

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

**Members: Chairman Othmer, Legislators Albano & Gross**

**Thursday** **March 22, 2012** **6:30 P.M.**

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The meeting was called to order at 6:30 P.M. by Chairman Othmer who led in the Pledge of Allegiance. Upon roll call, Legislators Albano, Gross and Chairman Othmer were present.

**Item #3 - Approval of Minutes – January 26, 2012**

The minutes were approved as submitted.

**Item #4 - Amend Resolution #375 of 2011/County Signage Policy/Discussion**

Chairman Othmer believed that if you were an elected official of the County; the County Clerk, County Executive, District Attorney or the Sheriff, and are promoting a program, should be entitled to include your name and department on the item.

Legislator Albano believed that the resolution needed to be reworded. He felt that the intent of the resolution was not to take a person's name off of stationery. It was so that the person does not use his/her office to promote political items that are done outside of County work.

Legislator Gross agreed that it should not be used for political purposes.

Legislator Birmingham believed that the County Clerk was concerned that the existing resolution does not allow for the department name to be included on certain items. The reason he voted in favor of this policy last year was that we wanted to be careful not to promote names of elected officials using County funds or have elected official names be distributed with County personnel during County work hours. He believed that we were trying to get away from the promotion of a person, not a position.

Legislator Oliverio concurred. Although, he believed it should be limited to elected officials. It should not pertain to department heads in departments such as Social Services or Health. As far as elected officials, certain material should only include the department and not the individual's name.

County Executive Odell believed that the intent was to discourage anyone from using County funds to campaign. As you drive up the New York State corridor, North & South, you will see many elected official names. This Administration believed it would be appropriate, as we were doing road improvements, to put up signs stating that this road is being improved by your County tax dollars and include Fred Pena's name as the

Commissioner of Highways & Facilities. Including the name would be a point of contact. She believed this legislation was created as a reaction to someone she believed exploited a program. This is not about self-promotion. Putting your name on something is actually enhancing someone's ability to call you up to complain. They rarely call to say "thank you".

Legislator LoBue concurred with Legislator Birmingham. She believed it should be generic, only having the department name. She hoped that we would not start identifying road projects by signs. We do not need any more visual pollution or personalizing signs using taxpayer's money.

Legislator Albano wanted to rescind resolution #134 and create new wording.

Sheriff Donald B. Smith felt that everyone on both sides of this issue had presented many good points. He believed that public service was a noble thing. When he became Sheriff, he removed the name of the previous Sheriff off many items and just kept the department's name on them. He also mentioned a few items which his name is on, however, those items were paid for by himself personally or by "Friends of Don Smith". He did not believe items of self-promotion should not be paid for with taxpayer's money. However, there were some County programs which should include the person's name. He believed that the policy should be reviewed and reworded.

County Clerk Sant stated that this is about accountability. He stated that he was elected by the people to be County Clerk. When they have a problem, they know exactly who to call. He felt that the legislation went a little over the top by not even allowing the department's name on any promotions. He is trying to build revenue up for Putnam County by soliciting business in Westchester and Connecticut. He felt they he needed to be accountable to the people for the good things and the bad things he does as County Clerk. They feel that I have abused something by putting our phone number on a pen after 57 years of having the same exact number, when there was no effort whatsoever to inform the public that the number changed.

Chairman Othmer stated that this legislation was drafted because of a rogue elected official who abused the system. He wanted to rescind the resolutions and ask the four major elected officials of the County; County Clerk, County Executive, District Attorney and Sheriff, to get together with the Law Department and draft a new resolution.

The Committee had further discussions on the different restrictions placed in each resolution.

Legislator Conklin believed that the most onerous restriction was that a "department" name could not be included on any literature. She suggested eliminating the word "department" from the resolution.

Legislator DiCarlo suggested having the County Attorney review the resolutions with the elected officials and make suggestions which can be reviewed at the next Rules Committee meeting.

Confidential Secretary to the District Attorney, Laurie Mainey, read an opinion from the District Attorney. He believed that the public had the right to know who their elected officials are and what programs they support to improve the quality of their lives in our community. The current signage policy does not support this cause.

Legislator Albano suggested rescinding the resolutions and draft a new resolution.

Chairman Othmer asked that the elected officials get together and brainstorm and draft a new resolution to bring back to the next Rules Meeting.

Chairman Othmer made a motion to rescind Resolution #134, #191 and #375 of 2011; seconded by Legislator Albano. All in favor.

**Item #5 - Electrical Board Items**

- a) **Proposed Changes/Putnam County Code/Chapter 145 Entitled "Electricians"/Discussion**
- b) **Approval/Board of Electrical Examiners/2012 Fee/Violation Schedule**

Chairman Othmer stated that the changes to the Electrical Law are not completed and therefore Item #5a & #5b would be tabled to next month's meeting.

- c) **Approval/Re-Appointments/Board of Electrical Examiners/ Elio/Morrison/Taggart**

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

**Item #6 - Plumbing Board Items**

- a) **Proposed Changes/Putnam County Code/Chapter 190 Entitled "Plumbing & Mechanical Trades"/Discussion**
- b) **Approval/Plumbing & Mechanical Trades Board/2012 Fee Schedule/Civil Penalty Schedule**

Chairman Othmer stated that the changes to the Plumbing Law are not completed and therefore Item #6a & #6b would be tabled to next month's meeting.

**Item #7 - Proposed Changes/Legislative Manual/Discussion**

Chairman Othmer stated that Chairwoman Conklin's memorandum suggested some proposed changes to the Legislative Manual that would keep the Legislators aware of any interaction between Legislators and Outside Agencies.

Legislative Chairwoman Conklin stated that the intent was not to restrict legislators from discussing things with other people. It was just to have a general guide line.

Legislator Birmingham stated that he would ignore anything that might be passed. He had a first amendment right to contact anybody that he wants, whether it is on personal stationary or making a phone call. You cannot legislate that first amendment right away from me. He stated that a resident has the right to call the Commissioner of Highways & Facilities to complain about a road. Under the proposed scenario, Legislator Birmingham stated that he would not be able to call on behalf of a constituent or on his own behalf.

Legislative Chairwoman Conklin concurred with Legislator Birmingham that we had the right to communicate with people. She stated that she did not mean it to be restrictive and was fine with not changing the manual.

Legislator Oliverio stated that his interpretation of the request was that it was common courtesy to go through the County Executive when inviting a Department Head to a meeting. He did not have a problem with this. He stated that he did not see the restrictive nature of what Legislator Birmingham stated.

County Executive Odell stated that she has a policy in her office to copy every respective Legislator as a professional courtesy when her office has been contacted by a constituent, Supervisor or Town Board Member on issues in order to keep open communication and transparency. She felt that there have been times when a Department Head or employee have been put in a situation where they are uncomfortable about a task that they are asked to do or the amount of time given to perform the task. She believed the chain of command issue was an excellent way to describe professional courtesy in government.

County Attorney Bumgarner shared a scenario and explained the difficulty in handling certain requests that come through her office from the Legislators.

Legislator LoBue concurred with Legislator Birmingham. The Legislators are all individuals and have varying opinions. There should be no restriction on how we communicate with individuals.

Deputy County Executive Walker stated that it was not about not allowing a Legislator to speak with an individual. It was about prioritization with work load.

Legislator Albano stated that the bottom line was about having continuity. Trying to work things out to make sure the Legislators are on the same page before we go to the Law Department would be helpful. Although he realized there may be times this would not happen.

Chairman Othmer stated that it was about common courtesy.

**Item #8 - Approval/Re-Appointments/Putnam County Home Improvement Board/  
Harnish/Phillips/Cusanelli/Goudey/Mastrantone/Hull**

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

**Item #9 - Approval/Re-Appointment/Putnam County Ethics Board/Eldridge**

Legislator Albano made a motion to pre-file the necessary resolution; seconded by Legislator Gross. All in favor.

**Item #10 - Approval/Re-Appointment/Region 3 Fish & Wildlife Management Board/ Merlotto**

Legislator Gross made a motion to pre-file the necessary resolution; seconded by Legislator Albano. All in favor.

**Item #11 - Correspondence/Putnam County Board of Ethics/Annual Report For 2011/FYI** was duly noted.

There being no further business, at 7:40 P.M., Legislator Gross made a motion to adjourn; seconded by Legislator Albano. All in favor.

Respectfully submitted by Diane Schonfeld, Deputy Clerk.