

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

**Members: Chairwoman Nacerino, Legislators Castellano & DiCarlo**

**Tuesday** **6:30 P.M.** **July 16, 2013**

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The meeting was called to order at 6:30 P.M. by Chairwoman Nacerino who requested that Legislator Castellano lead in the Pledge of Allegiance. Upon roll call, Legislators Castellano, DiCarlo, and Chairwoman Nacerino were present.

Chairwoman Nacerino made a motion to accept the additional material and Other Business for the meeting, seconded by Legislator DiCarlo. All in favor.

**Item #3) Approval of Minutes – May 21, 2013**

The minutes were approved as submitted.

**Item #4) Approval/Appointment/Home Improvement Board/Rossano**

Chairwoman Nacerino made a motion to pre-file the necessary resolution, seconded by Legislator DiCarlo. All in favor.

**Item #5) Discussion/Consumer Affairs - Licensing/Lawn Maintenance**

Chairwoman Nacerino invited Legislator Oliverio to elaborate on this item per his request.

Legislator Oliverio stated that three individuals have approached him who have been stopped by the Consumer Affairs department and given warnings, not fines because they are mowing lawns without registrations. The first is a gentleman with a family that mowing lawns and plowing snow are his livelihoods. The other two are college kids trying to make some money to get through school. The Consumer Affairs agent was very nice to them, did not fine them but gave them a warning and informed them that they need to get a registration for mowing lawns. Legislator Oliverio stated that the big problem with individuals attempting to be registered lawn mowers with the Consumer Affairs Department is that the registration requires a bond. Legislator Oliverio stated that they understood the registration because they can say they are registered with Putnam County but the bonding is the issue. He stated he wanted to bring this up to see if there is something the Legislature can do or to find out that there is nothing the Legislature can do.

Chairwoman Nacerino asked for clarification on the fees associated with this registration.

Director of Consumer Affairs Jean Marie Noel stated that it is \$250 for two years, which comes out to \$125 per year.

Chairwoman Nacerino stated that the issue more than it is the fee but setting the precedent of removing fees. She asked where we draw the line in the sand and exempt some but not others.

Legislator Oliverio stated he agrees but all of these individuals understood the registration but it is the bonding that was the issue.

Director Noel stated that with respect to students, there is a provision in the law that states that they do not need to be registered. She stated that it is a registration for home improvement and licensing for electrical and plumbing. She stated that the difference between the registration and licensing is to be licensed you must pass a test and for a registration you present documents. She stated in the law right now students of a certain age doing seasonal work do not have to register, they have a clear exemption. She stated that the bonding question she has asked to the Law Department before. She has been told by insurance brokers that bonding can cost \$140 for a two year bond, it could cost \$400 too, and it depends on the exposure and liability of the company and the risk. She stated it also has a consideration to your credit rating. She stated they also need liability insurance. She also stated that there is an enforcement issue, where does mowing lawns stop. She stated it can turn into trimming trees, moving rocks, etc. which are more liability exposure. She stated it is for the Legislature to decide.

Legislator Oliverio asked if the liability insurance was enough to cover these individuals.

Director Noel stated that the bond is for other things. She stated if there is a contract to mow your lawn and they do not do the work, they are supposed to have a bond which is a surety bond.

Legislator Albano stated his professional experiences in researching when a bond was actually used and some companies cannot tell you. He stated he thinks it is more designed for when you are paying out a large sum of money. He stated that if someone does not have good credit they might not be able to get a bond. He stated he would like the Law Department to inform us why and if it is needed.

Chairwoman Nacerino stated that this Legislature does not want to impede the small businessman. She agreed to ask the Law Department the reason why we need the bond.

Legislator Oliverio stated that the registration did not upset these individuals too much, it was the bonding.

Director Noel informed the Committee and attendees the course of action that Westchester County takes. She also stated that snow plowing is the prevue of the Department of Motor Vehicles and Department of Transportation.

Chairwoman Nacerino stated that a memorandum will be sent to the Law Department requesting a legal opinion as to the need for a bond to be registered to mow lawns in Putnam County.

Director Noel gave an update regarding the statistics on Consumer Affairs violations and fines.

Legislator Castellano asked how they arrive at giving violations and fines.

Director Noel explained the process of arriving at giving violations and fines.

**Item #6) Discussion/Legislative Rules - Receipt of Agenda Item Information**

Chairwoman Nacerino stated that she is concerned that she has seen the Legislature not follow the rules that we have set in place regarding agenda items. She believes some things are rushed and not vetted properly. She believes some items are put on agendas in haste and then the Legislature ends up revisiting the issue and holding hearings after the fact. She stated she does not believe that speaks to good government or good process. She stated we really need to take a hard, fast look and be more stringent about how we should proceed. She cited Section 5a of the Legislative Manual in the Order of Business of Full Legislative Meetings. She stated that we listen to our constituents at Committee. She stated that if we continue to not abide by our own rules then it will chisel away at our process and our committees. She stated that people do not trust our motivations. She stated we need to adhere to our own process so we can move forward.

Legislator DiCarlo stated that as a Legislative Body we spoke about this at our Organizational Meeting. He stated that we wanted to make sure that the Clerk of the Legislature received all agenda items and backup in accordance with our Legislative Manual. He stated if there was an emergency the Chairman would be notified and then the Legislature would be notified for it to be put on the agenda. He stated we need to enforce this or not enforce this. He stated that the rules of order need to be enforced as well. He stated that changing the rules at a full meeting because there are 300 people in a room for an item is not fair. We need to adhere to the rules and move on.

Chairwoman Nacerino stated she completely agrees. She stated that saying people can speak at a full meeting and then saying they cannot makes things completely arbitrary. She stated we need to hold fast and adhere to our rules.

Bill Nulk, President of the Putnam County Chambers of Commerce, stated that one of the problems for the public is that we do not see what is on the committee agendas until one or two days before the meeting is held. He stated therefore sometimes the public will not know an issue is on an agenda.

Chairwoman Nacerino asked Legislative Administrative Assistant Krista Butler to clarify on when the agenda and the agenda with backup is posted in accordance with our Legislative Manual.

Legislative Administrative Assistant Krista Butler stated that there is a 7 day rule for Department Heads to send information to the Clerk of the Legislature's Office that they are requesting to be on the agenda. That 7 day rule gives the Clerk's office 2 days to speak with the Committee Chair to decide what the Chair would like to place on the agenda. She further stated that then it is the 5 day rule to get the agenda with backup out and the Clerk's office sends it out on the 5<sup>th</sup> day from the meeting date. She stated the Clerk's office sends the agenda with backup to the Information Technology Department 5 days before the meeting to be posted on the website. She emphasized that these are not business days therefore if an agenda with backup goes out on the 5<sup>th</sup> day from the meeting and that day happens to be a Friday, that might be what President Nulk is speaking to.

President Nulk stated that it is a short amount of time to get the stakeholders together for an issue that is on an agenda. He encouraged the Legislature to reach out to stakeholders of issues if something is coming up.

Chairwoman Nacerino stated that we certainly try to do that as an extra layer of communication but the process is the process. She stated that now that President Nulk is aware that it is posted 5 days before a meeting then he can look on the website or feel free to call the Clerk's office at any time. She stated it is a hard enough struggle to get everyone to comply because Department Heads may be under the gun with time sensitive material. She stated she is not speaking to the housekeeping details but things that are big issues that required a great deal of vetting.

Legislator Oliverio stated that is the exact reason the Health Committee has tabled the Ban on Tobacco in Pharmacies issue because it requires more vetting and research. He stated he agrees with Chairwoman Nacerino. He stated that we need to abide by our rules. He stated that in the past there were violations where the public was allowed to speak at the full meetings. He stated he agrees that once you make an exception that in time it can quickly become the normal. He cited instances when big issues were properly vetted in committee.

County Executive MaryEllen Odell stated that as a former Legislator she knows that the committee meetings are on a float, they are not set on the same day every month like the full meetings are. She asked through the Chair that Legislative Administrative Assistant Krista Butler clarify the committee calendar process because it may help the stakeholders track the committee meetings.

Legislative Administrative Assistant Butler stated that typically the Clerk's office starts to schedule committee meetings for the next month around the 20<sup>th</sup> of the previous month, for example, July 20<sup>th</sup> to start August's Committee Meeting Calendar. She stated that the Clerk's office ideally gets the calendar out one week before the Full meeting of that

month, for example, the week before August's Full Meeting the August Committee Meeting Calendar will be posted and go out.

County Executive Odell stated that the calendar does change, it is very fluid, so the stakeholders will need to follow it. She clarified a misstatement made at the Full meeting that the public spoke in regards to the NY SAFE Act. She stated it was not correct, whoever said it. She stated there was not public comment about the NY SAFE Act before a vote at a full meeting. She stated that a committee meeting took place in the Historic Courthouse in regards to the NY SAFE Act but it was definitely not a full meeting. She also stated that since 2006 when she served on the Legislature she has not witnessed the public being permitted to speak to an item at a full meeting before the vote is taken. She stated that what took place at the last full meeting caused chaos. She stated that is not good government.

Legislator Oliverio stated that they did have public input on the nurse's issue.

Chairwoman Nacerino stated that we need to stay within our own rules. She stated that we are not saying that there is never going to be an exception or a letter of necessity. She stated that what we are saying is that we need to avoid situations where we say "shame on us, we should have done this right the first time."

Legislator Oliverio stated that what he thinks the bigger issue is not that we allowed the public to speak at the full meeting but that we receive controversial resolutions from the Executive Branch the day before a meeting or have our Chairman tell us that we need to pass something that night because it is really important and time sensitive. He believes this is the true problem.

Chairwoman Nacerino stated that she spoke to Chairman of the Legislature Richard Othmer regarding this issue and that he stated he is very much in favor of adhering to our rules. She stated that she believes that anything received after the deadline needs to have a letter of necessity with pure logic as to why it needs to be address as soon as possible.

County Executive Odell stated she asked if this recent item was something that the Legislature wanted to put on the full meeting agenda. She stated that she was not insisting that it be put on. She stated that she had stated she would prefer that it be dealt with professionally and to the comfort that everyone needed to have a constructive dialogue, not organized chaos. She stated she had that conversation with some legislators before both the full and committee meetings regarding this issue.

Legislator Gross asked if changing the rule from 5 days to 5 business days would help this issue.

Legislative Administrative Assistant Butler stated that if the Legislature were to consider changing the 5 day rule to a 5 business day rule then the Legislature would need to consider changing the 7 day Department Head deadline rule to a 7 business day Department Head deadline rule so the Clerk's office would get that information in time.

Chairwoman Nacerino stated we should try to adhere to what we have already. She stated that we should send a letter to all Department Heads explaining the necessity of the 7 day Department Head deadline rule and that it should be adhered to.

Legislator DiCarlo stated that enforcement may be the issue. He stated that if something is time sensitive then the Chair of that Committee should be approached and then that Chair should poll the entire Legislature to put the item on the agenda. He stated that was not done at the last full meeting.

County Executive Odell stated that she spoke with the Chair.

Legislator DiCarlo stated that the reason he did not go into the Executive Session is because of process. He stated that the Legislature did not receive all of the information in time to allow us to vet this and be informed.

County Executive Odell stated that looking back we just got in our own way because she knew since this was a contract that she could not send it down to the Legislative Office and she tried to inform the Legislature in such a way as to protect the County at the time. She stated that she was trying to be respectful to the process but stated that we just got in our own way.

Chairwoman Nacerino stated that this discussion is not targeted at the County Executive or one specific issue. She stated that this discussion is about our rules, policies, and procedures. She stated that we need to be able to address items appropriately and within the time frame that we have documented in our manual and to give our Department Heads and the public a heads up to what our expectations are. She stated that is the reason this discussion is taking place.

Legislator Castellano stated he is in complete agreement with the conversation tonight.

**Item #7) Other Business**

**Item #7a) Approval/Fund Transfer (13T147)/Board of Elections/Purchase Van**

County Executive Odell stated that the Commissioners of the Board of Elections have asked for this van so that they can visit schools to teach students about the election and voting process and the machines. She stated it will also help facilitate movement of machines during elections. She believes the Commissioners' request is justified.

Legislator Castellano made a motion to pre-file the necessary resolution, seconded by Legislator DiCarlo. All in favor.

There being no further business, at 7:10 P.M., Legislator DiCarlo made a motion to adjourn, seconded by Chairwoman Nacerino. All in favor.

Respectfully submitted by Krista M. Butler, Administrative Assistant.