

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

**Members: Chairman Othmer, Legislators Albano, & Gross**

**Monday** **September 24, 2012** **6:30 P.M.**

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The meeting was called to order at 6:30 P.M. by Chairman Othmer who requested that Legislator Gross lead the Pledge of Allegiance. Upon roll call, Legislators Albano, Gross, and Chairman Othmer were present.

**3) Approval of Minutes – August 22, 2012**

The minutes were approved as submitted.

**4) Discussion/Law Department Concerns/Mr. Andrew DeStefano**

Chairman Othmer invited Mr. Andrew DeStefano forward to discuss this item.

Mr. Andrew DeStefano, Town of Patterson resident, stated that he has come across some information he would like to present to the Legislature that he feels taxpayers should know as well.

Chairman Othmer stated that as a Committee they will only hear recommendations and suggestions to policy change regarding the Law Department. He further stated that this would not be the venue to relay any specific cases or instances regarding the Law Department and/or personnel.

Mr. DeStefano asked how he would get this information to the members of the Legislature.

Chairman Othmer stated that United States Postal Service mail would be the correct avenue.

Mr. DeStefano asked if the Legislature is the body that spends County funds.

Chairman Othmer stated that it is.

Mr. DeStefano stated that is what this information is regarding.

Chairman Othmer asked if this information is specific to transactions.

Mr. DeStefano stated that it is but he would rather present it as a whole instead of piecemeal. He further stated that he would not remain silent on this issue.

Chairman Othmer stated that every citizen should be heard.

Legislator Birmingham stated all citizens are welcome and encouraged to address the Legislature with their concerns, constructive criticism, and suggestions. He stated he was under the impression that the item tonight was geared towards how the Legislature could “sharpen their pencils” during budget season in respect to the Law Department. He further stated that he agreed with Chairman Othmer that any specific examples, allegations, and/or transactions, in his opinion, should not be addressed in an open Committee meeting. He stated that the Legislature is not the appropriate body to address or investigate matters. The Legislature appropriates money and sets general County policy. When it comes to carrying out specific County policy, that is reserved for specific County offices, whether it is the County Executive, the County Attorney’s Office, the Sheriff’s Department, the Coroner’s Office, the District Attorney’s Office, etc. The Legislature is for broader policy issues. If there are specific issues or allegations that Mr. DeStefano feels needs to be brought up, Legislator Birmingham does not believe this is the correct venue for that. With that said, he does not want to limit any one if they are speaking in a general nature.

Chairman Othmer asked Mr. DeStefano, based on these comments and guidelines, if he feels he can present this information.

Mr. DeStefano stated that he feels it would be better if he presented this information in writing to the Legislature. He further stated that this information was stated in public, open court. He understands this may not be the correct venue for it but stated it is public information. He stated this information has been in the public for almost two and one half years, dating back to when the United States Attorney’s Office served the Law Department with a number of subpoenas.

Chairman Othmer apologized to Mr. DeStefano for having to come out tonight. He further stated that if Mr. DeStefano would kindly send his information in one package to Chairwoman Mary Conklin that it would then be disseminated to the entire Legislature. Then the Legislature can inform the correct department to handle any action to be taken and address the concerns.

Mr. Ed Kowalski, counsel to Mr. DeStefano, came forward to briefly discuss something with Mr. DeStefano.

Mr. DeStefano asked the Committee why Mr. James Randazzo, formerly of Santangelo, Randazzo, Mangone, continues to represent the County in multiple lawsuits. He stated that when he submits his information package that he would like that question answered.

Legislator Birmingham stated that he hopes the Legislature is not leaving Mr. DeStefano frustrated. He further stated that even if Mr. DeStefano asked the Legislature that question that the Legislature, per the County Charter, is not permitted to hire outside counsel. He suggested that if Mr. DeStefano wanted to ask that question that he may need to direct it at another branch of government.

Chairman Othmer stated that he understood Legislator Birmingham's point and that fact is correct. He further stated that Mr. DeStefano felt comfortable bringing this issue to the Legislature and that Mr. DeStefano should be able to address his letter to the Legislature and then we would direct it to the appropriate department.

County Attorney Jennifer Bumgarner stated that there is a very specific answer to that question and she would be happy to answer it right now.

Mr. DeStefano stated that he would rather it be answered after all of the information has been reviewed.

Chairman Othmer thanked Mr. DeStefano for coming and, in agreement with his fellow Committee members, closed the discussion on this item.

There being no further business, at 6:39 P.M., Legislator Albano made a motion to adjourn, seconded by Legislator Gross. All in favor.

Respectfully submitted by Krista M. Butler, Administrative Assistant.