

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

Members: Chairwoman Addonizio, Legislators Gouldman & Scuccimarra

Thursday April 16, 2015
(Immediately Following Economic Development beginning at 6:30pm)

The meeting was called to order at 7:24 P.M. by Chairwoman Addonizio who requested Legislator Scuccimarra lead in the Pledge of Allegiance. Upon roll call, Legislators Gouldman, Scuccimarra, and Chairwoman Addonizio were present.

Item #3 - Approval of Minutes – March 9, 2015

The minutes were approved as submitted.

Item #4 - Putnam County Board of Ethics

- a. Approval/ Local Law/ Amend Chapter 55 of the Code of Putnam County Entitled “Ethics, Code of, and Financial Disclosure”/ Adding New Paragraph F to Subsection 55-7 Entitled “Annual Disclosure Statements”**
- b. Discussion/ Annual Report**
- c. Discussion/ Financial Disclosure/ Delinquent Reporting**
- d. Discussion/ Proposed Amendment of Section 55-9 (B) of the Code of Putnam County Entitled “Ethics, Code of, and Financial Disclosure”/ Remove Civil Penalty**

Chairman of the Board of Ethics Robert Bickford stated 2014 was a reasonably busy year. He stated their main job is to check the financial disclosure statements and each year they are finding more people are not submitting them. He stated New York State is having the same issue with the financial disclosure statements. He stated there is no effective penalty. He stated in the State stature, there is a \$10,000 penalty for persons failing to file at this level. He stated this amount was lowered by the Legislature to a \$100 penalty. He stated this was ignored by those required to file the statements. He stated when enforcement was suggested; the Legislature decided they did not want to follow that route. He stated another penalty to consider is removal from the Board. He stated this issue seems to be mostly with Board members rather than employees. He stated the annual report included a list of people who have not filed with the recommendation of removal.

Chairwoman Addonizio questioned if Chairman Bickford believed the main reason the Board members were not filing their financial disclosure statements was because it is quite invasive.

Mr. Bickford stated it is invasive; however the State form is much more invasive. He stated if the County had not created their own financial disclosure statement, the State would require that the County use theirs. He stated a lot of the Board members were unaware they were required to file a statement. He stated everyone has since been notified that this is a requirement.

Chairwoman Addonizio stated under "other income" the Board member must identify the source of other income including that of their spouse and dependent children.

Mr. Bickford stated that could be amended so income from one's spouse or dependent children would not be required. He stated the Policy Board form is more invasive than the Advisory Board form. He stated the form does not require the filer to specify the amounts, but rather choose a category.

Chairwoman Addonizio stated the form also requires investments and capital stock.

Mr. Bickford stated the State form is much more invasive, however it is fully automated. He stated they are trying to automate the County's financial disclosure form. He stated a feature of the automated filing is that if something is omitted, the form cannot be submitted. He stated having the form available online should save time as well.

Legislator Gouldman questioned who sees the financial disclosure forms.

Mr. Bickford stated the forms are reviewed by the Ethics Board to ensure nothing was omitted and/or that there is no conflict of interest. He stated no one else sees them, they are confidential. He stated they are however subject to the Freedom of Information Law (FOIL).

Legislator Nacerino stated she is in agreement with Chairwoman Addonizio in that the form is quite invasive for volunteers. She stated on the other hand, there is a code that is not being enforced. She stated she would like to revise the form to exclude the income of dependents. She stated the form should be made more friendly so volunteers are not lost because of it. She stated the fact that those who do not file the form receive no penalty makes it unfair to those who are filing.

Chairwoman Addonizio stated the consequence would be removal from the Board.

Legislator Nacerino stated with that penalty, valuable members could be lost. She stated it is difficult to obtain volunteers, especially on Boards such as Plumbing or Electrical where there are specifications. She questioned when the deadline to file is.

Mr. Bickford stated the deadline is May 15th.

Eric Gross, Chairman of the Emergency Services Safety Advisory Board (ESSAB) questioned why the form was required for volunteers in the first place. He stated the

volunteers are working on their own time for the purpose of their respective Board and they are required to provide invasive information on the form.

Mr. Bickford stated anyone on a Board is a "County employee" by definition.

Legislator Albano stated it is invasive, especially because it can be FOILED. He stated accuracy could also be an issue as people may submit false information.

Legislator Gouldman stated it is a catch-22. He stated if the form is not filled out properly the filer could possibly go to jail. He stated no one can see the form, however since it can be FOILED, anyone can see it.

Chairwoman Addonizio stated she believes the form should be changed for volunteers.

Legislative Counsel Clem Van Ross stated the Legislature has the obligation to determine who must file a financial disclosure form. He stated there may be exemptions.

Mr. Bickford agreed with Legislative Counsel Van Ross.

Legislator Scuccimarra stated since the Legislature has the authority to rule who must file a financial disclosure statement, perhaps all the Boards should be reviewed and decisions can be made from there regarding who must file.

Chairman of the IDA Rich Ruchala stated some Board members have objections with providing financial information and perhaps Board members should only be checked for conflicts of interest.

Mr. Bickford stated the financial disclosure reports are a part of the whole process. He stated conflicts of interest are also reviewed.

Mr. Ruchala questioned if the financial aspect could be removed for Board members.

Mr. Bickford stated that the financial aspect could not be removed from the financial disclosure form.

Legislative Counsel Van Ross stated Boards such as the Plumbing and Electrical Boards have contractors who are in those professions on the Board and the public should be aware of that. He stated the income qualifications in those positions are important as well. He stated this information may not be as important for some other Boards.

Legislator Nacerino questioned in reference to the Plumbing and Electrical Boards, if a conflict only exists if contractors are doing work that is overlapping. She stated they are donating their time and expertise to their respective Board. She stated a conflict could arise if the member is self-serving by obtaining contracts or being awarded a bid. She

stated the financial disclosure form may be too stringent for volunteers if the main objective is to ensure that there is no conflict of interest. She questioned what information is provided by knowing the income of a volunteer.

Mr. Bickford stated the financial disclosure statement is mandated by the State. He stated if the County did not have their own form; the State form would be used and is much more invasive. He stated there is no option. He stated each year a list is created by Personnel Director Paul Eldridge and submitted to the Legislature.

Legislative Counsel Van Ross stated the list of Boards required to file a financial disclosure statement is presented by the Personnel Department and adopted by the Full Legislature at the Organizational Meeting. He stated the Legislature may change whatever they see fit.

Mr. Bickford stated he is unaware if Advisory Boards can be exempt.

Legislative Counsel Van Ross stated based on the way the law is written, the Legislature may exempt any Board.

Mr. Bickford stated that is County Law. He stated there is a State Law as well.

Legislative Counsel Van Ross stated the County law states that the filing must be submitted in an envelope. He stated if this process were to be automated, that wording would need to be amended.

Mr. Bickford stated that should be changed along with the proposed amendment before the Committee tonight.

Legislator Albano stated the Legislature reserves the right of enforcement in the case of a conflict. He stated it should be pursued if and when an issue arises.

Chairwoman Addonizio stated the issue is that members are not filing.

Legislator Albano suggested not acting on failures to file. He stated the Legislature should act if a conflict of interest arises.

Chairwoman Addonizio stated if nothing is changed, people will not want to volunteer for the Boards.

Legislator Gouldman stated if the Legislature does not take action on the names that were submitted, the word will get out that there is no penalty for failing to file the financial disclosure statement.

Chairwoman Addonizio stated she would like to have Legislative Counsel Van Ross look into this matter.

Legislator Nacerino stated not penalizing those who do not file is unfair to those who do file. She stated the Legislature must be consistent in what is done.

Chairwoman Addonizio stated the County wants to attract volunteers rather than dissuade them from donating their time to a Board.

Legislator Albano stated action should be taken when an issue arises.

Legislator Nacerino stated there is power under the Board of Ethics to penalize a Board member who may be acting in an unethical manner.

Mr. Bickford stated there are many different mechanisms within that power as well, including a misdemeanor.

Legislative Counsel Van Ross stated the main purpose of the Ethics Law is for the public.

Mr. Bickford stated the proposed amendment, taking out the income of one's spouse and children is on the table. He also stated the wording regarding submitting the form in an envelope should possibly be amended as well.

Chairwoman Addonizio questioned what the Committee would like to do about the people on the list submitted by the Board of Ethics.

Legislator Albano stated nothing should be done at this moment.

Legislator Scuccimarra stated there are some people on the list that are no longer on their respective Boards.

Chairwoman Addonizio suggested contacting those on the list when the amendment is made to notify them of the new procedure.

Legislator Nacerino suggested notifying all members of Advisory Boards.

Mr. Bickford stated he would speak with Personnel Director Paul Eldridge regarding this matter.

Chairwoman Addonizio made a motion to table this item until next month; Seconded by Legislator Scuccimarra. All in favor.

Item #5 - Approval/ Appointment/ Region #3 Fish & Wildlife Management Advisory Board/ Keith

Legislator Scuccimarra made a motion to pre-file the necessary resolution; Seconded by Legislator Gouldman. All in favor.

Item #6 - Approval/ Memorialization/ NYSAC Resolution/ Calling to Increase the Share of Revenue Counties Retain for Providing State DMV Services

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Scuccimarra. All in favor.

Item #7 - Approval/ Memorialization/ NYSAC Resolution/ Requiring Updated Driver's License Photos Over a Reasonable Period of Time

Legislator Gouldman questioned how often a new picture is required presently.

Chairwoman Addonizio stated a licensed driver must retake their eye exam every eight (8) years, therefore she suggested pictures should be retaken every eight (8) years as well. She stated right now, there is no requirement to retake the photo.

Legislator Scuccimarra stated the resolution before the Committee does not mention a number of years. He suggested asking County Clerk Michael Bartolotti his opinion.

Chairwoman Addonizio made a motion to memorialize the resolution; Seconded by Legislator Gouldman. All in favor.

Item #9 - Discussion/ Distribution of Local Advertisements through County Email

Chairwoman Addonizio stated Legislator Wright requested that this item be addressed by the Committee; however he is not present at the meeting.

Legislator Scuccimarra questioned if advertisements were always circulated through the County email.

Legislator Gross stated he does not recall seeing correspondence like this before.

Chairwoman Addonizio questioned if the email is first sent to the Legislative Office.

Legislative Clerk Diane Schonfeld stated the email was sent to all County Employees.

Legislator Gouldman questioned if emails sent to the Legislative Office automatically go to each Legislator.

Legislative Clerk Schonfeld stated when emails come in to the Legislative Office through the Office email address, the Office then sends it to each Legislator. She stated this particular email was sent to "All County Employees" so it went to each Legislator's County email address.

Legislator Albano stated if there were a large amount of advertisements coming through the County email, it would become an issue. He stated right now it does not seem to be a lot.

Item #10 - Discussion/ Email Storage Inquiry

Chairwoman Addonizio stated Legislator Wright also requested that this item be discussed by the Committee. She stated a notice was received from the IT Department that County Employee emails would be destroyed after six (6) years.

Legislator Albano stated they will be deleted from the County Employee's Outlook after one (1) year, but are archived up to six (6) years.

Legislator Gouldman questioned since items can be FOILed up to seven (7) years, if the emails should be kept longer than six (6) years.

Legislative Counsel Van Ross stated FOIL has nothing to do with it.

Legislator Gouldman questioned what would happen if a FOIL request came in, but the document was already destroyed.

Legislative Counsel Van Ross stated under the Freedom of Information Law, documents that do not exist do not need to be created.

Chairwoman Addonizio questioned what emails are archived.

Legislator Albano stated all emails are archived.

Chairwoman Addonizio stated there are other records that are kept longer than six (6) years.

Legislative Counsel Van Ross stated some records are kept forever.

Item #11 - Discussion/ Recycling Polystyrene

Chairwoman Addonizio stated at this point, this memorandum is an FYI, as information has not yet been received from Commissioner of Health, Dr. Beals.

Legislative Clerk Schonfeld stated she received a call from the American Chemistry Council, which Dart is a member of, and was told that Dart assisted Yonkers in recycling their polystyrene foam products because they agreed to pull their ban. She stated they are unwilling to help unless the ban is repealed.

Legislator Scuccimarra thanked Legislative Clerk Schonfeld and stated that is great information.

Item #12 - Litigation Report/ FYI – Duly Noted

Item #8 - Approval/ Litigation Settlement

At 8:03 P.M. Chairwoman Addonizio made a motion to go into executive session to discuss a litigation settlement; Seconded by Legislator Scuccimarra. All in favor.

At 8:22 P.M. Chairwoman Addonizio made a motion to come out of executive session; Seconded by Legislator Scuccimarra. All in favor.

Chairwoman Addonizio made a motion to approve the litigation settlement; Seconded by Legislator Scuccimarra. By poll vote: Two Ayes: Chairwoman Addonizio & Legislator Scuccimarra; One Nay: Legislator Gouldman

Item #13 - Other Business - None

Item #14 – Adjournment

There being no further business at 8:23 P.M. Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.