

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

**Members: Chairman Sullivan and Legislators Addonizio & Albano**

**Tuesday March 19, 2019**  
**(Immediately following the Physical Services Mtg. beginning at 6:00pm)**

The meeting was called to order at 6:48pm by Chairman Sullivan who requested that Legislator Addonizio lead in the Pledge of Allegiance. Upon roll call Legislators Addonizio & Albano and Chairman Sullivan were present.

**Item #3 - Approval of Minutes – February 19, 2019**

The minutes were approved as submitted.

**Item #4 - FYI/ Update/ Forms of Payment Accepted by the Health Department/  
Response from Law Department**

Deputy County Attorney Conrad Pasquale stated he was not present at last month's Rules, Enactments, & Intergovernmental Relations Committee Meeting when this topic was discussed, however he did write a memo to Chairman Sullivan containing recommendations relating to this matter. He stated currently the Health Department is only accepting certified checks or money orders as payment and at this point, they are looking to enact a system to accept credit cards. He stated whether the Health Department begins accepting personal checks as a form of payment is up to the Legislature. He stated the County Attorney's position on accepting personal checks is that there is more risk than should be accepted. He stated the concern is in the period of time between when the check is submitted and when it actually clears, which unfortunately is not clearly defined. He stated in this time period, there could be issues with the transfer of funds or accounting errors. He stated in this instance, the County would be left responsible for the following: any non-sufficient fund fees charged by the financial institution, pursuing the unpaid fee from the applicant, and taking additional action to suspend the issued licenses and permits. He stated although this is authorized under County Law, it is a lot of administrative hassle, therefore the Legislature must consider the worthiness of these actions. He stated certified checks and money orders are easily accessible and the Health Department will begin accepting credit cards as well. He stated this seems to be a sufficiently wide array of payment options that would make it not worth taking on the risk of accepting personal checks. He stated this is a recommendation and it is ultimately up to the County how it wants to proceed.

Legislator Albano stated he respects the opinion that has been stated by the Law Department. He stated his goal is to eliminate additional steps that businesspeople

would need to take, such as going to a bank to obtain a certified check or money order. He stated the Putnam County Department of Motor Vehicles (DMV) accepts personal checks, often times in large amounts. He stated those obtaining licenses and permits from the Health Department are professional contractors and he does not understand why the extra step of obtaining certified funds is necessary. He suggested attaching a fee to bounced checks if it becomes an issue. He stated he does not believe accepting personal checks would be a tremendous risk.

Deputy County Attorney Pasquale stated Legislator Albano brings up two (2) valuable points that have yet to be explored, one (1) being uniformity across the County in terms of how payments are accepted. He stated this is something that should be considered by the Legislature and County Executive moving forward. He stated he believes uniformity would prevent issues like this. He stated also, there has been discussion and exploration about accepting online payment. He stated the issue with online payment is receiving the payment and application at the same time. He stated in order to make sure the process works properly; it would have to be a team effort between the individual County Departments and the IT Department to develop an online application process, which would result in both the application and payment being processed in unison. He stated he believes this is the way the County should be leaning as it is the way of the future and many other municipalities are already offering this. He stated his appreciation for Legislator Albano's concerns for the convenience of small business owners to be able to pay with a personal check. He stated in speaking on behalf of the County, there is risk and possible expense associated with the acceptance of personal checks.

Legislator Jonke stated he appreciates Deputy County Attorney Pasquale's statement regarding the risk involved with accepting personal checks. He stated in terms of the day to day operation, he believes accepting personal checks is the first step. He stated if the County is faced with a penalty fee from a bounced check, that fee can be passed along to the individual.

Legislator Albano stated accepting credit cards is a step in the right direction and online payment would be ideal. He stated until these processes are in place, he would like to simplify what we can for business owners in our County. He stated having issues such as a bounced check every now and then is part of doing business.

Deputy County Attorney Pasquale stated to Legislator Albano's point, although issues such as a bounced check may be part of doing business; it is something that can be avoided. He stated for example, a credit card will be declined immediately if there is an issue and the application will not go through because payment was not accepted.

Legislator Albano stated that same issue would apply to other County Departments currently accepting personal checks.

Chairman Sullivan stated personal checks are also accepted for tax payments, which can be substantial amounts.

Legislator Castellano stated at his job, about \$25,000 per day comes in and they regularly deal with bounced checks. He stated it takes a big effort to rectify the issue. He questioned if there is information on who has submitted bounced checks in the past, such as contractors from outside the County.

Deputy County Attorney Pasquale stated he does not have that type of information. He stated assuming the person who wrote the bounced check can be identified, there are many other things to consider such as if the amount of money is worth the effort to track down. He stated for example, if the amount owed is \$75 plus a \$25 bounced check fee it may not be worth having a deputy county attorney spending hours filing appropriate papers to commence a small claims action to collect the amount. He stated the administrative work associated with a bounced check may not really be practical.

Legislator Albano stated in most cases, there is an application submitted and then a finalization of the process. He stated he believes a contractor who bounces a check would be very responsive to rectify it in order to complete the process.

Legislator Castellano stated he agrees with Legislator Albano. He explained a situation that happened in his office today: A person submitted an application that cost \$210 and paid by credit card. The application was approved and then a notification was received from the credit card company that the payment was pulled. He stated these issues arise with all types of payments.

Chairman Sullivan stated he agrees with Legislator Albano as well. He stated he would like to begin a trial period of accepting personal checks as it will make it easier for contractors to do business with Putnam County. He stated if it becomes an issue, it can always be changed. He stated right now, to require only certified checks or money orders is an undue burden. He stated although this is on the agenda for discussion, he would like to move forward accepting personal checks.

Deputy County Attorney Pasquale stated he would forward that along.

Legislator Nacerino stated what was discussed tonight makes sense, however she believes accepting checks is antiquated. She stated checking accounts have debit cards associated with them as well and utilizing cards would make the payment more secure. She stated most individuals no longer carry check books.

Chairman Sullivan stated he would support accepting credit and debit cards as well. He stated the difference in this circumstance may be that the checks are coming from business accounts that may not have debit cards.

Legislator Albano stated if accepting personal checks is not working out, it can be changed. He stated based on the feedback he has received from contractors, obtaining certified funds is one more step, making the process that much more lengthy.

Legislator Montgomery questioned how the County would move forward to make accepted forms of payment universal, as this is something she would like to pursue. She stated it would be great to have an online payment option that would be universal for any County department.

Legislator Nacerino stated at this time the County does not have that ability.

Chairman Sullivan stated Commissioner of Finance William Carlin may be the person to contact to question the forms of payment accepted throughout the County.

Legislator Jonke stated in regards to property tax payments, not many municipalities accept credit cards as forms of payment because of the associated fees, therefore personal checks are often used to pay. He stated accepting personal checks for these applications and permits is worth trying.

**Item #5 - FYI/ Update/ Amendment to Chapter 135 of the Putnam County Code/  
Contractors/ Home Improvement Fees/ Civil Penalties/ Response from  
Law Department**

Deputy County Attorney Pasquale stated the laws for the other two (2) trades that fall under Consumer Affairs, Plumbing & Mechanical Trades and Electrical Examiners, were amended and updated to essentially parallel one another. He stated the Home Improvement law was not changed at that time. He stated about a year ago there was a large effort on the part of the Law Department to redraft the Home Improvement law. He stated at that time, the proposed amendments were brought before this Committee, along with the proposed amendments to the fee and civil penalty schedules. He stated these schedules have not increased in about 19 years; therefore it is appropriate to be raising these fees and penalties. He stated these schedules cannot be changed until the law itself is changed; therefore all three items need to be done at once. He stated there were some issues with the re-draft of the law as it was presented to the Committee last year that are being addressed. He stated this redraft was in limbo for a period of time after a staff change in the Law Department, however they are now moving forward with it. He stated after all the changes are reviewed by the Law Department, the next step is to submit it to the Home Improvement Board to be voted on. He stated assuming they approve it, it will then be submitted to the Legislature for review and approval.

**Item #6 - FYI/ Board of Ethics Annual Report**

Chairman Sullivan stated last year when this was discussed, the Committee agreed that board members who failed to file their financial disclosure statements would not be reappointed to their position.

Legislative Counsel Robert Firriolo stated he believes there was also an effort being taken to revise the financial disclosure forms so that advisory board members were filling a less intrusive form.

Chairman Sullivan stated advisory board members are not held to the same standard as policy board members.

Legislator Albano stated the expiration dates of the policy board members who have failed to file their financial disclosure form should be compiled so the Legislature is aware when their appointment expires.

Legislator Sayegh stated she believes one (1) of the members listed on the list of those who have failed to file has resigned from his position on the board.

Legislator Nacerino stated the issue of individuals failing to file their financial disclosure form is discussed every year, and last year an action was decided upon. She stated she agrees that those on an advisory board should not be held to the same standard as those on a policy board. She stated individuals on policy boards who fail to file should be held accountable.

Legislator Sayegh questioned if the individuals on the list are receiving notification that this form is required. She stated there are multiple individuals on this list from the same board and it is possible that they are unaware of this requirement.

Chairman Sullivan stated Personnel contacts the board members.

Legislator Nacerino stated upon joining a board or employment with the County the person is made aware of this requirement.

Legislator Montgomery stated this notification is also sent to elected officials throughout Putnam County and it usually comes via email with no hard copy sent through the mail.

Legislator Nacerino stated we can double check, but she believes hard copies are sent out.

Legislator Albano suggested sending a letter to the individuals that have not filed their financial disclosure form for multiple years explaining that they will be removed if they fail to file. He stated the Legislature then must take action.

Legislator Nacerino stated one of the individuals on the list who have failed to file for multiple years is an elected official, and therefore the Legislature would be unable to remove them.

Legislative Counsel Firriolo stated that is correct, only the Governor would be able to remove this elected official.

Legislator Montgomery stated as a member of the Traffic Safety Advisory Board, which is an advisory board she never received a hard copy of the letter sent by Personnel. She stated there is another member on this board that has not filed in a few years; however she is aware that this person does not use email. She stated if this individual is not receiving the letter from Personnel, it would not be fair to send a letter stating they will not be reappointed.

Chairman Sullivan stated the Legislature discussed only not reappointing members of policy boards who have failed to file.

Legislator Nacerino stated volunteers are valuable and the Legislature did not want to lose any volunteers over the filing of the financial disclosure form, therefore it was decided that members of advisory boards would not be held to the same standard.

Legislator Montgomery requested confirmation on how the notification is sent out by Personnel.

Chairman Sullivan stated he will inquire as to how notification is sent.

Legislator Sayegh suggested sending a letter to the secretary of each board.

Legislative Clerk Diane Schonfeld stated the Ethics Board does send out a letter that mentions the possibility of removal.

Legislator Albano stated he would like the letter to state that the individual will be removed if they do not comply.

Legislative Counsel Firriolo clarified that although the current discussion is about removal of a board member, while the prior decision was to not reappoint those who have not filed. He questioned if the members would be removed or not reappointed.

Chairman Sullivan and Legislator Albano stated the board member would not be reappointed.

Legislator Castellano agreed and stated most of the boards are three (3) year terms.

Legislator Montgomery questioned if Legislative Clerk Schonfeld clarified that a hard copy of a letter is sent to board members by the Board of Ethics.

Legislative Clerk Schonfeld stated she will clarify that.

Legislator Montgomery suggested sending letters to not only the board members, but the chairman of the respective board as well to be handed out at their board meeting.

Chairman Sullivan stated we will confirm whether a hard copy is sent out and then decide how to move forward.

**Item #7 - FYI/ Litigation Report – Duly Noted**

**Item #8 - Other Business**

**a. Approval/ Proclamation Request/ 20<sup>th</sup> Anniversary of the Child Advocacy Center**

Chairman Sullivan made a motion to waive the rules and accept the other business; Seconded by Legislator Addonizio. All in favor.

Chairman Sullivan made a motion to approve the proclamation request; Seconded by Legislator Addonizio. All in favor.

**b. Discussion – Legislative Meeting Procedures – Legislator Montgomery**

Legislator Montgomery stated in light of the Economic Development & Energy Committee and Health, Social, Educational, & Environmental Committee Meetings that took place last night, March 18, 2019, she wanted to clarify Legislative Meeting procedures. She stated during the Climate Smart presentation at the Economic Development & Energy Committee Meeting the public was not aware that they could comment throughout and there were some attendees who would have liked to participate. She stated she appreciated the back and forth that was had during the discussion of the topic, and suggested adding “comments from the public” onto the agenda. She stated it is important that the public is aware that committee meetings are their opportunity to speak and they will not have an opportunity to speak before a vote at a Full Legislative Meeting. She suggested the Chair of the respective committee ask if there are any other comments from the public before ending the meeting.

Legislative Counsel Firriolo stated as part of the order of business in the Legislative Manual, public comment is taken on an agenda item during said agenda item. He stated because each committee is focused on specific agenda items, there is no call for general comments. He stated Legislator Montgomery’s suggestion of the Chair calling for public comment could be done at the end of each agenda item before moving forward.

Chairman Sullivan stated especially in a meeting that has a large number of attendees, such as the meetings last night, it would be helpful to announce how the process works in the beginning of the meeting. He stated it would also be helpful to have a sign in sheet for those in attendance who would like to speak. He stated this would ensure that everyone wishing to speak has a chance to do so. He stated taking these steps would help to keep structure of the meeting.

Legislator Jonke agreed. He stated it is important to make the process clear, especially when there is a large crowd. He stated he believes anyone wishing to speak should stand at the podium so it is clear to everyone in the room who has the floor.

Chairman Sullivan agreed and stated it is up to the Committee Chair to make sure that process is followed.

Legislator Montgomery agreed that utilizing the podium is a good idea and suggested moving it to a more accessible place in the room when a large crowd is expected. She stated her intention was not to allow public comment on topics not included on the agenda, but to make the public aware of their right to speak about an agenda item during a committee meeting. She stated at the meeting last night, it was not clear that the public comment period was over and it would be beneficial to the process to put an end to each item more clearly.

Chairman Sullivan questioned if a committee meeting has ever been moved to another location due to the amount of people present and he questioned how that is arranged.

Legislative Clerk Schonfeld stated normally, if she is notified before the meeting that a large crowd is anticipated, she will contact the Court Clerk to confirm that the Historic Courthouse is available. She stated in the case of a last minute necessity, the guard in the County Office Building could open the Historic Courthouse to allow access, as long as the courtroom is not being utilized. She stated in this instance, she would follow up with the Court Clerk to notify them that the courtroom was used.

Chairman Sullivan stated in the future, if any Legislator anticipates a large crowd to contact the Legislative Office so the Historic Courthouse can be reserved. He stated this would allow the meeting to take place in a larger area.

Legislator Montgomery stated having many people in such a small space can be dangerous, especially during a heated discussion or debate.

Legislator Jonke stated the discussion becomes more heated when there is a lack of order. He stated if everyone knows they will have a chance to speak, the meeting would be smoother.

Legislator Montgomery stated it is also important that whoever is speaking is addressing the Committee Chair and the Legislators present.

Legislator Nacerino stated it is important to maintain decorum in a meeting and utilizing the podium would help to do that. She stated having people who wish to speak come to the podium, clearly state their name, and then make their comments keeps order in the meeting and allows the Legislative staff member to accurately record their name, while allowing the Chair of the Committee to focus solely on the comments being made. She stated there were a few hot-topic items on the agendas last night and it should have been anticipated that a large crowd would be present. She stated however, there was a

PowerPoint presentation given which could not have been accommodated in the Historic Courthouse. She stated as Chair of a Committee she has always ended the discussion of each item by asking if there are any further questions or concerns before moving on.

Legislator Montgomery stated there are other County facilities that could accommodate a large crowd and allow for a presentation, such as the TOPS Building.

Legislative Counsel Firriolo spoke to the multiple benefits of having a sign in sheet when there is a large crowd at a meeting. He stated there would be a problem with moving a meeting to the TOPS Building because this is the County Seat and all our records are here. He stated if the Clerk needs to access records, as she did tonight, it would not be feasible to hold a meeting away from this campus.

Legislator Addonizio agreed with having a sign in sheet.

Legislator Nacerino stated the sign in sheet would also conform with Robert's Rules of Order because it would allow everyone the opportunity to speak before going around again.

Legislative Clerk Schonfeld stated to elaborate on Legislator Nacerino's comment, if there is no sign in sheet for a meeting, it would be helpful to have the speaker spell their name to avoid insulting anyone. She stated also, if a meeting is going to be moved to the Historic Courthouse, it would be helpful to know ahead of time to reserve the room and make sure a guard is present.

Legislator Castellano stated in hindsight, he would have liked to move last night's meeting to the Historic Courthouse. He stated since there was more than one hot topic on the agenda, he expected some attendees to leave once one topic ended, but most stayed for the entire agenda. He stated when he is the Chair of a meeting he always makes sure to ask if there are any other questions or comments before moving forward.

Legislator Montgomery stated in regard to the resolution on last night's agenda, she was aware that Legislator Nacerino brought it forward but she was unaware who wrote it. She questioned if any Legislator can request a resolution from Legislative Counsel to bring forward to a committee.

Legislative Counsel Firriolo stated resolutions come from several sources. He stated if a resolution is sent to the Legislature by the Administration or a County Department, it is likely drafted by the Law Department. He stated there are also resolutions that come to the Legislature from outside agencies and advocacy groups, such as NYSAC. He stated also, any Legislator can request that he draft a resolution.

Legislator Montgomery clarified that in order for a Legislator to request a resolution from Legislative Counsel, they do not need the approval of the rest of the Legislature.

Legislative Counsel Firriolo stated no, any Legislator can request that he draft a resolution.

Legislator Montgomery questioned if a draft resolution would need to go through the Law Department before going on an agenda.

Legislative Counsel Firriolo stated no, the Legislative Manual says resolutions are supposed to come through the Law Department or Legislative Counsel.

Legislator Montgomery questioned if she would need approval from the Chairman of the Legislature to forward the resolution along.

Legislative Counsel Firriolo stated after the resolution has been prepared, a request would need to be made to the Committee Chair to place it on the agenda.

Chairman Sullivan stated the Committee Chair dictates what goes on each agenda.

Legislator Montgomery questioned what would happen if it was not accepted onto an agenda.

Legislative Counsel Firriolo stated it could be brought to the Full Legislative Meeting under Other Business, but it would need to be accepted by the Committee as Other Business.

Legislator Castellano stated at a Full Legislative Meeting, to bring an item forward under Other Business, a motion would be made and a second would be needed.

Legislative Clerk Schonfeld stated in order to accept Other Business at a Full Legislative Meeting, a super majority vote is required.

Legislator Nacerino stated bringing an item forward at a Full Legislative Meeting does not allow for proper discussion as if it went through Committee.

Legislator Montgomery stated her question is in reference to an item that was not placed on Committee.

Chairman Sullivan requested clarification on how to bring an item right to a Full Legislative Meeting.

Legislative Counsel Firriolo stated a pre-filed resolution that comes out of committee does not need a second; any other resolution would need a second before it could be considered or debated.

Legislator Castellano questioned for clarification, if an item is brought forward under Other Business and gets a second, is a roll call vote taken to see if the item is accepted onto the agenda by super majority approval.

Legislative Counsel Firriolo stated that is correct. He stated once it is accepted on the agenda, it can be discussed. He stated a motion, a second, and a vote on the substance would be required to move it. He stated there are essentially two (2) rounds of votes, one to get it on the agenda and another to move it forward.

Legislator Nacerino stated if an item dies in Committee, a Legislator can bring the item to a Full Legislative Meeting.

Legislative Clerk Schonfeld stated after an item dies in Committee, there is a 30 day waiting period before it can be brought to the Full Legislative Meeting by an individual Legislator under Other Business.

Legislator Castellano stated in that instance, the same procedure as just described would apply.

### **Item #9 - Adjournment**

There being no further business at 7:49pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Addonizio. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.