

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
To Be Held via Audio Webinar Pursuant to Temporary Emergency Orders**

Members: Chairman Sullivan and Legislators Albano & Castellano

Thursday

6:00pm

August 20, 2020

The meeting was called to order via audio webinar at 6:01pm by Chairman Sullivan who lead in the Pledge of Allegiance. Upon roll call Committee Members Albano, Castellano, & Chairman Sullivan were present.

Item #3 - Approval of Minutes – July 16, 2020

The minutes were approved as submitted.

Item #4 - Approval/ Appointment/ Home Improvement Board/ Donovan

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Albano. All in favor.

Item #5 - Approval/ County Clerk/ Records Retention and Disposition Schedule

Chairman Sullivan questioned if County Clerk Bartolotti was on the line.

Legislative Clerk Diane Schonfeld stated County Clerk Bartolotti is not on the line.

Chairman Sullivan stated he believes this schedule needs to be moved forward.

Legislator Albano stated this schedule will allow for the records to be stored properly and easily accessible.

Legislator Castellano agreed. He stated he has worked for the Westchester County Clerk's Office for over 25 years and this is definitely the way to go. He stated having files and documents digitized and readily available makes the work much more efficient. He applauded County Clerk Bartolotti for moving Putnam County forward in this direction.

Legislator Montgomery thanked County Clerk Bartolotti for sending the clarification between the current and proposed schedules.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Castellano. All in favor.

Item #6 - Discussion/ County Executive Odell Request/ Requiring Gas Stations to have a Generator

Chairman Sullivan stated County Executive MaryEllen Odell has requested that the Legislature discuss the topic of requiring gas stations within Putnam County to install a generator. He stated having gasoline available to residents in an emergency is critical. He stated most residents lost power in the last storm we had a few weeks ago and had to resort to utilizing portable generators which run on gasoline. He stated the issue is that gas stations lose power as well, therefore the pumps will not work and there is a domino effect throughout the community. He stated it is important to review and discuss this. He stated some gas stations in Putnam already have generators installed. He stated he would like to draft a resolution that includes consideration for gas stations that may not be able to afford a generator or have other limitations in obtaining a generator.

Legislator Albano stated this is a great idea. He stated especially if a storm occurs in the winter, there is a chance of freezing pipes. He suggested implementing this requirement for new gas stations and he is in favor of encouraging existing gas stations to install a generator.

Legislator Castellano stated a new gas station recently opened near his house and they have a generator. He stated after Tropical Storm Isaias there was a line of cars waiting to get into the gas station, which caused a traffic backup on the road for motorists trying to get by. He stated he appreciates that as a new gas station they had they foresight to have a generator. He stated there is definitely a need for fuel during an emergency event. He stated his concern is for businesses that are already established. He stated he has no objections to requiring new gas stations to have a generator. He stated he believes this is more of a town issue and he hopes the towns would agree. He stated he believes installing a generator is a great business decision also, as it benefits the business as well as the community. He stated while he has no objection to this, he believes established businesses cannot be forced to install a generator.

Chairman Sullivan stated the traffic that was caused due to the long lines resulted in the Sheriff's Department or local police needing to control the traffic flow. He stated in some cases customers were aggressive and instigating fights with fellow customers.

Legislator Albano suggested allowing existing businesses a period of time to install a generator so they are able to plan financially for it. He stated it makes sense that eventually all gas stations should have a generator.

Legislator Nacerino stated she is in support of this proposal as well. She stated there are many gas stations already in Putnam County, therefore she does not believe implementing this requirement on only new gas stations would meet the objective. She stated looking at this from the prospective of an essential service and the fact that these storms have become more frequent in the last several years, it would be beneficial for the residents to be able to rely on the gas stations during an emergency. She agreed

with Legislator Albano's suggestions of allowing a time period for existing gas stations to install a generator. She questioned if this would be such a cost prohibitive measure. She stated she is unsure of the cost for a commercial generator, but a generator for a private residence is about \$1,000. She questioned if it would be a substantial burden if this were to be adopted.

Chairman Sullivan stated we would need a good answer on the cost to the gas stations. He stated there are several options of what type of generator to use. He stated the cost of the generator could be made up with the additional sales that would have been lost due to lack of power. He stated he will request more information before next month's meeting.

Legislator Nacerino stated she would assume that a commercial generator would be more expensive, but when looking at the entire scope it may not be such an expensive endeavor.

Legislator Montgomery questioned if other counties have a similar mandate.

Chairman Sullivan stated he looked into Dutchess, Westchester, Orange, and Rockland counties and none had a similar requirement.

Legislator Montgomery stated without a draft resolution it is difficult to determine exactly what the intention is. She agreed with the suggestion to implement such a mandate to new gas stations and grandfathering existing businesses in. She stated the majority of the Legislature has made the comment that they do not want too much government, however this seems like an overreach of government. She stated gas stations are essential, but they are also small businesses that have suffered due to the COVID-19 pandemic. She questioned if the County has a gas pump at the transit facility.

Chairman Sullivan stated whether other counties have a similar requirement or not will not make a difference in Putnam. He stated the other counties do not compare to Putnam very well in size or complexity. He stated it would be fairly easy to add a new subsection to the Putnam County Code outlining this requirement. He stated the requirement should be made flexible to accommodate existing gas stations. He stated he will request that Director of Consumer Affairs Michael Budzinski attend the September Rules Committee Meeting to provide more detailed information in regard to this. He stated Director Budzinski provided a list of gas stations within Putnam County that already have a generator.

Legislator Montgomery questioned if there is a gas pump at the County's transit facility for County vehicles.

Legislator Albano stated yes, there is a gas pump and there is a generator for it.

Legislator Montgomery stated this proposal will add another layer of government to small business. She stated if this is going to be insisted, why not have government

provide the gasoline through their own resources rather than putting it on the small business owners.

Legislator Albano stated this is a good idea that needs to be explored. He stated at the very least, letters can be mailed to the gas stations encouraging them to install a generator.

Legislator Nacerino stated she does not want to implement any undue burden on the gas stations in Putnam. She stated looking at the big picture, this is an essential service to residents. She stated even comparing counties, Putnam County has a lot of outages as compared to Westchester and bigger municipalities. She stated the dynamics are different in Putnam County. She stated this is a preliminary discussion and not all the answers are known right now, but it is worth looking in to. She stated having residents line up at a County facility and handing out gasoline is not the answer.

Legislator Gouldman suggested reaching out to the gas station owners to gauge the feasibility and get their opinion before discussing this further. He also suggested reaching out to the Chambers of Commerce throughout the County for their opinion. He stated the County does not have generators in all facilities and it does not send a good message to require a business to have a generator when the County does not have one for all of their facilities. He stated portable generators are relatively cheap, however they are not as effective as the hardwired permanent generators, which could cost over \$10,000. He stated this could be a burden on a gas station. He stated if gas stations are going to be required to have a generator, other essential businesses should be required as well. He stated if the power goes out, a credit card cannot be used and people become reliant on cash. However, if someone does not have cash, they cannot go to the ATM if there is no power. He stated as a County, we should make sure all of our facilities have a generator. He suggested getting feedback from business owners before the next meeting.

Chairman Sullivan thanked Legislator Gouldman for his comments. He stated the critical County facilities such as Emergency Services and Sheriff's Department have their own generators. He stated it is important to find out how much they might cost the gas stations. He stated he believes Director Budzinski will be able to provide valuable feedback on this topic.

Legislator Montgomery clarified that she was not insinuating that the County should hand out gasoline to residents. She stated if we are going to mandate that gas stations have a generator, the County could at least explore making it available ourselves to let residents possibly purchase it from the County.

Legislator Nacerino stated that would require the County to construct a gas station on site. She stated she does not believe the County would be in the business of retail gasoline.

Legislator Montgomery stated in an emergency, the County may need to.

Legislator Jonke stated he is opposed to this proposal. He stated he does not believe the County should be getting involved in private businesses. He stated if the owners of the gas stations saw an advantage to having a generator in a time of crisis and if it was not cost prohibitive, they would purchase and install one. He stated he does not believe the County should be dictating to them how to spend their money to provide a service.

Legislator Sayegh agreed with Legislator Jonke. She stated she believes this mandate would be an undue burden to small businesses. She stated having the ability to sell gasoline during a power outage is a benefit, however it is a business decision. She stated many public service commissions do not require water districts to have a generator. She stated sometimes when they go out, an entire community is out of water. She stated she appreciates that the County published the service stations that had a generator, so residents know where to go during an emergency. She stated she believes this requirement would be an overreach of County government.

Legislator Albano stated he does not believe this mandate would be a burden to a new gas station. He stated at the very least, letters could be sent to existing gas stations encouraging them to install generators. He stated this would be a benefit in times of crisis.

Legislator Addonizio stated it is important for gas stations to have an alternative power source, however this is only for discussion at this time. She stated in 2012 after Super Storm Sandy hit, New York State provided \$12 million in grant funding to over 200 gas stations in strategic locations to help offset the cost of installing generators. She stated considering the major storms that have hit this area recently, it would be great if the State were able to offer a similar grant again.

Chairman Sullivan stated he looks forward to continuing this discussion next month.

Item #7 - Other Business – None

Item #8 - Adjournment

There being no further business at 6:34pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.