

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

**Members: Chairwoman LoBue, Legislators Tartaro & Wright**

**Tuesday** **November 18, 2014**  
**(Immediately Following Economic Development beginning at 6:30pm)**

The meeting was called to order at 7:06 P.M. by Chairwoman LoBue who requested that Legislator Wright lead in the Pledge of Allegiance. Upon roll call, Legislators Tartaro, Wright, and Chairwoman LoBue were present.

**Item #3 - Approval of Minutes – August 18, 2014**  
**October 14, 2014 – Budget**

The minutes were approved as submitted.

**Item #4 - Approval/ Appointment/ Ethics Board/ Nancy Dill**

Director of Personnel Paul Eldridge stated Nancy Dill is an individual who is very involved in the community and was delighted to be asked to join the Ethics Board.

Chairwoman LoBue stated the appointment will expire December 31, 2016.

Legislator Wright made a motion to approve the appointment of Nancy Dill to the Ethics Board; Seconded by Legislator Tartaro. All in favor.

**Item #5 - Board of Elections**

**a. Approval/ Appointment/ Election Commissioner/ Democratic Party**

Chairwoman LoBue stated if the Legislature chose not to approve the appointment, the majority of the Democratic Committee would have to bring someone else forward. She stated the Legislature would not have the authority to override the wishes of the Committee.

Commissioner Croft stated as of January 1, 2015 when the Legislature is a one (1) party rule, it is an automatic appointment.

Legislator Wright made a motion to approve the appointment of the Democratic Party Commissioner; Seconded by Legislator Tartaro. All in favor.

**b. Approval/ Appointment/ Election Commissioner/ Republican Party**

Legislator Wright made a motion to approve the appointment of the Democratic Party Commissioner; Seconded by Legislator Tartaro. All in favor.

**c. FYI/ Fund Transfer 14T281/ Board of Elections/ Election Night IT Support – Duly Noted**

**Item #6 - Approval/ Permit Required Confined Spaces Program**

Safety Officer John O'Connor stated OSHA (Occupational Safety and Health Administration) requires the County to have a permit required confined space program to protect employees. He stated a confined space issue can end in tragedy. He stated in keeping with the OSHA regulations the policy was created.

Deputy County Attorney for Risk and Compliance Adrienne Spadacinni stated all confined spaces throughout the County were inventoried and signs were put up.

Chairwoman LoBue questioned who is required to fill out the form.

Safety Officer O'Connor stated when work is conducted, he and Commissioner of Highways & Facilities Fred Pena work together. He stated if work is to be done in a permit required confined space, the work is contracted out. He stated dealing with confined spaces is a high risk, low frequency event for County employees. He stated contracting the work out allows a more experienced worker to perform the task.

Chairwoman LoBue questioned if Safety Officer O'Connor could provide an example.

Safety Officer O'Connor stated in 2010 there was a situation in Tarrytown where two (2) workers lost their lives in a confined space. He stated one (1) worker was in the space and was asphyxiated.

Deputy County Attorney for Risk and Compliance Spadacinni stated another worker went in to try to help his co-worker and became a victim to asphyxiation as well. She stated as a result of that tragedy, regulations have been set. She stated the County has gone to each confined space and put up proper signage and locked them. She stated this policy is to ensure the employees are safe and know what the procedure is if an emergency was to arise.

Chairwoman LoBue questioned if the employees would receive the informational document that is included in the agenda.

Safety Officer O'Connor stated every County employee is required to complete confined spaces training. She stated those employees in Highways & Facilities who may be working in these areas will receive more extensive training.

Legislator Albano stated this program is imperative. He stated the confined spaces can be very dangerous.

Legislator Nacerino stated she is glad this is being put in place.

Legislator Wright questioned if the form would be incorporated into the resolution.

Safety Officer O'Connor stated that is correct.

Legislative Counsel Clem Van Ross suggested "dated 2014" be included in the resolve clause.

Legislator Wright made a motion to approve the permit required confined spaces program; Seconded by Legislator Tartaro. All in favor.

**Item #7 - Approval/ Local Laws**

- a. Approval/ Local Law to Amend the Code of Putnam County/ Chapter 145 "Electricians" Section 145-29 Entitled "Insurance and Bonding"**
- b. Approval/ Local Law to Amend the Code of Putnam County/ Chapter 190 "Plumbing and Mechanical Trades" Section 190-26 Entitled "Insurance"**

Director of Consumer Affairs Jean Noel stated this issue has been a long standing disparity between the trades' licensing requirements. She stated from a consumer point of view, motor vehicle point of view, or insurance point of view it has not demonstrated that it is better that one (1) trade, the Electricians, are mandated as a requirement of their licensure to have a commercial automobile policy. She stated it is not demonstrated that if the consumer calls a plumber or electrician to their house that there is a benefit to one (1) having insurance greater than the other. She stated no car insurance is asked for from electricians or plumbers. She stated Rockland and Westchester County do not require such insurance either. She stated it can cost someone up to 25% more to carry a commercial policy. She stated that cost gets passed onto the consumers and there is no benefit. She stated this change has the full support of the Electrical Board.

Legislator Oliverio questioned where this came from.

Director Noel stated she was unsure where this arose from.

Chairwoman LoBue stated she believed the Risk Manager at that time had required it. She questioned if the County would be subject to any liability by removing it.

Deputy County Attorney for Risk and Compliance Spadacinni stated she had no objection.

Director Noel stated for a liability policy, there is no governance. She stated someone would have to bring a civil suit against the liability insurance.

Legislator Wright made a motion to approve both (a) Local Law to Amend the Code of Putnam County/ Chapter 145 “Electricians” Section 145-29 Entitled “Insurance and Bonding” and (b) Local Law to Amend the Code of Putnam County/ Chapter 190 “Plumbing and Mechanical Trades” Section 190-26 Entitled “Insurance”; Seconded by Legislator Tartaro. All in favor.

Arthur Bolduc, Chairman of the Electrical Board arrived late to the meeting, but wanted to thank the Committee for making the changes.

### **Item #8 - Review of Legislative Manual**

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

Chairwoman LoBue stated the additional material was a more recent copy of the Legislative Manual that included a resolution passed this year regarding the Legislative Prayer. She stated there are also two (2) resolutions approving amendments that were never included in the Manual from 2008 and 2011.

Legislator Albano stated in regards to resolution #393 of 2008, although it was already passed, he does not agree with the rule that any additional material provided to a committee shall be subject to a unanimous vote of the present members. He stated if a time sensitive matter is brought before the Legislature, it is important to give it the attention it needs.

Legislator Wright stated that rule is applied to Committees as well.

### **Item #9 - Discussion/ Enacting a Local Law for Putnam County/ Regulating the Use of Polystyrene Foam Disposable Food Service Ware by Municipalities**

- a. Resolution**
- b. Correspondence/ Bid List Comparison**

Director of Purchasing Alex Mazzotta stated he submitted a price sheet from the Bid List comparing the anticipated cost for environmentally friendly products to the polystyrene foam products that are currently purchased.

Chairwoman LoBue stated according to the prices on the sheet, the cost could increase by 50%.

Director Mazzotta stated he believes those prices are the high end of the spectrum. He stated if this goes through and they had specific products from the departments, they can bid them out and it is his hope that the prices will decrease.

Legislator Wright stated on the high end it is almost double.

Director Mazzotta stated on a percentage basis it seems dramatic; however on a total dollar basis it is not as dramatic.

Legislator Wright stated when this discussion began it was with the anticipation that the businesses in Putnam County would eventually be subject to the ban as well.

Legislator Scuccimarra stated Legislator Wright is correct. She stated the Legislature sent a supporting resolution to the Senate in March. She stated since that time, there have been a number of cities and counties throughout the Country that have supported the same. She stated she believes with more demand for environmentally friendly products, the price will come down.

Director Mazzotta stated he can only speak to the County and what is being purchased in house. He stated he is unaware how the private sector will be affected in terms of prices and they have a different volume than the County. He stated if this becomes the trend, the market will drive prices down. He stated for the immediate prices, it will be an increase. He stated once this is bid out, he expects the prices to go down. He stated he is unable to speak for certain until this is passed.

Legislator Wright stated a market driven change from Styrofoam to paper would drive prices down. However, a mandate creates a situation with no economic incentive.

Legislator Scuccimarra stated the serious health and environmental impacts need to be taken into account. She stated this will be a moot point if it gets passed through the Assembly. She stated she is hoping Putnam County will take the lead and do what is right for the public, even if it costs more money.

Legislator Nacerino stated she agrees with Legislator Scuccimarra. She stated the environmental impact is what is driving this legislation, not the fiscal impact. She stated Putnam County would be leading by example to implement this. She stated there are various schools that have done away with Styrofoam products. She also stated Styrofoam #6 can be recycled and melted down and repurposed.

Legislator Tartaro stated Kent Recycling will not recycle plastic #6. He stated it is the only product that is not recyclable.

Legislator Oliverio stated this is a health issue. He stated Putnam County has always been on the cutting edge, for instance with the smoking regulations. He stated the County has always been there with the health and safety of the residents in mind and he would like that to continue. He stated the next phase is to deal with the plastic bags in stores.

Chairwoman LoBue stated she is interested in the plastic bags as well and has information she would like to discuss under Other Business. She stated she is concerned with the fiscal impact of the alternative products. She stated in reality, an additional \$4,000, if that, it is not a huge impact. She stated the jail has already stopped

using Styrofoam. She stated the Office of Senior Resources is a department that uses a lot of polystyrene foam.

Legislator Scuccimarra stated the Putnam County Golf Course also uses polystyrene foam. She stated she would like to see this go to the Full Legislative Meeting for everyone to vote on.

Legislator Oliverio stated Putnam Valley High School switched from Styrofoam lunch trays to cardboard trays. He stated a group of students in the "Go Green Club" convinced the Board of Education to use the cardboard trays. He stated the cardboard trays cost a little less than a nickel more than the Styrofoam and this was a cost that was absorbed because the students felt strongly about the material. He stated the cardboard has a wax coating on it so the contents do not leak through.

Chairwoman LoBue stated she has had constituents comment that the wax coating is not recyclable.

Legislator Oliverio stated the cardboard used at Putnam Valley High School is sent to a burn plant. He stated burning the cardboard is better than burning plastic.

Legislator Scuccimarra stated this would not be in effect until June 2015.

Director Mazzotta stated the bid expires on March 31, 2015. He stated there is time between the end of March and June 2015 to put this out to bid.

Legislator Albano stated his support for the regulation.

Steve Rosario, Senior Director of the Northeast Council for American Chemistry Council stated there are producers of polystyrene in our area. He stated he has worked with other Counties on the same subject. He requested to attend the next Rules Meeting to give a presentation regarding the common misconceptions of polystyrene foam. He stated the foam is recyclable and he would like to address that during his presentation.

Legislator Tartaro stated the carter that Putnam County deals with will no longer take the material.

Mr. Rosario stated there is also an issue with job loss in regards to the ban of this product. He stated job loss is not only associated with the producers, but the recycling centers as well. He stated polystyrene is melted down and molded into things such as crown molding. He stated he worked with Suffolk County, who pulled their bill upon their interaction with the American Chemistry Council. He stated with the elimination of polystyrene foam for food service ware, a monopoly is created. He stated he would be happy to give any Legislator a tour of the polystyrene production facility in Orange County.

Legislator Wright stated there is no harm in hearing the group's presentation. He stated he is not opposed to the County eliminating the use of polystyrene. He stated the effective date is six (6) months out.

Chairwoman LoBue stated the discussion was to lead by example and ban polystyrene internally. She stated it would then be introduced to the business community if it was successful. She stated she is interested in hearing the information from Mr. Rosario.

Legislator Scuccimarra stated she would like this to be voted on at the December Full Legislative Meeting.

Legislator Wright stated implementing this within the County is the first step. He said the idea was to then implement it into businesses.

Chairwoman LoBue stated she would like to wait another month as there is no time constraint. She questioned if there was a motion to table this item.

Legislator Oliverio stated he would like to have this item voted on at the Full Legislative Meeting. He stated this is a health issue and he has been involved with the Health Committee for 18 years.

Legislator Albano stated the recycling costs of the products are unknown. He stated health wise, this local law makes sense.

Legislator Oliverio stated Mr. Rosario is welcome to come back and present his information. He stated he believes it will be found that banning polystyrene works and the next step will be to introduce the ban to the business community. He stated the resolution can be rescinded as well.

Legislator Wright made a motion to table the item. There was no second.

Legislator Tartaro made a motion to approve a Local Law for Putnam County/Regulating the Use of Polystyrene Foam Disposable Food Service Ware by Municipalities; Seconded by Chairwoman LoBue. One nay: Legislator Wright. Motion carries.

#### **Item #10 - Litigation Report and Litigation Matters**

- a. September 2014**
- b. October 2014**
- c. November 2014**

Chairwoman LoBue stated her question for County Attorney Bumgarner was in light of the recent Deskovic trial, which resulted in a \$10 million judgment, with \$4 million being paid by the taxpayers. She questioned what the consequences are if an Elected Official or Department Head is convicted of public misconduct in their duty. She questioned if they are still entitled to their State pension.

County Attorney Jennifer Bumgarner stated there was new legislation passed at the State level with respect to public pensions. She stated if one is convicted of a crime having to do with their official duties they are not entitled to collect their pension any longer. She stated if a crime is committed that has nothing to do with their official duties, they are still entitled to their pension.

Chairwoman LoBue stated her question is relating to misconduct in one's official capacity. She questioned if one applied for their pension prior to being convicted of the crime if they are still entitled.

Director Eldridge stated it is his belief that it would be stopped at the point of conviction.

County Attorney Bumgarner questioned if Chairwoman LoBue's inquiries are specific to criminal convictions.

Chairwoman LoBue stated that is correct. She stated she is concerned of any Elected Official or Department Head being convicted of public misconduct. She questioned what would happen with their health insurance.

County Attorney Bumgarner stated it depends on their status as an employee. She stated Department Heads would be different than Elected Officials. She stated a situation with an Elected Official would need to be referred to the State and only the Governor can remove an Elected Official. She stated Department Heads are dealt with in terms of the Charter.

Chairwoman LoBue questioned what would happen in terms of the health insurance.

County Attorney Bumgarner stated if the Department Head was removed, that is a termination and they would no longer be entitled to the insurance. She stated an Elected Official would be in office and collect their salary and health insurance until they were removed.

Legislator Nacerino stated if someone is convicted they are neglecting their Oath of Office.

County Attorney Bumgarner stated the Deskovic case was not a criminal case, it was a civil trial.

At 8:00 P.M. Chairwoman LoBue made a motion to go into Executive Session to discuss litigation matters; Seconded by Legislator Tartaro. All in favor.

At 9:22 P.M. Chairwoman LoBue made a motion to come out of Executive Session; Seconded by Legislator Wright. All in favor.

Chairwoman LoBue stated no action was taken.

**Item #11 - Other Business**

**a. FYI/ Rye, NY Plastic Bag Ordinance**

Chairwoman LoBue stated she had information on a plastic bag ordinance passed in Rye, New York that she would like the Legislators to have.

**Item #12 - Adjournment**

There being no further business, at 9:23 P.M., Legislator Tartaro made a motion to adjourn; Seconded by Chairwoman LoBue. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.