

THE PUTNAM COUNTY LEGISLATURE

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

Paul E. Jonke *Chairman*
Amy E. Sayegh *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
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

AGENDA
RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
TO BE HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Members: Chairwoman Addonizio and Legislators Ellner & Gouldman

Wednesday **6:00pm** **August 16, 2023**

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Acceptance of Minutes – June 21, 2023**
- 4. Approval/ Litigation Settlement/ Orlando v. County of Putnam**
- 5. Approval/ Fund Transfer 23T201/ Board of Elections/ Election Management Server**
- 6. FYI/ Litigation Report**
- 7. Other Business**
- 8. Adjournment**

#3

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman Addonizio and Legislators Ellner & Gouldman

Wednesday

June 21, 2023

The meeting was called to order at 6:50pm by Chairwoman Addonizio who requested Legislator Ellner lead in the Pledge of Allegiance. Upon roll call Legislators Ellner, Castellano and Chairwoman Addonizio were present. Legislator Castellano sat on the Committee in Legislator Gouldman's absence.

Item #3 – Acceptance of Minutes – May 16, 2023

The minutes were accepted as submitted.

Item #4 – Requests by County Executive Kevin Byrne

a. Approval/ Local Law to Amend Code of Putnam County by Adding a New Chapter 227 Entitled “Unauthorized Operation of Homeless Shelters”

Chairwoman Addonizio stated the Committee received a revised copy of the proposed legislation.

Chairwoman Addonizio made a motion to accept the additional; Seconded by Legislator Ellner. All in favor.

County Executive Kevin Byrne stated the proposed legislation had the purpose of protecting Putnam County, its residents, and its resources from improper use of temporary residencies by municipalities outside of the County, as well as reduce the need for the extension of executive orders which correspond to the state of emergency first declared by the County on May 22, 2023. He stated the state of emergency was initially declared in response to actions taken by the City of New York (NYC), which sought to misuse permitted temporary residences in Putnam County, along with other counties throughout the Hudson Valley region. He stated this problem was magnified by the expiration of Title 42, which had previously been invoked in 2020 by the United States Center for Disease Control and Prevention (CDC), combined with the emergent migrant crisis within NYC, and NYC Mayor Eric Adams' decision to discreetly send migrants from NYC to neighboring counties throughout the Hudson Valley without proper communication or planning with said counties. He stated this prompted his Administration to implement a state of emergency, which included three (3) executive orders. He spoke to his time in the New York State Assembly during the COVID-19 pandemic, during which former-New York Governor Andrew Cuomo used his executive powers to enact mandates which encroached on and, in his opinion, infringed on numerous constitutional rights. He stated these executive directives remained in place

for prolonged periods of time and effectively cut the State Legislature out of the law-making process. He stated, as County Executive, he has no desire to follow that misguided practice, and that he respected the County Legislature and its constituents, thus his decision to bring this issue before the County Legislature. He stated it is his position that the Administration and Legislature need to work together to enact a policy into local law that protects Putnam County from any outside municipality which may seek to misuse our facilities and transform their purpose without a shared services agreement. He stated further, he believes a resolution declaring Putnam County a "rule of law" County is merited, as the "sanctuary" designation has taken on a new function, which has attracted hardship and should be addressed separately by the federal government. He provided the following timeline of events: On May 5th, 2023, there was notification of NYC's efforts to send migrants into Rockland County, which led to them declaring a state of emergency on May 6, 2023. He provided an overview of the timeline of events that counties in the Hudson Valley region including Rockland, Orange, Dutchess, and Putnam, followed including declared state of emergencies, as well as efforts to both prevent migrants from taking residence within their jurisdictions and reaching out to both NYC Mayor Eric Adams and New York State Governor Kathy Hochul to resolve this issue. He stated on May 11, NYC Mayor Adams held a meeting with the New York State Association of Counties (NYSAC), which he participated in and asked him questions directly. He stated he followed up with NYC Mayor Adams with a letter outlining his concerns that could affect Putnam County. He stated on May 15, 2023 he sent a letter to all temporary residencies with permits requesting that they please communicate with the County, specifically the Health Department, should they be contacted by NYC or any of its agents. He continued speaking to the timeline including actions taken by local municipalities. He stated on June 13th, NYC filed litigation against about 30 different municipalities. He stated Putnam County has taken numerous steps to try to communicate with NYC. He stated they have not been honest with Putnam County, citing a statement they made where they would be providing funds for up to four (4) months, as required by their right-to-shelter rule. He stated, however, based on information obtained by County departments, agents and representatives of NYC were seeking a contract with at least one housing facility ranging from six months to five years. He stated further that Orange, Dutchess, and Rockland Counties have also called NYC out for its dishonesty. He stated this policy is not specifically in reaction to migrants entering the County, but to prevent outside municipalities, NYC or otherwise, from taking advantage of the County's resources without proper communication. He stated adding the requirement that outside municipalities form shared-service agreements with Putnam County before contracting with facilities within the County would ensure there is a formal agreement. He stated NYC has not entered discussion with Putnam County, or any other County, in good faith, opting instead to sue the Counties for their resistance to this practice. He stated his intention to extend the declaration for a state of emergency, as it would end later this evening. He stated he was doing this in order to offer more time to the Legislature to consider and approve this policy, and not because of a preference for drawing out a state of emergency. He stated the proposed law was amended in response to feedback collected from local stakeholders. He stated he came to the meeting both to advocate for this law and to prevent it from being misinterpreted or misrepresented. He stated the County

government has organizations already dedicated to the welfare of its citizens, including those who suffer from substance abuse issues and homelessness, and he wanted to make sure that those organizations were not conflated with the proposed law. He further emphasized his support for a resolution declaring Putnam County a “rule of law” County and rejecting the “sanctuary” designation.

Chairwoman Addonizio questioned if this policy was primarily about asking NYC and other outside municipalities to enter a shared services agreement with the County if they wish to utilize the County’s housing.

County Executive Byrne stated that is correct, it will address that issue and more.

Chairwoman Addonizio requested clarification on the revision to the proposed policy’s definition of “homeless shelter.”

County Executive Byrne stated since New York State’s Social Services Law regulates homeless shelters, the Putnam County law did not need to include regulation. He stated the original definition mirrored existing language. He stated to make it clear, the definition was replaced with “As defined by New York State Social Services Law.” He explained another revision made in conjunction with the definition replaced “defined above” with “defined by New York State law in Section 227-2.” He stated Section 228-3 was removed as it may have penalized organizations which provide services to current New York residents.

Legislator Ellner stated his support for this policy. He stated the County has a limited number of accommodations, and used an example to illustrate how having those accommodations be available to emergency services would allow for faster response times to disasters affecting Putnam County.

Legislator Castellano stated his support for this policy and questioned the status of the lawsuit by NYC against Putnam County.

County Executive Byrne stated Putnam County was among 30 municipalities being sued by NYC. He stated the process for the lawsuit would commence on July 6, 2023. He further spoke to the limited capacity and vacancies within the temporary housing throughout the County.

Legislator Ellner stated one of the main reasons NYC may be doing this is that accommodations cost more in NYC than they do in Putnam County, and stated his disapproval of NYC if this was the case. He questioned County Attorney Compton Spain if NYC had standing in suing Putnam County.

County Attorney Compton Spain stated the question was complex. He stated the Law Department currently has outside counsel looking into the matter. He stated this is an enormous financial burden and many counties have tried to work together to try to save

money. He stated the Law Department is navigating the various issues while preparing; all parties involved are due in court July 6, 2023.

County Executive Byrne stated his belief that the executive orders he issued worked.

Chairwoman Addonizio agreed that the cost savings mentioned by Legislator Ellner would come from the reduced cost of hotels and motels in Putnam County when compared to NYC.

Legislator Crowley stated she was an advocate for veterans and individuals fleeing domestic violence. She provided an anecdote about how she has had to call all the way out to NYC when looking for housing for families fleeing domestic violence, illustrating how limited the capacity of Putnam County is, even for its own current citizens. She stated Putnam County does not have infrastructure such as sidewalks that would be necessary to asylum seekers who are making an effort to be part of this society. She stated her support of the local law.

County Executive Byrne stated his agreement with Legislator Crowley. He stated there have been instances of state officials coming to Putnam County, but staying elsewhere, such as in Fishkill, because Putnam County does not have the capacity.

Legislator Nacerino stated her support for this policy, and stated she takes issue when an outside municipality blindsides other municipalities whose services they are planning to utilize without communication or a shared services agreement.

Legislator Montgomery stated she believed it was odd to speculate that NYC was sending migrants to Putnam County if it lacked capacity. She stated she did not know that NYC had requested Putnam County provide housing to migrants. She stated she had spoken to housing resources, and none of them stated NYC had made requests of them to house migrants. She stated County Executive Byrne had claimed in a letter to the Legislature that one resource had received a request, but that resource was not named. She was curious if this organization could be named. She stated NYC had made no plans to house people in Putnam County. She stated her belief that County Executive Byrne's declaration of a state of emergency was illegitimate, as there was no emergency. She questioned how much the outside counsel for the lawsuit was being paid.

County Attorney Spain stated he did not know in the moment, but that he would provide the amount the next day.

Legislator Montgomery questioned how much time had been spent on the lawsuit so far by the Law Department, outside counsel, and staff of the County Executive's Office.

County Executive Byrne stated the Executive's Office works on numerous different issues all the time, therefore providing an exact calculation of how much time had been spent on the lawsuit was impossible. He responded to Legislator Montgomery's

assertion that NYC has not requested any organization take migrants, stating NYC has made requests of everyone. For example, he cited an instance of NYC talking about placing migrants into private residences. He stated he spoke to NYC Mayor Eric Adams over a Zoom call and sent a letter to him afterward about the issue. He stated he did not support Mayor Adams' proposed request without a shared services agreement. He stated Mayor Adams did not provide direct answers to many of his questions. He stated Mayor Adams did not respond to his letter, with the County receiving communication from NYC in regard to the lawsuit instead. He stated the County had also received confirmation from the Health Department and the Department of Social Services that at least one facility had contacted those departments and told them they were contacted by a company contracted with NYC for placing migrants into housing, which was seeking a contract ranging from six months to five years, which the facility declined. He stated he did not identify this facility because he did not wish for them to be harassed or for their privacy to be invaded, but he stated their report is documented within the Executive's Office. He stated further that New York Governor Kathy Hochul has also declared a state of emergency in regard to migrants entering the state, reinforcing the legitimacy of Putnam's declaration.

Legislator Montgomery stated the state of emergency declared by New York State came with services to aid the migrants through the American Red Cross, as well as funding with help from the Federal Emergency Management Agency (FEMA) and NYC.

County Executive Byrne stated New York Governor Kathy Hochul had also declared a disaster emergency, which is what allowed access to funding from FEMA.

Legislator Montgomery stated the lack of a disaster declaration from Putnam County was an example of what was lacking in the County's response. She stated this declaration requires cooperation, both on the level of the County Executive and the County Legislature, as well as Putnam County cooperating with its surrounding Counties and NYC. She responded to a statement made by County Executive Byrne in his letter to the Legislature regarding how this policy would better protect the County. She stated the expenses which were being paid to both fight the lawsuit from NYC and fund the proposed policy demonstrated that the County's resources which residents rely on were not being protected. She stated by having this policy and the lawsuit wastes the resources of the County and the rights of the residents were being violated.

County Executive Byrne disagreed with Legislator Montgomery's assertion that the money being spent to fight the lawsuit was a violation of rights.

Legislator Montgomery stated the New York Civil Liberties Union (NYCLU) is well-funded and had previously won a lawsuit against Rockland and Orange Counties for their efforts at preventing migrants from entering.

County Executive Byrne stated the case involving Putnam County was different from the case Legislator Montgomery mentioned.

Legislator Montgomery stated the claim being made is that NYC was seeking to misuse temporary residences in Putnam County, although they have not been identified. She stated her belief that she had a right to know, as the County Legislature is equal to the County Executive.

Legislator Montgomery stated the migrants coming to Putnam County were seeking asylum and thus were here legally. She stated NYC Mayor Adams had approached this issue. She stated it was wrong to say that there has been a lack of communication between Putnam County, NYC, New York State, and the federal government. She stated the passage of the proposed legislation as it stands would effectively make the homeless shelters currently operating in Putnam County illegal, harming the people it was previously stated this policy would protect.

County Executive Byrne stated the definition in the proposed law has been amended.

Legislator Montgomery requested that the Committee table this legislation, as this situation was already costing the County hundreds of thousands of dollars and the proposed legislation would expose the County to more lawsuits. She stated there is a difference between asylum seekers and illegal immigrants.

Multiple members of the public present at the meeting began to speak out at once.

Chairwoman Addonizio requested that decorum be kept during the meeting.

Legislator Montgomery stated the proposed legislation would violate Title II of the Civil Rights Act.

Legislator Jonke stated his support for the proposed local law. He thanked County Executive Byrne for his efforts, as well as the Law Department for their research in creating the proposed legislation. He questioned what penalty would come from violating the proposed legislation, as there was no specific description in the legislation itself.

County Executive Byrne stated the motivation behind the proposed legislation was to have it codified and that any penalties for now would have to come from the Law Department. He stated simply having the law in place may prevent against potential offenders, similar to the effect the declaration of a state of emergency had.

County Attorney Spain stated the intent behind the proposed legislation was to have its violation be a civil offense, rather than a criminal offense. He stated the proposed legislation would be reviewed by the Law Department, which would determine the best course of action in assigning a penalty. As for now, he stated the Law Department desired to evaluate violations on a case-by-case basis. He spoke to his efforts to keep expenses down regarding the lawsuit.

Legislator Jonke stated as a taxpayer of Putnam County he found it offensive that Legislator Montgomery would prefer to have the County pay millions of dollars to respond to a migrant crisis, rather than spend a few thousand dollars to fund a legal defense.

Legislator Ellner cited the proposed legislation specifically speaks to municipalities providing temporary housing within Putnam County. He stated the proposed legislation did not bar independent organizations from doing so. He stated he had received solicitation in his private business from NYC in May requesting anyone with around 10,000 square feet with kitchen, showers and bathrooms to house migrants. He stated this was evidence of NYC requesting the services of businesses within Putnam County.

County Attorney Spain stated the Law Department had given an extensive review of the proposed legislation before sending it before the Legislature.

Legislative Counsel Robert Firriolo spoke to the revision of the proposed legislation, removing its own definition of "homeless shelter," and instead referring the New York State Social Services Law. He stated his belief that the New York State Social Services Law did not contain a definition for "homeless shelter." He stated his concern that the proposed legislation would not have a definition of "homeless shelter" in the event that it was passed as it stood. He suggested citing the specific section of the New York State Social Services Law to avoid confusion.

County Attorney Spain stated the proposed legislation was vague, and invited Commissioner of Social Services Michael Piazza to speak to the issue.

Commissioner of Social Services Michael Piazza stated the New York State Social Services Law could be provided to the Legislature. He stated the New York State Office of Temporary and Disability Assistance defined a homeless shelter as providing overnight housing, food, case management, and sometimes training and counseling to residents. He clarified this is different than the Code Blue distinction, which provides mandatory shelter in the winter. He stated he would look into the New York State Social Services Law to provide an answer to the Legislature.

Legislative Counsel Firriolo stated the issue still stood that if the New York State Social Services Law does not contain a definition for "homeless shelter," then the proposed legislation is meaningless. He stated further the original version of the proposed legislation did not have this problem, as it provided its own definition.

Legislator Montgomery stated with the concern highlighted by Legislative Counsel Firriolo, if the proposed legislation was passed, then existing shelters would be deemed illegal.

Legislative Counsel Firriolo stated because the law speaks to municipalities outside of Putnam County, he does not believe currently existing shelters or agencies within

Putnam County would be affected. He stated there needs to be a clear definition of “homeless shelter”

Legislator Montgomery stated Putnam County should follow the example of Steuben County, which did not declare a state of emergency, and that resources should instead be allocated to the needs of Putnam County, citing existing economic anxieties of its residents.

County Executive Byrne stated the concern of Legislative Counsel Firriolo could be addressed before the Full Legislative Meeting. He stated a shared services agreement would be between the County and outside municipalities. He stated further the proposed legislation was not an outright prohibition of shelters, but merely requires outside municipalities to negotiate with the County prior to utilizing housing in the County. He further stated how NYC has been requesting outside municipalities’ aid, citing an instance where the Westchester County Executive asked for aid from the federal government with their courts, so that there would not be a backlog in the asylum-seeking process, which he stated had not yet happened.

Legislator Montgomery stated there were only 300 migrants in Westchester County and there were no issues among them.

Legislator Nacerino stated the point of the proposed legislation is that one municipality should not stampede another without any dialogue, shared services agreement, or knowledge. She stated that is the essence of what is being considered this evening.

Chairwoman Addonizio requested clarification on how the Committee should move forward to have a more specific definition for the term “homeless shelter” included in the law.

Legislative Counsel Firriolo stated his belief that the issue was more procedural than substantive regarding how to amend the proposed legislation. He stated proposed legislation had to be in its final form in order to be considered by the Committee. He stated case law allows for minor, non-substantive changes to the legislation if passed by the Committee, but amending an entire definition was substantial. He stated the issue at hand was the form the proposed legislation would be in were it to go to the Full Legislative Meeting. He stated further that a Committee meeting cannot be held seven days before a Full Legislative Meeting.

Legislator Nacerino questioned if it would be possible to have another Rules Committee meeting followed by a Special Full Legislative Meeting scheduled after the Full Legislative Meeting on July 5, 2023.

Legislative Clerk Diane Schonfeld stated another Committee meeting in such a short timeframe was impossible, as agendas for meetings have to be published five (5) days before they are held, it would only be able to happen next week, and no Committee meetings can be held seven (7) days before a Full Legislative Meeting.

Legislator Nacerino questioned if it would be possible to hold another Rules Committee meeting in July.

Legislative Clerk Schonfeld stated it was possible.

Legislator Montgomery stated her main concern was regarding the cost the proposed legislation would incur on the County. She questioned if it was possible to put a budget cap on the proposed legislation. She questioned if it was possible to ask for County departments to document the time and hourly wages spent on this. She stated the public has a right to understand how much the proposed legislation would cost.

Legislator Nacerino stated County Executive Byrne should not have to log work done hourly on any particular topic; he engages in all County business throughout the workday.

Legislative Counsel Firriolo questioned County Attorney Spain if it was possible to make an amendment to the proposed legislation to address the issue regarding the definition of "homeless shelter."

County Attorney Spain stated the Committee could approve the proposed legislation, and afterward, the Law Department would work with the Legislative Counsel. He stated if it was found to be a significant issue, then the Law Department would bring the proposed legislation back to Committee at a later date.

Legislative Counsel Firriolo stated that if the change to the proposed legislation was substantive, then it would have to be sent back to Committee, in order to comply with state law regarding the time and notice given for the consideration of local law.

County Executive Byrne stated the original version of the proposed legislation could be voted upon rather than the revision in order to solve this issue.

Legislative Counsel Firriolo stated if the original version of the proposed legislation was passed, then there would be no procedural issue, as there would be no question to what the definition is.

Legislator Montgomery stated the organizations which would be affected by the proposed legislation were not here to speak to the issue.

Legislator Ellner stated that language of the proposed legislation only affects outside municipalities, not organizations operating in the County. He characterized the proposed legislation as essentially telling NYC to "be a good neighbor."

County Attorney Spain stated he spoke with Commissioner Piazza regarding every organization which provides services to homeless people or people in need within the

County and they concluded that they would still be able to provide services to people in need.

Legislator Ellner clarified that the organizations will be able to operate unaffected.

County Attorney Spain stated that is correct.

Legislative Counsel Firriolo stated there is an issue with the chapter's numbering on the proposed local law, stating the chapter would have to be given the new title "Homeless Shelters," as well as given a new chapter number to fit within the proper place in the Putnam County Code. He stated this was not a substantive change to the proposed legislation and suggested working with the Law Department to retitle the local law. He stated if the Committee was going to accept the original version of the proposed legislation, then he suggested they remove the paragraph which was removed in the revised version.

Kent resident John Garofolo stated Putnam County is unique among most New York counties because it lacks a city, an airport, or a college. He stated population growth in the County has led to serious traffic. He stated immigrants arriving in Putnam County would create more garbage, as well as cause more cars to be on the road, whose emissions would contribute further to climate change. He stated he is a veteran and fought for the rights of U.S. citizens. He stated he was a second-generation immigrant and his family immigrated legally. He stated it was taxpayers who would have to pay for the living accommodations of migrants entering the County. He voiced his concern about the rate of crime in the area. He stated he used to drive buses and came across illegal immigrants, some of whom were drunk, could not speak English, and would avoid paying the fare.

Mahopac resident Steve Clorofilla stated he is originally from the Bronx. He thanked County Executive Byrne for working to protect the citizens of Putnam County. He stated the cheers from the audience meant that the proposed legislation had the support of the citizens of the County. He also thanked the members of the Legislature who are in support of this. He stated his support for the proposed legislation, and requested the Legislature pass a resolution to thank County Executive Byrne for his efforts.

Mahopac resident Marsha Waldman stated she was descended from immigrants, and she stated her belief that most of the audience was as well. She made the point that the migrants which would be coming up to Putnam County would be asylum seekers, and thus legal immigrants. She stated Westchester County, which is much larger than Putnam County, has accepted only 300 immigrants. She stated her belief that immigrants to the United States should be given the same respect as our immigrant ancestors. She stated often, immigrants have not been given respect and we know that was wrong. She stated migrants should be welcomed and helped as they try to achieve the American dream.

Cold Spring resident Cindy Trimble stated she grew up with Legislator Montgomery. She stated she lived next to the only two hotels in Cold Spring. She stated first responders come to the hotels on a weekly basis, be it because of drug overdoses, hostage situations, or fights. She stated the hotels together could contain around twenty people. She stated prior to the meeting, she had to clean up the garbage the occupants of the hotel left on the street. She stated migrants coming to Putnam County would affect both the economy and quality of life. She further stated that the hotel's occupants were on probation, on parole, on drugs, and on welfare. She stated Legislator Montgomery lives far away from the hotels, and so it was easy for her to advocate against the proposed legislation.

Carmel resident Prakash Tawari stated the line between legal and illegal immigrant is being blurred. He stated he may be the only first-generation immigrant present. He stated he came to the United States in 1988 on a scholarship, and he went through the process of becoming a legal immigrant to the United States. He spoke to the various steps he took to legally immigrate to the United States from India. He stated when going through the process to obtain a green card, he was screened for infectious diseases and criminal records, requiring documents from India. He stated the people are now coming to the United States without that same careful screening. He stated crime rates have been increasing due to illegal immigration and that if they came to Putnam County, more law enforcement would be necessary. He also stated migrants coming to the County would be taking up medical resources that would normally go to the regular residents of the County.

Legislator Montgomery questioned where Mr. Tawari got his statistics that crime was increasing.

Brewster resident Marilyn Miller stated she witnessed male migrants being unloaded from two buses in the middle of the night in Brewster last year. She stated she further witnessed them get picked up by cars, and over a dozen of them walk into the village. She stated a woman cannot walk through Brewster without being harassed by rude remarks and catcalls. She stated she works as an EMT, and has responded to incidents involving migrants who do not have identification and were assaulting each other and getting drunk to the point of needing medical intervention. She stated they got free healthcare at the hospital, whereas she has to pay a \$10,000 deductible. She stated these individuals had wads of money in their pockets, and that they have no respect for the United States. She stated she investigated the background of these migrants and discovered they were bused up from the Westchester County Airport. She stated her support for County Executive Byrne's proposed resolution.

Carmel resident Bob Rinaldi stated the migrants, whom he stated were illegal immigrants, coming to Putnam County were of militarized age, which he specified as ranging from younger than 16 years old to 50 years old, all of them single men, with most of them coming from Venezuela. He stated he did research which showed they were being militarized by the federal government. He stated they were becoming voters, which would be beneficial to the Democratic Party. He stated he was a veteran of the

Vietnam War, he fought to uphold the Constitution, and hoped that the Legislature should do the same. He stated the County was being invaded. He stated allowing migrants in would cause a similar affect to the County as to Portland, Oregon, Chicago, and NYC. He stated the federal government was flooding the country with migrants purposefully, and that he did not want to pay taxes toward that effort.

Mr. Garofolo stated he found it upsetting that those opposing the proposed legislation said that people should have an “open heart” in regard to migrants, stating his heart was open in regard to his children and their future. He stated Spanish was an elective course when he went to school, and it is now practically mandatory. He stated he had a Commercial Driver’s License (CDL), and he saw people receiving CDLs in the DMV when they cannot speak English. He questioned how it would be possible for Spanish speakers to read road signs. He stated he worked for traffic control in the County, and he stated migrants could not read stop signs, and would run through them. He directed his comments to Legislator Montgomery and stated his concern for the safety risks this may pose.

Legislator Montgomery requested that Mr. Garofolo stop pointing at her.

Chairwoman Addonizio also requested that Mr. Garofolo remain civil.

Mr. Garofolo stated there are immigration laws in this country, therefore an “illegal” immigrant is breaking the law. He stated if he broke the law, he would be arrested, whereas migrants who break the law by immigrating illegally are rewarded with food, healthcare, and housing. He stated he had to pay taxes to fund public school despite sending his children to private school. He stated he did not have a say about what was done at the school, giving the example of rainbow flags representing the LGBTQ+ community being flown among other unspecified flags, and not the United States flag. He stated his belief that the United States flag should be the only flag present.

A Carmel resident stated she also owns a home in Brooklyn. She stated the County lacks the resources such as transportation to accommodate potential migrants coming into the County. She stated migrants coming to live in the County would not be able to find jobs, since high school graduates in the County were already struggling to find jobs. She stated her parents came to Putnam County in the 1960s from Puerto Rico by being sponsored by a family member, and got a job within a week of arriving. She spoke to her shock at the idea that NYC was having the County provide resources to the migrants without sharing resources. She stated she feels for the migrants coming into the country, but this is a difficult situation.

Chairwoman Addonizio made a motion to approve the original version of the local law with Section 228-3 removed; Seconded by Legislator Ellner. All in favor.

b. Approval/ Supporting Declarations of Executive Order 3 of 2023

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

Item #5 – FYI/ Litigation Report – Duly Noted

Item #6 – Other Business – None

Item #7 – Adjournment

There being no further business at 8:16pm, Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Ellner. All in favor.

Respectfully submitted by PILOT Intern Eamon Howley.

THE PUTNAM COUNTY LEGISLATURE

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Members: Chairwoman Addonizio and Legislators Ellner & Gouldman

Wednesday June 21, 2023
(Immediately following Economic Development Mtg. beginning at 6:00pm)

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- 2. Roll Call**
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RESOLUTION

WHEREAS, veteran Putnam County employee Paul Orlando (“Orlando”) sought a cash buy out based upon his election not to take advantage of retiree health insurance benefits through Putnam County (“the County”) upon his retirement on October 31, 2016; and

WHEREAS, the County’s position, presented by Director of Personnel Paul Eldridge and advanced by outside counsel, was because Orlando was not enrolled in the County health plan at the time of his retirement, Orlando was not then entitled to the cash buy out; and

WHEREAS, more specifically, reading the CBA and NYSHIP manual together, the County’s position was Orlando was not “eligible” for retiree health coverage and as such there was nothing from which to buy him out; and

WHEREAS, the County’s position was Orlando could have been eligible for buyout had he actually been enrolled either as a dependent in NYSHIP or another Putnam Health insurance plan on October 31, 2016 (the date of his retirement); and

WHEREAS, Orlando’s position, in contrast, was the applicable CBA provision applied to allow him to obtain the buy out. As such, Orlando could have taken the PC-offered NYSHIP health plan as an employee and retiree – that he was eligible for it – but did not do so because his wife covered him instead and since he was eligible but opted out, Putnam must pay the buy out to him; and

WHEREAS, based on the disparity in the parties’ positions on the issue herein presented, the matter required a judicial determination; and

WHEREAS, on or about May 31, 2018, Plaintiff Paul Orlando (Plaintiff) commenced action against the County of Putnam in the Supreme Court for the County of Putnam alleging breach of contract; and

WHEREAS, Plaintiff sought recovery for financial damages in an undetermined amount as well as costs, disbursements, attorney’s fees and interest; and

WHEREAS, Putnam County, was represented by outside counsel Keane & Beane, P.C.; and

WHEREAS, Supreme Court, Putnam County (Zugibe, J.) issued an Order denying Putnam County’s motion for summary judgment dismissing the complaint and granting Plaintiff’s cross-motion for summary judgment on the complaint; and

WHEREAS, the Supreme Court, Putnam County’s Order in favor of Plaintiff was later affirmed, with costs, by the Appellate Division, Second Judicial Department; and

WHEREAS, although outside counsel for the County sought to continue to litigate the issues presented before New York's highest court, in July 2023 the Court of Appeals declined to hear the matter without comment; and

WHEREAS, rather than proceed to inquest on a determination of monetary damages, outside counsel entered into a Stipulation of Settlement with Orlando wherein counsel agreed the amount Orlando is owed for damages covering the years 2016 through 2022 was \$39,528.20; and

WHEREAS, per the Court's decision Orlando is also due the "cash payout equivalent to fifty (50%) percent of the value of individual health insurance coverage for the plan with the most active employee enrollees moving forward", which amount has been determined by Personnel Director Eldridge to be \$654.17 each month moving forward while the premium remains \$1,308.34; and

WHEREAS, a Stipulation of Settlement has been executed by all parties, and So Ordered by Hon. Gina C. Capone, Supreme Court Justice (a copy of said Stipulation is attached hereto as Schedule "A"); and

WHEREAS, the settlement is in the public interest and would avoid the costs of further litigation; now therefore be it

RESOLVED, that the County of Putnam approves the settlement of this matter for the sum of thirty-nine thousand five hundred twenty-eight dollars and twenty cents (\$39,528.20) and an additional cash payout equivalent to fifty (50%) percent of the value of individual health insurance coverage for the plan with the most active employee enrollees moving forward which amount has been determined by Personnel Director Eldridge to be \$654.17 per month.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

----- X
PAUL ORLANDO

Plaintiff,

-against-

COUNTY OF PUTNAM,

Defendant.
----- X

Amended

**STIPULATION OF
SETTLEMENT**

Index No. 500608/2018

WHEREAS, Plaintiff Paul Orlando ("Plaintiff") commenced the instant action against Defendant County of Putnam ("Defendant" or "County") by filing a Summons and Complaint on June 18, 2018, claiming that Defendant breached the collective bargaining agreement (the "CBA") between the County and the Civil Service Employees Association, Inc. (the "CSEA"), and seeking a judgment in the amount of Fifteen Thousand Dollars (\$15,000.00), and payment consistent with the parties' CBA in future years, together with such other and further relief as the court deemed just and proper including, but not limited to interest, costs, disbursements and legal fees; and

WHEREAS, the Honorable Thomas P. Zugibe issued a Decision and Order, dated December 11, 2019, denying Defendant's motion for summary judgment and granting Plaintiff's cross-motion for summary judgment; and

WHEREAS, the December 11, 2019 Decision and Order further set the matter down for an inquest on damages;

WHEREAS, Defendant appealed such Decision and Order to the Appellate Division, Second Department and the inquest on damages was stayed pursuant to NY Civil Practice Law and Rules § 5519(a)(1); and

WHEREAS, on August 3, 2022, the Second Department issued a Decision and Order, affirming the December 11, 2019 Supreme Court Decision and Order; and

WHEREAS, the Supreme Court rescheduled the Inquest on damages; and

WHEREAS, Defendant intends to file a motion for leave to appeal with the Court of Appeals of the State of New York; and

WHEREAS, the parties have agreed upon a Proposed Judgment for damages covering the years 2016 through 2022 in the sum of \$39,528.20; and

WHEREAS, the parties have agreed to stay entry and execution of the Proposed Judgment pursuant to the terms of the parties' Stipulation of Settlement; and

WHEREAS, the parties now desire to resolve these issues raised, without further proceedings and without admitting any fault or liability.

NOW, THEREFORE, it is hereby stipulated and agreed by and between the Plaintiff and Defendant, that the above captioned action be, and the same hereby is, fully settled and resolved, disposed and discontinued, without prejudice to either party moving to have the matter restored or re-opened should the New York State Court of Appeals reverse the Appellate Division decision, pursuant to the following terms and conditions::

1. The parties agree that the Proposed Judgment constituting damages to Plaintiff covering the years 2016 through 2022 equals the sum of \$39,528.20. See Exhibit "A".

2. Defendant agrees to file its motion for leave to appeal with the Court of Appeals of the State of New York within thirty (30) days from the entry of the Court's So Ordered Stipulation.

3. Plaintiff agrees to stay entry and execution of the Proposed Judgment pending a determination from the Court of Appeals of the State of New York, as outlined below.

4. In the event Defendant's motion for leave is granted and an appeal is perfected, the Proposed Judgment shall be stayed and unenforceable until a final determination is made on such appeal by the Court of Appeals. Thereafter, if the appeal is denied by the Court of Appeals and the Second Department's Decision and Order upheld, Plaintiff may file the Proposed Judgment. Upon such filing, the County shall pay the Judgment within thirty (30) days. Alternatively, if the appeal is granted and the Second Department's Decision and Order reversed, the Proposed Judgment shall be permanently stayed and declared null and void.

5. In the event Defendant's motion for leave to appeal is granted, but Defendant fails to perfect an appeal within the statutory time period and/or any extensions granted by the Court, Plaintiff may file the Proposed Judgment. Upon such filing, the County shall pay the Judgment within thirty (30) days.

6. In the event Defendant's motion for leave to appeal is denied by the Court of Appeals, Defendant may file the Proposed Judgment. Upon such filing, the County shall pay the Judgment within thirty (30) days.

7. In the event the Court fails to make a determination on Defendant's motion for leave to appeal by January 31, 2023, Plaintiff may file the Proposed Judgment. Upon such filing, the County shall pay the Judgment within thirty (30) days.

8. This Stipulation shall bind Plaintiff, Defendant, their successors and assigns.

9. This Stipulation can be signed and filed in counterparts, and that electronic signatures shall be deemed to be original signatures and that said Stipulation can be filed with the Court without notice.

IN WITNESS WHEREOF, the parties hereto have executed this Stipulation as of the date set forth opposite the respective signatures below.

Dated: February 9, 2023

Dated: February 9, 2023

O'NEIL & BURKE, LLP

KEANE & BEANE, P.C.

By: 

By: 

William T. Burke, Esq.
Attorneys for Plaintiff
135 North Water Street
Poughkeepsie, NY 12601
(845) 452-6400

Jaylyn G. Goldberg, Esq.
Attorneys for Defendant
445 Hamilton Avenue, 15th Floor
White Plains, NY 10601
(914) 946-4777

SO ORDERED


Gina C. Capone, J.S.C.

COUNTY OF PUTNAM
FUND TRANSFER REQUEST

*cc all
Rules
A+A*

*R-50
#5*

TO: COMMISSIONER OF FINANCE
FROM: CATHERINE CROFT/KELLY PRIMAVERA
DEPT: BOARD OF ELECTIONS
DATE: 7/17/2023

I hereby request approval for the following transfer of funds:

FROM ACCOUNT#/NAME	TO ACCOUNT #/NAME	AMOUNT	PURPOSE
10145000 52130 COMPUTER EQUIPMENT	10145000 52680 OTHER EQUIPMENT	\$28433	EMS SERVER <i>Election Management Server</i>
10145000 54646 CONTRACTS	10145000 52680 OTHER EQUIPMENT	\$ 9277	EMS SERVER
		\$37,710	

2023 JUL 20 AM 10:03
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

SIGNATURES NOT NEEDED – THEY WILL BE AUTHORIZED VIA COMPUTER SYSTEM

2023 Fiscal Impact \$_0_
2024 Fiscal Impact \$_0_

Department Head Signature/Designee Date

AUTHORIZATION:

Date Commissioner of Finance/Designee: Initiated by: \$0-\$5,000.00

Date County Executive/Designee: Authorized for Legislative Consideration: \$5,000.01 - \$10,000.00

Date Chairperson Audit/Designee: \$0-\$10,000.00

Date Audit & Administration Committee: \$10,000.01 - \$25,000.00

23T201



May 3, 2023

Putnam County, NY

Q00009874

Prepared by:
Glo Costantello
glo.costantello@dominionvoting.com

Budgetary Quote

Product/Service	Description	Part Number	Qty	Unit Price	Extension
Election Management Hardware					
EMS Standard Server Kit (R640/P2422H/WS2019/SS2019)		175-000128	1	\$18,700.00	\$18,700.00
EMS Client Workstation Kit (3460 XE/SS2019/P2422H)		175-000130	2	\$2,150.00	\$4,300.00
Mini Server Rack - 12U		190-000011	1	\$1,000.00	\$1,000.00
Ballot Printer - M454dn		123-000601	1	\$775.00	\$775.00
UPS - CyberPower 1500VA - Standard		190-000074	1	\$800.00	\$800.00
				Sub-Total	\$25,575.00
Election Management Software					
Cepstral Software Kit - 6.2 - Spanish Two Voices, ADL Licenses		172-000185	1	\$820.00	\$820.00
Device CAL - Microsoft SQL Server - Any Version - MPSA		194-000027	1	\$315.00	\$315.00
				Sub-Total	\$1,135.00
Support Services					
Onsite Support - Voting System Equipment (/day)		S80026	2.0	\$2,500.00	\$5,000.00
				Sub-Total	\$5,000.00
Training					
Staff Training - EMS End Users (/class)		S80009	1.0	\$6,000.00	\$6,000.00
				Sub-Total	\$6,000.00
Purchase Sub-Total					\$37,710.00
Purchase Total					\$37,710.00

Terms and Conditions

This quote is valid for 60 days and subject to change for scope and configuration updates. All Shipping costs to be Invoiced separately to customer. All pricing is subject to standard terms and conditions. 1 year warranty for COTS components.

EMS Standard Server Kit includes: Dell PowerEdge R640 rack server (with Windows Server 2019 and SQL Server 2019), 24 port switch, 24 Inch monitor, SVGA cable, keyboard/mouse, patch cable, Cepstral Kit (English two voices, licenses, save to file for windows), Avast Endpoint Protection Suite (3 year license, 1 device)

EMS Client Workstation Kit includes: Dell Precision 3460 XE workstation (SFF, 16GB RAM, 500GB HDD, Win 10), Dell P2422H 24 Inch monitor, IButton programmer, Kingston FCR-HS4 USB 3.0 high speed media reader, patch cable, Microsoft SQL Server 2019 - Device Client Access License (CAL), ACS ACR39U smart card reader/writer

Signatures

Customer Name (printed)	Title	Signature	Date (MM/DD/YYYY)

23T201



**BOARD OF ELECTIONS
COUNTY OF PUTNAM**
25 Old Route 6, Carmel, New York 10512
(845) 808-1300 • Fax (845) 808-1920
www.putnamboe.com

cc All
Rules

#5

Commissioners
CATHERINE P. CROFT
KELLY K. PRIMAVERA

MEMORANDUM

TO: Toni E. Addonizio, Chairwoman
FROM: Catherine Croft, Commissioner
Kelly Primavera, Commissioner
DATE: August 10, 2023
RE: Budget Transfer

The Board of Elections is requesting a Budget Transfer for the purchase of updated Election Management Software and Hardware for the County's Voting Machines. The system that we are currently using dates back to 2008. The new system has been recently certified by the New York State Board of Elections. The purchase of the hardware and software is essential to the accuracy of our Election Results.

We will not be able to attend this meeting due to an Election Commissioners Conference. If you have any questions, please feel free to contact either of the Commissioners.

LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

2023 AUG 10 PM 3:28

BT 201

August 16, 2023
Rules Meeting

#6

FYI – Litigation Report