and end up in landfills and eventually makes its way into our waterways. She stated not only is it dangerous for our environment, it is also dangerous to our health. She stated when this material is heated or has anything hot in or on it the polystyrene leaches into the food or drink. She gave an example of a test done where tea was put into Styrofoam cups and the cups were lighter at the end because of how much material had leached into the tea. She stated New York City has banned Styrofoam. She stated in her research, she has found that the demand for alternative products will actually bring their prices down. She stated 70% of the garbage in our landfills is recyclable, however this product is not. She stated she understands this will be an expense and does not want to implement this too soon. She stated a target date should be set for six (6) to eight (8) months from the time it is passed to allow time to find better alternatives.

Chairwoman LoBue stated the State Law should be tracked as well.

Legislator Scuccimarra stated she does not want to wait for the State. She stated various places have passed laws banning Styrofoam. She stated the health of the residents of Putnam County is more important than the financial impact.

Legislator Albano stated he is in support of banning Styrofoam. He stated the Sheriff's Department has stopped using it in the jail and it is working. He stated long term health issues due to this material can be more expensive than the alternative materials. He stated this will not make or break the County.

Chairwoman LoBue stated Director Sheehy is not on the hot seat.

Director Sheehy stated the Sheriff's Department uses reusable dishes. She stated in order to have reusable dishes, the Office for Senior Resources would need to purchase a dishwasher and invest in extra staff to run the dishwasher. She stated it may also become a problem if seniors begin to take the dishes and silverware home. She stated the use of hot water is also an issue. She also stated both the Putnam Valley Senior Center and the Koehler Center have water issues. She stated in order to switch to paper or another more environmentally friendly material; it would cost the department three (3) times what they pay now. She stated if this is passed, their budget will need to be increased.

Chairwoman LoBue stated a constituent brought to her attention that even paper cups are lined with plastic that also leaches into the beverage.

Director Sheehy stated as the paper cups are not as insulated as Styrofoam, they are usually doubled up, and therefore twice as many are being used. She stated the staff encourages the seniors to reuse their cups if they have multiple servings so there is not as much waste.

Legislator Scuccimarra stated she would like to contact other Counties that have passed a similar Local Law to find out what products they utilize.

Item #12 - Litigation Report/ FYI – Duly Noted

Item #13 - Other Business - None

Item #14 – Adjournment

There being no further business at 7:45 P.M. Legislator Wright made a motion to adjourn; Seconded by Chairwoman LoBue. All in favor.

Respectfully submitted by, Administrative Assistant, Beth Green.