THE PUTNAM COUNTY LEGISLATURE
40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

Toni E. Addonizio *Chairwoman*
Neal L. Sullivan *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*

Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Carl L. Albano	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Neal L. Sullivan	Dist. 9

March 20, 2020

Message From Putnam County Legislative Chairwoman Toni Addonizio:

Please be advised, it is anticipated that, effective March 26, 2020, during this time of the State of Emergency the public will be able to access All Putnam County Legislature Meetings via an Audio Webcast. During said time there will be no public attendance at the Putnam County Legislature Meetings. This is in accordance to the Federal and State recommendation relative to the restriction of Public Gatherings as a result of the COVID-19 outbreak.

The Audio Webcast link for each meeting will be posted, prior to the start of the meeting. It will be posted on the Putnam County Legislature Webpage: https://www.putnamcountyny.com/legi/

Note: Please scroll to view the Agenda (s)

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AGENDA
SPECIAL MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
CALLED BY THE CLERK AT THE REQUEST OF THE CHAIRWOMAN
TO BE HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Thursday March 26, 2020
(Immediately following Rules Mtg. starting at 6:00 P.M.)

1. **Pledge of Allegiance**
2. **Legislative Prayer**
3. **Roll Call**
4. **Approval/ Temporary Procedures and Policies for Legislative Meetings During State of Emergency Concerning COVID-19 Outbreak**
5. **Other Business**
6. **Adjournment**

#4

Committee Mtg _____ Resolution # _____
Introduced By _____ Regular Mtg _____
Seconded By _____ Special Mtg _____

APPROVAL/TEMPORARY PROCEDURES AND POLICIES FOR LEGISLATIVE MEETINGS DURING STATE OF EMERGENCY CONCERNING COVID-19 OUTBREAK.

WHEREAS, Article 7 of the New York State Public Officers Law is known as the "Open Meetings Law" and generally requires that every meeting of a public body shall be open to the general public, subject to certain exceptions and exemptions; and

WHEREAS, the Putnam County Legislature has effectuated relevant requirements of the Open Meetings Law in its procedural rules and policies, which are set forth in the Legislative Manual adopted on January 7, 2020; and

WHEREAS, pursuant to Legislative Manual section IV ("Rules of Order and Procedure"), each and every meeting of the Putnam County Legislature and its committees, boards, and commissions shall be open to all members of the public, unless otherwise specified by law; and

WHEREAS, pursuant to Legislative Manual section III.B.6 ("Meetings of Committees"), no committee meetings of the Putnam County Legislature shall be closed to the public, except by majority vote of its membership and only for the reasons specified in applicable law; and

WHEREAS, pursuant to Legislative Manual section II.H.1.c.3. ("Powers and Duties of the Clerk of the Legislature"), verbatim minutes of any segment of a meeting are not to be taken unless specifically requested by a member of the Legislature or the Chair of the Legislature; and

WHEREAS, pursuant to the same section, audio tapes of meetings primarily serve as a work product for the preparation of the actual minutes and, as such, shall not be copied or given out without the express authorization of the Chair of the Legislature, who may invoke Freedom of Information procedures; and

WHEREAS, on March 12, 2020, Governor Andrew M. Cuomo signed Executive Order Number 202.1 ("Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency"), which temporarily suspends and modifies requirements of the Open Meetings Law, stating in relevant part:

> **[P]ursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I**

Legislator Albano _____
Legislator Castellano _____
Legislator Gouldman _____
Legislator Jonke _____
Legislator Montgomery _____
Legislator Nacerino _____
Legislator Sayegh _____
Legislator Sullivan _____
Chairwoman Addonizio _____

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hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 11, 2020 the following:

<u>Suspension of law allowing the attendance of meetings telephonically or other similar service:</u>

• Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed; and

WHEREAS, pursuant to the powers vested in her by New York State Executive Law Article 2-B, Putnam County Executive MaryEllen Odell declared a State of Emergency on March 13, 2020, due to an outbreak of respiratory illness caused by a novel coronavirus, now known as COVID-19; and

WHEREAS, in accordance with this Declaration of Emergency, on March 15, 2020, Putnam County Executive MaryEllen Odell signed Emergency Order #4 pursuant to the powers vested in her by New York State Executive Law Article 2-B; thereby, all public events and gatherings where it is anticipated that attendance will exceed twenty (20) or more people were ordered to be canceled or postponed; and

WHEREAS, Putnam County Emergency Order #4 took effect at 12:00 a.m. Monday, March 16, 2020, and will remain in effect for (5) days unless sooner revoked or extended for additional periods during the pendency of the local State of Emergency; and

WHEREAS, the Putnam County Legislature recognizes the importance of continuing to perform the duties and responsibilities delegated to it by the Putnam County Charter while balancing the need to protect the public as well as the employees and officials of Putnam County during the current State of Emergency; and

WHEREAS, the Putnam County Legislature desires to make temporary modifications to policies and procedures set forth in the Legislative Manual to allow the Legislature to hold its meetings in compliance with NYS Executive Order Number 202.1, Putnam County Emergency Order #4, and with all other applicable federal, state, or local orders, laws, rules and regulations that may be promulgated during the current State of Emergency; now therefore be it

RESOLVED, that notwithstanding any policy or procedure contained within the

Legislator Albano _____
Legislator Castellano _____
Legislator Gouldman _____
Legislator Jonke _____
Legislator Montgomery_____
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Legislative Manual or elsewhere, the Putnam County Legislature hereby adopts the following "Emergency Legislative Temporary Procedures and Policies":

1) Members of the Legislature may attend and/or participate in any meeting or proceeding of a committee of the Legislature, or any meeting or proceeding of the full Legislature, remotely by conference call or similar service, to the extent that such method is deemed practical, and is approved by, the Chair of the Legislature. The approval or disapproval of the Chair of any method shall be subject to override by a majority vote of the full Legislature. The attendance of a Legislator by conference call or similar service shall count for purposes of a quorum and shall entitle the Legislator to participate in all votes on which the Legislator would be entitled to vote if present in-person at such meeting or proceeding.

2) All meetings and proceedings of the Legislature and of Legislative committees other than public hearings shall be closed to the general public. This provision shall not apply to: members of the Legislature; Legislative staff; Legislative Counsel; the County Auditor; persons invited to attend a meeting or proceeding by the Chair of the Legislature; employees or officials of the County of Putnam with business before the Legislature at a given meeting or proceeding; employees or officials of the County of Putnam providing services or information to the Legislature at a given meeting or proceeding; or persons with valid credentials identifying them as members of the working press. The number of persons present at any one time in the room where the Legislature is meeting shall be subject to limitation by the Chair of the Legislature, or by the Chair of a Standing Committee at meetings of such committee.

3) Any proceeding of the Legislature or of a Legislative committee that is closed to the public shall be conducted in such manner that the public shall have the ability to view or listen to such proceeding while it is being conducted, to the fullest extent technologically feasible and practicable. In the event that a technical problem prevents or interrupts the video or audio feed of a proceeding in real time, a recording of the meeting shall be made available on the Legislature's website as soon as reasonably practical after the conclusion of the proceeding.

4) The Clerk of the Legislature is authorized to take all necessary measures, including but not limited to working with the Putnam County Department of Information Technology/GIS and the retention of private stenographic services, to ensure that any meeting of the Legislature or of Legislative committees that is

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closed to the public shall be recorded and later transcribed.

5) To the fullest extent practical, all meetings and proceedings of the Legislature and of Legislative committees shall have their agendas limited to business that is time-sensitive and/or essential to the efficient, continuing operation of Putnam County government or for the provision of essential services to residents of Putnam County. All other business items, including action on any item that would require a public hearing, should be deferred, if feasible, until such time as the current State of Emergency is ended.

6) Notwithstanding the above restrictions on in-person public attendance at Legislative meetings, the Legislature shall continue to make best efforts to provide timely public notice of all meetings. To ensure that the public has an opportunity to hear and/or observe remotely any meeting of the Legislature that would be open to the public absent the current State of Emergency, such public notice shall include: 1) notice that the meeting is closed to the general public; 2) attachment of non-confidential backup for each agenda item; 3) instructions on how to access the audio and/or video feed of the meeting; and 4) notice that a transcription will be made available at a later date.

7) The above policies or procedures may be revised without a vote of the Legislature solely to comply with the terms of NYS Executive Order Number 202.1 (or a subsequent Executive Order) in the event that either the Putnam County Law Department or Legislative Counsel advises the Legislature that such revisions are necessary or appropriate in light of guidance or interpretation regarding said order from Governor Cuomo or a relevant New York State agency, or because of an order or opinion issued by any court of competent jurisdiction.

And be it further

RESOLVED, that these Emergency Legislative Temporary Procedures and Policies shall take effect immediately, and shall continue in effect until such time as the earlier of either of the following events: 1) the provisions of NYS Executive Order Number 202.1, or of another Executive Order by the Governor, suspending provisions of the Open Meetings Law are no longer in effect; or 2) a State of Emergency in Putnam County is discontinued.

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