

**REGULAR MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
HELD IN THE
HISTORIC COURTHOUSE
CARMEL, NEW YORK 10512**

Tuesday

August 6, 2019

7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairman Castellano who requested that Legislator Jonke lead in the Pledge of Allegiance and Legislator Albano in the Legislative Prayer. Upon roll call, Legislators Montgomery, Addonizio, Albano, Jonke, Sullivan and Chairman Castellano were present. Legislators Nacerino and Sayegh were absent. Legislator Gouldman arrived at 7:18 P.M. Also present was Legislative Counsel Firriolo.

Item #4 – Correspondence
a) County Auditor

There was no activity during this reporting period.

Item #5 – Pre-filed resolutions:

**PERSONNEL COMMITTEE
(Chairwoman Nacerino, Legislators Jonke & Montgomery)**

Item #5a – Approval/ Fund Transfer (19T156) / Sheriff/ Southeast Fireworks Overtime was next. Chairman Castellano recognized Legislator Jonke, member of the Personnel Committee. On behalf of the members of the Committee, Legislators Nacerino and Montgomery, Legislator Jonke moved the following:

RESOLUTION #161

APPROVAL/ FUND TRANSFER/ SHERIFF/ SOUTHEAST FIREWORKS OVERTIME

WHEREAS, the Putnam County Sheriff has requested a fund transfer (19T156) to cover Overtime expenses incurred for security at the Town of Southeast Fireworks show held on June 30, 2019; and

WHEREAS, the Personnel Committee, the Protective Services Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

| | | |
|------------------|-----------------|------------------|
| Increase: | | |
| 17311000 51093 | Patrol Overtime | 9,983.38 |
| 17311000 58002 | FICA | <u>826.99</u> |
| | | 10,810.37 |

| | | |
|------------------|-------------|-----------|
| Decrease: | | |
| 10199000 54980 | Contingency | 10,810.37 |

2019 Fiscal Impact \$10,810.37

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5b – Approval/ Confirmation /Appointment/ Director of Real Property Tax Services/ Lisa Johnson was next. On behalf of the members of the Personnel Committee, Legislators Nacerino and Montgomery, Legislator Jonke moved the following:

Legislator Jonke explained that, having been an assessor for many years in the area, he has worked with Ms. Johnson over the years. He stated that she certainly has the qualifications and knowledge for this position and he was happy to move it forward.

RESOLUTION #162

APPROVAL/CONFIRMATION/APPOINTMENT OF DIRECTOR OF REAL PROPERTY TAX SERVICES

WHEREAS, pursuant to the New York State Real Property Tax Law, Section 1530 and the Putnam County Charter, Section 4.03, there shall be a Director of Real Property Tax Services that shall be appointed by the County Executive subject to the confirmation by the County Legislature; and

WHEREAS, County Executive MaryEllen Odell has re-appointed Lisa Johnson to fill the position of Director of Real Property Tax Services for the County of Putnam pursuant to Sections 3.03 and 4.03 of the Putnam County Charter; and

WHEREAS, Lisa Johnson possesses the requisite knowledge, experience and qualifications to serve as Director of Real Property Tax Services for the County of Putnam; and

WHEREAS, the Personnel Committee of the Putnam County Legislature considered and approved this appointment; now therefore be it

RESOLVED, that the Legislature hereby confirms the re-appointment of Lisa Johnson as the Director of Real Property Tax Services for the County of Putnam, pursuant to Section 4.03 of the Putnam County Charter for a six (6) year term as provided by Section 1530 of the New York State real Property Tax Law commencing October 1, 2019 and continuing through September 30, 2025; and be it further

RESOLVED, that this appointment comply with the requirements to file an Oath of Office pursuant to the New York State Public Officers Law.

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5c – Approval/ Confirmation/ Appointment / Director of Consumer Affairs/Weights & Measures/ Trades Licensing and Registration/ Michael Budzinski was next. On behalf of the members of the Personnel Committee, Legislators Nacerino and Montgomery, Legislator Jonke moved the following:

Legislator Albano stated that Mr. Budzinski is doing a great job in the Consumer Affairs Department and the Health Department.

Legislator Sullivan concurred.

Chairman Castellano stated that there is also a cost savings to the taxpayers as well. He stated that Mr. Budzinski brings a wealth of knowledge to the Department.

RESOLUTION #163

**APPROVAL/ CONFIRMATION/ APPOINTMENT / DIRECTOR OF CONSUMER AFFAIRS/
WEIGHTS & MEASURES/ TRADES LICENSING AND REGISTRATION**

WHEREAS, pursuant to the New York State Agriculture and Markets Law, Article 18, Section 180 and the Putnam County Charter, Article 12, Section 12.05, there shall be a Director of Consumer Affairs/Weights and Measures/Trades Licensing and Registration that shall be appointed by the County Executive subject to the confirmation by the County Legislature; and

WHEREAS, the Administration previously revised the position to be a part-time position; and

WHEREAS, the Legislature previously approved the revision of this position to part-time via Resolution #149 of 2016; and

WHEREAS, the Administration desires to continue this position on a part-time basis; and

WHEREAS, County Executive MaryEllen Odell has re-appointed Michael Budzinski to fill the part-time position of Director of Consumer Affairs/Weights and Measures/Trades Licensing and Registration for the County of Putnam pursuant to Section 12.05 of the Putnam County Charter; and

WHEREAS, Michael Budzinski possesses the requisite knowledge, experience and qualifications to serve as Director of Consumer Affairs/Weights and Measures/Trades Licensing and Registration for the County of Putnam; and

WHEREAS, the Personnel Committee of the Putnam County Legislature considered and approved this appointment; now therefore be it

RESOLVED, that the Legislature hereby confirms the re-appointment of Michael Budzinski as the Director of Consumer Affairs/Weights and Measures/Trades Licensing and Registration for the County of Putnam, pursuant to Article 12, Title II, Section 12.05 of the Putnam County Charter; and be it further

RESOLVED, that this appointment comply with the requirements to file an Oath of Office pursuant to the New York State Public Officers Law.

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

**PROTECTIVE SERVICES COMMITTEE
(Chairman Jonke, Legislators Nacerino & Sullivan)**

Item #5d – Approval/ Budgetary Amendment (19A037)/ Sheriff’s Department/ School Resource Officer (SRO) was next. Chairman Castellano recognized Legislator Jonke, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators Nacerino and Sullivan, Legislator Jonke moved the following:

Legislator Sullivan stated that the SROs provide an invaluable resource for the schools and protection for the children.

Chairman Castellano stated that this was a request by the Brewster Central School District and they will be providing 100% of the cost of the SRO. He stated that the SROs and SPOs do a wonderful job.

RESOLUTION #164

APPROVAL/ BUDGETARY AMENDMENT / SHERIFF'S DEPARTMENT/ SCHOOL RESOURCE OFFICER (SRO)

WHEREAS, the Putnam County Sheriff has requested a budgetary amendment (19A037) to provide funding for a new School Resource Officer (SRO) to be stationed at the CV Starr Elementary School; and

WHEREAS, salary and fringe benefit costs will be reimbursed 100% by the Brewster Central School District; and

WHEREAS, the Protective Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

| | | |
|----------------------|---------------------------------|---------------|
| 16311000 51000 (117) | Personnel Svcs – SRO – CV Starr | 27,922 |
| 16311000 58001 | Retirement | 5,220 |
| 16311000 58002 | FICA | 2,136 |
| 16311000 58004 | Workers Compensation | 568 |
| 16311000 58006 | Dental | 841 |
| 16311000 58008 | Health | 1,251 |
| 17311000 58008 | Health | <u>11,004</u> |
| | | 48,942 |

Increase Estimated Revenues:

| | | |
|-----------------|---------------------------------|--------|
| 16311000 422609 | SRO – Contribution from Schools | 48,942 |
|-----------------|---------------------------------|--------|

2019 Fiscal Impact – 0 –

2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5e – Approval/ Budgetary Amendment (19A039)/ Sheriff's Department/ SCAAP Grant Funding was next. On behalf of the Protective Services Committee, Legislators Nacerino and Sullivan, Legislator Jonke moved the following:

RESOLUTION #165

APPROVAL/ BUDGETARY AMENDMENT/ SHERIFF'S DEPARTMENT/ SCAAP GRANT FUNDING

WHEREAS, an award of \$55,614 was received in January 2019 from SCAAP Grant funding; and

WHEREAS, the Putnam County Sheriff has requested a budgetary amendment (19A039) to purchase a new Chevy Pioneer Van, Computer Equipment, Other Equipment and Uniforms; and

WHEREAS, the balance of funding will come from unspent funds from previous SCAAP Grant awards; and

WHEREAS, the Protective Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Revenues:

| | | |
|-----------------------|---|---------|
| 10315001 44389F 10032 | Jail Fed/SCAAP – Crim Alien – SCAAP Grant | 130,493 |
|-----------------------|---|---------|

Increase Expenses:

| | | |
|----------------------|------------------------------------|--------|
| 10315001 52650 10032 | Jail Fed/SCAAP Gr – Motor Vehicles | 61,280 |
|----------------------|------------------------------------|--------|

| | | |
|----------------------|--|--------|
| 10315001 52130 10032 | Jail Fed SCAAP Gr – Computer Equipment | 28,948 |
|----------------------|--|--------|

| | | |
|----------------------|-------------------------------------|--------|
| 10315001 52180 10032 | Jail Fed SCAAP Gr – Other Equipment | 23,099 |
|----------------------|-------------------------------------|--------|

| | | |
|----------------------|------------------------------|---------------|
| 10315001 54385 10032 | Jail Fed SCAAP Gr – Uniforms | <u>17,166</u> |
|----------------------|------------------------------|---------------|

130,493

2019 Fiscal Impact – 0 –

2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5f – Approval/Budgetary Transfer (19T139)/ Bureau of Emergency Services/ 2018 PSAP Grant / Purchase 3 Consoles was next. On behalf of the Protective Services Committee, Legislators Nacerino and Sullivan, Legislator Jonke moved the following:

RESOLUTION #166

APPROVAL/BUDGETARY TRANSFER / BUREAU OF EMERGENCY SERVICES/ 2018 PSAP GRANT / PURCHASE 3 CONSOLES

WHEREAS, at the June 21, 2018 Protective Services Committee meeting, the 2018-19 Public Safety Answering Point (PSAP) Operations Grant application was discussed; and

WHEREAS, this grant required no matching funds on the part of the County; and

WHEREAS, the Commissioner of the Bureau of Emergency Services has requested a budgetary transfer (19T139) to purchase three (3) Consoles for the 911 Dispatch Center utilizing the 2018-19 PSAP funding; and

WHEREAS, the Protective Services Committee has reviewed and approves said budgetary transfer; now therefore be it

RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

| | | |
|----------------|-----------|--------|
| 13398900 52610 | Equipment | 86,838 |
|----------------|-----------|--------|

Decrease Estimated Appropriations:

| | | |
|----------------|-------------|--------|
| 10199000 54980 | Contingency | 86,838 |
|----------------|-------------|--------|

2019 Fiscal Impact \$86,838
2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE
(Chairwoman Addonizio, Legislators Gouldman & Sayegh)

Item #5g – Approval/Budgetary Amendment (19A048)/ Office for Senior Resources/ NYS Office for Aging Allocation / Unmet Needs Program / Caseworker & CDL Driver Positions was next. Chairman Castellano recognized Legislator Addonizio, Chairwoman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators Gouldman and Sayegh, Legislator Addonizio moved the following:

RESOLUTION #167

APPROVAL/BUDGETARY AMENDMENT / OFFICE FOR SENIOR RESOURCES/ NYS OFFICE FOR AGING ALLOCATION / UNMET NEEDS PROGRAM / CASEWORKER & CDL DRIVER POSITIONS

WHEREAS, the NYS Budget fiscal year 2019/2020 included an allocation of \$15 million additional funds for Unmet Needs for the New York State of the Office for Aging (NYSOFA) in the 2019-20 aid to localities; and

WHEREAS, Putnam County reported to the State of our waiting list of 30 individuals for the Enhanced in-home Services for the Elderly Program (EISEP), due primarily to not having enough aides; and

WHEREAS, the Putnam County Office for Senior Resources was allocated \$648,480 in funding for the Unmet Needs Program; and

WHEREAS, there is no County match required; and

WHEREAS, the Director of the Office for Senior Resources has requested a budgetary amendment (19A048) to fund New Positions in 2019 for NYSOFA's allocation of \$648,480 to Putnam County for Unmet Needs; and

WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Revenues:

| | | |
|-----------------|-------------------------|---------|
| 10677500 437751 | State Aid – Unmet Needs | 290,299 |
|-----------------|-------------------------|---------|

Increase Appropriations:

| | | |
|---------------|------------------------|---------|
| 10677500 | OSR – Unmet Needs | |
| 51000 (10101) | Case worker | 27,000 |
| 51000 (10102) | CDL Driver | 13,000 |
| 52130 | Computer Equipment | 1,500 |
| 52650 | Motor Vehicles | 55,000 |
| 54646 | Contracts | 155,199 |
| 55370 | Chargebacks Automotive | 200 |

| | | |
|-------|----------------------|------------|
| 55371 | Chargebacks Gasoline | 2,000 |
| 58001 | Retirement | 13,000 |
| 58002 | FICA | 9,000 |
| 58004 | Workers Comp | 2,000 |
| 58006 | Dental | 1,200 |
| 58008 | Health Plans | 11,000 |
| 58009 | Vision | <u>200</u> |
| | | 290,299 |

2019 Fiscal Impact – 0 –
2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairman Sullivan, Legislators Addonizio & Albano)**

Item #5h – Approval/Budgetary Amendment (19A041)/ Board of Elections/ ePollbook Contract was next. Chairman Castellano recognized Legislator Sullivan, Chairman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

RESOLUTION #168

APPROVAL/BUDGETARY AMENDMENT (19A041)/ BOARD OF ELECTIONS/ EPOLLBOOK CONTRACT

WHEREAS, the Commissioners of the Board of Elections have requested a budgetary amendment (19A041) to purchase an ePollbook system to create operational efficiencies and comply with early voting requirements, largely utilizing NYS Grant funds; and

WHEREAS, the Rules, Enactments & Intergovernmental Relations Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

| | | |
|----------------|-----------|---------|
| 10145000 52130 | Equipment | 120,700 |
|----------------|-----------|---------|

Decrease Estimated Appropriations:

| | | |
|----------------|-----------|-------|
| 10145000 51094 | Temporary | 2,995 |
|----------------|-----------|-------|

Increase Estimated Revenues:

| | | |
|-----------------|---|--------|
| 10145000 43089K | State Aid – Localities Grant Program | 48,317 |
| 10145000 430972 | State Aid – Capital Projects Grant Prgm | 69,388 |

2019 Fiscal Impact – 0 –
2020 Fiscal Impact \$12,500

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5i – Approval/ Confirmation/ Re-Appointment/ Putnam County Board of Ethics was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

Legislator Sullivan stated that Paul Eldridge has done a terrific job on the Board of Ethics. He stated that he is very knowledgeable with all the personnel issues that come up.

Legislator Albano concurred. He stated that he couldn't think of a more perfect fit.

Chairman Castellano thanked Paul Eldridge for his many years of service to Putnam County.

RESOLUTION #169

APPROVAL/ CONFIRMATION/ RE-APPOINTMENT/ PUTNAM COUNTY BOARD OF ETHICS

RESOLVED, that upon the recommendation of the County Executive, the Putnam County Legislature confirms the following re-appointment to the Putnam County Board of Ethics:

Paul Eldridge, for a three (3) year term, said term to expire December 31, 2021.

And be it further

RESOLVED, that this appointee comply with any requirements to file an Oath of Office pursuant to the New York State Public Officers Law.

BY POLL VOTE: ALL AYES. LEGISLATORS GOULDMAN, NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5j – Approval/ Opposing and Calling for Repeal of the New York State “Driver’s License Access and Privacy Act” Amending the Vehicle and Traffic Law to Allow Issuance of Drivers’ Licenses to Illegal Aliens was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

Legislator Sullivan read the resolution.

Chairman Castellano stated that Legislator Gouldman has arrived to the meeting.

Legislator Albano stated that he is in favor of non-citizens obtaining a driver’s license if it is done correctly. He believed it should be documented and we should know where you live and have some indication of their background. He stated that in other States there are certain criteria that must be met; such as in Illinois they check for fraud. He believed that the way the law is proposed right now there will be a lot of issues.

Legislator Montgomery questioned if we opt out and forward this resolution to the State would we not have to issue licenses to undocumented citizens.

Chairman Castellano did not believe that was the case.

Legislator Montgomery stated that this was good and she thanked our State Legislators for enacting the “Driver’s License Access and Privacy Act.”

Legislator Jonke stated that he was concerned about voter fraud. He stated that New York State, unlike 25 other States, does not have a Voter ID Law. These licenses can be obtained using foreign documents. The licenses issued are just like every other license in New York State; there is no unique tag that flags the license. He stated that the State of Oregon passed similar legislation in 2013 and the law was disliked by so many that it was overturned by referendum the following year 67% to 33%. He stated that was the reason why he was in favor of repealing New York State’s Law.

Legislator Addonizio believed that we needed more information. She stated that she doesn’t oppose the principle, but believed that this was pushed through. She stated that Niagara County is voting this evening on a resolution to sue New York State. She stated that Erie and Rensselaer counties have also filed lawsuits.

Legislator Jonke stated that it seems that this was pushed through with very little thought, much like the legislation that comes out of Albany; lets pass a law first and figure it out later.

Legislator Sullivan stated that he spoke with Assemblyman Byrne who also opposed this legislation in Albany. He considered it dangerous legislation to reward people with a license who are here illegally.

Legislator Addonizio stated that polling has shown that most New York State residents oppose this law.

Legislator Albano explained that it was mentioned about needing transportation to and from work. He suggested that one (1) of the criteria could be that they provide a tax ID number. He stated that if you want to be in the system, you have to participate in the system that is acceptable to everyone.

Chairman Castellano stated that he too had mixed emotions about this. He believed, most importantly he wanted to protect our employees, because the pressure will be on them to verify documents that could come from all over the world. He believed that more could be done to fix this. He believed that the State of Illinois shows a good example of what this could look like and be a better form of what New York State has already passed. He stated that we are just asking New York State to reconsider this and make some changes. He stated that he is not 100% against issuing the licenses as long as proper procedure is followed similar to the State of Illinois.

Chairman Castellano called for a Roll Call Vote.

RESOLUTION #170

**APPROVAL / OPPOSING AND CALLING FOR REPEAL OF THE NEW YORK STATE
“DRIVER’S LICENSE ACCESS AND PRIVACY ACT” AMENDING THE VEHICLE AND
TRAFFIC LAW TO ALLOW ISSUANCE OF DRIVERS’ LICENSES TO ILLEGAL ALIENS**

WHEREAS, New York State Assembly Bill A.03675B and Senate Bill A.01747B, enacting the “Driver’s License Access and Privacy Act,” permits undocumented persons who are present in the United States illegally under federal law to obtain a New York State driver’s license; and

WHEREAS, the Driver’s License Access and Privacy Act was passed by the New York State Legislature and signed into law by Governor Andrew Cuomo on June 17, 2019, and becomes effective 180 days thereafter; and

WHEREAS, the Driver’s License Access and Privacy Act creates unacceptable security risks, including those set forth below herein; and

WHEREAS, the Driver’s License Access and Privacy Act secures driving privileges for undocumented immigrants and protects the data of those applying for such privileges from access by any third party, including any law enforcement agency; and

WHEREAS, the Driver’s License Access and Privacy Act prevents the Department of Motor Vehicles from disclosing information about persons known to be present in the United States illegally under federal law to federal immigration officials unless pursuant to a federal court order or judicial warrant, and in such event requires the DMV to notify the subject within three days of such request for information and the identity of the agency that made the request; and

WHEREAS, the justification for the legislation is to address “the long-held need by undocumented immigrants and workers to secure driving privileges not only to get back and forth to work but to conduct the task of their personal lives like going to doctor visits and taking their children to school”; and

WHEREAS, the federally enacted REAL ID Act of 2005 established minimum security standards for state-issued driver’s licenses and prohibits federal agencies from accepting non-compliant driver’s licenses for official purposes; said standards require proof of United States citizenship, lawful permanent residency, or temporary lawful status in the United States; and

WHEREAS, the Driver’s License Access and Privacy Act distinguishes between New York standard and REAL ID federal-purpose drivers’ licenses, and allows individuals who are otherwise ineligible for a federal-purpose driver’s license due to their citizenship or immigration status to qualify for a standard driver’s license in the State of New York; and

WHEREAS, while the Driver’s License Access and Privacy Act requires that standard drivers’ licenses may state “Not for Federal Purposes” somewhere on the card,” such marking is not mandatory, and even if so marked, such insignificant demarcation is likely to cause confusion in identifying whether an individual holds a standard license or a REAL ID compliant federal-purpose driver’s license; and

WHEREAS, the inability to readily identify whether an individual holds a REAL ID federally compliant driver’s license may hinder other states and jurisdictions from effectively enforcing their laws and interfere with the ability to uphold matters of interstate public safety; and

WHEREAS, as drivers’ licenses are a common source of official identification used for obtaining other legal documents, the inability to readily identify whether an individual holds a REAL ID federally compliant driver’s license could, at worst, be used to falsely obtain other official documents and, at best, diminish the value of a New York

State driver's license as a proof of identity to federal and interstate government agencies; and

WHEREAS, the Driver's License Access and Privacy Act will also require local Department of Motor Vehicle offices, for the sole purposes of determining eligibility for a standard driver's license, to accept a passport, consular identification document, or driver's license in by a foreign government as a form of proof of identity; and

WHEREAS, employees in local Department of Motor Vehicle offices lack the training and tools common to immigration agents that allow for the verification of foreign passports and foreign government identification are authentic documents; and

WHEREAS, the inability to accurately authenticate such documents may further frustrate both the stated justification of the legislation as well as the overriding public safety concerns inherent in issuing drivers' licenses; and

WHEREAS, while New York State presently suspends or revokes drivers' licenses for a variety of acts illegal in this State, the Driver's License Access and Privacy Act allows issuance of drivers' licenses to individuals whose presence is illegal under federal law due to their lack of United States citizenship, lawful permanent residency, or temporary lawful status in the United States; and

WHEREAS, holding a driver's license in New York State is a privilege, not a personal right; and

WHEREAS, issuing drivers' licenses to undocumented immigrants and workers so that they may enjoy the privilege of driving themselves to work, or doctor visits, or chauffeuring their children to school, do not outweigh the underlying and overwhelming purpose of the vehicle and traffic law to promote public safety; and

WHEREAS, there is no evidence or argument that the Driver's License Access and Privacy Act will make the intrastate or interstate roads any safer; now, therefore, be it

RESOLVED, that the County of Putnam hereby expresses its strong opposition to the enactment of the Driver's License Access and Privacy Act because of security risks, the unfair burden it will place upon local DMV offices and employees, and because driving is a privilege, not a right; and be it further

RESOLVED, that the County of Putnam calls upon New York State's lawmakers to repeal the Driver's License Access and Privacy Act before the effective date of such act; and be it further

RESOLVED, that the Clerk of the Putnam County Legislature shall forward a copy of this Resolution to the Governor of the State of New York, the Speaker of the New York State Assembly, the Majority Leader of the New York State Senate, and each member of Putnam County's state legislative delegation.

**BY ROLL CALL VOTE: SIX AYES. ONE NAY – LEGISLATOR MONTGOMERY.
LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.**

Item #5k – Approval/ Local Law to Amend the Code of the county of Putnam Chapter 135, Entitled “Contractors” (*version approved out of Rules Committee*) was next.

Legislator Sullivan stated that he would not be moving Items #5k and #5L. He stated that Items #5m and #5n were the revised versions based on comments made by the Rules Committee. This item was removed from the agenda.

**A LOCAL LAW TO AMEND THE CODE OF THE COUNTY OF PUTNAM CHAPTER 135,
ENTITLED “CONTRACTORS”**

Be it enacted by the Legislature of the County of Putnam as follows:

Section I.

Chapter 135 of the Code of the County of Putnam is hereby REPEALED and replaced as provided hereinafter:

CHAPTER 135

CONTRACTORS LAW

- § 135-1 Title.
- § 135-2 Legislative intent.
- § 135-3 Applicability.
- § 135-4 Definitions.
- § 135-5 Powers and duties of Director.
- § 135-6 Board of Home Improvement.
- § 135-7 Powers and duties of Board.
- § 135-8 Registration required.
- § 135-9 Application procedure and educational requirements
- § 135-10 Registration.
- § 135-10-a Hiring and duties.
- § 135-10-b Denial of registration or renewal.
- § 135-11 Prohibited acts.
- § 135-12 Home improvement contract standards.
- § 135-13 Fees and civil penalties.
- § 135-14 Reserved.
- § 135-15 Transferability.
- § 135-16 Construal; other licenses.
- § 135-17 Reserved.
- § 135-18 Display and Advertising.
- § 135-19 Complaints.
- § 135-20 Regulation of business.
- § 135-21 Compliance Enforcement Officer.
- § 135-22 Enforcement.
- § 135-23 Criminal penalties.
- § 135-24 Immunity.
- § 135-25 Insurance and bonding.
- § 135-26 Provisions not subject to waiver.
- § 135-27 Severability.
- § 135-28 Repealer.

§ 135-1 Title.

This chapter of the Code of Putnam County shall be entitled and known as the “Putnam County Home Improvement Contractor Registration Law.”

§ 135-2 Legislative intent.

It is the purpose of the Legislature of Putnam County in enacting this chapter to safeguard and protect the homeowner against abuses on the part of home improvement contractors by regulating the home improvement, remodeling, and repair businesses and by requiring the registration of persons engaged in such business. Such registration will protect and promote the health, safety, and welfare of the residents of the County of Putnam, pursuant to § 10, Subdivision (12), of the Municipal Home Rule Law.

§ 135-3 Applicability.

- A. Nothing set forth in this chapter shall subject the County of Putnam or its officials, agents, or employees to liability for damages or otherwise arising out of or related to the conduct of any home improvement business by a registrant.**
- B. The Director is empowered to establish administrative procedures to carry out the provisions of this chapter in conformity with the provisions thereof.**
- C. The provisions of this chapter shall not apply to persons engaged in the following types of activities:**
 - (1) The sale or construction of a new home as defined by section 777(5) of the General Business Law, other than a custom home as defined in § 135-4.**
 - (2) The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation or application of the goods or materials.**
 - (3) Work performed upon a residence by the owner, or upon a building owned by or controlled by any federal, state, or local government, including school districts.**
 - (4) The sale or installation of appliances, such as stoves, refrigerators, freezers, room air conditioners, dishwashers, clothes washers or dryers, which are designed to be removable from the premises without material alteration thereof.**
 - (5) The sale or installation of decorative goods or services, such as bound carpets or area rugs.**
 - (6) The performance of repairs, replacements, or other services pursuant to an express or implied warranty, or a maintenance agreement as defined in § 395-a of the New York State General Business Law.**
 - (7) The provisions of this chapter shall not apply to any home improvement to be performed under a home improvement contract entered into prior to the effective date of this chapter.**
 - (8) Plumbing, as defined in Chapter 190, Plumbers.**
 - (9) Electrical, as defined in Chapter 145, Electricians**
 - (10) Work or services performed by a person within the scope of an occupation, craft, or profession in which such person has met the standards of competency**

or experience established by state law as a condition to engaging in such occupation, craft, or profession.

§ 135-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD

The Board of Home Improvement Contractors of Putnam County, as provided by this chapter.

CUSTOM HOME

A new single family residence to be constructed on premises owned of record by the purchaser at the time of contract, provided that such residence is intended for residential occupancy by such purchaser and the contract of sale is entered into on or after the first day of March, nineteen hundred ninety.

DIRECTOR

The Director of the Putnam County Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

FIXED MEMBERSHIP

A specific number of memberships established in the rules governing an organization. Specifically, the fixed membership of the Board of Home Improvement Contractors is nine (9), including filled and unfilled positions.

HOME IMPROVEMENT

- A. The repair, replacement, remodeling, refinishing, installation, construction, alteration, conversion, modernization, beautification, maintenance, improvement, or addition to a parcel of land designated by a tax map number or a building or that portion thereof which is used or designed to be used as a private residence apartment or dwelling place, including, but not limited to:
- (1) Asphalt or blacktop or driveway sealing.
 - (2) Landscaping and gardening.
 - (3) Arboriculture.
 - (4) Lawn mowing/ground maintenance/leaf blowing. (Note: shall not apply to full-time students under the age of 22 engaged in seasonal or part-time employment and who do not have employees.)
 - (5) Swimming pools.
 - (6) Porches, patios, terraces, decks, retaining walls, and any other outdoor stonework.
 - (7) Garages and garage doors.

- (8) Central vacuum cleaning systems.**
- (9) Windows, doors, and skylights.**
- (10) Septic systems.**
- (11) Insulation.**
- (12) Waterproofing.**
- (13) Tiling.**
- (14) Fencing.**
- (15) Painting and wall coverings.**
- (16) Flooring and wall-to-wall carpeting.**
- (17) Masonry.**
- (18) Roofing.**
- (19) Awnings or siding.**
- (20) Antennas or satellite dishes.**
- (21) Carpentry.**
- (22) Excavation.**
- (23) Environmental reclamation.**
- (24) Other interior or exterior improvements.**
- (25) Window and door treatments.**
- (26) Solar panels.**
- (27) Gutters and leaders.**
- (28) Chimney cleaning, installation, and repairs.**
- (29) Drywall and taping.**
- (30) Air duct cleaning.**
- (31) Pressure washing.**

B. "Home improvement" shall also mean the construction of a custom home, installation of home improvement goods, or furnishing of home improvement services.

HOME IMPROVEMENT BUSINESS

The business of providing a home improvement to an owner for a profit, fee, remuneration, favor, or as part of a barter agreement. For purposes of this chapter, a “barter agreement” is defined as an exchange of things (such as products or services) for other things instead of for money.

HOME IMPROVEMENT CONTRACT

An agreement for the performance of home improvement, between a home improvement contractor and an owner, and where the contract price specified exceeds five hundred dollars.

HOME IMPROVEMENT CONTRACTOR

Any person, firm, or corporation who owns, operates, maintains, controls, transacts, or conducts a home improvement business or who undertakes or advertises a home improvement service, or offers to undertake or agrees to perform any home improvement for the owner for a fee, remuneration, favor, or as part of a barter agreement, and whether or not such person is a prime contractor, or subcontractor with respect to the owner, other than a bona fide employee of the registrant. "Home improvement contractor" does not include a person, firm, corporation, landlord, cooperative corporation, condominium board of managers, joint tenant, or cotenant that owns, in whole or in part, the property to be improved.

LEGISLATURE

The Putnam County Legislature.

OWNER

Any homeowner, tenant, or any other person who orders, contracts for, or purchases a home improvement or the service of a contractor, or the person entitled to the performance of the work of a contractor pursuant to a home improvement contract.

PERSON

For purposes of this chapter, the term “person” shall include an individual, partnership, corporation, business organization, or other similar legal entity.

REGISTRANT

A person registered and authorized to engage in the home improvement business under the provisions of this chapter.

SUBCONTRACTOR

A person, other than a supplier of materials, laborer, or bona fide employee of a contractor, who enters into a contract, written or verbal, with a contractor for the performance of any part of the contractor's contract, or a subcontractor's contract, as the case may be, and who does not perform work other than as a subcontractor.

SUBSTANTIAL EVIDENCE

Evidence that a reasonable mind could accept as adequate to support a conclusion; evidence beyond a scintilla.

§ 135-5 Powers and duties of Director.

The Director shall have the following powers and duties in addition to those elsewhere prescribed in this chapter:

- A. To be responsible for the direct daily supervision of the Secretary to the Board, the Compliance Enforcement Officer(s) and any other employees of the Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.**
- B. To establish categories of registration under this chapter and to set fees therefor, subject to the approval of the Board and Legislature.**
- C. To examine the qualifications and fitness of registrants for registration under this chapter**
- D. To register applicants possessing the requisite qualifications.**
- E. To suspend or revoke registrations in accordance with the various terms and provisions of this chapter.**
- F. To keep records of all registrations issued, suspended, or revoked.**
- G. To employ experts, clerks, and secretaries and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the Legislature (for such Board).**
- H. To adopt such rules and regulations not inconsistent with the provisions of this chapter as may be necessary with respect to the form and content of applications for registration, the receipt thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to his powers and duties as prescribed by this chapter and for the proper administration and enforcement of the various provisions of this chapter, and to amend or repeal any of such rules and regulations.**
- I. To suspend the registration of any person pending payment of any fine or penalty, pending compliance with any order of the Director or the Office of Consumer Affairs or with any other lawful order of the Office of Consumer Affairs.**
- J. To automatically suspend the registration of any person who has failed to maintain the required insurance or bond, as outlined in § 135-25 hereof, during the full term of his or her registration, which such suspension shall be retroactive to the date upon which said insurance or bond had been canceled or revoked, and to reinstate any such registration upon proof that the aforesaid insurance or bond requirement has been fully complied with.**
- K. To issue appearance tickets, summonses, information, or any other legal process necessary to effectuate the provisions of this chapter.**
- L. To receive and keep complaints from any person relating to a Contractor or Home Improvement Business. The Director has the authority to investigate any such**

complaint at his discretion. The Director may consider any complaints in determining an application for registration or renewal application, regardless of whether the complaint was found to be a violation of this chapter.

- M. To mediate disputes arising from complaints made to the Office of Consumer Affairs by consumers against any contractor or home improvement business.

§ 135-6 Board of Home Improvement.

- A. Board established. There shall be a Board of Home Improvement Contractors ("Board" or "Home Improvement Board") consisting of nine (9) members, each of whom shall be a resident of the County or own a business within the County. (See definition of "Fixed Membership" § 135-4)
- B. The Board shall interview all candidates for Board membership and submit its recommendations with all candidates' résumés to the Legislature.
- C. Board members shall be appointed by a majority vote of the Legislature. Board members shall serve a term of three years and at the pleasure of the Legislature.
- D. Composition of Board. The composition of the Board primarily shall be a representative group of people with home improvement trade experience who are actively engaged or retired from the trade. The Board shall also include those who have no home improvement trade experience at all. At no time, shall the composition of the Board interfere with the viability of the Board to perform its duties and to adhere to its responsibilities. A representative group may include:
 - (1) Home improvement contractors
 - (2) Licensed engineers
 - (3) Registered architects
 - (4) Building inspectors
 - (5) Tradesmen
 - (6) Citizens independent of the home improvement business
- E. Secretary. There shall be a Secretary to the Board who shall be appointed by the County Executive. The Secretary shall report to the Director of the Office of Consumer Affairs, Weights and Measures and Trades Licensing.
- F. Chairperson and Vice Chairperson. The Board, by majority vote of the fixed membership of the Board, shall elect a Chairperson and Vice Chairperson, each of whom shall serve a two-year term.
- G. Quorum. A majority of the fixed membership of the Board shall constitute a quorum for the transaction of business. A quorum may be achieved by members attending in person or by Board-approved electronic means that allow for simultaneous visual

and aural communication throughout the entire deliberative session.

- H. **Voting.** The basis for decisions by the Board shall be the majority vote by the fixed membership of the Board, i.e., five out of nine.
- I. **Vacancies.** In the event of a vacancy on the Board, the Board shall send its recommendation to the Legislature and the remainder of the vacating member's term shall be filled by appointment by the Legislature.
- J. **Removal.** A Board member, upon recommendation by the Board, may be removed by majority vote of the Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause.

§ 135-7 Powers and duties of Board.

The Board shall have the following powers and duties:

- A. **Rules and regulations.** The Board shall promulgate its own rules and regulations with respect to its proceedings and with respect to any matter over which it has jurisdiction, including the conduct of examinations, subject to guidelines set forth in the Putnam County Legislative Manual for the setting of agendas, conduct of meetings, and keeping of minutes. The rules and regulations established by the Board shall not supersede the provisions of this chapter. The Board shall prepare a manual of its duly adopted rules and regulations, which shall be made available for public inspection, and file the same with the Clerk of the Legislature. The Board shall file with the Clerk of the Legislature a copy of every rule, regulation and/or amendment thereto, and every decision, determination, and/or appeal thereof, and the same shall be public record.
- B. **Meetings.** The Board shall hold at least seven (7) meetings a year at the call of the Chairperson and at such other times as the Board may determine necessary or desirable for the efficient discharge of the business of the Board at the call of the Chairperson or upon written request by two (2) Board members. All members shall be provided with a minimum of one week's prior written or oral notice of a meeting or otherwise to the extent practicable at a reasonable time prior to the meeting.
- C. **Minutes/voting records.** The Board shall keep minutes of its meetings and proceedings which shall consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and shall include a record of the final vote of each member, including any abstentions (and the reason therefor) or absences.
 - (1) Within two weeks from the date of such meeting, the Secretary shall provide the members of the Board with copies of the proposed minutes and shall make copies of such minutes available to the public. The minutes made available to the public shall be clearly identified as "draft" and/or "unapproved." Upon approval of the minutes pursuant to subsections (2) and (3) of this section, the Secretary shall replace any "draft" or "unapproved" minutes available for public inspection with a copy marked "approved."

- (2) The Board shall consider draft and/or unapproved minutes for approval at the next regular Board meeting.
 - (3) Any mistakes, errors, or omissions noted by the Board shall be corrected by the Secretary and the revised minutes shall again be considered by the Board.
 - (4) Within thirty (30) days after approval by the Board, the minutes shall be filed with the Clerk of the Legislature.
 - (5) The Office of Consumer Affairs shall retain all tape recordings for one (1) year.
- D. **Records.** The Office of Consumer Affairs shall maintain a record of all registrations issued, suspended, or revoked under the provisions of this chapter in accordance with Putnam County's records retention and disposition policy.
 - E. **Complaints.** The Board shall have the power to hold hearings on charges of violations of this Code, to make formal findings of facts, and to impose civil penalties and sanctions in accordance with the law.
 - F. **Subpoena power.** Pursuant to New York Civil Practice Law & Rules § 2302(a), the Board shall have the power to issue, and cause to be served, subpoenas for the production of books, records, and documents and appearance of witnesses at any duly-convened hearing of the Board.
 - G. **Fees.** The Board shall have the power to collect fees or to cause fees to be collected for the issuance and/or renewal of registrations hereunder. Such fees shall be in accordance with fee schedules duly adopted by the Legislature.
 - H. **Recommendations.** The Board shall make recommendations to the Legislature regarding any matter relating to the administration of this chapter, including proposed amendments thereto.
 - I. **Suspension/revocation/civil penalties.** The Board shall have the power to suspend and/or revoke registrations issued hereunder and/or assess and impose civil penalties for cause as prescribed by the provisions of this chapter. Such civil penalties shall be in accordance with the fee schedules duly adopted by the Legislature.
 - J. **Experts/consultants.** Subject to legislative approval and appropriation of funds, the Board may hire experts and/or consultants and pay for their services as may be necessary and appropriate in the conduct of its business.
 - K. **Oaths.** The Chairperson of the Board or his/her designee shall be empowered to administer oaths.

§ 135-8 Registration required.

- A. **Registration required.** Within the County of Putnam, no person shall engage in home improvement work or maintain, conduct, or operate a home improvement business as

a general contractor, subcontractor, or contract employee, or hold himself or herself out as being able to do so, unless such person is registered pursuant to this chapter.

B. Exceptions.

- (1) No registration shall be required of any person who performs labor or services for a contractor or subcontractor that is duly registered hereunder, and such person is classified as an employee, not an independent contractor, as defined by the Internal Revenue Service.
- (2) A license issued by the Putnam County Plumbing Board or the Putnam County Board of Electrical Examiners shall be deemed a registration in compliance with this section for the benefit of the holder thereof to perform work within the scope of his or her profession.

C. Working while registration suspended, revoked, or expired.

- (1) Within the County of Putnam, no person shall engage in home improvement work or maintain, conduct, or operate a home improvement business as a general contractor, subcontractor, or contract employee, or hold himself or herself out as being able to do so, while his or her registration has been suspended or revoked by action of the Board.
- (2) Within the County of Putnam, no person shall engage in home improvement work or maintain, conduct, or operate a home improvement business as a general contractor, subcontractor, or contract employee, or hold himself or herself out as being able to do so, while his or her registration has expired.

§ 135-9 Application procedure and educational requirements.

A. Application procedure.

- (1) An application for an original or renewal registration shall be in writing upon a form prescribed by the Director. The Director may seek from an applicant sufficient relevant information about the applicant's character, experience, and other information necessary to evaluate the applicant's qualification to be registered.
- (2) Each applicant shall provide forms of identification as determined and posted by the Director as a precondition to the issuance of a registration.
- (3) Each applicant shall provide a list of employees who are currently employed by the applicant and who engage in home improvement work as defined by this chapter.

B. Educational requirements.

- (1) All home improvement businesses that offer to provide or provide lawn or turf services must show proof of completion by the owner of such business of a best management practices course for lawn and garden care approved by the

Putnam County Commissioner of Health when applying for registration or renewal registration.

- (2) The participation and completion of a best management practice course for lawn and garden care is a one-time education requirement, unless directed otherwise in accordance with this section. Once proof is accepted by the Director, it shall apply to each subsequent renewal application thereafter as further prescribed under this chapter.**
- (3) If a registered home improvement business can provide a certificate that verifies that he/she has participated and completed a best management practices course for lawn and garden care from another municipality and/or state, such certificate shall be deemed acceptable for compliance with this section.**
- (4) The Director, in consultation with the Putnam County Commissioner of Health, may require the participation of such persons at additional informational seminars and/or courses at reasonable times but no more than once per year in order to ensure that all persons are informed of developing issues, technologies, and laws which may impact the performance of services by such persons in Putnam County.**
- (5) The Director, in consultation with the Putnam County Commissioner of Health, shall have the authority to adopt rules and regulations as may be deemed necessary for the administration and enforcement of this section.**

§ 135-10 Registration.

- A. An application for an original or renewal registration shall be in writing upon a form prescribed by the Director. The Director may seek from an applicant sufficient relevant information about the applicant's character, experience, and other information necessary to evaluate the applicant's qualification to be registered.**
- B. Each application, except for a business engaged in lawn mowing/ground maintenance/leaf blowing, shall be accompanied by proof of insurance and bonding as outlined in § 135-25 below.**
- C. Each applicant shall provide forms of identification as determined and posted by the Director as a precondition to the issuance of a registration.**
- D. Each applicant for an original or renewal registration, when applicable, shall provide the Director with proof of completion of a best management practices course for lawn and garden care as required pursuant to this chapter.**
- E. Term. Each registration issued pursuant to this chapter shall be valid for a term of two years from the date the application is granted.**
- F. Renewals. Applications for renewal of a registration duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board in the form prescribed by the Director prior to the expiration date of the registration and**

shall be accompanied by the appropriate registration fee. Upon request, applicants for renewal must provide such proof as may be necessary and appropriate to demonstrate the applicant's qualifications, competency and fitness to carry on the trade for which he or she is registered.

G. Late renewal. If an application for renewal is not made within the time prescribed herein, the Director may nevertheless renew the registration. In such event, before the renewal may be issued, the registrant must submit his or her application for renewal and pay the appropriate late fee, as set by the Board and approved by the Legislature, in addition to the renewal fee. No late fee will accrue until 60 days has elapsed from the date of expiration of the registration. No application for renewal will be accepted more than one year after expiration of the registration.

H. Revocation of renewal privileges.

(1) Failure to renew a registration issued under the provisions of this chapter within six months after expiration thereof may result in the revocation of all renewal privileges hereunder. The Director may schedule a hearing on notice to the registrant to be conducted in accordance with the procedures outlined in § 135-22 herein.

(2) Failure to renew a registration issued under the provisions of this chapter within one year after expiration thereof shall result in the automatic revocation of renewal privileges hereunder. Such revocation of renewal privileges shall be on notice to the registrant. Such revocation is not subject to a hearing in accordance with the procedures outlined in § 135-22 herein, and shall occur automatically by operation of law one year after expiration of the registration.

(3) Any person desiring a registration after such revocation of renewal privileges shall be required to submit a new application for registration in accordance with the provisions of this chapter. The new application must include the payment of all applicable fees, including late fees accrued by failing to timely renew the prior registration.

I. Waiver of renewal.

(1) If a current registrant does not wish to renew his or her registration, such person must submit written notification to the Secretary of the Board advising that such person is waiving renewal and allowing the registration to naturally expire. Once expired, such registration may not be renewed. To re-register in the future, such person must submit a new application pursuant to the requirements of this chapter.

(2) A waiver of renewal submitted within 60 days after the expiration of the term of registration precludes imposition of any late fees authorized pursuant to section 135-10(F) above.

(3) A waiver of renewal submitted more than 60 days after the expiration of the term of registration allows the imposition of late fees accrued up to the date the waiver is submitted.

J. Military service exceptions.

- (1) Registrants who are called to active duty will have their registrations put on inactive status as of the date of their deployment. Upon return from active duty, the registrant will provide documentation to the secretary of the Home Improvement Board detailing the dates of his or her deployment and proof he or she meets all other requirements of the Home Improvement Law prior to the reactivation of his or her inactive status registration. If the deployment was greater than 30 days, the registrant will be credited for each day of military deployment, and his or her registration will be extended by a similar number of days.**
- (2) Once the reactivated registration expires, the registrant's renewal registration will be credited with the same amount of credit time as the hold accrued during his or her inactive status period. All fees charged for that year will be prorated to take into account this credit time.**
- (3) This military service exception will be retroactive to any deployment that occurred after September 11, 2001.**

§ 135-10-a Hiring and duties.

- A. No person who is registered pursuant to this chapter shall hire any person to perform home improvement work in Putnam County as a subcontractor or contract employee unless the hired person is registered under this chapter.**
- B. Any person who is registered pursuant to this chapter shall respond to the Board's requests for specific employment information regarding his or her employees who perform home improvement work. The registered contractor must provide the specific information requested by the Board within the period of time specified in such request.**

§ 135-10-b Denial of registration or renewal.

- A. The Director, or his or her duly authorized designee, shall grant the registration or renewal within 60 days after receipt of a complete application in proper form. The Director, or his or her duly authorized designee, may deny the application if it is determined that the applicant:**
 - (1) Is not financially responsible.**
 - (2) Is unqualified to engage in the home improvement business.**
 - (3) Has failed to furnish information as required.**
 - (4) Has made a false statement of a material fact or a material omission in the application for the registration.**
 - (5) Has consistently failed to perform contracts.**

- (6) Has failed to carry and maintain workers' compensation insurance, public liability insurance, or surety bond as required by this chapter.**
 - (7) Has failed to pay civil penalties imposed after a hearing held by the Board upon a violation of this chapter, or has failed to pay any fee or late fee incurred under any provision of this chapter.**
 - (8) Has been subject to the imposition of penalties or sanctions as a result of a hearing held by the Board upon a violation of this chapter on at least two occasions in the past two years.**
 - (9) Is applying following a period of revocation and has not demonstrated that he or she is fit to be registered.**
- B. A denial of a registration or renewal shall be made by the Director in writing and shall set forth a statement of the reason or reasons therefor. If the registration or renewal is denied, the applicant may, within 10 days from the date the notice of denial is mailed, request a hearing. Such hearing must be held within 30 days of the request and a decision must be rendered within 45 days from the date of the hearing. Said hearing shall be conducted in accordance with the procedures outlined in § 135-22 hereof.**
- C. The determination made by the Director shall be subject to judicial review in accordance with Article 78 of the New York State Civil Practice Law and Rules in a proceeding brought within four months after the Director issues a written denial.**

§ 135-11 Prohibited acts.

The following acts are strictly prohibited:

- A. Abandonment or failure to perform, without justification, any home improvement contract or project engaged in or undertaken by the contractor.**
- B. Making any substantial misrepresentation in the procurement of a home improvement contract, or making any false promise likely to influence, persuade, or induce.**
- C. Any fraud in the execution of or in the material alteration of a home improvement contract, or making any false promise likely to influence, persuade, or induce.**
- D. Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note, or other document incident to a home improvement transaction.**
- E. Any fraud in recommending the installation, repair, or replacement of any item the registrant knew or should have known was not required.**
- F. Making a false statement or providing false information in making an application for registration, including a renewal or duplicate.**

- G. Making a false statement or providing false information when responding to the Board's request for information regarding current or former employees employed by the registrant.**
- H. Making a false statement or providing false information in completing the “no employee” affidavit (Form CE 200) workers’ compensation waiver.**
- I. Preparing or accepting any mortgage, promissory note, or other evidence of indebtedness upon the obligation of a home improvement transaction with knowledge that it represents a greater monetary obligation than the agreed-upon consideration for the home improvement work.**
- J. Directly or indirectly publishing any advertisement relating to home improvements which contains an assertion, representation, or statement of fact which is false, deceptive, or misleading.**
- K. Conducting a home improvement business in any name other than the one in which the contractor is registered.**
- L. Failure to notify the Director, in writing, of any change of control in ownership, management name, business name, or location.**
- M. Failure to respond to the Board's request for information regarding anyone employed or formerly employed by the registrant.**
- N. Failure to comply with any order, demand, or requirement made by the Director or Board pursuant to the various provisions of this chapter.**
- O. Failure to list registration number in any and all advertisements for the registered home improvement contracting business.**
- P. Failure to maintain the proper insurances or bonding as required by § 135-25, herein.**
- Q. Conducting a home improvement business by a registered home improvement contractor who has completed the “no employee” affidavit (Form CE 200) and is found in violation of the workers’ compensation waiver.**
- R. Failure to provide proof of completion of a best management practices course for lawn and garden care, as required by § 135-4 hereof.**

§ 135-12 Home improvement contract standards.

- A. Every home improvement contract as defined herein shall be evidenced by a writing and shall be signed by all parties to the contract. The writing shall contain the following:**
 - (1) The name, address, telephone number, or registration number of the contractor.**
 - (2) The approximate dates, or estimated dates, when the work will begin and be substantially completed, including a statement of any contingencies that would**

materially change the approximate or estimated completion date. In addition to the estimated or approximate dates, the contract shall also specify whether or not the contractor and the owner have determined a definite completion date to be of the essence.

- (3) A description of the work to be performed, the materials to be provided to the owner, including make, model number of any specific materials or product, or any other identifying information, and the agreed-upon consideration for the work and materials.
- (4) A notice to the owner purchasing the home improvement that the contractor or subcontractor who performs on the contract that if the contractor is not paid he/she may have a claim against the owner which may be enforced against the property in accordance with applicable lien laws. Such home improvement contract shall also contain the following notice to the owner in clear and conspicuous bold face type:

“Any contractor, subcontractor, or materialman who provides home improvement goods or services pursuant to your home improvement contract and who is not paid may have a valid legal claim against your property known as a mechanic's lien. Any mechanic's lien filed against your property may be discharged. Payment of the agreed-upon price under the home improvement contract prior to filing of a mechanic's lien may invalidate such lien. The owner may contact an attorney to determine his rights to discharge a mechanic's lien”.

- (5) A notice to the owner purchasing the home improvement that, except as otherwise provided in Subsection A(7) herein, the home improvement contractor is legally required to deposit all payments received prior to completion in accordance with Subdivision 4 of § 71-a of the Lien Law and that, in lieu of such deposit, the home improvement contractor may post a bond, contract of indemnity, or irrevocable letter of credit with the owner guaranteeing the return or proper application of such payments to the purposes of the contract.
- (6) If the contract provides for one or more progress payments to be paid to the home improvement contractor by the owner before substantial completion of the work, a schedule of such progress payments showing the amount of each payment, as a sum in dollars and cents, and specifically identifying the state of completion of the work or services to be performed, including any materials to be supplied before each such progress payment is due. The amount of any such progress payments shall bear a reasonable relationship to the amount of work to be performed, materials to be purchased, or expenses for which the contractor would be obligated at the time of the payment.
- (7) If the contract provides that the home improvement contractor will be paid on a specified hourly or time basis for work that has been performed or charges for materials that have been supplied prior to the time that payment is due, such payments for such work or materials shall not be deemed to be progress payments for the purposes of Subsection A(6) and shall not be required to be deposited in accordance with the provisions of Subsection A(5).

(8) A notice to the owner that, in addition to any right otherwise to revoke an offer, the owner may cancel the home improvement contract until midnight of the third business day after the day on which the owner has signed an agreement or offer to purchase relating to such contract. Cancellation occurs when written notice of cancellation is given to the home improvement contractor. Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and postage prepaid. Notice of cancellation shall be sufficient if it indicates the intention of the owner not to be bound. Notwithstanding the foregoing, this Subsection A(8) shall not apply to a transaction in which the owner has initiated the contract and the home improvement is needed to meet a bona fide emergency of the owner and the owner furnishes the home improvement contractor with a separate dated and signed personal statement in the owner's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the home improvement contract within three business days. For the purposes of this Subsection A(8), the term "owner" shall mean an owner or any representative of an owner.

(9) A notice that all inquiries and complaints or issues about a contractor should be made to the Director, in writing, with copies transmitted to the Board.

B. The writing shall be legible, in plain English so that it is understood by both parties to the contract, and shall be in such form to describe clearly any other document, which is to be incorporated into the contract. Before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor. The writing may also contain other matters agreed to by the parties to the contract.

§ 135-13 Fees and civil penalties.

A. The Board shall have the power to collect or to cause fees to be collected for the issuance and/or renewal of registrations hereunder. Such fees shall be in accordance with a fee schedule proposed by the Board and duly adopted by the Legislature. All fees collected under the provisions of this chapter are nonrefundable.

B. The Board shall have the power to collect or to cause to be collected civil penalties assessed for violation of this chapter. Such civil penalties shall be in accordance with a schedule proposed by the Board and duly adopted by the Legislature. The penalty for any violation not specifically listed in the civil penalty schedule adopted by the legislature shall be determined by the Board up to a maximum of \$5,000.00.

§ 135-14 Reserved.

§ 135-15 Transferability.

A. A registration to conduct a home improvement business issued to an individual may be assigned or transferred for the remainder of the registration period to another business entity if the registrant is an owner or member of such entity owning not

less than 25% of the business at the time of such assignment or transfer.

- B. Registration of a partnership may be assigned or transferred for the remainder of the registration period to any one member of such partnership, provided that he or she obtains the consent of all of the other members of such partnership.

§ 135-16 Construal; other licenses.

- A. Any registration issued pursuant to this chapter shall not be construed to authorize the registrant to perform any particular type of work or kind of business that is reserved to qualified licensees under separate provisions of state or local law.
- B. Nothing in this chapter shall be construed to limit or restrict the power of a town or village to regulate the quality, performance, or character of the work of contractors, including a system of permits and inspections that are designed to secure compliance with and aid in the enforcement of applicable state and local building laws or to enforce other laws necessary for the protection of the public health and safety. Nothing in this chapter shall be construed to limit or restrict the power of a town or village to adopt any system or permits requiring submission to and approval by the town or village of plans and specifications for an installation prior to the commencement of construction of the installation of or inspection of work done.
- C. This chapter relates only to the area of Putnam County. Notwithstanding, any village or town within Putnam County may preempt this chapter by expressly stating such and enacting its own regulating or licensing of the home improvement business.

§ 135-17 Reserved.

§ 135-18 Display and Advertising.

- A. Each and every registration certificate issued pursuant to this chapter shall be posted in a conspicuous location at the registrant's place of business and a copy of the registration certificate shall be placed in each vehicle described in Section 135-18(6).
- B. An identification card issued by federal, state, or local government, which shall contain a photograph of the holder thereof, shall be carried with each contractor or employee and displayed upon request on a job site.
- C. The certificate's registration number shall be included on all documents distributed by the registrant.
- D. All advertising for a home improvement business shall contain the registration number issued pursuant to this chapter.
- E. All vehicles that are owned, leased, or used in the name of a business entity—the owners, principals, and/or employees of which are subject to the provisions of this chapter—must be duly registered with the Office of Consumer Affairs. Therefore, a

valid vehicle registration must be provided at the time of registration, renewal, or at any time in which a sticker is requested.

- F. A valid registration sticker/decals must be affixed and prominently displayed on the driver's side rear bumper on all vehicles and trailers owned, leased, or used by the registrant in the performance of the occupation so registered.
- G. All stickers issued pursuant to this chapter shall remain the property of the Putnam County Office of Consumer Affairs and must be removed from vehicles prior to a sale of such vehicles to another person.

§ 135-19 Complaints.

- A. The Director shall accept from any person complaints relating to a contractor or home improvement business. Such complaints will be kept in the records of the contractor on file with the Office of Consumer Affairs.
- B. In considering an application for a license or renewal under this chapter, conducting any investigation, or determining whether to revoke a registration granted under this chapter, the Director may consider any complaints received.
- C. The Director shall have the authority to mediate any complaint made by a person against a contractor or home improvement business. Upon receipt of the complaint, the Director shall fully investigate the allegations made against the contractor at his discretion. After completion of the investigation and if the complainant and contractor agree, the Director shall schedule a non-binding settlement conference at which all parties must appear personally or by legal representative. Neither party will be obligated to participate in any settlement discussion. If the parties are able to resolve the complaint at the settlement conference, the Director shall indicate as such in the records kept on file with the Office of Consumer Affairs.

§ 135-20 Regulation of Business.

- A. All corporations, partnerships, limited partnerships or joint ventures engaged in home improvement work must file with the Board a registered copy of the applicable business certification as is on file with the State and/or County where such business entity maintains its principal place of business.
- B. Any person who is registered pursuant to this chapter shall notify the Board in writing of any change of control in the ownership, location, management name, or business name of a home improvement business within fifteen (15) days thereof.

§ 135-21 Compliance Enforcement Officer.

- A. There shall be a Compliance Enforcement Officer(s) who shall report directly to the Director.
- B. Powers and duties. The Compliance Enforcement Officer shall have the following

powers and duties:

- (1) Investigations.** Upon receipt of a complaint by any person alleging a violation of this chapter, or on his or her own initiative based on personal knowledge of a suspected violation, the Compliance Enforcement Officer may conduct any independent investigation necessary to carry out the provisions of this chapter. Pursuant to this power, the Compliance Enforcement Officer may:
 - (a) Appearance tickets:** Issue appearance tickets to alleged violators to compel their appearance before the Board. Such appearance tickets shall be in a form prescribed by the Board and shall contain the information as provided for in § 135-22 below.
 - (b) Subpoenas.** The Compliance Enforcement Officer may make recommendations to the Board to subpoena the appearance of witnesses to a duly-held hearing and/or to compel the production of any books, records, or documents that he or she may deem material and relevant for the proper prosecution of a violation.
- (2) Prosecutions.** The Compliance Enforcement Officer shall be charged with the duty of presenting material and relevant evidence of alleged violation(s) of this chapter at a hearing duly convened by the Board in accordance with § 135-22 of this chapter. The Compliance Enforcement Officer shall designate an alternate to make the presentation to the Board in his/her absence. Such designated alternate shall not be a currently serving member of the Board.

§ 135-22 Enforcement.

- A. Suspension, revocation, and civil fines.** Following a hearing as provided for herein, the Board shall have the power to revoke or suspend, for such period as the Board may deem appropriate, any registration issued under the provisions of this chapter, and/or assess and impose civil fines or penalties as provided for herein, provided that a majority of the Board is satisfied by substantial evidence that the person or the holder of such registration has violated a provision of this chapter or the rules and regulations of the Board.
- B. Procedure for suspension, revocation, and/or imposition of civil fines.**
 - (1) Notice of charges.** Prior to revocation or suspension of a registration and/or the assessment of any civil penalties as provided for herein, the alleged violator shall receive in writing, a notice of charges that includes an appearance ticket and all of the particulars of the alleged violation. Such notice shall be sent to the alleged violator by the Compliance Enforcement Officer via registered or certified mail in addition to regular first-class mail to the address provided and shall contain the following information:
 - (a) The name and address of the alleged violator;**
 - (b) The specific section(s) of this chapter alleged to have been violated;**

- (c) A statement of the facts and circumstances supporting the charge(s) that includes the date and location of the violation;
- (d) The date, time, and place where the alleged violator is summoned to appear before the Board for a hearing on the alleged violation;
- (e) A statement advising the alleged violator that any answer to the charges must be filed with the Board within fifteen (15) days of his or her receipt thereof, as evidenced by evidence of mail delivery recovered from the U.S. Postal Service website or the non-return of the first-class mailing;
- (f) A statement of the possible penalties to be imposed in the event the charges are proven to the Board by substantial evidence;
- (g) A statement advising the alleged violator that, in the event he or she fails to appear as directed, he or she may be considered in default and a hearing may proceed in his or her absence;
- (h) A statement advising the alleged violator that he or she could waive his or her right to a hearing and plead guilty to the charges via mail or in person at the Office of Consumer Affairs;
- (i) A statement advising the alleged violator that he or she has the right:
 - [1] To be represented by legal counsel (at his or her own expense); and
 - [2] To testify, call, and cross-examine witnesses, present evidence in his or her defense at the hearing; and
 - [3] To request an adjournment for good cause. See “Adjournments” below.

(2) Hearing.

- (a) **Timing.** The hearing on any alleged violation of this chapter shall be held before the Board within one hundred (100) days of the date of the written notice provided for in Subsection B(1).
- (b) **Adjournments.** Any requests for an adjournment must be made in writing and may be granted at the sole discretion of the Board. Any granted adjournment shall nullify the one hundred (100) day period of § 135-22(B)(2)(a).
- (c) **Record.** A stenographic or audio recording of the hearing shall be made by the Board.
- (d) **Rules of evidence.** Compliance with the technical rules of evidence shall not be required, but all evidence presented must be material and relevant as determined by the presiding officer.
- (e) **Presiding officer.** The hearing shall be conducted by the Board and shall be

presided over by the Chairperson of the Board or, in his or her absence, the Vice Chairperson or another Board member designated by the Chairperson or Vice Chairperson.

- (f) **Presentation of evidence in support of the charges.** Evidence of the alleged violation shall be presented to the Board by the issuing Compliance Enforcement Officer, or his/her designee, who shall be subject to questioning/cross-examination by the alleged violator or his or her legal representative.
 - (g) **Burden of proof.** The charges contained in the notice shall be proven by substantial evidence.
 - (h) **Findings of fact and decision.** Within thirty (30) days from the submission of all evidence and the close of the hearing, the Board shall issue a written decision on the charges, setting forth therein:
 - [1] Its findings of fact as determined by the evidence presented at the hearing;
 - [2] Its decision regarding the alleged violator's guilt or innocence of the charges set forth in the notice of charges;
 - [3] A statement of the reasons supporting its decision;
 - [4] The penalty, if any, to be imposed, including any relevant effective date(s) or period(s) of duration as determined by the Board; and
 - [5] A statement regarding the right to challenge the Board's decision pursuant to Article 78 of the New York Civil Practice Law and Rules.
 - (i) **Notice of decision.** The Board shall immediately cause a written copy of its findings of fact and decision to be delivered to the alleged violator via registered or certified mail and first-class mail.
 - (j) **Judicial review.** The decision of the Board shall be subject to judicial review in accordance with Article 78 of the New York Civil Practice Law and Rules.
- C. Permissible penalties.** The Board, following a determination that the charges have been proven by substantial evidence, may impose the following penalties:
- (1) **Issuance of an official reprimand and warning letter,** a copy of which shall be retained by the Board and considered in connection with future applications for registration or renewal thereof;
 - (2) **Imposition of a civil penalty in an amount authorized by resolution of the Putnam County Legislature, but not to exceed \$5,000 for each violation of this chapter;**
 - (3) **Revocation/suspension.**

- (a) The Board, in its judgment as to the seriousness of the charges, may suspend or revoke the home improvement registration of any home improvement registration holder who, at a duly called hearing, has been found guilty by substantial evidence of a violation of this chapter.
 - (b) The Board may suspend or revoke a registration if the registration holder has been convicted of a crime by a court of competent jurisdiction where there is a direct relationship between the crime and the specific registration sought, or if the issuance and/or holding of the registration would involve an unreasonable risk to property or to the safety or welfare of specific individuals or to the general public.
 - (c) A suspension is a temporary restriction of a person's home improvement registration. During the period of suspension, the registrant may not engage in home improvement work in Putnam County. The duration of suspension will be determined by the Board and can be for a fixed period of time or an indefinite period of time contingent upon the occurrence of a condition precedent. A registrant must renew or waive renewal of his or her registration as prescribed in this chapter even if suspended. A suspension will continue after expiration of the term of registration regardless of whether the registrant has renewed. Once the suspension period has ended, the registrant must pay a fee to lift the suspension before his or her registration will be reinstated.
 - (d) A revocation is a termination of a person's home improvement registration. Once revoked, the registrant may not engage in home improvement work in Putnam County. The duration of the revocation will be determined by the Board and can be for a minimum period of time or an indefinite period of time contingent upon the occurrence of a condition precedent. Once revoked, a registrant may not renew his or her registration. Upon expiration of the minimum period of revocation, the registrant must pay a fee to lift the revocation before he or she may submit a new application for consideration.
- D. Litigation costs. In the event the County is required to institute legal proceedings to collect any portion of a fine or penalty imposed under this chapter, the County shall be entitled to recover from the violator any and all associated costs thereof, including attorney's fees and interest on any unpaid fine or penalty calculated at the statutory rate.

§ 135-23 Criminal penalties.

- A. Any person who shall maintain, conduct, operate, or engage in a home improvement business within the County of Putnam without a registration as required under this chapter or who continues to conduct a home improvement business after such registration has been denied, suspended, revoked, or has expired shall be guilty of a Class A misdemeanor.
- B. The Board may refer any matter that it suspects may constitute a criminal offense to the Putnam County Sheriff's Office or to other appropriate law enforcement authority

for further review.

- C. This section shall be enforced by the Putnam County Sheriff's Department. Arrests made pursuant to this section shall be made by a police officer or a peace officer acting under his or her special duties.

§ 135-24 Immunity.

Nothing set forth in this chapter shall subject the County of Putnam, its officers, agents, or employees, including the Board and the Compliance Enforcement Officer, to any liability for damages arising out of or related to the conduct of any person licensed or registered by the County of Putnam.

§ 135-25 Insurance and bonding.

- A. Except for a business engaged in lawn mowing/ground maintenance/leaf blowing, prior to the issuance of any registration, permit, or renewal thereof, the applicant must provide the Board with proof of insurance and bonding information as follows:
 - (1) A license and permit bond in the amount of \$25,000;
 - (2) Workers' compensation insurance for all employees;
 - (3) General liability insurance of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- B. All insurance policies shall contain a provision of continued liability and name Putnam County as an additional insured and certificate holder.
- C. All bonds shall contain a provision identifying Putnam County as an obligee. Notwithstanding the foregoing, any payment issued on behalf of a claim for an aggrieved individual or company, shall be paid directly to said individual or company by the bond company.
- D. All insurance policies and bonds must be carried throughout the entire period of registration.

§ 135-26 Provisions not subject to waiver.

The provisions of this chapter are intended for the protection of an owner and shall not be subject to waiver by an owner in a home improvement contract otherwise.

§ 135-27 Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved

in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Putnam hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

§ 135-28 Repealer.

All ordinances, local laws, and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued, or acquired, or penalty, charge, liability, forfeiture, or punishment incurred or owing prior to the time such repeal takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Putnam local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

Section II.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Item #5L – Approval/ Home Improvement Fees/ Civil Penalty Schedule Pursuant to Section 135-13(A) of the Putnam County Code *(version approved out of Rules Committee)* was next.

Legislator Sullivan stated that he would not be moving Items #5k and #5L. He stated that Items #5m and #5n were the revised versions based on comments made by the Rules Committee. This item was removed from the agenda.

APPROVAL/ HOME IMPROVEMENT FEES/ CIVIL PENALTY SCHEDULE PURSUANT TO SECTION 135-13(A) OF THE PUTNAM COUNTY CODE

WHEREAS, Section 135-13(A) of the Putnam County Code adopted under Resolution # XXX of 2019 authorizes the setting and collection of fees for registrations, renewals, and other items as shall be proposed by the Putnam County Board of Home Improvement and approved by resolution of the Putnam County Legislature; and

WHEREAS, Section 135-13(B) of the Putnam County Code, amended and enacted contemporaneously with this resolution, authorizes the setting and collection of civil penalties in an amount proposed by the Putnam County Board of Home Improvement and approved by resolution of the Putnam County Legislature, but not to exceed \$5,000 for each violation; and

WHEREAS, the schedules for fees and civil penalties under Chapter 135 of the Putnam County Code have not been revised since 2010; and

WHEREAS, the Home Improvement Board of Putnam County desires to revise these schedules at this time and has approved such revision; and

WHEREAS, the new proposed fee and civil penalty schedules have been reviewed and approved by the Rules Committee; now therefore be it RESOLVED, that the following fee and civil penalty schedules are hereby approved and adopted by the Putnam County Legislature:

FEE SCHEDULE

| | |
|---|-----------------|
| Application Fee for registration for a 2-year period (includes original decals) | \$300.00 |
| Replacement Decals (each) | \$5.00 |
| Renewal Application received within 60 days after registration expires | \$300.00 |
| After the initial 60-day period, a \$25 late fee shall be added for each successive 30-day period, not to exceed a total late fee of \$250.00 | |
| Suspension or revocation lift fee | \$25 |

CIVIL PENALTY SCHEDULE

| | |
|--|---------------------------|
| Worker on a job site with no ID (per worker) | \$250.00 |
| Contractor and worker provide photo ID and payroll records within two (2) County business days of violation, the fine will be reduced to | \$100.00 |
| Prohibited acts (per act) | \$5,000.00 maximum |
| Working while not registered | |
| First violation | \$1,500.00 |
| • If paid within 30 days of the violation, penalty is reduced to | \$1,250.00 |
| • If paid within 30 days and contractor registers at the same time, \$300.00 of the penalty will be applied toward the registration fee. | |
| Second violation (within 3 years of first violation) | \$2,000.00 |
| Third violation (within 5 years of first violation) | \$3,000.00 |
| Working while registration expired | |
| First violation | \$1,500.00 |
| • When violation occurs within 60 days of expiration: If fine paid within 30 days of violation and contractor registers at time of payment, \$300.00 of the penalty will be applied toward the registration fee. | |
| Second violation (within 3 years of first violation) | \$2,000.00 |

| | |
|--|-----------------|
| Third violation (within 5 years of first violation) | \$3,000.00 |
| Working while registration suspended or revoked | |
| First violation | \$2,000.00 |
| Second violation (within 3 years of first violation) | \$3,000.00 |
| Third violation (within 5 years of first violation) | \$5,000.00 |
| Improper advertising | \$100.00 |
| Failure to affix current decal on vehicle | \$100.00 |

Any additional category of penalty not otherwise covered by this schedule shall be subject to the discretion of the Board pursuant to §135-13(B) of the Home Improvement Law.

In assessing the penalty for a violation of Chapter 135 of the Putnam County Code, the Board may deviate from the civil penalty schedule approved by the Legislature if it believes, in its discretion, it is warranted by the facts and circumstances of the case. Such deviation, either increasing or decreasing the penalty, and the justification for same must be placed on the record and be approved by a majority roll call vote of the entire Board.

And be it further

RESOLVED, that this schedule will take effect on the day the local law contained in Resolution # XXX of 2019 becomes effective.

Legislator Sullivan made a motion to accept the amended version Item #5m; seconded by Legislator Jonke. All in favor.

Item #5m – Approval/ Local Law to Amend the Code of the County of Putnam Chapter 135, Entitled “Contractors” was next. *(Amended Version by Law Dept at the request of the Rules Committee during the meeting)* On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following amended version.

RESOLUTION #171

A LOCAL LAW TO AMEND THE CODE OF THE COUNTY OF PUTNAM CHAPTER 135, ENTITLED “CONTRACTORS”

Be it enacted by the Legislature of the County of Putnam as follows:

Section I.

Chapter 135 of the Code of the County of Putnam is hereby REPEALED and replaced as provided hereinafter:

CHAPTER 135

CONTRACTORS LAW

- § 135-1 Title.
- § 135-2 Legislative intent.
- § 135-3 Applicability.
- § 135-4 Definitions.
- § 135-5 Powers and duties of Director.
- § 135-6 Board of Home Improvement.
- § 135-7 Powers and duties of Board.
- § 135-8 Registration required.
- § 135-9 Application procedure and educational requirements
- § 135-10 Registration.
- § 135-10-a Hiring and duties.
- § 135-10-b Denial of registration or renewal.
- § 135-11 Prohibited acts.
- § 135-12 Home improvement contract standards.
- § 135-13 Fees and civil penalties.
- § 135-14 Reserved.
- § 135-15 Transferability.
- § 135-16 Construal; other licenses.
- § 135-17 Reserved.
- § 135-18 Display and Advertising.
- § 135-19 Complaints.
- § 135-20 Regulation of business.
- § 135-21 Compliance Enforcement Officer.
- § 135-22 Enforcement.
- § 135-23 Criminal penalties.
- § 135-24 Immunity.
- § 135-25 Insurance and bonding.
- § 135-26 Provisions not subject to waiver.
- § 135-27 Severability.
- § 135-28 Repealer.

§ 135-1 Title.

This chapter of the Code of Putnam County shall be entitled and known as the “Putnam County Home Improvement Contractor Registration Law.”

§ 135-2 Legislative intent.

It is the purpose of the Legislature of Putnam County in enacting this chapter to safeguard and protect the homeowner against abuses on the part of home improvement contractors by regulating the home improvement, remodeling, and repair businesses and by requiring the registration of persons engaged in such business. Such registration will

protect and promote the health, safety, and welfare of the residents of the County of Putnam, pursuant to § 10, Subdivision (12), of the Municipal Home Rule Law.

§ 135-3 Applicability.

- A. Nothing set forth in this chapter shall subject the County of Putnam or its officials, agents, or employees to liability for damages or otherwise arising out of or related to the conduct of any home improvement business by a registrant.**
- B. The Director is empowered to establish administrative procedures to carry out the provisions of this chapter in conformity with the provisions thereof.**
- C. The provisions of this chapter shall not apply to persons engaged in the following types of activities:**
 - (1) The sale or construction of a new home other than a custom home as defined in § 135-4.**
 - (2) The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation or application of the goods or materials.**
 - (3) Work performed upon a residence by the owner, or upon a building owned by or controlled by any federal, state, or local government, including school districts.**
 - (4) The sale or installation of appliances, such as stoves, refrigerators, freezers, room air conditioners, dishwashers, clothes washers or dryers, which are designed to be removable from the premises without material alteration thereof.**
 - (5) The sale or installation of decorative goods or services, such as bound carpets or area rugs.**
 - (6) The performance of repairs, replacements, or other services pursuant to an express or implied warranty, or a maintenance agreement as defined in § 395-a of the New York State General Business Law.**
 - (7) The provisions of this chapter shall not apply to any home improvement to be performed under a home improvement contract entered into prior to the effective date of this chapter.**
 - (8) Plumbing, as defined in Chapter 190, Plumbers.**
 - (9) Electrical, as defined in Chapter 145, Electricians**
 - (10) Work or services performed by a person within the scope of an occupation, craft, or profession in which such person has met the standards of competency or experience established by state law as a condition to engaging in such occupation, craft, or profession.**

§ 135-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD

The Board of Home Improvement Contractors of Putnam County, as provided by this chapter.

CUSTOM HOME

A new single family residence to be constructed on premises owned of record by the purchaser at the time of contract, provided that such residence is intended for residential occupancy by such purchaser and the contract of sale is entered into on or after the first day of March, nineteen hundred ninety.

DIRECTOR

The Director of the Putnam County Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

FIXED MEMBERSHIP

A specific number of memberships established in the rules governing an organization. Specifically, the fixed membership of the Board of Home Improvement Contractors is nine (9), including filled and unfilled positions.

HOME IMPROVEMENT

- A. The repair, replacement, remodeling, refinishing, installation, construction, alteration, conversion, modernization, beautification, maintenance, improvement, or addition to a parcel of land designated by a tax map number or a building or that portion thereof which is used or designed to be used as a private residence apartment or dwelling place, including, but not limited to:
- (1) Asphalt or blacktop or driveway sealing.
 - (2) Landscaping and gardening.
 - (3) Arboriculture.
 - (4) Lawn mowing/ground maintenance/leaf blowing. (Note: shall not apply to full-time students under the age of 22 engaged in seasonal or part-time employment and who do not have employees.)
 - (5) Swimming pools.
 - (6) Porches, patios, terraces, decks, retaining walls, and any other outdoor stonework.
 - (7) Garages and garage doors.
 - (8) Central vacuum cleaning systems.

- (9) Windows, doors, and skylights.**
- (10) Septic systems.**
- (11) Insulation.**
- (12) Waterproofing.**
- (13) Tiling.**
- (14) Fencing.**
- (15) Painting and wall coverings.**
- (16) Flooring and wall-to-wall carpeting.**
- (17) Masonry.**
- (18) Roofing.**
- (19) Awnings or siding.**
- (20) Antennas or satellite dishes.**
- (21) Carpentry.**
- (22) Excavation.**
- (23) Environmental reclamation.**
- (24) Other interior or exterior improvements.**
- (25) Window and door treatments.**
- (26) Solar panels.**
- (27) Gutters and leaders.**
- (28) Chimney cleaning, installation, and repairs.**
- (29) Drywall and taping.**
- (30) Air duct cleaning.**
- (31) Pressure washing.**

B. "Home improvement" shall also mean the construction of a custom home, installation of home improvement goods, or furnishing of home improvement services.

HOME IMPROVEMENT BUSINESS

The business of providing a home improvement to an owner for a profit, fee, remuneration, favor, or as part of a barter agreement. For purposes of this chapter, a “barter agreement” is defined as an exchange of things (such as products or services) for other things instead of for money.

HOME IMPROVEMENT CONTRACT

An agreement for the performance of home improvement, between a home improvement contractor and an owner, and where the contract price specified exceeds five hundred dollars.

HOME IMPROVEMENT CONTRACTOR

Any person, firm, or corporation who owns, operates, maintains, controls, transacts, or conducts a home improvement business or who undertakes or advertises a home improvement service, or offers to undertake or agrees to perform any home improvement for the owner for a fee, remuneration, favor, or as part of a barter agreement, and whether or not such person is a prime contractor, or subcontractor with respect to the owner, other than a bona fide employee of the registrant. "Home improvement contractor" does not include a person, firm, corporation, landlord, cooperative corporation, condominium board of managers, joint tenant, or cotenant that owns, in whole or in part, the property to be improved.

LEGISLATURE

The Putnam County Legislature.

OWNER

Any homeowner, tenant, or any other person who orders, contracts for, or purchases a home improvement or the service of a contractor, or the person entitled to the performance of the work of a contractor pursuant to a home improvement contract.

PERSON

For purposes of this chapter, the term “person” shall include an individual, partnership, corporation, business organization, or other similar legal entity.

REGISTRANT

A person registered and authorized to engage in the home improvement business under the provisions of this chapter.

SUBCONTRACTOR

A person, other than a supplier of materials, laborer, or bona fide employee of a contractor, who enters into a contract, written or verbal, with a contractor for the performance of any part of the contractor's contract, or a subcontractor's contract, as the case may be, and who does not perform work other than as a subcontractor.

SUBSTANTIAL EVIDENCE

Evidence that a reasonable mind could accept as adequate to support a conclusion; evidence beyond a scintilla.

§ 135-5 Powers and duties of Director.

The Director shall have the following powers and duties in addition to those elsewhere prescribed in this chapter:

- A. To be responsible for the direct daily supervision of the Secretary to the Board, the Compliance Enforcement Officer(s) and any other employees of the Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.
- B. To establish categories of registration under this chapter and to set fees therefor, subject to the approval of the Board and Legislature.
- C. To examine the qualifications and fitness of registrants for registration under this chapter
- D. To register applicants possessing the requisite qualifications.
- E. To suspend or revoke registrations in accordance with the various terms and provisions of this chapter.
- F. To keep records of all registrations issued, suspended, or revoked.
- G. To employ experts, clerks, and secretaries and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the Legislature (for such Board).
- H. To adopt such rules and regulations not inconsistent with the provisions of this chapter as may be necessary with respect to the form and content of applications for registration, the receipt thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to his powers and duties as prescribed by this chapter and for the proper administration and enforcement of the various provisions of this chapter, and to amend or repeal any of such rules and regulations.
- I. To suspend the registration of any person pending payment of any fine or penalty, pending compliance with any order of the Director or the Office of Consumer Affairs or with any other lawful order of the Office of Consumer Affairs.
- J. To automatically suspend the registration of any person who has failed to maintain the required insurance or bond, as outlined in § 135-25 hereof, during the full term of his or her registration, which such suspension shall be retroactive to the date upon which said insurance or bond had been canceled or revoked, and to reinstate any such registration upon proof that the aforesaid insurance or bond requirement has been fully complied with.
- K. To issue appearance tickets, summonses, information, or any other legal process necessary to effectuate the provisions of this chapter.
- L. To receive and keep complaints from any person relating to a Contractor or Home Improvement Business. The Director has the authority to investigate any such complaint at his discretion. The Director may consider any complaints in determining an application for registration or renewal application, regardless of whether the complaint was found to be a violation of this chapter.

M. To mediate disputes arising from complaints made to the Office of Consumer Affairs by consumers against any contractor or home improvement business.

§ 135-6 Board of Home Improvement.

- A. Board established. There shall be a Board of Home Improvement Contractors ("Board" or "Home Improvement Board") consisting of nine (9) members, each of whom shall be a resident of the County or own a business within the County. (See definition of "Fixed Membership" § 135-4)**
- B. The Board shall interview all candidates for Board membership and submit its recommendations with all candidates' résumés to the Legislature.**
- C. Board members shall be appointed by a majority vote of the Legislature. Board members shall serve a term of three years and at the pleasure of the Legislature.**
- D. Composition of Board. The composition of the Board primarily shall be a representative group of people with home improvement trade experience who are actively engaged or retired from the trade. The Board shall also include those who have no home improvement trade experience at all. At no time, shall the composition of the Board interfere with the viability of the Board to perform its duties and to adhere to its responsibilities. A representative group may include:**
- (1) Home improvement contractors**
 - (2) Licensed engineers**
 - (3) Registered architects**
 - (4) Building inspectors**
 - (5) Tradesmen**
 - (6) Citizens independent of the home improvement business**
- E. Secretary. There shall be a Secretary to the Board who shall be appointed by the County Executive. The Secretary shall report to the Director of the Office of Consumer Affairs, Weights and Measures and Trades Licensing.**
- F. Chairperson and Vice Chairperson. The Board, by majority vote of the fixed membership of the Board, shall elect a Chairperson and Vice Chairperson, each of whom shall serve a two-year term.**
- G. Quorum. A majority of the fixed membership of the Board shall constitute a quorum for the transaction of business. A quorum may be achieved by members attending in person or by Board-approved electronic means that allow for simultaneous visual and aural communication throughout the entire deliberative session.**
- H. Voting. The basis for decisions by the Board shall be the majority vote by the fixed**

membership of the Board, i.e., five out of nine.

- I. **Vacancies.** In the event of a vacancy on the Board, the Board shall send its recommendation to the Legislature and the remainder of the vacating member's term shall be filled by appointment by the Legislature.
- J. **Removal.** A Board member, upon recommendation by the Board, may be removed by majority vote of the Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause.

§ 135-7 Powers and duties of Board.

The Board shall have the following powers and duties:

- A. **Rules and regulations.** The Board shall promulgate its own rules and regulations with respect to its proceedings and with respect to any matter over which it has jurisdiction, including the conduct of examinations, subject to guidelines set forth in the Putnam County Legislative Manual for the setting of agendas, conduct of meetings, and keeping of minutes. The rules and regulations established by the Board shall not supersede the provisions of this chapter. The Board shall prepare a manual of its duly adopted rules and regulations, which shall be made available for public inspection, and file the same with the Clerk of the Legislature. The Board shall file with the Clerk of the Legislature a copy of every rule, regulation and/or amendment thereto, and every decision, determination, and/or appeal thereof, and the same shall be public record.
- B. **Meetings.** The Board shall hold at least seven (7) meetings a year at the call of the Chairperson and at such other times as the Board may determine necessary or desirable for the efficient discharge of the business of the Board at the call of the Chairperson or upon written request by two (2) Board members. All members shall be provided with a minimum of one week's prior written or oral notice of a meeting or otherwise to the extent practicable at a reasonable time prior to the meeting.
- C. **Minutes/voting records.** The Board shall keep minutes of its meetings and proceedings which shall consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and shall include a record of the final vote of each member, including any abstentions (and the reason therefor) or absences.
 - (1) Within two weeks from the date of such meeting, the Secretary shall provide the members of the Board with copies of the proposed minutes and shall make copies of such minutes available to the public. The minutes made available to the public shall be clearly identified as "draft" and/or "unapproved." Upon approval of the minutes pursuant to subsections (2) and (3) of this section, the Secretary shall replace any "draft" or "unapproved" minutes available for public inspection with a copy marked "approved."
 - (2) The Board shall consider draft and/or unapproved minutes for approval at the next regular Board meeting.

- (3) Any mistakes, errors, or omissions noted by the Board shall be corrected by the Secretary and the revised minutes shall again be considered by the Board.
- (4) Within thirty (30) days after approval by the Board, the minutes shall be filed with the Clerk of the Legislature.
- (5) The Office of Consumer Affairs shall retain all tape recordings for one (1) year.
- D. Records. The Office of Consumer Affairs shall maintain a record of all registrations issued, suspended, or revoked under the provisions of this chapter in accordance with Putnam County's records retention and disposition policy.
- E. Complaints. The Board shall have the power to hold hearings on charges of violations of this Code, to make formal findings of facts, and to impose civil penalties and sanctions in accordance with the law.
- F. Subpoena power. Pursuant to New York Civil Practice Law & Rules § 2302(a), the Board shall have the power to issue, and cause to be served, subpoenas for the production of books, records, and documents and appearance of witnesses at any duly-convened hearing of the Board.
- G. Fees. The Board shall have the power to collect fees or to cause fees to be collected for the issuance and/or renewal of registrations hereunder. Such fees shall be in accordance with fee schedules duly adopted by the Legislature.
- H. Recommendations. The Board shall make recommendations to the Legislature regarding any matter relating to the administration of this chapter, including proposed amendments thereto.
- I. Suspension/revocation/civil penalties. The Board shall have the power to suspend and/or revoke registrations issued hereunder and/or assess and impose civil penalties for cause as prescribed by the provisions of this chapter. Such civil penalties shall be in accordance with the fee schedules duly adopted by the Legislature.
- J. Experts/consultants. Subject to legislative approval and appropriation of funds, the Board may hire experts and/or consultants and pay for their services as may be necessary and appropriate in the conduct of its business.
- K. Oaths. The Chairperson of the Board or his/her designee shall be empowered to administer oaths.

§ 135-8 Registration required.

- A. Registration required. Within the County of Putnam, no person shall engage in home improvement work or maintain, conduct, or operate a home improvement business as a general contractor, subcontractor, or contract employee, or hold himself or herself out as being able to do so, unless such person is registered pursuant to this chapter.

B. Exceptions.

- (1) No registration shall be required of any person who performs labor or services for a contractor or subcontractor that is duly registered hereunder, and such person is classified as an employee, not an independent contractor, as defined by the Internal Revenue Service.**
- (2) A license issued by the Putnam County Plumbing Board or the Putnam County Board of Electrical Examiners shall be deemed a registration in compliance with this section for the benefit of the holder thereof to perform work within the scope of his or her profession.**

C. Working while registration suspended, revoked, or expired.

- (1) Within the County of Putnam, no person shall engage in home improvement work or maintain, conduct, or operate a home improvement business as a general contractor, subcontractor, or contract employee, or hold himself or herself out as being able to do so, while his or her registration has been suspended or revoked by action of the Board.**
- (2) Within the County of Putnam, no person shall engage in home improvement work or maintain, conduct, or operate a home improvement business as a general contractor, subcontractor, or contract employee, or hold himself or herself out as being able to do so, while his or her registration has expired.**

§ 135-9 Application procedure and educational requirements.

A. Application procedure.

- (1) An application for an original or renewal registration shall be in writing upon a form prescribed by the Director. The Director may seek from an applicant sufficient relevant information about the applicant's character, experience, and other information necessary to evaluate the applicant's qualification to be registered.**
- (2) Each applicant shall provide forms of identification as determined and posted by the Director as a precondition to the issuance of a registration.**
- (3) Each applicant shall provide a list of employees who are currently employed by the applicant and who engage in home improvement work as defined by this chapter.**

B. Educational requirements.

- (1) All home improvement businesses that offer to provide or provide lawn or turf services must show proof of completion by the owner of such business of a best management practices course for lawn and garden care approved by the Putnam County Commissioner of Health when applying for registration or renewal registration.**

- (2) The participation and completion of a best management practice course for lawn and garden care is a one-time education requirement, unless directed otherwise in accordance with this section. Once proof is accepted by the Director, it shall apply to each subsequent renewal application thereafter as further prescribed under this chapter.**
- (3) If a registered home improvement business can provide a certificate that verifies that he/she has participated and completed a best management practices course for lawn and garden care from another municipality and/or state, such certificate shall be deemed acceptable for compliance with this section.**
- (4) The Director, in consultation with the Putnam County Commissioner of Health, may require the participation of such persons at additional informational seminars and/or courses at reasonable times but no more than once per year in order to ensure that all persons are informed of developing issues, technologies, and laws which may impact the performance of services by such persons in Putnam County.**
- (5) The Director, in consultation with the Putnam County Commissioner of Health, shall have the authority to adopt rules and regulations as may be deemed necessary for the administration and enforcement of this section.**

§ 135-10 Registration.

- A. An application for an original or renewal registration shall be in writing upon a form prescribed by the Director. The Director may seek from an applicant sufficient relevant information about the applicant's character, experience, and other information necessary to evaluate the applicant's qualification to be registered.**
- B. Each application, except for a business engaged in lawn mowing/ground maintenance/leaf blowing, shall be accompanied by proof of insurance and bonding as outlined in § 135-25 below.**
- C. Each applicant shall provide forms of identification as determined and posted by the Director as a precondition to the issuance of a registration.**
- D. Each applicant for an original or renewal registration, when applicable, shall provide the Director with proof of completion of a best management practices course for lawn and garden care as required pursuant to this chapter.**
- E. Term. Each registration issued pursuant to this chapter shall be valid for a term of two years from the date the application is granted.**
- F. Renewals. Applications for renewal of a registration duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board in the form prescribed by the Director prior to the expiration date of the registration and shall be accompanied by the appropriate registration fee. Upon request, applicants for renewal must provide such proof as may be necessary and appropriate to demonstrate the applicant's qualifications, competency and fitness to carry on the**

trade for which he or she is registered.

G. Late renewal. If an application for renewal is not made within the time prescribed herein, the Director may nevertheless renew the registration. In such event, before the renewal may be issued, the registrant must submit his or her application for renewal and pay the appropriate late fee, as set by the Board and approved by the Legislature, in addition to the renewal fee. No application for renewal will be accepted more than one year after expiration of the registration.

H. Revocation of renewal privileges.

(1) Failure to renew a registration issued under the provisions of this chapter within six months after expiration thereof may result in the revocation of all renewal privileges hereunder. The Director may schedule a hearing on notice to the registrant to be conducted in accordance with the procedures outlined in § 135-22 herein.

(2) Failure to renew a registration issued under the provisions of this chapter within one year after expiration thereof shall result in the automatic revocation of renewal privileges hereunder. Such revocation of renewal privileges shall be on notice to the registrant. Such revocation is not subject to a hearing in accordance with the procedures outlined in § 135-22 herein, and shall occur automatically by operation of law one year after expiration of the registration.

(3) Any person desiring a registration after such revocation of renewal privileges shall be required to submit a new application for registration in accordance with the provisions of this chapter. The new application must include the payment of all applicable fees, including late fees accrued by failing to timely renew the prior registration.

I. Waiver of renewal.

(1) If a current registrant does not wish to renew his or her registration, such person must submit written notification to the Secretary of the Board advising that such person is waiving renewal and allowing the registration to naturally expire. Once expired, such registration may not be renewed. To re-register in the future, such person must submit a new application pursuant to the requirements of this chapter.

(2) A waiver of renewal submitted within 60 days after the expiration of the term of registration precludes imposition of any late fees authorized pursuant to section 135-10(F) above.

(3) A waiver of renewal submitted more than 60 days after the expiration of the term of registration allows the imposition of late fees accrued up to the date the waiver is submitted.

J. Military service exceptions.

(1) Registrants who are called to active duty will have their registrations put on inactive status as of the date of their deployment. Upon return from active duty,

the registrant will provide documentation to the secretary of the Home Improvement Board detailing the dates of his or her deployment and proof he or she meets all other requirements of the Home Improvement Law prior to the reactivation of his or her inactive status registration. If the deployment was greater than 30 days, the registrant will be credited for each day of military deployment, and his or her registration will be extended by a similar number of days.

- (2) Once the reactivated registration expires, the registrant's renewal registration will be credited with the same amount of credit time as the hold accrued during his or her inactive status period. All fees charged for that year will be prorated to take into account this credit time.
- (3) This military service exception will be retroactive to any deployment that occurred after September 11, 2001.

§ 135-10-a Hiring and duties.

- A. No person who is registered pursuant to this chapter shall hire any person to perform home improvement work in Putnam County as a subcontractor or contract employee unless the hired person is registered under this chapter.
- B. Any person who is registered pursuant to this chapter shall respond to the Board's requests for specific employment information regarding his or her employees who perform home improvement work. The registered contractor must provide the specific information requested by the Board within the period of time specified in such request.

§ 135-10-b Denial of registration or renewal.

- A. The Director, or his or her duly authorized designee, shall grant the registration or renewal within 60 days after receipt of a complete application in proper form. The Director, or his or her duly authorized designee, may deny the application if it is determined that the applicant:
 - (1) Is not financially responsible.
 - (2) Is unqualified to engage in the home improvement business.
 - (3) Has failed to furnish information as required.
 - (4) Has made a false statement of a material fact or a material omission in the application for the registration.
 - (5) Has consistently failed to perform contracts.
 - (6) Has failed to carry and maintain workers' compensation insurance, public liability insurance, or surety bond as required by this chapter.

- (7) Has failed to pay civil penalties imposed after a hearing held by the Board upon a violation of this chapter, or has failed to pay any fee or late fee incurred under any provision of this chapter.**
 - (8) Has been subject to the imposition of penalties or sanctions as a result of a hearing held by the Board upon a violation of this chapter on at least two occasions in the past two years.**
 - (9) Is applying following a period of revocation and has not demonstrated that he or she is fit to be registered.**
- B. A denial of a registration or renewal shall be made by the Director in writing and shall set forth a statement of the reason or reasons therefor. If the registration or renewal is denied, the applicant may, within 10 days from the date the notice of denial is mailed, request a hearing. Such hearing must be held within 30 days of the request and a decision must be rendered within 45 days from the date of the hearing. Said hearing shall be conducted in accordance with the procedures outlined in § 135-22 hereof.**
 - C. The determination made by the Director shall be subject to judicial review in accordance with Article 78 of the New York State Civil Practice Law and Rules in a proceeding brought within four months after the Director issues a written denial.**

§ 135-11 Prohibited acts.

The following acts are strictly prohibited:

- A. Abandonment or failure to perform, without justification, any home improvement contract or project engaged in or undertaken by the contractor.**
- B. Making any substantial misrepresentation in the procurement of a home improvement contract, or making any false promise likely to influence, persuade, or induce.**
- C. Any fraud in the execution of or in the material alteration of a home improvement contract, or making any false promise likely to influence, persuade, or induce.**
- D. Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note, or other document incident to a home improvement transaction.**
- E. Any fraud in recommending the installation, repair, or replacement of any item the registrant knew or should have known was not required.**
- F. Making a false statement or providing false information in making an application for registration, including a renewal or duplicate.**
- G. Making a false statement or providing false information when responding to the Board's request for information regarding current or former employees employed by the registrant.**

- H. Making a false statement or providing false information in completing the “no employee” affidavit (Form CE 200) workers’ compensation waiver.**
- I. Preparing or accepting any mortgage, promissory note, or other evidence of indebtedness upon the obligation of a home improvement transaction with knowledge that it represents a greater monetary obligation than the agreed-upon consideration for the home improvement work.**
- J. Directly or indirectly publishing any advertisement relating to home improvements which contains an assertion, representation, or statement of fact which is false, deceptive, or misleading.**
- K. Conducting a home improvement business in any name other than the one in which the contractor is registered.**
- L. Failure to notify the Director, in writing, of any change of control in ownership, management name, business name, or location.**
- M. Failure to respond to the Board's request for information regarding anyone employed or formerly employed by the registrant.**
- N. Failure to comply with any order, demand, or requirement made by the Director or Board pursuant to the various provisions of this chapter.**
- O. Failure to list registration number in any and all advertisements for the registered home improvement contracting business.**
- P. Failure to maintain the proper insurances or bonding as required by § 135-25, herein.**
- Q. Conducting a home improvement business by a registered home improvement contractor who has completed the “no employee” affidavit (Form CE 200) and is found in violation of the workers’ compensation waiver.**
- R. Failure to provide proof of completion of a best management practices course for lawn and garden care, as required by § 135-4 hereof.**

§ 135-12 Home improvement contract standards.

- A. Every home improvement contract as defined herein shall be evidenced by a writing and shall be signed by all parties to the contract. The writing shall contain the following:
 - (1) The name, address, telephone number, or registration number of the contractor.**
 - (2) The approximate dates, or estimated dates, when the work will begin and be substantially completed, including a statement of any contingencies that would materially change the approximate or estimated completion date. In addition to the estimated or approximate dates, the contract shall also specify whether or not the contractor and the owner have determined a definite completion date to****

be of the essence.

- (3) A description of the work to be performed, the materials to be provided to the owner, including make, model number of any specific materials or product, or any other identifying information, and the agreed-upon consideration for the work and materials.
- (4) A notice to the owner purchasing the home improvement that the contractor or subcontractor who performs on the contract that if the contractor is not paid he/she may have a claim against the owner which may be enforced against the property in accordance with applicable lien laws. Such home improvement contract shall also contain the following notice to the owner in clear and conspicuous bold face type:

“Any contractor, subcontractor, or materialman who provides home improvement goods or services pursuant to your home improvement contract and who is not paid may have a valid legal claim against your property known as a mechanic's lien. Any mechanic's lien filed against your property may be discharged. Payment of the agreed-upon price under the home improvement contract prior to filing of a mechanic's lien may invalidate such lien. The owner may contact an attorney to determine his rights to discharge a mechanic's lien”.
- (5) A notice to the owner purchasing the home improvement that, except as otherwise provided in Subsection A(7) herein, the home improvement contractor is legally required to deposit all payments received prior to completion in accordance with Subdivision 4 of § 71-a of the Lien Law and that, in lieu of such deposit, the home improvement contractor may post a bond, contract of indemnity, or irrevocable letter of credit with the owner guaranteeing the return or proper application of such payments to the purposes of the contract.
- (6) If the contract provides for one or more progress payments to be paid to the home improvement contractor by the owner before substantial completion of the work, a schedule of such progress payments showing the amount of each payment, as a sum in dollars and cents, and specifically identifying the state of completion of the work or services to be performed, including any materials to be supplied before each such progress payment is due. The amount of any such progress payments shall bear a reasonable relationship to the amount of work to be performed, materials to be purchased, or expenses for which the contractor would be obligated at the time of the payment.
- (7) If the contract provides that the home improvement contractor will be paid on a specified hourly or time basis for work that has been performed or charges for materials that have been supplied prior to the time that payment is due, such payments for such work or materials shall not be deemed to be progress payments for the purposes of Subsection A(6) and shall not be required to be deposited in accordance with the provisions of Subsection A(5).
- (8) A notice to the owner that, in addition to any right otherwise to revoke an offer, the owner may cancel the home improvement contract until midnight of the third business day after the day on which the owner has signed an agreement or

offer to purchase relating to such contract. Cancellation occurs when written notice of cancellation is given to the home improvement contractor. Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and postage prepaid. Notice of cancellation shall be sufficient if it indicates the intention of the owner not to be bound. Notwithstanding the foregoing, this Subsection A(8) shall not apply to a transaction in which the owner has initiated the contract and the home improvement is needed to meet a bona fide emergency of the owner and the owner furnishes the home improvement contractor with a separate dated and signed personal statement in the owner's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the home improvement contract within three business days. For the purposes of this Subsection A(8), the term "owner" shall mean an owner or any representative of an owner.

- (9) A notice that all inquiries and complaints or issues about a contractor should be made to the Director, in writing, with copies transmitted to the Board.
- B. The writing shall be legible, in plain English so that it is understood by both parties to the contract, and shall be in such form to describe clearly any other document, which is to be incorporated into the contract. Before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor. The writing may also contain other matters agreed to by the parties to the contract.

§ 135-13 Fees and civil penalties.

- A. The Board shall have the power to collect or to cause fees to be collected for the issuance and/or renewal of registrations hereunder. Such fees shall be in accordance with a fee schedule proposed by the Board and duly adopted by the Legislature. All fees collected under the provisions of this chapter are nonrefundable.
- B. The Board shall have the power to collect or to cause to be collected civil penalties assessed for violation of this chapter. Such civil penalties shall be in accordance with a schedule proposed by the Board and duly adopted by the Legislature. The penalty for any violation not specifically listed in the civil penalty schedule adopted by the legislature shall be determined by the Board up to a maximum of \$5,000.00.

§ 135-14 Reserved.

§ 135-15 Transferability.

- A. A registration to conduct a home improvement business issued to an individual may be assigned or transferred for the remainder of the registration period to another business entity if the registrant is an owner or member of such entity owning not less than 25% of the business at the time of such assignment or transfer.
- B. Registration of a partnership may be assigned or transferred for the remainder of the

registration period to any one member of such partnership, provided that he or she obtains the consent of all of the other members of such partnership.

§ 135-16 Construal; other licenses.

- A. Any registration issued pursuant to this chapter shall not be construed to authorize the registrant to perform any particular type of work or kind of business that is reserved to qualified licensees under separate provisions of state or local law.**
- B. Nothing in this chapter shall be construed to limit or restrict the power of a town or village to regulate the quality, performance, or character of the work of contractors, including a system of permits and inspections that are designed to secure compliance with and aid in the enforcement of applicable state and local building laws or to enforce other laws necessary for the protection of the public health and safety. Nothing in this chapter shall be construed to limit or restrict the power of a town or village to adopt any system or permits requiring submission to and approval by the town or village of plans and specifications for an installation prior to the commencement of construction of the installation of or inspection of work done.**
- C. This chapter relates only to the area of Putnam County. Notwithstanding, any village or town within Putnam County may preempt this chapter by expressly stating such and enacting its own regulating or licensing of the home improvement business.**

§ 135-17 Reserved.

§ 135-18 Display and Advertising.

- A. Each and every registration certificate issued pursuant to this chapter shall be posted in a conspicuous location at the registrant's place of business and a copy of the registration certificate shall be placed in each vehicle described in Section 135-18(6).**
- B. An identification card issued by federal, state, or local government, which shall contain a photograph of the holder thereof, shall be carried with each contractor or employee and displayed upon request on a job site.**
- C. The certificate's registration number shall be included on all documents distributed by the registrant.**
- D. All advertising for a home improvement business shall contain the registration number issued pursuant to this chapter.**
- E. All vehicles that are owned, leased, or used in the name of a business entity—the owners, principals, and/or employees of which are subject to the provisions of this chapter—must be duly registered with the Office of Consumer Affairs. Therefore, a valid vehicle registration must be provided at the time of registration, renewal, or at any time in which a sticker is requested.**

- F. A valid registration sticker/decals must be affixed and prominently displayed on the driver's side rear bumper on all vehicles and trailers owned, leased, or used by the registrant in the performance of the occupation so registered.
- G. All stickers issued pursuant to this chapter shall remain the property of the Putnam County Office of Consumer Affairs and must be removed from vehicles prior to a sale of such vehicles to another person.

§ 135-19 Complaints.

- A. The Director shall accept from any person complaints relating to a contractor or home improvement business. Such complaints will be kept in the records of the contractor on file with the Office of Consumer Affairs.
- B. In considering an application for a license or renewal under this chapter, conducting any investigation, or determining whether to revoke a registration granted under this chapter, the Director may consider any complaints received.
- C. The Director shall have the authority to mediate any complaint made by a person against a contractor or home improvement business. Upon receipt of the complaint, the Director shall fully investigate the allegations made against the contractor at his discretion. After completion of the investigation and if the complainant and contractor agree, the Director shall schedule a non-binding settlement conference at which all parties must appear personally or by legal representative. Neither party will be obligated to participate in any settlement discussion. If the parties are able to resolve the complaint at the settlement conference, the Director shall indicate as such in the records kept on file with the Office of Consumer Affairs.

§ 135-20 Regulation of Business.

- A. All corporations, partnerships, limited partnerships or joint ventures engaged in home improvement work must file with the Board a registered copy of the applicable business certification as is on file with the State and/or County where such business entity maintains its principal place of business.
- B. Any person who is registered pursuant to this chapter shall notify the Board in writing of any change of control in the ownership, location, management name, or business name of a home improvement business within fifteen (15) days thereof.

§ 135-21 Compliance Enforcement Officer.

- A. There shall be a Compliance Enforcement Officer(s) who shall report directly to the Director.
- B. Powers and duties. The Compliance Enforcement Officer shall have the following powers and duties:
 - (1) Investigations. Upon receipt of a complaint by any person alleging a violation of

this chapter, or on his or her own initiative based on personal knowledge of a suspected violation, the Compliance Enforcement Officer may conduct any independent investigation necessary to carry out the provisions of this chapter. Pursuant to this power, the Compliance Enforcement Officer may:

- (a) **Appearance tickets:** Issue appearance tickets to alleged violators to compel their appearance before the Board. Such appearance tickets shall be in a form prescribed by the Board and shall contain the information as provided for in § 135-22 below.
 - (b) **Subpoenas.** The Compliance Enforcement Officer may make recommendations to the Board to subpoena the appearance of witnesses to a duly-held hearing and/or to compel the production of any books, records, or documents that he or she may deem material and relevant for the proper prosecution of a violation.
- (2) **Prosecutions.** The Compliance Enforcement Officer shall be charged with the duty of presenting material and relevant evidence of alleged violation(s) of this chapter at a hearing duly convened by the Board in accordance with § 135-22 of this chapter. The Compliance Enforcement Officer shall designate an alternate to make the presentation to the Board in his/her absence. Such designated alternate shall not be a currently serving member of the Board.

§ 135-22 Enforcement.

- A. **Suspension, revocation, and civil fines.** Following a hearing as provided for herein, the Board shall have the power to revoke or suspend, for such period as the Board may deem appropriate, any registration issued under the provisions of this chapter, and/or assess and impose civil fines or penalties as provided for herein, provided that a majority of the Board is satisfied by substantial evidence that the person or the holder of such registration has violated a provision of this chapter or the rules and regulations of the Board.
- B. **Procedure for suspension, revocation, and/or imposition of civil fines.**
 - (1) **Notice of charges.** Prior to revocation or suspension of a registration and/or the assessment of any civil penalties as provided for herein, the alleged violator shall receive in writing, a notice of charges that includes an appearance ticket and all of the particulars of the alleged violation. Such notice shall be sent to the alleged violator by the Compliance Enforcement Officer via registered or certified mail in addition to regular first-class mail to the address provided and shall contain the following information:
 - (a) The name and address of the alleged violator;
 - (b) The specific section(s) of this chapter alleged to have been violated;
 - (c) A statement of the facts and circumstances supporting the charge(s) that includes the date and location of the violation;

- (d) The date, time, and place where the alleged violator is summoned to appear before the Board for a hearing on the alleged violation;**
- (e) A statement advising the alleged violator that any answer to the charges must be filed with the Board within fifteen (15) days of his or her receipt thereof, as evidenced by evidence of mail delivery recovered from the U.S. Postal Service website or the non-return of the first-class mailing;**
- (f) A statement of the possible penalties to be imposed in the event the charges are proven to the Board by substantial evidence;**
- (g) A statement advising the alleged violator that, in the event he or she fails to appear as directed, he or she may be considered in default and a hearing may proceed in his or her absence;**
- (h) A statement advising the alleged violator that he or she could waive his or her right to a hearing and plead guilty to the charges via mail or in person at the Office of Consumer Affairs;**
- (i) A statement advising the alleged violator that he or she has the right:**
 - [1] To be represented by legal counsel (at his or her own expense); and**
 - [2] To testify, call, and cross-examine witnesses, present evidence in his or her defense at the hearing; and**
 - [3] To request an adjournment for good cause. See “Adjournments” below.**

(2) Hearing.

- (a) Timing. The hearing on any alleged violation of this chapter shall be held before the Board within one hundred (100) days of the date of the written notice provided for in Subsection B(1).**
- (b) Adjournments. Any requests for an adjournment must be made in writing and may be granted at the sole discretion of the Board. Any granted adjournment shall nullify the one hundred (100) day period of § 135-22(B)(2)(a).**
- (c) Record. A stenographic or audio recording of the hearing shall be made by the Board.**
- (d) Rules of evidence. Compliance with the technical rules of evidence shall not be required, but all evidence presented must be material and relevant as determined by the presiding officer.**
- (e) Presiding officer. The hearing shall be conducted by the Board and shall be presided over by the Chairperson of the Board or, in his or her absence, the Vice Chairperson or another Board member designated by the Chairperson or Vice Chairperson.**

- (f) **Presentation of evidence in support of the charges.** Evidence of the alleged violation shall be presented to the Board by the issuing Compliance Enforcement Officer, or his/her designee, who shall be subject to questioning/cross-examination by the alleged violator or his or her legal representative.
 - (g) **Burden of proof.** The charges contained in the notice shall be proven by substantial evidence.
 - (h) **Findings of fact and decision.** Within thirty (30) days from the submission of all evidence and the close of the hearing, the Board shall issue a written decision on the charges, setting forth therein:

 - [1] Its findings of fact as determined by the evidence presented at the hearing;
 - [2] Its decision regarding the alleged violator's guilt or innocence of the charges set forth in the notice of charges;
 - [3] A statement of the reasons supporting its decision;
 - [4] The penalty, if any, to be imposed, including any relevant effective date(s) or period(s) of duration as determined by the Board; and
 - [5] A statement regarding the right to challenge the Board's decision pursuant to Article 78 of the New York Civil Practice Law and Rules.
 - (i) **Notice of decision.** The Board shall immediately cause a written copy of its findings of fact and decision to be delivered to the alleged violator via registered or certified mail and first-class mail.
 - (j) **Judicial review.** The decision of the Board shall be subject to judicial review in accordance with Article 78 of the New York Civil Practice Law and Rules.
- C. Permissible penalties.** The Board, following a determination that the charges have been proven by substantial evidence, may impose the following penalties:
- (1) Issuance of an official reprimand and warning letter, a copy of which shall be retained by the Board and considered in connection with future applications for registration or renewal thereof;
 - (2) Imposition of a civil penalty in an amount authorized by resolution of the Putnam County Legislature, but not to exceed \$5,000 for each violation of this chapter;
 - (3) Revocation/suspension.

 - (a) The Board, in its judgment as to the seriousness of the charges, may suspend or revoke the home improvement registration of any home improvement registration holder who, at a duly called hearing, has been

found guilty by substantial evidence of a violation of this chapter.

- (b) The Board may suspend or revoke a registration if the registration holder has been convicted of a crime by a court of competent jurisdiction where there is a direct relationship between the crime and the specific registration sought, or if the issuance and/or holding of the registration would involve an unreasonable risk to property or to the safety or welfare of specific individuals or to the general public.
 - (c) A suspension is a temporary restriction of a person's home improvement registration. During the period of suspension, the registrant may not engage in home improvement work in Putnam County. The duration of suspension will be determined by the Board and can be for a fixed period of time or an indefinite period of time contingent upon the occurrence of a condition precedent. A registrant must renew or waive renewal of his or her registration as prescribed in this chapter even if suspended. A suspension will continue after expiration of the term of registration regardless of whether the registrant has renewed. Once the suspension period has ended, the registrant must pay a fee to lift the suspension before his or her registration will be reinstated.
 - (d) A revocation is a termination of a person's home improvement registration. Once revoked, the registrant may not engage in home improvement work in Putnam County. The duration of the revocation will be determined by the Board and can be for a minimum period of time or an indefinite period of time contingent upon the occurrence of a condition precedent. Once revoked, a registrant may not renew his or her registration. Upon expiration of the minimum period of revocation, the registrant must pay a fee to lift the revocation before he or she may submit a new application for consideration.
- D. **Litigation costs.** In the event the County is required to institute legal proceedings to collect any portion of a fine or penalty imposed under this chapter, the County shall be entitled to recover from the violator any and all associated costs thereof, including attorney's fees and interest on any unpaid fine or penalty calculated at the statutory rate.

§ 135-23 Criminal penalties.

- A. Any person who shall maintain, conduct, operate, or engage in a home improvement business within the County of Putnam without a registration as required under this chapter or who continues to conduct a home improvement business after such registration has been denied, suspended, revoked, or has expired shall be guilty of a Class A misdemeanor.
- B. The Board may refer any matter that it suspects may constitute a criminal offense to the Putnam County Sheriff's Office or to other appropriate law enforcement authority for further review.
- C. This section shall be enforced by the Putnam County Sheriff's Department. Arrests

made pursuant to this section shall be made by a police officer or a peace officer acting under his or her special duties.

§ 135-24 Immunity.

Nothing set forth in this chapter shall subject the County of Putnam, its officers, agents, or employees, including the Board and the Compliance Enforcement Officer, to any liability for damages arising out of or related to the conduct of any person licensed or registered by the County of Putnam.

§ 135-25 Insurance and bonding.

- A. Except for a business engaged in lawn mowing/ground maintenance/leaf blowing, prior to the issuance of any registration, permit, or renewal thereof, the applicant must provide the Board with proof of insurance and bonding information as follows:
- (1) A license and permit bond in the amount of \$25,000;
 - (2) Workers' compensation insurance for all employees;
 - (3) General liability insurance of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- B. All insurance policies shall contain a provision of continued liability and name Putnam County as an additional insured and certificate holder.
- C. All bonds shall contain a provision identifying Putnam County as an obligee. Notwithstanding the foregoing, any payment issued on behalf of a claim for an aggrieved individual or company, shall be paid directly to said individual or company by the bond company.
- D. All insurance policies and bonds must be carried throughout the entire period of registration.

§ 135-26 Provisions not subject to waiver.

The provisions of this chapter are intended for the protection of an owner and shall not be subject to waiver by an owner in a home improvement contract otherwise.

§ 135-27 Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Putnam hereby declares that it would have

passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

§ 135-28 Repealer.

All ordinances, local laws, and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued, or acquired, or penalty, charge, liability, forfeiture, or punishment incurred or owing prior to the time such repeal takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Putnam local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

Section II.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Legislator Sullivan made a motion to accept the amended version Item #5n; seconded by Legislator Jonke. All in favor.

Item #5n – Approval/ Home Improvement Fees/ Civil Penalty Schedule Pursuant to Sections 135-13(A) and 135-13(B) of the Putnam County Code was next. (Amended Version by Law Dept. at the request of the Rules Committee during the meeting) On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the amended Item #5n.

RESOLUTION #172

APPROVAL/HOME IMPROVEMENT FEES/CIVIL PENALTY SCHEDULE PURSUANT TO SECTIONS 135-13(A) AND 135-13(B) OF THE PUTNAM COUNTY CODE

WHEREAS, Section 135-13(A) of the Putnam County Code adopted under Resolution #171 of 2019 authorizes the setting and collection of fees for registrations, renewals, and other items as shall be proposed by the Putnam County Board of Home Improvement and approved by resolution of the Putnam County Legislature; and

WHEREAS, Section 135-13(B) of the Putnam County Code, amended and enacted contemporaneously with this resolution, authorizes the setting and collection of civil penalties in an amount proposed by the Putnam County Board of Home Improvement and approved by resolution of the Putnam County Legislature, but not to exceed \$5,000 for each violation; and

WHEREAS, the schedules for fees and civil penalties under Chapter 135 of the

Putnam County Code have not been revised since 2010; and

WHEREAS, the Home Improvement Board of Putnam County desires to revise these schedules at this time and has approved such revision; and

WHEREAS, the new proposed fee and civil penalty schedules have been reviewed and approved by the Rules Committee; now therefore be it

RESOLVED, that the following fee and civil penalty schedules are hereby approved and adopted by the Putnam County Legislature:

FEE SCHEDULE

| | |
|--|----------|
| Application Fee for registration for a 2-year period (includes original decals) | \$300.00 |
|--|----------|

| | |
|---------------------------|--------|
| Replacement Decals (each) | \$5.00 |
|---------------------------|--------|

| | |
|--|----------|
| Renewal Application received within 60 days after registration expires | \$300.00 |
|--|----------|

If submitted within 60 days of expiration, a \$25 late fee shall be assessed.
After the initial 60-day period, a \$20 late fee shall be added for each successive 30-day period, not to exceed a total late fee of \$225.00

| | |
|-----------------------------------|------|
| Suspension or revocation lift fee | \$25 |
|-----------------------------------|------|

CIVIL PENALTY SCHEDULE

| | |
|--|----------|
| Worker on a job site with no ID (per worker) | \$250.00 |
|--|----------|

| | |
|--|----------|
| Contractor and worker provide photo ID and payroll records within two (2) County business days of violation, the fine will be reduced to | \$100.00 |
|--|----------|

| | |
|---------------------------|--------------------|
| Prohibited acts (per act) | \$5,000.00 maximum |
|---------------------------|--------------------|

Working while not registered

| | |
|-----------------|------------|
| First violation | \$1,500.00 |
|-----------------|------------|

- If paid within 30 days of the violation, penalty is reduced to \$1,250.00
- If paid within 30 days and contractor registers at the same time, \$300.00 of the penalty will be applied toward the registration fee.

| | |
|--|------------|
| Second violation (within 3 years of first violation) | \$2,000.00 |
|--|------------|

| | |
|---|------------|
| Third violation (within 5 years of first violation) | \$3,000.00 |
|---|------------|

Working while registration expired

| | |
|-----------------|------------|
| First violation | \$1,500.00 |
|-----------------|------------|

- When violation occurs within 60 days of expiration: If fine paid within 30 days of violation and contractor registers at time of

payment, \$300.00 of the penalty will be applied toward the registration fee.

| | |
|--|------------|
| Second violation (within 3 years of first violation) | \$2,000.00 |
| Third violation (within 5 years of first violation) | \$3,000.00 |
| Working while registration suspended or revoked | |
| First violation | \$2,000.00 |
| Second violation (within 3 years of first violation) | \$3,000.00 |
| Third violation (within 5 years of first violation) | \$5,000.00 |
| Improper advertising | \$100.00 |
| Failure to affix current decal on vehicle | \$100.00 |

Any additional category of penalty not otherwise covered by this schedule shall be subject to the discretion of the Board pursuant to §135-13(B) of the Home Improvement Law.

In assessing the penalty for a violation of Chapter 135 of the Putnam County Code, the Board may deviate from the civil penalty schedule approved by the Legislature if it believes, in its discretion, it is warranted by the facts and circumstances of the case. Such deviation, either increasing or decreasing the penalty, and the justification for same must be placed on the record and be approved by a majority roll call vote of the entire Board.

And be it further

RESOLVED, that this schedule will take effect on the day the local law contained in Resolution #171 of 2019 becomes effective.

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

ECONOMIC DEVELOPMENT & ENERGY COMMITTEE
(Chairwoman Sayegh, Legislators Addonizio & Montgomery)

Item #5o – Approval/ Designation / County of Putnam /Tourist Promotion Agency/ I Love NY Matching Funds was next. Chairman Castellano recognized Legislator Sayegh, Chairwoman of the Economic Development & Energy Committee. On behalf of the members of the Committee, Legislators Montgomery and Sayegh, Legislator Addonizio moved the following:

RESOLUTION #173

APPROVAL /DESIGNATION/ COUNTY OF PUTNAM/ TOURIST PROMOTION AGENCY/ I LOVE NY MATCHING FUNDS

WHEREAS, pursuant to Sections 162 and 163 of the New York State Economic Development Law, the Putnam County Legislature may designate any not-for-profit corporation or other non-profit organizations, associations or agencies as the Tourist Promotion Agency of the County of Putnam and authorize such agency to make application for and receive grants for the purposes specified in the New York State Tourism Promotion Act; and

WHEREAS, the County of Putnam previously designated the Putnam County Visitor's Bureau, Inc. as the County's Tourist Promotion Agency via Resolution #174 of 2018; and

WHEREAS, the Putnam County Visitor's Bureau, Inc. has ceased operations and is no longer operating in Putnam County; and

WHEREAS, the County is desirous of employing a Project Director itself for the purposes of promoting tourism throughout Putnam County, and is currently pursuing that possibility; and

WHEREAS, said Project Director would be responsible for the use and proper allocation of I Love New York matching funds provided directly to the County of Putnam for those purposes once hired; and

WHEREAS, applications for 2020 I Love NY Matching Funds are required to be submitted to New York State in August 2019 and the County would like to ensure that it submits the necessary application to receive ongoing funding through the I Love NY program; and

WHEREAS, Section 5-1(D)(1) of the Putnam County Code requires Legislative approval of all grant applications and subsequent renewals thereof prior to submission; and

WHEREAS, the Economic Development and Energy Committee has considered and approved of the submission of a grant application for the 2020 I Love NY program, which requires a County match; and

WHEREAS, the County of Putnam is qualified to be designated as the Tourist Promotion Agency for the County of Putnam; now therefore be it

RESOLVED, that the Putnam County Legislature hereby designates the County of Putnam as the Tourist Promotion Agency; and be it further

RESOLVED, that this designation shall be effective immediately upon adoption and shall remain in effect until December 31, 2020; and be it further

RESOLVED, that the Putnam County Legislature approves and authorizes the Putnam County Executive to apply for the 2020 I Love New York matching funds grant.

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WAS ABSENT. MOTION CARRIES.

Item #5p – Approval/ Budgetary Amendment (19A050)/ County Attorney/ County Department of Tourism was next. On behalf of the members of the Economic Development & Energy Committee, Legislators Montgomery and Sayegh, Legislator Addonizio moved the following:

Legislator Jonke made a motion to amend the resolution changing the Director's salary from \$85,000 to read, in both the WHEREAS clause and RESOLVED clause, "not to exceed \$85,000". Seconded by Legislator Albano. All in favor.

Legislator Montgomery stated that we just adopted the resolution for Item #5o – Designation/ County of Putnam/ Tourist Promotion Agency/ I Love NY Matching Funds. She stated that this afternoon we received an email from the Law Department to amend Article 5. She questioned if that was something separate.

Legislative Counsel Firriolo stated that the proposal is an amendment to the Charter to create a Department of Tourism and the position of Director of Tourism would be, like any other department Director, confirmed by the Legislature. The Charter change would be the next step in the process of creating a formal department.

Legislator Montgomery stated that we haven't created the department yet and that it would be done through the Rules Committee. She stated that this is to make sure the we receive the funding back from New York State.

Legislative Counsel Firriolo stated that was correct.

Chairman Castellano believed we were moving in the right direction. He believed it would be great to have a Putnam County employee to attend our meetings, listen to our concerns and hopefully point this person in the right direction to help the promote tourism in all the towns.

Legislator Albano stated that it would give us more oversight.

Legislator Jonke believed that making this move created transparency and accountability for this position.

Legislator Addonizio stated that she was glad that we did this because August is the cutoff date to receive the I Love NY State Aid. She stated that we are right on target.

Legislator Montgomery stated that she spoke with the State Tourism Department in regard to how the I Love NY money works and the oversight the State Department has. She explained that a lot of areas in Putnam believe that they do not receive their fair share of tourism funds. She believed that there was the opportunity to work with the State directly. She explained that she wanted to proceed with caution to make sure we have the oversight to share the promotion and marketing funds evenly throughout the County. She stated that we missed out on the Market New York funding which was part of the CFA funding and the deadline just occurred. She stated that funding could have enabled the County to receive monies for capital improvements. She was hoping that we can get a solid department so that next year we can use the Regional Council's opportunities to obtain grant funding; not only the I Love NY funds but the Market NY funding.

Legislator Sullivan stated that it was a great idea to bring the Tourism Department in-house. He explained that it was an issue with not having direct oversight of an outside Board handling tourism. He stated that cooperation with the Board was an issue. He believed that we will now see a brighter future of what Putnam can do in promoting tourism.

Chairman Castellano stated that he was looking forward to having the Director of Tourism attend our Economic Committee meeting at least four (4) times a year to provide an update.

RESOLUTION #174

APPROVAL/ BUDGETARY AMENDMENT / COUNTY ATTORNEY/ COUNTY DEPARTMENT OF TOURISM

WHEREAS, the Putnam County Visitors Bureau has ceased operations; and
 WHEREAS, the County Attorney provided an update on the status of the Visitors Bureau to the Putnam County Legislature at its Personnel Committee meeting held on July 10, 2019; and

WHEREAS, the County Attorney discussed the possible creation of a Tourism Position in County Government at said meeting; and

WHEREAS, the County Attorney has requested a budgetary amendment (19A050) to provide funding for a County Department of Tourism; and

WHEREAS, the annual salary for the Director of Tourism is not to exceed \$85,000; and

and
 WHEREAS, the Economic Development & Energy Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

| | | |
|----------------------|--------------------------------------|----------------|
| 10199000 54980 | Contingency | 20,911 |
| 10641000 51000 (101) | Personnel Svcs – Director of Tourism | 35,417 |
| 10641000 54310 | Office Supplies | 500 |
| 10641000 54311 | Printing & Forms | 500 |
| 10641000 54328 | I Love NY Program Expenses | 136,384 |
| 10641000 54634 | Telephone | 200 |
| 10641000 54664 | Advertising | 5,000 |
| 10641000 54678 | Leased Transportation | 10,000 |
| 10641000 58001 | Retirement | 2,352 |
| 10641000 58002 | FICA | 2,709 |
| 10641000 58003 | Disability | 66 |
| 10641000 58004 | Workers Compensation | 107 |
| 10641000 58006 | Dental | 511 |
| 10641000 58007 | Life Insurance | 271 |
| 10641000 58008 | Health | 9,048 |
| 10641000 58011 | Flexible Benefits | 908 |
| | | <u>224,884</u> |

Decrease Estimated Appropriations:

| | | |
|----------------|------------------------|----------------|
| 25641000 54664 | Advertising | 5,000 |
| 25641000 54678 | Leased Transportation | 10,000 |
| 25641000 54621 | Matching Funds – State | 68,192 |
| 25641000 54950 | County Contribution | 73,500 |
| | | <u>156,692</u> |

Increase Estimated Revenues:

10641000 437151

State Aid – I Love NY Program

68,192

And be it further

RESOLVED, that Resolution #281 of 2018, setting the Salaries of Officers and Employees Paid from County Funds, is hereby amended to reflect the salary of the new position of Director of Tourism not to exceed \$85,000 as of August 7, 2019.

2019 Fiscal Impact (20,911)

2020 Fiscal Impact – Not Determined

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.

PHYSICAL SERVICES COMMITTEE
(Chairman Albano, Legislators Gouldman & Nacerino)

Item #5q – Approval/ Acceptance of Amendment B for 2018-2019 Snow and Ice Agreement with New York State was next. Chairman Castellano recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #175

APPROVAL/ ACCEPTANCE OF AMENDMENT B FOR 2018-2019 SNOW AND ICE AGREEMENT WITH NEW YORK STATE

WHEREAS, by Resolution #286 of 2009, the Putnam County Legislature approved a Pilot Agreement (the “Agreement”) with the State of New York for Snow and Ice Removal; and

WHEREAS, under the terms of the Agreement, the County is responsible for clearing snow and ice from State Highways as designated by the Commissioner of Transportation of the State of New York (the “Commissioner”); and

WHEREAS, the Agreement was for a three year period commencing July 1, 2009 and was embodied in New York State Contract #D014735; and

WHEREAS, by Resolution #197 of 2018, the Putnam County Legislature approved to extend the term of the Agreement through June 30, 2019; and

WHEREAS, in order to more accurately reflect the 2018-2019 winter season’s expenditures, an amendment to this Agreement (“Amendment B”) has been proposed for said winter season based on revised estimated expenditures; and

WHEREAS, approval and acceptance of Amendment B will enable New York State to reimburse Putnam County the additional sum of \$318,204.04 over the above previous estimated expenditures set forth in the Agreement; and

WHEREAS, approval and acceptance of Amendment B will allow the processing of said reimbursement by New York State to Putnam County; now therefore be it

RESOLVED, that the Putnam County Legislature authorizes the County Executive to execute Amendment B, a copy of which is attached hereto.

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.

Item #5r – Approval/ Budgetary Amendment (19A043)/ Highways & Facilities/ Severe Winter Index Funds was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

Legislator Addonizio stated that this is a zero fiscal impact.

RESOLUTION #176

APPROVAL/BUDGETARY AMENDMENT / HIGHWAYS & FACILITIES/ SEVERE WINTER INDEX FUNDS

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (19A043) to allocate Severe Winter Index Funds from the contract between the Department of Highways & Facilities and the NYS DOT; and

WHEREAS, the Commissioner of Highways & Facilities is allocating a portion of the funds to purchase trucks and trailers that do not typically meet the period of probable usefulness of the bond funds; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee has reviewed and approve said budgetary amendment; now therefore be it RESOLVED, that the following budgetary amendment be made:

GENERAL FUND:

Increase Estimated Appropriations:

| | | |
|----------------|----------------------------|---------------|
| 10511100 51094 | Temporary | 18,925 |
| 10511100 58002 | FICA | 1,476 |
| 10711000 52650 | Motor Vehicles | 87,500 |
| 10711000 52660 | Highway & Street Equipment | <u>27,770</u> |
| | | 135,671 |

Increase Estimated Revenues:

| | | |
|-----------------|-------------------------|---------|
| 10131000 428551 | Transfer from Road Fund | 135,671 |
|-----------------|-------------------------|---------|

ROAD FUND:

Increase Estimated Appropriations:

| | | |
|----------------|--------------------------|----------------|
| 10514200 51093 | Overtime | 70,000 |
| 10514200 58002 | FICA | 5,355 |
| 10514400 54410 | Supplies & Materials | 107,178 |
| 02990100 59030 | Transfer to General Fund | <u>135,671</u> |
| | | 318,204 |

Increase Estimated Revenues:

| | | |
|-----------------|---------------------------|---------|
| 10514400 423021 | Severe Winter Index 18/19 | 318,204 |
|-----------------|---------------------------|---------|

2019 Fiscal Impact – 0 –
2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5s – Approval/ Budgetary Amendment (19A046)/ Highways & Facilities/ CHIPS 2019 was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #177

APPROVAL/ BUDGETARY AMENDMENT / HIGHWAYS & FACILITIES/ CHIPS 2019

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (19A046) to amend the 2019 CHIPS County Capital Project Budget to equal the adopted NYS Budget Allocation of Extreme Winter Recovery Program funds; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

| | | |
|-----------------------------|-------------------|----------------|
| 55197000 53000 51903 | CHIPS 2019 | 111,799 |
|-----------------------------|-------------------|----------------|

Increase Estimated Revenues:

| | | |
|------------------------------|-------------------------------|----------------|
| 55197000 435011 51903 | State Aid – CHIPS 2019 | 111,799 |
|------------------------------|-------------------------------|----------------|

2019 Fiscal Impact – 0 –

2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5t – Approval/ Budgetary Amendment (19A047)/ Commissioner of Finance/ Planning Department/ NYSDEC Grant Award/ Southeast – Danbury Sewer Project was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

Legislator Jonke stated that this money that will fund a project in his district. He stated that it is a great project that will hopefully bring some life and tax revenue to the Town and Putnam County.

Chairman Castellano stated that he too lives in that town. He commended Putnam County for working with the City of Danbury. He stated that this will be a one (1) of a kind sewer project between two (2) States working together. He believed it will be a win for Putnam County and the Town of Southeast as well.

Legislator Sullivan stated that this is an environmentally friendly way to develop business along an area that is environmentally sensitive.

Legislator Montgomery did not believe these funds would cover the project. She questioned what the \$750,000 was for.

Legislator Jonke stated that at this point we are beyond feasibility and were moving into the engineering phase.

Legislator Montgomery wanted to make sure the Town of Southeast Board was aware of every step in the process.

Legislator Jonke stated that he has been in touch with Town of Southeast Supervisor Hay throughout the project. He stated that he and Chairman Castellano will be attending the Town Board meeting in September.

Chairman Castellano stated that this project will also be vital to the Village of Brewster. He stated that they would speak with them as well.

Legislator Albano explained that this project will give that area the ability to grow in a way that the Town Board and the Planning Board sees fit. He believed it was an environmentally sound way to develop that area; should they choose to do so.

RESOLUTION #178

APPROVAL/ BUDGETARY AMENDMENT / COMMISSIONER OF FINANCE/ PLANNING DEPARTMENT/ NYSDEC GRANT AWARD/ SOUTHEAST – DANBURY SEWER PROJECT

WHEREAS, the Planning Department has been awarded local aid state assistance funding in the amount of \$750,000 through the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (19A047) to account for the NYSDEC grant award to fund cost relating to the Southeast – Danbury Sewer Project; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee has reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

| | | |
|-----------------------------|--|----------------|
| 58150000 53000 51913 | Southeast – Danbury Sewer Project | 750,000 |
|-----------------------------|--|----------------|

Increase Estimated Revenues:

| | | |
|------------------------------|--|----------------|
| 58150000 439902 51913 | State Aid – Southeast Danbury Sewer | 750,000 |
|------------------------------|--|----------------|

2019 Fiscal Impact – 0 –

2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5u – Approval/ Fund Transfer (19T135)/ Historian/ Parks was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

Chairman Castellano explained that these are abandoned cemeteries that the towns take care of. This helps the towns to maintain these properties.

Legislator Albano stated that it has come to his attention that the towns need more help. He stated that we will need to look into that in the future.

Legislator Montgomery explained that it has been spoken about in Committee that we are in the process of performing ground penetrating radar in our cemeteries. He stated that there is an amazing volunteer group that takes to heart the value of our cemeteries in our community. She stated that she will look at the details of the budget between the towns and the County.

Chairman Castellano explained that as the towns send us the bills, the County covers 50% of the maintenance costs. He believed that the Town of Carmel had the most cemeteries to take care of.

RESOLUTION #179

APPROVAL/ FUND TRANSFER / HISTORIAN/ PARKS

WHEREAS, the Commissioner of Finance has requested a fund transfer (19T135) to reimburse the towns for the maintenance of the cemeteries for 2019; and

WHEREAS, funds were earmarked in contingency in the Historian's budget for this purpose; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

| | | |
|-----------------------|---------------------------------|---------------|
| 10199000 54984 | Subcontingency Historian | 18,000 |
|-----------------------|---------------------------------|---------------|

Increase:

| | | |
|-----------------------|------------------------------------|---------------|
| 10711000 54950 | Parks – County Contribution | 18,000 |
|-----------------------|------------------------------------|---------------|

2019 Fiscal Impact – 0 –

2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5v – Approval/ Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State “Marchiselli” Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore was next. On behalf of the Physical Services Committee, Legislators Goldman and Nacerino, Legislator Albano moved the following:

Chairman Castellano explained that Putnam County's cost will drop to approximately 5% of the total project. He stated that the work is moving quickly and the site will be a great opportunity and gateway to the Village of Brewster. He stated that there is a beautiful park at that location and a great view of the reservoir and hopefully people will enjoy walking up to the Village of Brewster train station. He stated that the bridge was closed approximately in 2006 and closed to pedestrian traffic in 2013. He stated that it was in

danger of collapsing in the reservoir. He explained that a few years ago NYSEG removed their gas line that ran along the bridge and buried it under the water way. He stated that we were hoping that the bridge will be finished by next spring. He commended the County, State and Federal government for working together on this project. He explained that the State and Federal government will pay 95% of the project and the cost to Putnam County will be less than \$200,000. He stated that he was looking forward to this project moving forward.

RESOLUTION #180

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE. *(Morningthorpe Avenue Pedestrian Bridge)*

WHEREAS, a Project for the Morningthorpe Avenue Pedestrian Bridge Connection in the Town of Southeast and Village of Brewster, Putnam County, PIN 8780.53 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Putnam County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection.

NOW, THEREFORE, the Putnam County Legislature duly convened does hereby

RESOLVE, that the Putnam County Legislature hereby approves the above subject project; and it is hereby further

RESOLVED, that the Putnam County Legislature hereby authorizes Putnam County to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$750,000 (\$1,352,000 minus previous \$602,000) is hereby appropriated from the Putnam County capital budget line number 05 55197000 53000 51419 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Putnam County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Putnam County Executive thereof; and be it further.

RESOLVED, that the Putnam County Executive, on behalf of Putnam County, be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Putnam County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and Putnam County's first instance funding of project costs and permanent funding of the local share of federal- aid and state-aid eligible Project costs, and be it further

RESOLVED, that in addition to the Putnam County Executive, the following- municipal titles: Commissioner of Highways & Facilities, Deputy Commissioner of Highways & Facilities, County Engineer, Supervisor of Planning & Design, Commissioner of Finance are also authorized to executive any necessary Agreements or certifications on behalf of

the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.

Item #5w – Approval/ Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State-Aid Eligible Costs, of a Transportation Federal-Aid and/or State-Aid Transportation Project, and Appropriating Funds Therefore was next. On behalf of the Physical Services Committee, Legislators Goldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #181

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID AND/OR STATE-AID TRANSPORTATION PROJECT, AND APPROPRIATING FUNDS THEREFORE. (*Sprout Brook Rd Bridge over Canopus Hollow Creek*)

WHEREAS, a Project for the Replacement of the Sprout Brook Road Bridge over Canopus Hollow Creek (BIN 3345690) in the Town of Philipstown, Putnam County, identified as PIN 8762.13 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, Putnam County will design, let and construct the Project; and

WHEREAS, Putnam County desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of preliminary engineering, right-of-way incidental, right-of-way acquisition, construction, construction inspection and construction supervision.

NOW, THEREFORE, the Putnam County Legislature duly convened does hereby

RESOLVE, that the Putnam County Legislature hereby approves the above subject project; and it is hereby further

RESOLVED, that the Putnam County Legislature hereby authorizes Putnam County to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering, right-of-way incidental, right-of-way acquisition, construction, construction inspection and construction supervision work for the Project or portions thereof; and be it further

RESOLVED, that the Putnam County Legislature hereby agrees that Putnam County shall be responsible for all costs of the project which exceed the amount of the Bridge NY Funding awarded to Putnam County; and be it further

RESOLVED, that the sum of \$1,632,404 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Putnam County Legislature shall

convene as soon as possible to appropriate said excess amount immediately upon the notification by the Putnam County Executive thereof; and be it further.

RESOLVED, that Putnam County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and that the project shall be completed within thirty (30) months of commencing construction; and be it further

RESOLVED, that the Putnam County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State-Aid on behalf of Putnam County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that in addition to the Putnam County Executive, the following municipal titles: Commissioner of Highways & Facilities, Deputy Commissioner of Highway & Facilities, County Engineer, Supervisor of Planning & Design, Commissioner of Finance are also authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5x – Approval/ Budgetary Amendment (19A051)/ Highways & Facilities/ Sprout Brook Bridge Improvement Project was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #182

APPROVAL/ BUDGETARY AMENDMENT/ HIGHWAYS & FACILITIES/ SPROUT BROOK BRIDGE IMPROVEMENT PROJECT

WHEREAS, the New York State Department of Transportation (NYSDOT) has approved \$1,550,784 in funding through the 2018 Bridge NY program for Putnam County's application for the Sprout Brook Bridge Improvement Project over Canopus Creek; and

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (19A051) to account for this project as per the Master Federal-Aid Local Project Agreement; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

CAPITAL FUND:

Increase Estimated Appropriations:

55197000 53000 51914 PIN 8762.13 – Sprout Brook Rd Bridge 1,632,404

Decrease Estimated Appropriations:

55197000 53000 51501 Bridges & Culverts 81,620

Increase Estimated Revenues:

55197000 445971 51914 Federal Aid – PIN 8762.13 1,550,784

05000 45710F 51914 Bond Proceeds – 2015 81,620

Decrease Estimated Revenues:

05000 45710F 51501 Bond Proceeds – 2015 81,620

2019 Fiscal Impact – 0 –

2020 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.**

Item #5y – Approval/ Local Law to Amend the Code of the County of Putnam, by Repealing the Existing Chapter 156, Entitled “Energize NY Benefit Financing Program” and Replacing it with a new Chapter 156, Entitled “Energize NY Open C-PACE Financing Program” was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #183

A LOCAL LAW TO AMEND THE CODE OF THE COUNTY OF PUTNAM, by repealing the existing Chapter 156, entitled “Energize NY Benefit Financing Program” and replacing it with a new Chapter 156, entitled “Energize NY Open C-PACE Financing Program”.

Be it enacted by the County of Putnam as follows:

Section 1.

The existing Chapter 156, entitled “Energize NY Benefit Financing Program”, Local Law No. 3 of 2019, is hereby REPEALED.

Section 2.

The Code of the County of Putnam is hereby amended by adding a NEW Chapter 156, entitled “Energize NY Open C-PACE Financing Program,” to read as follows:

ARTICLE I

§156-1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and**

advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, "EIC"), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the "Municipal Agreement") to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the "Enabling Act").

- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the "Energize NY Open C-PACE Local Law".

§156-2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

ANNUAL INSTALLMENT AMOUNT – shall have the meaning assigned in §156-8 paragraph B.

ANNUAL INSTALLMENT LIEN – shall have the meaning assigned in §156-8 paragraph B.

AUTHORITY – the New York State Energy Research and Development Authority.

BENEFIT ASSESSMENT LIEN – shall have the meaning assigned in §156-3 paragraph A.

BENEFITED PROPERTY – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

BENEFITED PROPERTY OWNER – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under Section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing

funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

ELIGIBLE COSTS – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

ENABLING ACT – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

FINANCE AGREEMENT – the finance agreement described in §156-6 paragraph A.

FINANCING CHARGES – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

FINANCING PARTIES – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

MUNICIPALITY – the County of Putnam, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

MUNICIPAL LIEN – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

NON-MUNICIPAL LIEN – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

PROGRAM – the Energize NY Open C-PACE Financing Program authorized hereby.

QUALIFIED PROJECT – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

QUALIFIED PROPERTY – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has

been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

QUALIFIED PROPERTY OWNER – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

SECURED AMOUNT – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to §156-8 paragraph C.

STATE – the State of New York.

§156-3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§156-4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and §156-0 of this local law. EIC may also request further

information from the property owner where necessary to aid in its determination.

- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with §156-0 of this local law.

§156-5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§156-6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

- C. **The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.**
- D. **EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.**

§156-7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. **The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.**
- B. **The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.**
- C. **The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.**

§156-8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.

- A. **Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.**
- B. **The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment**

- Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the Municipality’s agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and

priority of such lien, the accrual of interest and the fees and expenses of collection.

§156-9. Verification and report.

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§156-10. Separability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 3.

This local law shall take effect upon filing with the NYS Secretary of State.

**BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.**

Item #5z – Approval/ Authorizing Execution/ Energy Improvement Corporation Municipal Agreement Relating to Energize NY Local Law was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #184

AUTHORIZING EXECUTION/ ENERGY IMPROVEMENT CORPORATION MUNICIPAL AGREEMENT RELATING TO ENERGIZE NY LOCAL LAW

WHEREAS, the County of Putnam desires to enter into an Energy Improvement Corporation Municipal Agreement (Open C-PACE) with Energy Improvement Corporation (EIC) in connection with Energize NY Local Law; and

WHEREAS, EIC is a local development corporation duly formed under Section 1411 of the Not-For-Profit Law of the State of New York, for the purpose of promoting, facilitating and financing energy audits and renewable energy system feasibility studies, energy efficiency improvements and alternative or renewable energy generating systems thereby promoting the public good by reducing greenhouse gas emissions, mitigating the effect of global climate change and lessening the burdens of government; and

WHEREAS, the Putnam County Legislature has adopted a local law adding a new Chapter 156 to the Code of the County of Putnam, entitled “Energize NY Open C-PACE Financing Program”, which establishes a sustainable energy loan program in the County of Putnam; and

WHEREAS, the EIC and the County desire to enter into an “Energy Improvement Corporation Municipal Agreement (Open C-PACE)” authorizing the EIC to perform and

carry out certain duties in order to assist owners of certain real property located in Putnam County to benefit from Energize NY program; now therefore be it

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is hereby authorized and empowered to finalize and execute the Energy Improvement Corporation Municipal Agreement (Open C-PACE) with the EIC in substantially the same form annexed hereto as Exhibit "A".

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.

Item #5aa – Approval/ Renew Lease of Portion of Tilly Foster Farm/ Putnam/Northern Westchester Board of Cooperative Educational Services (BOCES) was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #185

**APPROVAL/ RENEW LEASE OF PORTION OF TILLY FOSTER FARM/
PUTNAM/NORTHERN WESTCHESTER BOARD OF COOPERATIVE EDUCATIONAL
SERVICES (BOCES)**

WHEREAS, the County of Putnam is the owner of certain real property located at 100 Route 312, Brewster, New York 10509, including the numerous buildings located thereon, which is commonly known as the Tilly Foster Farm; and

WHEREAS, certain portions of the Tilly Foster Farm, including Building # 4 and Building # 8, are not required for the County's use during certain times, and therefore constitute surplus space during those times; and

WHEREAS, Putnam/Northern Westchester Board of Cooperative Educational Services (hereinafter "BOCES") is a regional education agency which offers a variety of educational programs and services, including but not limited to, nearly all of Putnam County School Districts; and

WHEREAS, the County previously entered into a lease agreement with BOCES for said surplus space at the Tilly Foster Farm; and

WHEREAS, said lease agreement expires on July 31, 2019; and

WHEREAS, the County is desirous of renewing said lease agreement with BOCES;
and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with BOCES for the renewal of the lease of said portions of the Tilly Foster Farm; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve such lease agreement; now therefore be it

RESOLVED, that portions of Building # 4 and Building # 8 of the Tilly Foster Farm are not required for the County's use during certain times, and therefore constitute surplus space during those times; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and BOCES, which shall be in substantial conformance with the form attached hereto and made a part hereof as Schedule "A", and that the Putnam County Executive is authorized to execute said Lease Agreement; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Lease Agreement between the County of Putnam and BOCES in the manner approved herein.

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5bb – Approval/ Inter-Municipal Agreement/ Transfer of Ownership of Ludington Court & BIN #3365120 was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #186

APPROVAL/ INTER-MUNICIPAL AGREEMENT/TRANSFER OF OWNERSHIP OF LUDINGTON COURT & BIN # 3365120

WHEREAS, the County currently owns and maintains a bridge (BIN # 3365120) over the Drew Lake Outlet, on Ludington Court in the Town of Kent (hereinafter referred to as BIN # 3365120); and

WHEREAS, the Town currently maintains the entire length of Ludington Court in the Town of Kent from NYS Route 311 to its dead-end terminus at the Kent Highway Department facility owned by the Town; and

WHEREAS, Ludington Court and BIN # 3365120 serve as the only access to the Kent Highway Department facility; and

WHEREAS, the Kent Highway Department frequently traverses BIN # 3365120 with trucks and other heavy equipment; and

WHEREAS, BIN # 3365120 is currently in need of maintenance and repairs; and

WHEREAS, the parties have agreed to cooperate in making required repairs to BIN # 3365120; and

WHEREAS, the County desires to transfer ownership and control of BIN # 3365120 to the Town and the Town agrees to accept same; and

WHEREAS, the County and the Town wish to confirm that the Town is in ownership and control of Ludington Court; and

WHEREAS, the County and the Town desire to enter into an Inter-Municipal Agreement pursuant to Article 5-G of the New York State General Municipal Law regarding the foregoing; and

WHEREAS, the Putnam County Legislature deems that it is in the best interests of the citizens of the County to enter into such Agreement; now therefore be it

RESOLVED, that the Putnam County Legislature approves of the abandonment of the Ludington Court Bridge (BIN # 3365120) over the Drew Lake Outlet, in the Town of Kent, and all appurtenances thereof, to the Town of Kent; and be it further

RESOLVED, that the Putnam County Legislature approves of the abandonment of the entire length of Ludington Court in the Town of Kent, from NYS Route 311 to its dead-end terminus, including any existing or proposed traffic signals, easements and appurtenances, to the Town of Kent; and be it further

RESOLVED, that the Putnam County Legislature approves of the transfer of the maintenance of the Ludington Court Bridge (BIN # 3365120) from the County of Putnam to the Town of Kent as indicated above; and be it further

RESOLVED, that the Putnam County Legislature approves of the transfer of the maintenance of the entire length of Ludington Court in the Town of Kent, from NYS Route

311 to its dead-end terminus, from the County of Putnam to the Town of Kent as indicated above; and be it further

RESOLVED, that the County Executive is hereby authorized to finalize and execute such Inter-Municipal Agreement with the Town of Kent, which shall be in substantial conformance with the attached Schedule "A"; and be it further

RESOLVED, that the County Executive is hereby further authorized to execute all other necessary documents and assurances necessary to carry out the purposes of this Resolution; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the purposes of this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

**BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.**

Item #5cc – Approval/ Conveyance/ Abandoned Road Bed/ Old Ludingtonville Road was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #187

APPROVAL/ CONVEYANCE/ABANDONED ROAD BED/ OLD LUDINGTONVILLE ROAD

WHEREAS, the Town of Kent has undertaken the expansion of the Town of Kent Highway Garage facilities, which included the construction of a new salt dome; and

WHEREAS, during the Town's expansion project it was determined that portions of the Town of Kent Highway Garage facility encompass the road bed of the abandoned Old Ludingtonville Road, as are further described in the legal descriptions attached as Schedule "A" and Schedule "B"; and

WHEREAS, it was further determined that said portions of the road bed of the abandoned Old Ludingtonville Road are titled to the County; and

WHEREAS, the Town of Kent has requested that the County convey said portions of the abandoned road bed to it; and

WHEREAS, the Physical Services Committee of the Putnam County Legislature has considered and approves the conveyance of said portions of abandoned road bed to the Town of Kent; now therefore be it

RESOLVED, that the road bed of the abandoned Old Ludingtonville Road in the proximity of the Town of Kent Highway Garage facility is not needed for County purposes; and be it further

RESOLVED, that the Putnam County Legislature authorizes the transfer said portions of the abandoned Old Ludingtonville Road bed, as are further described in the legal descriptions attached as Schedule "A" and Schedule "B", to the Town of Kent for all lawful purposes; and be it further

RESOLVED, that the County Executive is authorized to execute a Quitclaim Deed(s) on behalf of the County; and be it further

RESOLVED, that the County Attorney is authorized to take all necessary steps to complete the transfer of said property in the manner approved herein.

**BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.**

Item #5dd – Approval/ Offer Certain County Properties for Sale Utilizing Real Estate Brokers & MLS Pursuant to Chapter 31 of the Putnam County Code was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

RESOLUTION #188

APPROVAL/ OFFER CERTAIN COUNTY PROPERTIES FOR SALE UTILIZING REAL ESTATE BROKERS & MLS PURSUANT TO CHAPTER 31 OF THE PUTNAM COUNTY CODE

WHEREAS, the County has acquired title to the properties identified in the attached Schedule “A”; and

WHEREAS, said properties were acquired by tax foreclosure proceedings pursuant to Article 11 of the New York State Real Property Tax Law; and

WHEREAS, said properties are not needed for use by the County; and

WHEREAS, the Putnam County Legislature has reviewed this matter and has determined that it would be most financially advantageous to the County to offer said properties for sale through the applicable Multiple Listing Service utilizing the services of the licensed real estate brokers under contract with the County; now therefore be it

RESOLVED, that the properties identified in the attached Schedule “A” are not needed for use by the County; and be it further

RESOLVED, that pursuant to the authority vested in the Putnam County Legislature in Section 31-8 of the Putnam County Code, it is the determination of the Putnam County Legislature that it would be most financially advantageous to the County to offer the properties identified in the attached Schedule “A” for sale through the applicable Multiple Listing Service utilizing the services of the licensed real estate brokers under contract with the County; and be it further

RESOLVED, that the County Executive and Commissioner of Finance are authorized to offer the properties identified in the attached Schedule “A” for sale through the applicable Multiple Listing Service utilizing the services of the licensed real estate brokers under contract with the County, pursuant to exclusive right to sell agreements as shall be approved by the County Attorney; and be it further

RESOLVED, that pursuant to Section 31-8 of the Putnam County Code the initial offer amounts of the properties identified in the attached Schedule “A” shall be hereinafter determined by the Commissioner of Finance, based upon a comparative market analysis, and with the advice and recommendation of the licensed real estate broker so retained, the County Attorney, and the Director of Real Property Tax Services, and approved by the Putnam County Legislature by separate resolution; and be it further

RESOLVED, that the County Attorney is hereby authorized to bring whatever legal proceedings shall be necessary to eject any and all occupants of the properties identified in the attached Schedule “A”, as shall be necessary to properly market and effectuate the sale of same.

**BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT.
MOTION CARRIES.**

SCHEDULE "A"

| | | |
|-------------------------|-----------------|------------------------|
| Carmel | TM # 75.6-2-64 | 615 Route 6N |
| Carmel | TM # 86.47-1-20 | 30 Shore Drive |
| Kent | TM # 10.-2-21 | 311 Farmers Mills Road |
| Putnam Valley | TM # 62.11-1-23 | 7 Evergreen Road |
| Southeast (Brewster) | TM # 67.34-2-51 | 55-61 Main Street |

Item #5ee – Approval/ SEQRA/ Negative Declaration/ John Simpson Road Land Donation was next. On behalf of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

Legislator Montgomery clarified that this is the SEQRA and doesn't mean that we have accepted the land yet.

Legislator Albano said "yes." He explained that this was part of the process. He believed this property could be a valuable asset to the County and is located behind Tilly Foster Farm.

RESOLUTION #189

APPROVAL/ SEQRA/ NEGATIVE DECLARATION/ JOHN SIMPSON ROAD LAND DONATION

WHEREAS, the Putnam County Legislature is considering a donation of real property, namely, five irregularly shaped, undeveloped parcels that have a combined area of 131.68 acres and are found along the eastern side of Simpson Road and northwest of NYS Route 312, approximately 2,000 feet southwest of Interstate Route 84, in the Town of Southeast, County of Putnam, State of New York (the "Property")(a/k/a the John Simpson Road Land Donation Project); said Property has addresses of 1 Barret Road (Lot 6.1 - 35.28 acres), 3 Barrett Road (Lot 6.2 - 37.82 acres), 144 John Simpson Road (Lot 7.2 - 19.46 acres), 148 John Simpson Road (Lot 7.1 - 10.38 acres) and NYS Route 312 (Lot 59 - 28.74 acres), located within the Town of Southeast zoning districts R-60 (Residential) District (Lots 7.1 and 7.2) and RC (Rural Commercial District (Lots 6.1, 6.2 and 59) within a rural residential setting; and

WHEREAS, the donation of such Property is being considered by the Putnam County Legislature with the understanding that there are no restrictions or contingencies placed upon its acceptance of the land donation upon the County; and

WHEREAS, the proposed action hereunder is subject to review under the State Environmental Quality Review Act ("SEQRA") and the Regulations promulgated thereunder ("6 NYCRR Part 617 *et seq*"); and

WHEREAS, pursuant to Resolution #125 of 2019, the Putnam County Legislature issued a Type I determination for the acceptance of the aforesaid Property and declared its intent to serve as Lead Agency with respect to SEQRA; and

WHEREAS, a Full Environmental Assessment form (EAF) was prepared for the Project; and

WHEREAS, the EAF and associated documentation was circulated to all involved and interested agencies for the requisite 30 days with a Notice of the Putnam County Legislature's Intent to Serve as Lead Agency and no objections were received thereto; and

WHEREAS, the Putnam County Legislature, acting as Lead Agency, conducted a coordinated environmental review in accordance with 6 NYCRR §617.6, and

WHEREAS, based upon a careful review of the action as a whole, of the EAF, and the criteria set forth in 6 NYCRR §617.7(c), it is determined that the proposed Project will not result in any potential significant adverse environmental impacts; now therefore be it

RESOLVED, that the Putnam County Legislature, as Lead Agency, determines that the proposed Project will not have any potential significant adverse impacts and a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that in accordance with 6 NYCRR Part 617 *et seq*, the Putnam County Legislature, as Lead Agency, hereby accepts and adopts the Negative Declaration prepared in connection with the Property (a/k/a the John Simpson Road Land Donation project), a copy of which is annexed hereto and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

AUDIT & ADMINISTRATION COMMITTEE
(Chairman Gouldman, Legislators Castellano & Sayegh)

Item #5ff – Approval/ Fund Transfer (19T163)/ Consumer Affairs/ Temporary was next. Chairman Castellano recognized Legislator Gouldman, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Castellano and Sayegh, Legislator Gouldman moved the following:

RESOLUTION #190

APPROVAL/ FUND TRANSFER / CONSUMER AFFAIRS/ TEMPORARY

WHEREAS, by Resolution #163 of 2019, the Putnam County Legislature confirmed the re-appointment of Michael Budzinski as the Director of Consumer Affairs/Weights and Measures/Trades Licensing and Registration; and

WHEREAS, the Commissioner of Finance has requested a fund transfer (19T163) to fund this part-time Director of Consumer Affairs position; and

WHEREAS, the Audit & Administration Committee has reviewed and approved said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

| | | |
|------------------------|-----------------------|--------------|
| 10661000 51000 (10101) | Personnel Services | 9,230 |
| 10199000 54980 | General Contingencies | <u>6,210</u> |
| | | 15,440 |

Increase:

| | | |
|----------------|-----------|------------|
| 10661000 51094 | Temporary | 15,000 |
| 10661000 58002 | FICA | <u>440</u> |
| | | 15,440 |

2019 Fiscal Impact – 0 –
2020 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #5gg – Approval/ Resolution Urging the Governor and NYS Legislature to Enact Legislation to Enable Catskill Off-Track Betting Corporation to Assume Operations of Monticello Raceway; Redistribute the 1100 Video Lottery Terminals Previously in Service at Monticello Raceway to up to Three (3) Locations within the Catskill OTB Region; and Utilize Capital Acquisition Funds of the Corporation for Corporate Purposes was next. On behalf of the members of the Audit & Administration Committee, Legislators Castellano and Sayegh, Legislator Gouldman moved the following:

Legislator Montgomery clarified that this doesn't mean that we will redistribute these video lottery terminals throughout Putnam County.

Chairman Castellano stated not at this point. He stated, as discussed at the Audit meeting, the State has them in storage at this point. He stated that we are asking the State to consider moving them around the whole region. He stated that he too has mixed feelings on this.

Legislative Counsel Firriolo confirmed that it would be the ability to use the machines throughout the entire Catskill OTB Region which includes Putnam. He recalled from the discussion in Committee that was absolutely no decision being made that any would ever be put in Putnam.

RESOLUTION #191

URGING THE GOVERNOR AND NYS LEGISLATURE TO ENACT LEGISLATION TO ENABLE CATSKILL OFF-TRACK BETTING CORPORATION TO ASSUME OPERATIONS OF MONTICELLO RACEWAY; REDISTRIBUTE THE 1100 VIDEO LOTTERY TERMINALS PREVIOUSLY IN SERVICE AT MONTICELLO RACEWAY TO UP TO THREE LOCATIONS WITHIN THE CATSKILL OTB REGION; AND UTILIZE CAPITAL ACQUISITION FUNDS OF THE CORPORATION FOR CORPORATE PURPOSES

WHEREAS, the CATSKILL OTB has earned over \$733 million for racing and government since inception in 1976, with \$345 million to racing and \$388 million to state and local government; and

WHEREAS, in recent years, New York State has authorized expanded gaming, which has resulted in two casinos, three VLT racinos, and three racetracks competing with and within the Catskill OTB Region; and

WHEREAS, Catskill OTB was the leader in providing OTB revenues for member Counties for nearly four decades. As a result of other gaming and added venues, and declining interest in horse racing, however, annual sales at off track betting branches in

the Catskill Region have declined from a peak of \$145 million to \$59 million by year-end 2018; and

WHEREAS, the owners of Monticello Raceway have recently relinquished all 1100 video lottery terminals in place at the raceway eliminating an important revenue source for Monticello Raceway as well as for New York State and its schools; and

WHEREAS, both Monticello Raceway and the Catskill Off Track Betting Corporation are important to the economy of the Hudson Valley and the Catskill Region, the racing industry, and state and local government; and

WHEREAS, the financial condition at Monticello Raceway and at Catskill Off Track Betting Corporation are in a perilous state; and

WHEREAS, redistribution of the Video Lottery Terminals formerly in place at Monticello Raceway to up to three Catskill OTB locations within the Catskill OTB region would provide an important revenue stream; and

WHEREAS, such revenue would revitalize, support and assure the continued operations of both Monticello Raceway and Catskill OTB; now therefore be it

RESOLVED, that the Putnam County Legislature respectfully requests that the New York State Legislature enact A5496, A5951 and A5954, and their respective companion bills in the NYS Senate, to allow Catskill OTB to assume operations of Monticello Raceway and redistribute 1100 Video lottery terminals to up to three locations within the Catskill region for the benefit and survival of Monticello Raceway and Catskill OTB; and be it further

RESOLVED, that should said bills not be acted upon in the current legislative year, the Putnam County Legislature respectfully requests that the New York State Legislature enact the same or substantially similar legislation in the coming session; and be it further

RESOLVED, that a copy of this resolution be forwarded to: the Governor of New York; the Speaker of the New York State Assembly; the Majority Leader of the New York State Senate; the Chairman of the New York State Senate Committee on Racing, Gaming and Wagering; the Chairman of the New York State Assembly Committee on Racing and Wagering; members of the New York State Legislature representing Putnam County; and the President of the Catskill Off-Track Betting Corporation.

BY POLL VOTE: SIX AYES. ONE NAY – LEGISLATOR MONTGOMERY. LEGISLATORS NACERINO & SAYEGH WERE ABSENT. MOTION CARRIES.

Item #6 – Other Business

There was no other business submitted to the meeting.

Item #7 – Recognition of Public on Agenda Items

Steve Clorofilla, Resident of Mahopac thanked the Legislature for the approving the resolution opposing giving driver's licenses to illegal aliens; especially Legislator Jonke for his statement regarding voting fraud that will more than likely take place. He explained that the history of voting fraud which dates back to the 19th century in this country. He stated that this abrogates his rights, and all the other citizens' rights, to have an honest election and abrogates our voting rights. He stated that it is a disgrace that this is happening in our country. He applauded the Legislature for passing this resolution.

Lynne Eckardt, Town of Southeast Councilwoman speaking on behalf of herself explained that the Southeast Fireworks was a very successful event and she thanked the Sheriff for getting costs down with providing security at the event. She stated with respect to the repeal of the NYS Driver's License Access and Privacy Act, she agreed that there are polls that most New Yorkers do not want this passed in its present form. However, she stated that there was a poll done at the same time showing that 55% of residents supported the bill and 35% opposed. She did believe it needed work, but believed that polling was all over the map. She stated with respect to tourism, she was very hopeful that in house tourism will promote not only County facilities, but local towns, businesses, historic sites, natural landmarks and our museums. She looked for the Legislature to guide the tourism board to do that. She thanked Chairman Castellano and Legislator Jonke for agreeing to attend an upcoming Town of Southeast Board meeting to explain the feasibility study and the progress on the Southeast-Danbury Sewer Project.

James Busar, Town of Southeast resident opposed the issuance of driver's licenses to illegal immigrants. He questioned why we would grant them that privilege when most of them do not pay taxes. He believed if they do not pay into the system they should not be granted the privilege of a driver's license when they can take public transportation.

Don Gunn, Town of Philipstown resident stated that it was good to see government exercise common sense.

Cathy Croft, Town of Southeast resident, as Board of Election Commissioner she thanked the Legislature for approving the budgetary amendment regarding the ePollbook Contract. She stated that they are receiving grant funds of up to \$120,000 that will cover the cost of the ePollbooks. They will be used for early voting and on Election Day at all the polling sites. She stated she and Commissioner Scannapieco will be going to all the Town Boards giving a presentation on early voting and what to expect.

Marilyn Miller, Town of Southeast resident applauded the Legislature for passing the resolution opposing the issuance of driver's licenses to illegal aliens; especially since this law does not require proof of residency. She believed that many have fake IDs. She believed it was dangerous if they cannot read signs posted in English. She also believed the driver licenses could be used for fraudulent purposes such as getting on an airplane.

Item #8 – Recognition of Legislators

Legislator Jonke stated that as Chairman of the Protective Services Committee the Putnam County Emergency Services Safety Advisory Board (ESSAB) has invited him to some of their meetings. He explained that the ESSAB was founded by the late Commissioner of Emergency Services, Robert McMahon. Its primary mission was to make recommendations to the Commissioner, County Executive and Legislature relative to, but not exclusive to, the provision of the advanced life support, application of life safety codes, the effects of an increasing immigrant population, on fire and EMS resources, etc. He recognized the members of the volunteer board: Patti Frishe, Fran McCarthy, the head of the Board Eric Gross, Deputy Commissioner of Emergency Services Robert Lipton, Ed Butler, David Jacobsen, Eileen Barrett, Eric Peters, Kevin Neary and Laura Smith. He stated at the 4-H Fair they were handing out magnets that have contact information for the local police agencies for non-emergency situations. He stated that the Board has also given out 5,000 house numbers. He explained the

importance of having your home properly identified for emergency responders. He thanked the Board for all the work they do.

There being no further business, at 8:07 P.M., Chairman Castellano made a motion to adjourn; seconded by Legislators Sullivan and Jonke. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.