

“Designating July 23rd - July 29th 2012 as “Putnam County 4H Fair Week”

WHEREAS, the Putnam 4-H Fair, sponsored by Cornell Cooperative Extension of Putnam County, has showcased for the past forty-one years, the many interests and accomplishments of Putnam’s children, adults and programs; and

WHEREAS, the Putnam County 4-H Fair continues to grow as an educational, cultural and fun event that provides a wholesome experience for families from Putnam and the surrounding region;

WHEREAS, the Putnam County 4-H Fair enjoys the support and dedication of 4-H Club Leaders, members and families, Master Gardeners volunteers, and community service organizations including Rotary Clubs, Lions Clubs, as well as many local businesses; and

WHEREAS, the Putnam County 4-H Fair provide a unique opportunity to learn about our community and view educational displays and exhibits created by the many talented young and young at heart residents of Putnam; and

WHEREAS, the Putnam County 4-H Fair’s Shady Grove Theater provides a showcase for gifted youth of Putnam and an array of accomplished performers from the Hudson Valley Region; and

WHEREAS, the Putnam County 4-H Fair delights fairgoers throughout the weekend with activities at the Discover Putnam, Creative Corners, and Games Tents, Livestock Pavilion, Rabbit and Poultry Barn, Dog Obedience Trials, Country Living Auction and more; now therefore be it

RESOLVED, that the week of July 23rd - July 29th 2012 will be designated “Putnam County 4H Fair Week”; and be it further

RESOLVED, that the Putnam County Executive and the Putnam County Legislature recognize and congratulate the 41st Annual 4-H Fair and invite all Putnam County residents to attend.

**Item #3 - Approval of Minutes - Special Meeting – May 23, 2012
Special Meeting – June 13, 2012
Special Meeting – June 19, 2012**

The minutes were approved as submitted.

Item #4 - Correspondence

a) County Auditor

There was no activity during the reporting period.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairman Othmer, Legislators Albano & Gross)**

Item #5a – Approval/Local Law to Amend Article IV, Section 25-28 of the Putnam County Code Entitled “Membership; Terms” was next. Chairwoman Conklin recognized Legislator Othmer, Chairman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislator Albano and Gross, Legislator Othmer moved the following:

RESOLUTION #149

APPROVAL/LOCAL LAW TO AMEND ARTICLE IV, SECTION 25-28 OF THE PUTNAM COUNTY CODE ENTITLED “MEMBERSHIP; TERMS”

Be it Enacted by the Legislature of the County of Putnam as follows:

Section 1.

Article IV, Section 25-28 of the Putnam County Code is hereby amended to read as follows:

§ 25-28. Membership; terms.

- A. The Putnam County Veterans Memorial Park Advisory Board shall consist of nine members who reside in the County of Putnam, of whom three members shall be people of experience and knowledge in the area of parks and open space maintenance and operation and/or recreational planning and operation, three members shall be veterans of the Armed Services of the United States of America two of which must be an active member of the Joint Veterans Council, one member shall be the Putnam County Parks Superintendent, one member shall be the Director of Veterans Services and one member shall not need be a veteran nor need have experience and knowledge in the area of parks and open space.**
- B. Members shall be appointed by the Putnam County Executive, subject to confirmation by a simple majority of the Legislature.**
- C. Members of the Putnam County Veterans Memorial Park Advisory Board shall be appointed for a three year term. Members holding office on the effective date of this section shall continue to serve until the end of their existing term.**
- D. A Putnam County Veterans Memorial Park Advisory Board member shall serve until his or her successor has been appointed.**

Section 2.

This Local Law shall take effect immediately.

BY POLL VOTE: ALL AYES. MOTION CARRIES.

**PROTECTIVE SERVICES COMMITTEE
(Chairman Albano, Legislators Gross & Oliverio)**

Item #5b – Approval/Renewal Agreement/District Attorney/Victim Assistance Program Grant/Putnam County Victim/Witness Assistance Program was next. Chairwoman Conklin recognized Legislator Albano, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators Gross & Oliverio, Legislator Albano moved the following:

RESOLUTION #150

APPROVAL/RENEWAL AGREEMENT/DISTRICT ATTORNEY/VICTIM ASSISTANCE PROGRAM GRANT/PUTNAM COUNTY VICTIM/WITNESS ASSISTANCE PROGRAM

WHEREAS, Section 5-1(D) of the Putnam County Code requires Legislative approval of all grant applications and renewals; and

WHEREAS, Putnam County has received grant funds from the Office of Victim Services through the Putnam County Attorney's Office to administer the Putnam County Victim/Witness Assistance Program; and

WHEREAS, the initial application and grant from the Office of Victim Services in the amount of \$124,224 for period October 1, 2009 through September 30, 2012 was previously approved; and

WHEREAS, this grant can now be extended for one (1) year covering the period October 1, 2012 through September 30, 2013; and

WHEREAS, the Rules, Enactments and Intergovernmental Relations Committee has considered this grant renewal and recommends its approval; now therefore be it

RESOLVED, that the Putnam County Legislature hereby approves and authorizes the renewal of the Victim Assistance Program Grant for the Putnam County Victim/Witness Assistance Program, initial contract period from October 1, 2009 through September 30, 2012, renewed for one (1) year for period October 1, 2012 through September 30, 2013; and be it further

RESOLVED, that the grant application for years October 1, 2009 through September 30, 2012 be for \$124,224; and for the renewal period October 1, 2012 through September 30, 2013 be for \$43,139.

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5c – Approval/Fund Transfer (12T114)/Bureau of Emergency Services/Putnam 911 Dispatcher Overtime was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Oliverio, Legislator Albano moved the following:

RESOLUTION #151

APPROVAL/FUND TRANSFER /BUREAU OF EMERGENCY SERVICES/PUTNAM 911 DISPATCHER OVERTIME

WHEREAS, the Acting Commissioner of Emergency Services has requested a fund transfer (12T114) to cover the Putnam 911 Dispatcher Overtime Shortfall; and

WHEREAS, the Protective Services Committee, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10199000 54980	Contingency	\$30,000
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Increase:

13398900 51093	Overtime	\$30,000
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2012 Fiscal Impact \$30,000

2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5d – Approval/Appointment/Putnam County Traffic Safety Board was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Oliverio, Legislator Albano moved the following:

RESOLUTION #152

APPROVAL/APPOINTMENT/PUTNAM COUNTY TRAFFIC SAFETY BOARD

RESOLVED, that the following be appointed to the Putnam County Traffic Safety Board:

William Edwards, Town of Carmel, for a three (3) year term; said term to expire December 31, 2014.

BY POLL VOTE: ALL AYES. MOTION CARRIES.

PERSONNEL COMMITTEE

(Chairman DiCarlo, Legislators LoBue & Oliverio)

AND

AUDIT & ADMINISTRATION COMMITTEE

(Chairwoman Conklin, Legislators Birmingham & LoBue)

Item #5e(1) – Approval/Budgetary Amendment (12A034)/County Executive/Planning Department/Transportation Program Manager Position was next. Chairwoman Conklin recognized Legislator DiCarlo, Chairman of the Personnel Committee. On behalf of the

Audit & Administration Committee and the members of the Personnel Committee, Legislators LoBue and Oliverio, Legislator DiCarlo moved the following:

RESOLUTION #153

APPROVAL/BUDGETARY AMENDMENT/COUNTY EXECUTIVE/PLANNING DEPARTMENT/TRANSPORTATION PROGRAM MANAGER POSITION

WHEREAS, the County's Administration made a presentation to the Personnel Committee of the Putnam County Legislature on May 8, 2012, to Re-Vitalize the Planning Department, and

WHEREAS, this proposal requested the establishment of a Transportation Program Manager position in the Planning Department, and

WHEREAS, this proposal was approved by the Personnel Committee, and

WHEREAS, a budgetary amendment (12A034) was proposed for this additional position in the Planning Department on June 18, 2012, and

WHEREAS, the Audit & Administration Committee, at its June 25, 2012 meeting, reviewed and approved said budgetary amendment; now therefore be it

RESOLVED, that the Putnam County Legislature supports the establishment of a Transportation Program Manager position in the Planning Department, and be it further

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10802000 51000	Transportation Program Manager	18,750
10802000 58001	Fringe – Retirement	2,813
10802000 58002	Fringe – FICA	1,435
10802000 58003	Fringe – Disability	101
10802000 58004	Fringe – Worker's Compensation	58
10802000 58006	Fringe – Dental	305
10802000 58007	Fringe – Life Insurance	159
10802000 58008	Fringe – Health Insurance	3,516
10802000 58011	Fringe – Flex	<u>542</u>
		27,677

Decrease Estimated Appropriations:

10199000 54980	Contingency	27,677
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2012 Fiscal Impact \$27,677

2013 Fiscal Impact \$110,706 Using 2012 Fringe Rates:

Less attributable portion of anticipated \$40,000

Increase in FTA section 5307 funding

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5e(2) – Approval/Budgetary Amendment (12A035)/County Executive/Planning Department/Fiscal Manager Position was next. On behalf of the Audit & Administration Committee and the members of the Personnel Committee, Legislator DiCarlo moved the following:

Legislator Oliverio stated that he would be voting “no” on this position as he stated in both the Personnel and Audit Committee meetings. He stated that these are tough financial times, we have a 2% tax cap and the Legislature has been requested to create five specific positions in the Planning Department. He felt that the job descriptions of many of the positions were repetitious. If we approved these five positions now, he was concerned that something would need to be cut during budget time. He would rather discuss these positions during the budget process. He stated that he supported the Transportation Program Manager position because for years Commissioner Lynch has requested a position to assist him. However, in the past he has never come before the Legislature to request these other positions.

Legislator Birmingham stated that if the Legislature approved all five of these new positions that were put before us in the last few months during Committee, which alone would equal the 2% tax cap. He stated that he was in favor of this position and the previous position which was just approved. As Legislator Oliverio stated, we have needed the Transportation Program Manager position for years. However, he believed that along with that there is a lot of fiscal responsibility.

Legislator LoBue echoed many of the comments of Legislators Oliverio and Birmingham. She stated that she would be voting in favor of this position. A Fiscal Clerk for the Transportation Department is desperately needed to handle the required paperwork for funding received from the Transit Authority.

RESOLUTION #154

APPROVAL/BUDGETARY AMENDMENT/COUNTY EXECUTIVE/PLANNING DEPARTMENT/FISCAL MANAGER POSITION

WHEREAS, the County’s Administration made a presentation to the Personnel Committee of the Putnam County Legislature on May 8, 2012, to Re-Vitalize the Planning Department, and

WHEREAS, this proposal requested the establishment of a Fiscal Manager position in the Planning Department, and

WHEREAS, this proposal was approved by the Personnel Committee, and

WHEREAS, a budgetary amendment (12A035) was proposed for this additional position in the Planning Department on June 18, 2012, and

WHEREAS, the Audit & Administration Committee, at its June 25, 2012 meeting, reviewed and approved said budgetary amendment; now therefore be it

RESOLVED, that the Putnam County Legislature supports the establishment of a Fiscal Manager position in the Planning Department, and be it further

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10802000 51000	Fiscal Manager	16,250
10802000 58001	Fringe – Retirement	2,438
10802000 58002	Fringe – FICA	1,243
10802000 58003	Fringe – Disability	87
10802000 58004	Fringe – Worker’s Compensation	50
10802000 58006	Fringe – Dental	305
10802000 58007	Fringe – Life Insurance	138
10802000 58008	Fringe – Health Insurance	3,516
10802000 58011	Fringe – Flex	<u>542</u>
		24,569

Decrease Estimated Appropriations:

10199000 54980	Contingency	24,569
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2012 Fiscal Impact \$24,569

2013 Fiscal Impact \$98,272 Using 2012 Fringe Rates:

Less attributable portion of anticipated \$100,000

Increase in NYMTC funding

BY ROLL CALL VOTE: EIGHT AYES. ONE NAY, LEGISLATOR OLIVERIO. MOTION CARRIES.

**PERSONNEL COMMITTEE
(Chairman DiCarlo, Legislators LoBue & Oliverio)**

Item #5f – Approval/Establishment of Planner I Position/Planning Department was next. Chairwoman Conklin recognized Legislator DiCarlo, Chairman of the Personnel Committee. On behalf of the members of the Committee, Legislators LoBue & Oliverio, Legislator DiCarlo asked that Items #5f, #5g and #5h be discussed together.

Legislator DiCarlo stated that lengthy discussions were held in both the Personnel and Audit Committee meetings on these three positions in concept. There were discussions on the potential of receiving grant monies. He stated that Legislator Birmingham, with his wealth of past experience, was extremely vocal about the facts regarding chasing these grant monies. The grants have to be available in order to offset the funding for the position. In order to move these three positions forward we would need to see the funding mechanism. Legislator DiCarlo stated that there were lengthy discussions in Committee with regards to grants and we know there is a shortage of grants available. Also, many times when grants become available, if you are not ready for them, they are awarded to someone else.

Legislator Birmingham stated that he would be voting “no” on the three positions for Items #5f, #5g and #5h. He has always shied away from voting on in concept resolutions. He stated that on one hand they do not have any teeth and on the second hand they may give a false impression to, in this case the Administration, or some other agency that the Legislature is in favor of something when we do not have all the details. There is no

fiscal plan for this yet. He stated that he had some serious concerns about the educational requirements for the two planning positions. He did a rough survey on three counties throughout the State. The Planner I and Planner II positions in other counties had required a bachelor's degree in science and some planning background, whether it is urban design or architecture. The job descriptions on these two positions before us merely require a bachelor's degree. He believed these positions should not only have real world experience in planning, but also a background in education in planning.

Legislator Oliverio stated that if we are going to survive the 2% tax cap and reduced revenue we need to make do with what we have. He stated that he had to disagree with Legislator Birmingham on the job descriptions. He is a firm believer that experience is the greatest teacher in the world. He was content with the job description.

Legislator Othmer concurred with Legislator Oliverio on the job description. However, he believed the County needed someone with grant experience so that when funding is available we have the ability to take advantage of these grant opportunities.

Legislator Albano stated that there are many projects that the County will be spending money on in the future, such as dams and bridges. We need a person spending time and energy searching for available grant opportunities for the County for these projects. The pay back from what he understands could be ten times the amount of what the salary is for the position. He believed that if this opportunity was not in place, the 2% tax cap could be exceeded with some of the issues the County may need to address. He believed it was a "win win" situation to have a person planning ahead and taking advantage of the monies that may be available for these projects. He supported these positions in concept.

Legislator Tamagna stated that he has worked closely with the Planning Department for the last eighteen years as a Legislator. He believed that the County does not do enough to encourage NYMTC to fund the things that are important. He questioned when was the last time the County performed a transportation count on any of our County roads? There are roads that have a large volume of traffic and may be unsafe. Until we have the numbers of how many people travel these roads, how can do we make the request to the Federal government that we need funding to fix these roads? He stated that the County has failed to bring millions of dollars here to Putnam County because we are short sighted and are in worse shape than ever because we have less employees in the Planning Department. He stated that Putnam County is not in compliance with regard to the work we are doing, not only on a Federal and State level, but with our own Charter with respect to the Planning Department. He believed the Legislature has not given the Planning Department the tools, the manpower and the resources that are needed for them to accomplish the tasks.

Legislator Birmingham stated that there were a few more employees in the Planning Department approximately fifteen years ago. However, the County was in a better financial situation with sales tax revenue increasing 10% each year and Real Property evaluations increasing by at least 7% each year. Now, we are in an economy where people are losing their homes and their jobs. Never mind not being able to send your children to the college of their choice, we are in an economy where people are unable to send their children to the community college they want to go to. He stated that if the Legislature approves all of these five positions, they alone will eat up the County's 2% tax cap. He stated that these three resolutions if passed do not create positions. The

only thing that creates a position in our budget is a budgetary amendment. He believed the three positions should be voted down.

Legislator Oliverio agreed that the positions should be discussed during the budget process. Now was not the time.

Legislator Albano believed that the gain outweighed the cost of the positions. Now more than ever the County needed to obtain the grants that are available.

Legislator LoBue stated that in February the County Executive wanted to consolidate the Planning Department with the Department of Highways & Facilities. The consolidation would have removed the Commissioner of Planning position. The County's Commissioner of Planning has been with the County for over 30 years and has a Master's Degree in City Planning. Now all of a sudden the Legislature is being asked to approve these five positions. She concurred with Legislator Birmingham with respect to all five positions, estimated at one half of a million dollars, which would eat of the 2% tax cap. She stated that the three positions are in concept resolutions and she would prefer to table them this evening. She stated that she was against creating a position and spending money based on the possibility that there may be grants available.

Legislator DiCarlo stated that he has a major concern when he hears that the County may not be in compliance with respect to certain issues. He stated that if the item is tabled, he believed that when discussions resume the number one issue we need to look at is why the County is not in compliance, what that would mean and what do we need to do to be in compliance.

Legislator Gross stated that he initially supported this. He realized that the Planning Department is in trouble with the loss of staff over the years and the loss of the Commissioner. He also believed that the compliance issue was a serious concern. However, he also recognized the funding issue. He believed that it should be tabled and discussed during the budget process.

Legislator Othmer believed that there would not have been an issue with the proposed Kent Senior Center if we had a fully staffed Planning Department. We are trying to create a team and develop the County properly the way it needs to be done.

Legislator LoBue made a motion to table Items #5f, #5g and #5h; seconded by Legislator Birmingham. By Roll Call Vote: Six Ayes, Legislators Birmingham, DiCarlo, Gross, LoBue, Oliverio and Conklin. Three Nays, Legislators Albano, Othmer and Tamagna. Motion Carries.

APPROVAL/ESTABLISHMENT OF PLANNER I POSITION/PLANNING DEPARTMENT

WHEREAS, the County's Administration made a presentation to the Personnel Committee of the Putnam County Legislature on May 8, 2012, to Re-Vitalize the Planning Department, and

WHEREAS, this proposal requested the establishment of a Planner I position in the Planning Department, and

WHEREAS, this proposal was approved by the Personnel Committee, and

WHEREAS, no budgetary amendment was proposed for this addition until June 18, 2012, and

WHEREAS, the Audit and Administration Committee at its June 25, 2012 meeting tabled the budgetary amendment (12A033) for this position until the next meeting of this Committee, now therefore be it

RESOLVED, that the Putnam County Legislature supports the establishment of a Planner I position in the Planning Department.

Item #5g – Approval/Establishment of Planner II Position/Planning Department was next.

Legislator LoBue made a motion to table Items #5f, #5g and #5h; seconded by Legislator Birmingham. By Roll Call Vote: Six Ayes, Legislators Birmingham, DiCarlo, Gross, LoBue, Oliverio and Conklin. Three Nays, Legislators Albano, Othmer and Tamagna. Motion Carries.

ESTABLISHMENT OF PLANNER II POSITION/PLANNING DEPARTMENT

WHEREAS, the County's Administration made a presentation to the Personnel Committee of the Putnam County Legislature on May 8, 2012, to Re-Vitalize the Planning Department, and

WHEREAS, this proposal requested the establishment of a Planner II position in the Planning Department, and

WHEREAS, this proposal was approved by the Personnel Committee, and

WHEREAS, no budgetary amendment was proposed for this addition until June 18, 2012, and

WHEREAS, the Audit and Administration Committee at its June 25, 2012 meeting tabled the budgetary amendment (12A032) for this position until the next meeting of this Committee, now therefore be it

RESOLVED, that the Putnam County Legislature supports the establishment of a Planner II position in the Planning Department.

Item #5h – Approval/Establishment of a Regional Grant Coordinator Position/Planning Department was next.

Legislator LoBue made a motion to table Items #5f, #5g and #5h; seconded by Legislator Birmingham. By Roll Call Vote: Six Ayes, Legislators Birmingham, DiCarlo, Gross, LoBue, Oliverio and Conklin. Three Nays, Legislators Albano, Othmer and Tamagna. Motion Carries.

ESTABLISHMENT OF A REGIONAL GRANT COORDINATOR POSITION/PLANNING DEPARTMENT

WHEREAS, the County's Administration made a presentation to the Personnel Committee of the Putnam County Legislature on May 8, 2012, to Re-Vitalize the Planning Department, and

WHEREAS, this proposal requested the establishment of a Regional Grant Coordinator position in the Planning Department, and

WHEREAS, this proposal was approved by the Personnel Committee, and

WHEREAS, no budgetary amendment was proposed for this addition until June 18, 2012, and

WHEREAS, the Audit and Administration Committee at its June 25, 2012 meeting tabled the budgetary amendment (12A036) for this position until the next meeting of this Committee, now therefore be it

RESOLVED, that the Putnam County Legislature supports the establishment of a Regional Grant Coordinator position in the Planning Department.

Item #5i – Approval/Standard Work Day and Reporting Resolution was next. On behalf of the members of the Personnel Committee, Legislator DiCarlo moved the following:

RESOLUTION #155

APPROVAL/STANDARD WORK DAY AND REPORTING RESOLUTION

WHEREAS, the New York State and Local Employees' Retirement System requires the County to file the Standard Work Days for elected and appointed employees based on time and attendance records or the records of activities maintained and submitted by these officials to the Clerk of the Legislature, and

WHEREAS, a copy of this report was contained in Resolution #195 of 2010 and Resolution #286 of 2010 (one employee only), and

WHEREAS, a copy of this report was contained in Resolution #338 of 2011 correcting Resolution #190 of 2011, and

WHEREAS, it is now time to file the report for 2012, now therefore be it

RESOLVED that the County of Putnam hereby established the following as standard work days for the listed elected officials in Schedule "A" and will report the following days worked to the New York State and Local Employees' Retirement system based upon time and attendance records or on the record of activities maintained and submitted by these officials to the Clerk of this body.

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item#5j – Approval/Budgetary Transfer (12T113)/Highways & Facilities/Junior Engineer Position was next. On behalf of the members of the Personnel Committee, Legislator DiCarlo moved the following:

RESOLUTION #156

APPROVAL/BUDGETARY TRANSFER /HIGHWAYS & FACILITIES/JUNIOR ENGINEER POSITION

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary transfer (12T113) to fund a Junior Engineer position approved in the 2012 Budget process and put into a sub-contingency account; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said budgetary transfer; now therefore be it

RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

10149000 51000	JR Engineer	21,430
10149000 58001	Fringe – Retirement	3,373
10149000 58002	Fringe – FICA	1,640
10149000 58004	Fringe – Worker’s Compensation	340
10149000 58006	Fringe – Dental	562
10149000 58008	Fringe – Health Insurance	5,470
10149000 58009	Fringe – Vision	<u>97</u>
		32,912

Decrease Estimated Appropriations:

10199000 54981	Sub-Contingency	32,912
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2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

BY POLL VOTE: SEVEN AYES. TWO NAYS, LEGISLATORS LOBUE & OLIVERIO. MOTION CARRIES.

Item #5k – Approval/Budgetary Amendment (12A051)/County Executive/Provide Funding for a Treatment Court Coordinator Position was next. On behalf of the members of the Personnel Committee, Legislator DiCarlo moved the following:

Legislator Birmingham stated that this was a good program. He extended his gratitude to Judge Reitz for all of the work he does for this program. He stated that although it is no reflection on the program at all, he would be voting no for this item. The reason being is that the State used to fund this program. They have now pulled back on this and have mandated that if the County wants to continue the program, the full brunt of the cost of this position will be placed on the real property taxpayers. If the State feels that a program is important enough, they should fund it and if they start to fund it they shouldn’t expect the counties to bear the brunt of the expense for this.

Legislator Albano felt that it was imperative to have this position in place. It has a positive effect on individual’s lives, helping them to avoid incarceration and becoming productive members of our society.

Legislator Oliverio stated that he was in favor of funding the position for the remainder of the year. However, he believed that hard decisions will need to be made during the budget

process with respect to the health and safety issue programs that are needed for our residents and which ones will need to be cut.

Legislator Gross complimented Judge Reitz and his staff and the individuals in the Probation Department involved in this program. He believed this position was imperative and will save money in the long term with respect to helping them avoid incarceration which will then allow jail cells to be available for board-ins which produces revenue for the County. Most importantly, it helps those residents that need the support.

Legislator LoBue felt that it helps to break the cycle of addiction as it establishes self-esteem for these individuals. She supported it 100%.

Legislator DiCarlo stated that Judge Reitz is very passionate about this program. He stated that there is a theme here tonight. It is that ying and yang about spending money initially, being able to do right by the people and yet maybe saving money in the long run. This seems to be the struggle at times which the Legislature needs to look at.

RESOLUTION #157

APPROVAL/BUDGETARY AMENDMENT/COUNTY EXECUTIVE/PROVIDE FUNDING FOR A TREATMENT COURT COORDINATOR POSITION/PROBATION DEPARTMENT

WHEREAS, the County Executive has requested a budgetary amendment (12A051) to provide funding for a Treatment Court Coordinator Position in the Probation Department, and

WHEREAS, the Protective Committee, Personnel Committee and Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10314000 51000	Treatment Court Coordinator	20,833
10314000 58001	Fringe – Retirement	2,684
10314000 58002	Fringe – FICA	1,594
10314000 58004	Fringe – Worker’s Compensation	83
10314000 58006	Fringe – Dental	562
10314000 58007	Fringe – Life Insurance	230
10314000 58008	Fringe – Health Insurance	5,860
10314000 58011	Fringe – Flex	<u>903</u>
		32,751

Decrease Estimated Appropriations:

10199000 54980	Contingency	32,751
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2012 Fiscal Impact \$32,751

2013 Fiscal Impact \$78,601 Using 2012 Fringe Rates

BY ROLL CALL VOTE: EIGHT AYES. ONE NAY, LEGISLATOR BIRMINGHAM. MOTION CARRIES.

Item #5L – Approval/Fund Transfer (12T105)/Bureau of Emergency Services/Dispatcher Overtime was next. On behalf of the members of the Personnel Committee, Legislator DiCarlo moved the following:

RESOLUTION #158

APPROVAL/FUND TRANSFER/BUREAU OF EMERGENCY SERVICES/DISPATCHER OVERTIME

WHEREAS, the Bureau of Emergency Services has requested a fund transfer (12T105) to cover dispatcher overtime; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

13398900 51001	Personnel Line	14,000
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Increase:

13398900 51093	Overtime	14,000
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2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5m – Approval/Fund Transfer (12T117)/Highways & Facilities/Cover Upgrade/Chief Mechanic was next. On behalf of the members of the Personnel Committee, Legislator DiCarlo moved the following:

RESOLUTION #159

APPROVAL/FUND TRANSFER/HIGHWAYS & FACILITIES/COVER UPGRADE/CHIEF MECHANIC

WHEREAS, the Commissioner of Highways & Facilities has requested a fund transfer (12T117) to cover the upgrade for Chief Mechanic, and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10511000 51000	Personal Services Roads	1,542.00
10511000 58002	Social Security	<u>117.96</u>
		1,659.96

Increase:		
10513000 51000	Personal Serv. Machine Maint.	1,542.00
10513000 58002	Social Security	<u>117.96</u>
		1,659.96

2012 Fiscal Impact – 0 –
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5n – Approval/Fund Transfer (12T124)/Department of Social Services/Temporary/Caseworker Coverage/Child Protective Services/Due to Maternity Leave was next. On behalf of the members of the Personnel Committee, Legislator DiCarlo moved the following:

RESOLUTION #160

APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/TEMPORARY/CASEWORKER COVERAGE/CHILD PROTECTIVE SERVICES/DUE TO MATERNITY LEAVE

WHEREAS, the Commissioner of Social Services has requested a fund transfer (12T124) to provide continued caseworker coverage on a part-time basis in the Child Protective Services Unit through 9/30/012 due to a maternity leave; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:		
10102000 51000	Pers. Svcs. – Child Prot. Svcs.	6,154

Increase:		
10102000 51094	Temporary	6,154

2012 Fiscal Impact – 0 –
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item # 5o – Approval/Budgetary Transfer (12T130)/District Attorney/Restructure of Positions was next. On behalf of the members of the Personnel Committee, Legislator DiCarlo moved the following:

RESOLUTION #161

APPROVAL/BUDGETARY TRANSFER /DISTRICT ATTORNEY/RESTRUCTURE OF POSITIONS

WHEREAS, the District Attorney has requested a budgetary transfer (12T130) to reallocate existing money to restructure positions and convert part time position to a full time position; and

WHEREAS, the restructuring of the department entails the following internal transfers effective October 8, 2012:

- a) Incumbent individual listed under line item 1002 to line item 1009
- b) Incumbent individual listed under line item 1015 to line item 1002

WHEREAS, under the restructuring plan the annual salary of budget line 1015 is Decreased by \$5,000 from \$91,734 to \$86,734 and the annual salary of budget line 1004 is increased by \$5,000 from \$70,015 to \$75,015, and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said budgetary transfer; now therefore be it

RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

10116500 51000 (1004)	Assistant District Attorney	1,250
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Decrease Estimated Appropriations:

10116500 51000 (1015)	Assistant District Attorney	1,250
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And be it further

RESOLVED, that position 10116500 51000 (1005) as of October 1, 2012 is re-classified from a part time position to a full time position.

2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. MOTION CARRIES.

PHYSICAL SERVICES COMMITTEE
(Chairwoman LoBue, Legislators Albano & Othmer)

Item #5p – Approval/Amend Local Law #7 of 1998 In Relation to Consideration of Project Labor Agreements in Connection with the Purchase of Construction Goods and Services For Major Construction Projects was next. Chairwoman Conklin recognized Legislator

LoBue, Chairwoman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

Legislator LoBue stated that there was a change in the language to require an analysis be performed on a case by case basis when considering using Project Labor Agreements.

RESOLUTION #162

APPROVAL/AMEND LOCAL LAW #7 OF 1998/ IN RELATION TO CONSIDERATION OF PROJECT LABOR AGREEMENTS IN CONNECTION WITH THE PURCHASE OF CONSTRUCTION GOODS AND SERVICES FOR MAJOR CONSTRUCTION PROJECTS.

BE IT ENACTED by the Legislature of the County of Putnam, New York as follows:

Section 1. Legislative Intent and Objectives:

1. The Legislature of the County of Putnam, together with the County Executive, hereby determines that, where appropriate, the consideration and utilization of Project Labor Agreements in connection with the planning, preparation and execution of Major Construction Projects in the County will serve to promote the intents and purposes of competitive bidding statutes, including the prevention of favoritism, improvidence, extravagance, fraud and corruption in the awarding of public contracts, assures the prudent use of public monies and facilitates the obtaining of high quality goods and services at the lowest possible price. It is the objective of the Local Law, formally known as the "Putnam County Project Labor Agreement Law," as amended, to ensure that a Project Labor Agreement is used by the County of Putnam in connection with a Major Construction Project only if it is demonstrated that the use of the Project Labor Agreement in any given Major Construction Project is in furtherance of such intents and purposes.

2. The use of Project Labor Agreements will be considered only in connection with Major Construction Projects. For the purposes of this Local Law, as amended, a "Major Construction Project" shall be construed to mean any project: (i) where the total estimated construction cost exceeds the sum of one million dollars (\$1,000,000); or (ii) the estimated time of completion exceeds thirty-six months; or (iii) where time is of the essence in completing the project due to the constraints of any mandated schedule contained in a judgment, order or consent decree of any court of any state or federal agency having jurisdiction.

3. When considering utilizing a Project Labor Agreement in any Major Construction Project, the heads of all departments and offices of the County of Putnam engaged or involved in the planning, preparation and execution of any Major Construction Project shall consider the purposes of the competitive bidding statutes, namely, the prevention of favoritism, improvidence, extravagance, fraud and corruption in the awarding of public contracts and obtaining high quality goods and services at the lowest possible price, and such heads of all departments and offices of the County of Putnam shall consider, examine and determine whether the use of a Project Labor Agreement in any given Major Construction Project is in the best interest of the County of Putnam.

4. In determining whether the use of a Project Labor Agreement is in the best interests of the County of Putnam, the heads of all departments and offices of the County of Putnam engaged or involved in the planning, preparation and execution of any Major Construction Project shall consider the intents and purposes of competitive bidding statutes as set forth in subdivision one of this Section.

5. The decision by the County of Putnam to utilize Public Labor Agreements in connection with the planning, preparation and execution of Major Construction Projects will be made on a case-by-case basis and not on a *pro forma* basis.

Section 2. Impact Analysis of Project Labor Agreements:

The heads of all departments and offices of the County of Putnam engaged or involved in the planning, preparation and execution of any Major Construction Project seeking to justify the use of a Project Labor Agreement on a given Major Construction Project must conduct an analysis and direct the preparation of a feasibility/due diligence report substantiating any projected economic savings and demonstrating that the use of a Project Labor Agreement will promote the objective of completing the project at the lowest reasonable cost. Such an analysis and preparation of the feasibility/due diligence report must be completed prior to the inclusion of a Project Labor Agreement provision in any bid specification. A predetermination shall be made in advance of directing the required analysis and preparation of the feasibility/due diligence report by the heads of all departments and offices of the County of Putnam engaged or involved in the planning, preparation and execution of any Major Construction Project to determine the appropriateness of utilizing a Project Labor Agreement in any given Major Construction Project. No Project Labor Agreement shall discriminate against union or non-union contractors or employees. In demonstrating that the use of a Project Labor Agreement will result in the completion of the project at the lowest reasonable cost, the analysis should address such factors as: the percentage of union and non-union contractors expected to bid on the project; an analysis of local collective bargaining agreements to determine their number and diversity and whether a Project Labor Agreement will result in significant cost savings by harmonizing their divergent provisions; the likelihood of interrupted revenues and/or whether labor unrest will occur on the project and the economic impact that any delays resulting from such unrest will have on the project or the facilities being improved thereby; an analysis of the size and likely duration of the project to determine whether a Project Labor Agreement will be beneficial by providing continuity in the terms and conditions that will govern a project through its completion; document how the Project Labor Agreement will achieve significant, verifiable economic savings due to the coordination of various craft schedules and other terms and conditions by using a uniform agreement rather than various local union agreements; describe how the Project Labor Agreement will alter provisions in existing collective bargaining agreements relating to, among other things: wages, including provisions relating to overtime and shift differentials; work rules and practices; and productivity, safety, efficiency and dispute resolution; identify potential cost savings and flexibility due to alternative dispute resolution procedures in response to job site problems, jurisdictional disputes and workers compensation claims; and consider the likelihood of immediate and efficient access to skilled journey level workers and the opportunity for apprentice recruitment and training.

The terms of any Project Labor Agreement negotiated pursuant to the Putnam County Labor Agreement Law, as amended, shall comply with all applicable federal, state and local laws and regulations which require equal employment opportunities.

Section 3. Project Labor Agreement Implementation and Content:

Upon a determination by the County of Putnam to utilize a Project Labor Agreement in connection with a specific Major Construction Project, the County Executive, or his/her duly appointed representative(s), shall be directly involved in negotiating the terms of the Project Labor Agreement. Upon a determination by the County of Putnam to utilize a Project Labor Agreement in connection with any specific Major Construction Project, the unions affiliated with the Putnam County Building and Construction Trades Council shall designate a board composed of not less than five nor more than seven members who shall act as the exclusive bargaining agent and representative for tradespeople employed for the project for the purpose of negotiating the terms of a Project Labor Agreement. Any Project Labor Agreement negotiated pursuant to the terms of this Local Law, as amended, shall require that the parties shall not discriminate against any employee or applicant on the basis of age, race, creed, color, national origin, sex, disability (excluding a bona fide occupational qualification), genetic predisposition or carrier status, or marital status and shall require the parties to operate in full compliance with all applicable federal, state and local laws and regulations which require equal employment opportunities. The Project Labor Agreement, when duly approved, shall be included in the bid specification for the project. The form of any Project Labor Agreement to be entered into by the County of Putnam in connection with any Major Construction Project shall be subject to the approval of the County Attorney. Nothing contained in the Local Law, as amended, shall be construed to authorize or permit the inclusion of any term or condition in any Project Labor Agreement or in any bid specification issued by the County of Putnam which would unduly restrict competition, unlawfully discriminate or otherwise impair the ability of all contractors to participate and submit bids in connection with a proposed public work project, in strict accordance with the requirements of Section 103 of the New York State General Municipal Law. All successful bidders shall become signatories to the respective Major Construction Project's Project Labor Agreement.

Section 4. Effective Date:

This Local Law, as amended, shall take effect immediately.

BY POLL VOTE: EIGHT AYES. ONE NAY, LEGISLATOR BIRMINGHAM. MOTION CARRIES.

Item #5q(2) – Approval/Bond Resolution/Purchase of Snow Equipment was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

Legislative Counsel suggested that the Bond Resolution be voted on before the budgetary amendment.

Legislator Othmer stated that he would be voting in favor of this Bond for \$1,360,000 for the purchase of five trucks and two loaders. He believed that we should buy heavy construction equipment together in mass. The equipment is needed and we should take advantage of the lower interest rate available on the bonds.

Legislator Oliverio stated that you don't go into debt to get reward points. He stated that during the Physical Committee Highway & Facilities Commissioner Fred Pena stated that this bond amount was good enough to fulfill all the wishes. However, sometimes you cannot fulfill all the wishes. Therefore, he would be voting in favor of the \$880,000 dollar bond which would allow the Commissioner to purchase the equipment that he feels is really necessary.

Legislator Tamagna felt that the County has been limping along because we have not been responsible over the years. He believes what the Highway Commissioner is doing right now is that he is coming up with a replacement program so that the taxpayers will never see this type of million dollar purchase again. Most importantly, this is a safety issue. Residents expect the County to clear the roads properly when they are traveling to work during a snow storm. He stated that it was his understanding that our Highway Commissioner needed to have this equipment. Legislator Tamagna stated that he would never want the work of the Highway Department to be compromised or to put someone at risk while they are trying to get to work during a snow storm. If equipment was breaking down, it would be the first thing that would have our phones ringing when we do not have the proper equipment to perform the job that is necessary.

Legislator Oliverio stated that he never once heard that it was an issue of possibly putting our residents at risk. It was his understanding that the purchase of this equipment would fulfill Commissioner Pena's current needs. Legislator Oliverio stated that we are in the midst of our fiscal year. He believed that we should give the Commissioner some money now to do what he needs do and put the rest in the budget for next year. He did not see a reason to pile on the debt in 2012 as we approach the 2013 budgetary process.

Legislator Othmer stated that Commissioner of Finance, William Carlin, stated that we are within our bounds of bonding this money. The County also has shared services with the Towns with certain equipment.

Legislator Albano stated that it was his understanding that Putnam County has a very low amount of outstanding bonds as in comparison to other Counties. This equipment is something that the County will possibly use for the next thirty years. The bond rating is currently at an all-time low. He felt that if we only purchase some of the equipment now, we will be facing this same problem a few years down the road with a bond rating that may be at a higher rate. He believed that we should purchase the equipment now.

Legislator Gross believed that the County needed to develop a rolling stock, similar to the School Districts replacing one or two busses every year so they don't have to replace a larger amount at one time. It was his understanding that the Highway Department needed equipment and he would support the \$880,000 dollar bond. It will then get the department into a sequence where, if necessary, a few vehicles could be purchased the following year to get the County into a rolling situation. He stated that he was the liaison for Highway in his Town. He stated that using the government auction list, you can purchase used equipment with low mileage at a fraction of the cost. He shared this information with Commissioner Pena and stated that he would be willing to work with him and the Town of Southeast as a liaison.

Legislator Birmingham concurred with Legislator Gross and believed that the Legislature should go with the modest amount of \$880,000 dollars. In the backup from Deputy

Commissioner Tully, he stated that you can actually see the pattern of thirty years ago where the Highway Department did phase in incrementally the purchase of vehicles. He stated that if the \$880,000 dollars was approved, the bond and the budgetary amendment are created in a way that would give the Highway Department the flexibility to use that amount as they see fit and purchase the equipment they believe is necessary.

Legislator LoBue stated that she would vote for the compromise as well.

Legislator DiCarlo believed this was a health and safety issue. In essence, he stated that the Legislature is voting on a \$300,000 dollar difference.

By Roll Call Vote: Four Ayes, Legislators Albano, DiCarlo, Othmer and Tamagna. Five Nays, Legislators Birmingham, Gross, LoBue, Oliverio and Chairwoman Conklin. Motion Fails.

PUTNAM COUNTY RESOLUTION

EXTRACT OF MINUTES

**Meeting of the County Legislature of
the County of Putnam, New York**

July 3, 2012

* * *

A regular meeting of the County Legislature of the County of Putnam, New York, was held at the Historic County Courthouse, Gleneida Avenue, Carmel, New York, on July 3, 2012, at _____ o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present:

* * *

Legislator _____ offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED JULY 3, 2012, AUTHORIZING THE PURCHASE OF SNOW EQUIPMENT, IN AND FOR SAID COUNTY AT A MAXIMUM ESTIMATED COST OF \$1,360,000; AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,360,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.

THE COUNTY LEGISLATURE OF THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Legislature) AS FOLLOWS:

Section 1. The County of Putnam, New York (herein called "County"), is hereby authorized to pay the cost of the purchase of snow equipment, each item of which costs \$30,000 or more, including incidental equipment and apparatus in connection therewith, for said County. The maximum estimated cost thereof, including costs incidental thereto and the financing thereof, is \$1,360,000 and said amount is hereby appropriated therefor.

Section 2. The plan of financing is by the issuance of not exceeding \$1,360,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. There are hereby authorized to be issued bonds of the County in the principal amount of \$1,360,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law").

Section 4. The period of probable usefulness of the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

Section 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 6. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 thereof relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 thereof relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 thereof, the powers and

duties of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This bond resolution shall take effect upon the approval of the Putnam County Executive, and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "*The Putnam County Courier*," "*The Putnam Press*," and "*The Putnam County News & Recorder*," three newspapers, each having a general circulation in the County and hereby designated as the official newspapers of the County for such publications.

* * * * *

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

* * * * *

CERTIFICATE

I, DIANE SCHONFELD, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. _____-2012 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of said County of Putnam duly called and held on July 3, 2012, has been compared by me with

the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Resolution, which was duly adopted by the County Legislature of the County of Putnam on _____, 2012 and approved by the County Executive on _____, 2012.

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said County of Putnam this _____ day of _____, 2012.

(SEAL)

Diane Schonfeld
Clerk to the County Legislature

LEGAL NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 3rd day of July, 2012, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the COUNTY OF PUTNAM, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

DIANE SCHONFELD
Clerk to the County Legislature

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED JULY 3, 2012, AUTHORIZING THE PURCHASE OF SNOW EQUIPMENT, IN AND FOR SAID COUNTY AT A MAXIMUM ESTIMATED COST OF \$1,360,000; AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,360,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.

Class of objects or purposes:

Purchase of snow equipment

Period of probable usefulness: Fifteen (15) years
Amount of obligations to be issued: \$1,360,000 Bonds

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk to the Legislature, at the County Office Building, 40 Gleneida Avenue, Carmel, New York.

Dated: _____, 2012
Carmel, New York

Item #5q(1) – Approval/Budgetary Amendment (12A048)/Highways & Facilities/2012 Bond Proceeds/Purchase Snow Equipment was next.

Legislator Birmingham stated that the Bond Resolution for \$1,360,000 dollars failed therefore making this budgetary amendment moot.

APPROVAL/BUDGETARY AMENDMENT/HIGHWAYS & FACILITIES/2012 BOND PROCEEDS/SNOW EQUIPMENT

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (12A048) to purchase five snow trucks to replace six snow trucks that range between 22-30 years old; and

WHEREAS, the Commissioner of Highways & Facilities has also requested the purchase of two loaders to replace two that have recently broken down; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

55132000 52660 51217	Highway Equipment	\$1,360,000
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Increase Estimated Revenues:

05000 45710C 51217	Bond Proceeds – 2012	\$1,360,000
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2012 Fiscal Impact – 0 –

2013 Fiscal Impact – Undetermined Debt Service

Item #5q(4) – Approval/Bond Resolution/Purchase of Snow Equipment (as amended by the Audit & Administration Committee) was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

RESOLUTION #163

PUTNAM COUNTY RESOLUTION

EXTRACT OF MINUTES

**Meeting of the County Legislature of
the County of Putnam, New York**

July 3, 2012

* * *

A regular meeting of the County Legislature of the County of Putnam, New York, was held at the Historic County Courthouse, Gleneida Avenue, Carmel, New York, on July 3, 2012, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Albano, Birmingham, DiCarlo, Gross, LoBue, Oliverio, Othmer, Tamagna and Chairwoman Conklin.

There were absent: None

Also present: Diane Schonfeld, Legislative Clerk
Clement Van Ross, Legislative Counsel

* * *

Legislator LoBue offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED JULY 3, 2012, AUTHORIZING THE PURCHASE OF SNOW EQUIPMENT, IN AND FOR SAID COUNTY AT A MAXIMUM ESTIMATED COST OF \$880,000; AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$880,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.

THE COUNTY LEGISLATURE OF THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Legislature) AS FOLLOWS:

Section 1. The County of Putnam, New York (herein called "County"), is hereby authorized to pay the cost of the purchase of snow equipment, each item of which costs \$30,000 or more, including incidental equipment and apparatus in connection therewith, for

said County. The maximum estimated cost thereof, including costs incidental thereto and the financing thereof, is \$880,000 and said amount is hereby appropriated therefor.

Section 2. The plan of financing is by the issuance of not exceeding \$880,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. There are hereby authorized to be issued bonds of the County in the principal amount of \$880,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law").

Section 4. The period of probable usefulness of the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

Section 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 6. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 thereof relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 thereof relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 thereof, the powers and duties of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This bond resolution shall take effect upon the approval of the Putnam County Executive, and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "*The Putnam County Courier*," "*The Putnam Press*," and "*The Putnam County News & Recorder*," three newspapers, each having a general circulation in the County and hereby designated as the official newspapers of the County for such publications.

* * * * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: NINE – Legislators Albano, Birmingham, DiCarlo, Gross, LoBue, Oliverio, Othmer, Tamagna and Chairwoman Conklin.

NOES: NONE

ABSENT: NONE

The resolution was declared adopted.

* * * * *

CERTIFICATE

I, DIANE SCHONFELD, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. 163 -2012 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of said County of Putnam duly called and held on July 3, 2012, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Resolution, which was duly adopted by the County Legislature of the County of Putnam on July 3, 2012 and approved by the County Executive on _____, 2012.

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said County of Putnam this _____ day of _____, 2012.

(SEAL)

Diane Schonfeld
Clerk to the County Legislature

LEGAL NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 3rd day of July, 2012, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the COUNTY OF PUTNAM, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

DIANE SCHONFELD
Clerk to the County Legislature

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED JULY 3, 2012, AUTHORIZING THE PURCHASE OF SNOW EQUIPMENT, IN AND FOR SAID COUNTY AT A MAXIMUM ESTIMATED COST OF \$880,000; AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$880,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.

Class of objects or purposes:	Purchase of snow equipment
Period of probable usefulness:	Fifteen (15) years
Amount of obligations to be issued:	\$880,000 Bonds

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk to the Legislature, at the County Office Building, 40 Gleneida Avenue, Carmel, New York.

Dated: _____, 2012
Carmel, New York

Item #5q(3) – Approval/Budgetary Amendment (12A048)/Highways & Facilities/2012 Bond Proceeds/Purchase Snow Equipment (as amended by Audit & Administration Committee) was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

RESOLUTION #164

APPROVAL/BUDGETARY AMENDMENT/HIGHWAYS & FACILITIES/2012 BOND PROCEEDS/SNOW EQUIPMENT

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (12A048) to purchase snow equipment (snow trucks and loaders); and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

55132000 52660 51217	Highway Equipment	\$880,000
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Increase Estimated Revenues:

05000 45710C 51217	Bond Proceeds – 2012	\$880,000
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2012 Fiscal Impact – 0 –

2013 Fiscal Impact – Undetermined Debt Service

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5r – Approval/Budgetary Amendment (12A049)/Highways & Facilities/Upgrade Automotive Shop Equipment was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

RESOLUTION #165

APPROVAL/BUDGETARY AMENDMENT/HIGHWAYS & FACILITIES/UPGRADE AUTOMOTIVE SHOP EQUIPMENT

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (12A049) to allocate funding to upgrade the automotive shop equipment, and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment, now therefore be it RESOLVED, that the following budgetary amendment be made:

GENERAL FUND

Increase Estimated Appropriations:
10990100 59055 Transfer to Road Machinery Fund 22,700

Decrease Estimated Appropriations:
10199000 54980 Contingency 14,700

Increase Estimated Revenues:
10131000 428501 Transfer from Capital Fund 8,000

CAPITAL FUND

Decrease Estimated Appropriations:
51989000 53000 50036 Minor Renovations 8,000

Increase Estimated Appropriations:
59901000 53000 50357 Transfer to General Fund 8,000

ROAD MACHINERY FUND

Increase Estimated Appropriations:
10513000 52680 Equipment (over \$5,000) 16,371
10513000 52180 Equipment (under \$5,000) 6,329
22,700

Increase Estimated Revenues:
10513000 428601 Transfer from General Fund 22,700

2012 Fiscal Impact \$14,700

2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5t – Approval/Bond Resolution/Intent to Borrow/Reconstruction and Improvement of the County Office Building was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

Legislative Counsel suggested that the Bond Resolution be voted on before the budgetary amendment.

Legislator Birmingham stated that he will be voting in favor of consolidating the County Clerk’s office into one facility. The Clerk has been waiting a long time for this consolidation. Legislator Birmingham stated that he originally had a problem with respect to the air conditioning issues. However, after speaking with the County Clerk and realizing his time constraints and the way the flow of work is to be done, he would be voting in favor of this in its entirety. He stated that the “horse is out of the barn” with respect to the County Office Building where just about everything is air conditioned with the new module units, which he felt was not the most efficient. He believed the Clerk’s

office was the first project that should have been done and now it looks like the last one. Legislator Birmingham felt that the County Clerk's office serves, with exception of the jail, the most people in one day. In the spirit of cooperation and in recognition of our County Clerk's eight or nine year wait, he would be voting in favor of this bond.

Legislator Othmer felt that the air conditioning issues were due to the fact that we were going through walls that were built in 1911.

Legislator Tamagna stated that through at least four or five budget cycles the County Clerk has asked for his department to be made whole. He thanked him for his patience. Legislator Tamagna felt that more needed to be done on the first floor with respect to the lobby. The function of the Planning Department would be to plan for these types of repairs and they should be part of the Capital Projects Budget that extends over the next five years.

Legislator Albano stated that the first floor is way over due for repairs and the County Clerk deserves to have that in place. He stated that he would like to explore more options on the types of air conditioners with respect to designs and costs. He supported this bond and felt that if we were going to move forward with this repair we should do it right. It is an office that is well utilized by the public.

Legislator Oliverio stated that he would support the repair to the County Clerk's office. However, he stated that we have gone into the millions with respect to bonding. This was his major concern.

RESOLUTION #166

PUTNAM COUNTY RESOLUTION

EXTRACT OF MINUTES

**Meeting of the County Legislature of
the County of Putnam, New York**

July 3, 2012

*** * ***

A regular meeting of the County Legislature of the County of Putnam, New York, was held at the Historic County Courthouse, Gleneida Avenue, Carmel, New York, on July 3, 2012, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Albano, Birmingham, DiCarlo, Gross, LoBue, Oliverio, Othmer, Tamagna and Chairwoman Conklin.

There were absent: None

Also present:

Diane Schonfeld – Legislative Clerk
Clement Van Ross – Legislative Counsel

* * *

Legislator LoBue offered the following resolution and moved its adoption:

RESOLUTION DATED July 3, 2012.

RESOLUTION OF INTENT REGARDING THE TEMPORARY EXPENDITURE OF GENERAL FUND MONIES PRIOR TO THE PROPOSED SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR NOTES OF THE COUNTY OF PUTNAM, NEW YORK, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$ 154,500 FOR RECONSTRUCTION AND IMPROVEMENT OF THE COUNTY OFFICE BUILDING IN AND FOR SAID COUNTY.

WHEREAS, the County of Putnam, New York (the “County”), has the power and authority to issue general obligation bonds of the County for the purpose of, among other things, paying the cost of the reconstruction and improvement of the County Office Building, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, pursuant to the provisions of the Local Finance Law of the State of New York (the “Act”); and

WHEREAS, the County Legislature of the County is considering to proceed under the provisions of the Act to authorize, sell and issue its general obligation bonds and/or notes in anticipation thereof, for said purpose, subject to the terms and conditions set forth in one or more bond resolutions in an aggregate principal new money amount not to exceed \$ 154,500 to be adopted thereafter in accordance with requirements of the Act; and

WHEREAS, the Internal Revenue Code of 1986, as amended, and the United States Treasury Department regulations promulgated thereunder (together, the “Code”) require that an issuer who intends to reimburse itself for monies to be advanced and expended for a capital project from the proceeds of a debt obligation of the issuer, adopt a declaration of official intent to so reimburse not later than sixty days after the payment of any such original expenditures paid with such advanced monies; and

WHEREAS, the Code provides that such declaration may be made in the form of a resolution of the issuer;

NOW, THEREFORE, BE IT RESOLVED, by the County Legislature of the County of Putnam, New York, as follows:

Section 1. The County Legislature of the County hereby finds and determines:

- (a) By virtue of the Act, the County has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act.

- (b) It is the intent of the County to authorize, sell and issue its general obligation bonds and/or notes in the aggregate new money principal amount not exceeding \$154,500 (the "Bonds" and the "Notes") for the purpose of paying the cost of the reconstruction and improvement of the County Office Building, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the "Project"), pursuant to the provisions of the Act.
- (c) It is expected that under Section 149(e) of the Code, interest on the Bonds and/or Notes will not be includable in gross income for federal income tax purposes.
- (d) In anticipation of the issuance of the Bonds and/or Notes, the County hereby states its intention to reimburse general fund monies of the County heretofore and hereafter expended in an amount not to exceed \$154,500 in connection with the Project through the issuance of the Bonds and/or Notes, such reimbursement allocations to be made not later than eighteen months after the date the original expenditure is paid and such expenditure of general fund monies is hereby authorized pursuant to resolutions of this County Legislature authorizing said Project.

Section 2. A copy of this resolution shall be placed on file in the office of the Clerk of the County Legislature where the same shall be available for inspection during business hours.

Section 3. This resolution shall take effect immediately.

* * * * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: NINE – Legislators Albano, Birmingham, DiCarlo, Gross, LoBue, Oliverio, Othmer, Tamagna and Chairwoman Conklin.

NOES: NONE

ABSENT: NONE

The resolution was declared adopted.

* * * * *

CERTIFICATE

I, DIANE SCHONFELD, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. 166 -2012 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of said County of Putnam duly called and held on July 3, 2012, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County

Legislature and is a true, complete and correct copy thereof and of the whole of said original Resolution, which was duly adopted by the County Legislature of the County of Putnam on July 3, 2012 and approved by the County Executive on _____, 2012.

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said County of Putnam this ____ day of _____, 2012.

(SEAL)

Diane Schonfeld
Clerk to the County Legislature

Item #5s – Approval/Budgetary Amendment (12A050)/Highways & Facilities/Renovations First Floor County Office Building was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

RESOLUTION #167

APPROVAL/BUDGETARY AMENDMENT/HIGHWAYS & FACILITIES/RENOVATIONS FIRST FLOOR COUNTY OFFICE BUILDING

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (12A050) to allocate funding to continue the first floor renovations of the County Office Building, and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

51989000 53000 51216	Renovations – COB 1 st Floor	\$154,500
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Increase Estimated Revenues:

05000 45710C 51216	Bond Proceeds – 2012	\$154,500
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2012 Fiscal Impact – 0 –
2013 Fiscal Impact – Undetermined Debt Service

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5u – Approval/Local Law/Amend Chapter 31/Code of Putnam County Entitled “County Property” was next. On behalf of the members of the Physical Services Committee, Legislators Albano and Othmer, Legislator LoBue moved the following:

Legislator Othmer stated he received a letter from the Kent Fiscal Watch addressing some concerns they had with respect to this local law. They wanted to be assured that there would not be just one favored realtor handling these listings. He asked if Deputy County Executive Walker could address this issue.

Deputy County Executive Walker stated that there would be an RFP sent out which notices the public and gives any Real Estate Agency the opportunity to bid on it.

Legislator Oliverio believed that this was an excellent idea. There are safeguards on this that give oversight to the Executive Branch and Legislative Branch. It is a transparent process. He believed that the biggest bonus was for our residents. We will now get market value on property that we have let go in the past for pennies on the dollar.

Legislator LoBue stated that she would be voting against this. She felt that we had a “well-oiled machine” right now. She stated that sixty-seven counties in the State of New York have the auction process. When we mention the revenue stream this could produce, she had a hard time with that. People have fallen on hard times and some people have fallen behind on their taxes. She stated that she was not comfortable with the County generating revenue on those properties.

Legislator Albano stated that once the property goes back to the County it is not going back to the original owner. The bottom line is that we have to do what is most responsible for the County at that point. We represent the people and should get the fair market value on these properties.

Ms. Jean Noel, as a resident of Seven Hills Lake, stated that there have been properties in the Seven Hills Lake area that have been auctioned by the County where it effectuates that people who are not members of the association end up owning lake front lots. Land is being sold without offering it to the homeowners association first. If they were allowed to make good on the outstanding taxes it would keep their association whole.

County Attorney Bumgarner stated that the auction process will not be removed. The MLS process will just provide an alternative method in an instance where you have a particularly valuable piece of property that the County would like to remove from the auction and sell in the MLS process. Very often when the County has larger parcels of property that are sold at the auction there are lawyers, banks and mortgages involved, because very often the individuals that bid on them seek financing which then turns into a normal real estate closing in the typical sense.

RESOLUTION #168

APPROVAL/LOCAL LAW/AMEND CHAPTER 31/CODE OF PUTNAM COUNTY ENTITLED “COUNTY PROPERTY”

A Local Law to Amend Chapter 31 of the Code of Putnam County entitled “County Property”

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM, as follows:

Section 1.

Section 31-4 of Chapter 31 of the Code of Putnam County entitled "Sale by resolution" is hereby amended to read as follows:

§ 31-4. Sale by resolution.

A. When the County Legislature shall determine that any County real or personal property is no longer necessary for public use, it may, by resolution adopted by the affirmative vote of two-thirds of the total membership of the Legislature taken by roll call and entered in the minutes, sell or otherwise convey all the right, title and interest of the County therein and declare the terms governing said transaction, including the consideration therefore. The documents of conveyance shall be approved by the County Attorney and executed by the County Executive. A contract of sale preceding the conveyance shall be desirable but not mandatory, and the absence of a contract shall not negate or otherwise impair the conveyance itself once there has been execution and delivery. A resolution authorizing a conveyance shall not be deemed to be a contract, nor to be contractual in nature, and may be rescinded and revoked by subsequent resolution of the Legislature at any time prior to the actual consummation of the conveyance. Property sold or otherwise conveyed pursuant to this provision shall be to the highest responsible bidder after public advertisement, except that the Legislature shall have the option to approve the transfer of a parcel of real property without having first advertised for bids, by a two-thirds vote of its membership, in the following instances:

(1) Where it has been determined by the Legislature that an environmental condition may exist on said parcel, such that it would likely be unmarketable to the general public. In such instance, the Legislature may approve said transfer upon such conditions as it may deem to be in the best interests of the County; or

(2) Where a not-for-profit agency/entity has approached the County with respect to a particular parcel of real property, and has requested that said parcel be transferred to it for a charitable purpose. Any such transfer shall be subject to the retention of a reversionary interest by the County, the terms of which shall be determined by the Legislature; together with any/all other conditions as the Legislature may deem to be in the best interests of the County; or

(3) Where a not-for-profit agency/entity has approached the County with respect to a particular parcel of real property, and has requested that said parcel be transferred to it for future use by the general public for a legitimate public purpose. Any such transfer shall be subject to the retention of a reversionary interest by the County, the terms of which shall be determined by the Legislature; together with any/all other conditions as the Legislature may deem to be in the best interests of the County.

(4) Where it has first been determined by the Legislature that it would be most financially advantageous to the County to offer the property for sale through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker selected in accordance with the applicable provisions of Chapter 140 of the Putnam County Code. In such instance, the Legislature may thereafter approve said

transfer upon such conditions as it may deem to be in the best interests of the County. The initial offer amount, and any subsequent modifications thereto, shall be determined by the County Executive based upon a certified appraisal and/or a comparative market analysis, and with the advice and recommendation of the Legislature and the licensed real estate broker so retained.

B. In no event shall the Legislature approve the transfer of any property pursuant to this sub-article for the purpose of promoting economic development, except when sold either to the highest responsible bidder after public advertisement, or through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker.

C . The income and proceeds of the sale of any County property no longer necessary for public use may be applied toward the payment of the cost of new sites and buildings or expended for other lawful County purposes.

D . Nothing herein shall be construed to authorize the sale of any County property where such disposition is prohibited or restricted by law.

E . All other provisions of N.Y.S. County Law § 215 and other statutes not the subject of this legislation shall remain in full force and effect.

Section 2.

Section 31-8 of Chapter 31 of the Code of Putnam County entitled “Sale of property acquired by County” is hereby amended to read as follows:

§ 31-8. Sale of property acquired by County.

A. Public auction.

(1) Within a reasonable time after the Court renders judgment in favor of the County, authorizing the Enforcing Officer to convey title to the County, the Enforcing Officer and the County Attorney shall establish a date for a public auction. The County shall endeavor to hold at least one public auction each year, or when otherwise needed, as is determined by the Enforcing Officer and the County Attorney. Such auction or auctions shall be conducted on behalf of the County by the Enforcing Officer and the County Attorney. The Enforcing Officer and the County Executive may execute a contract from time to time with an auction company to assist with the auction. All parcels, except those sold through a private sale pursuant to the provisions herein, or retained for public use, or retained by the County of Putnam for future determination, or conveyed to another municipality for public use, shall be subject to a public auction. Public notice of such auction shall be made at such times, places and manner in the discretion of the Enforcing Officer and the County Attorney who may seek the advice of the auction company, if any, hired by the County to assist with the auction.

(2) The terms of sale for the annual public auction shall be prepared, and modified from time to time, by the Enforcing Officer and the County Attorney, who may seek the advice of the auction company, if any, hired to assist in the auction. Bids made at such auction shall be subject to final approval by resolution of the Legislature, and any bid may be rejected by resolution of the Legislature in its sole discretion.

(3) The Enforcing Officer and the County Attorney shall have the authority to make any and all decisions of a ministerial or procedural nature which may arise during the course of the conduct of said public auction,

(4) The Enforcing Officer and the County Attorney shall be authorized to conduct more than one public auction annually, if necessary.

(5) After all unredeemed parcels have been offered for sale at not less than two (2) public auctions, the County shall attempt to sell any unsold parcels at private sale or subsequent public auction or retain one or more specific parcels for public use.

B. Private sale.

(1) Anything above to the contrary notwithstanding, a private sale may be authorized on a case-by-case basis by resolution of the Legislature after considering the recommendation of the Enforcing Officer, the County Attorney and the Director of Real Property Tax Services. Any such private sale agreement must be approved by a resolution adopted by the affirmative vote of two-thirds of the total membership of the Legislature.

(2) The Legislature retains sole discretion to approve a private sale, or not, in the best interest of the County, keeping in mind that it is otherwise the policy of the County, as expressed herein above, that real property not retained for public use shall be sold at public auction. The following are examples of criteria to be used to approve a private sale, but this list is not intended to be exhaustive:

(a) Sale of property when it has been determined by the Legislature that an environmental condition may exist on said property, such that it would likely be unmarketable to the general public.

(b) Sale of property to a governmental entity for public use.

(c) Sale of property when physical or legal conditions exist which would make the sale thereof at public auction impractical or unadvisable.

(d) Sale of property to a contiguous owner:

[i] To provide access to a landlocked property.

[ii] To resolve a problem created by an encroachment, shared well or septic system, or common driveway, etc.

[iii] If the parcel cannot be otherwise improved under existing zoning regulations.

(e) Sale of property where it has first been determined by the Legislature that it would be most financially advantageous to the County to offer said property for sale through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker, selected in accordance with the applicable provisions of Chapter 140 of the Putnam County Code. The initial offer amount, and any subsequent modifications thereto, shall be determined by the Enforcing Officer, based upon a certified appraisal and/or a comparative market analysis, and with the advice and recommendation of the

Legislature, the County Attorney, the Director of Real Property Tax Services, and the licensed real estate broker so retained.

(3) In no event shall any property be sold at private sale pursuant to this article for the purpose of promoting economic development, except for a sale through the applicable Multiple Listing Service by utilizing the services of a license real estate broker.

(4) In addition to the sales price, the purchaser shall pay to the County of Putnam all other lawful charges and fees.

Section 3.

This Local Law shall take effect immediately.

BY ROLL CALL VOTE: SEVEN AYES. TWO NAYS, LEGISLATOR LOBUE & CHAIRWOMAN CONKLIN. MOTION CARRIES.

**AUDIT & ADMINISTRATION COMMITTEE
(Chairwoman Conklin, Legislators Birmingham & LoBue)**

Item #5v – Approval/Budgetary Amendment (12A046)/Finance/Vacancy Control Factor/April – May 2012 was next. On behalf of the members of the Audit & Administration Committee, Legislator Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #169

APPROVAL/BUDGETARY AMENDMENT/FINANCE/VACANCY CONTROL FACTOR APRIL - MAY 2012

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (12A046) to provide for the vacancy control factor for April through May 2012; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Decrease Estimated Appropriations:

See Attached Sheet	Personal Services	83,429
See Attached Sheet	FICA	7,358
See Attached Sheet	Dental	1,228
See Attached Sheet	Life Insurance	528
See Attached Sheet	Health Insurance	18,822
See Attached Sheet	Vision	154
See Attached Sheet	Flex Plan	<u>1,954</u>
		113,473

Decrease Estimated Revenues:

10101000 436101	State Aid – DSS	15,368
10101000 446101	Federal Aid – DSS	15,204

10431000 434873	State Aid – Mental Health	1,562
10131000 427705	Vacancy Control Factor	<u>81,339</u>
		113,473

2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5w - Approval/Fund Transfer (12T131)/Real Property/Overtime/Temporary/Due to Retirement was next. On behalf of the members of the Audit & Administration Committee, Legislator Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #170

APPROVAL/FUND TRANSFER /REAL PROPERTY/OVERTIME/TEMPORARY/DUE TO RETIREMENT

WHEREAS, the Commissioner of Finance has requested a fund transfer (12T131) to cover for additional help needed due to retirement; and

WHEREAS, the Audit & Administration Committee has reviewed and approves said fund transfer; now therefore be it

RESOLVED, the following fund transfer be made:

Decrease:

1013500 51000	Personnel	10,000
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Increase:

10135500 51094	Temporary	7,500
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10135500 51093	Overtime	<u>2,500</u>
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10,000

2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #5x – Approval/Renewal of Lease Agreement/American Legion Post #275/Town of Philipstown was next. On behalf of the members of the Audit & Administration Committee, Legislator Birmingham & LoBue, Chairwoman Conklin moved the following:

RESOLUTION #171

APPROVAL/RENEWAL OF LEASE AGREEMENT/AMERICAN LEGION POST #275/TOWN OF PHILIPSTOWN

WHEREAS, American Legion Post #275 is the owner of certain real property located at Cedar Street, Philipstown, New York, including the building, parking area and storage space located thereat (hereinafter referred to as "American Legion"); and

WHEREAS, the County of Putnam and American Legion Post #275 previously entered into a Lease Agreement dated October 5, 2010 wherein the County of Putnam leased the American Legion for period August 1, 2010 through July 31, 2012 for the purposes of maintaining a nutrition program and senior center for the elderly population of the County of Putnam; and

WHEREAS, said Lease Agreement will expire on July 31, 2012; and

WHEREAS, the County of Putnam is desirous of continuing to occupy the American Legion and use the American Legion for the aforementioned purposes; and

WHEREAS, the County of Putnam is desirous of renewing the Lease Agreement with American Legion Post #275 for an additional two (2) year term; and

WHEREAS, the County Executive, with the advice and assistance of the County Attorney, has entered into preliminary discussions and negotiations with American Legion Post #275 for the renewal of the Lease Agreement for American Legion and, among other things, has agreed to an annual rental amount of \$14,400; and

WHEREAS, pursuant to New York State County Law, the County Executive requested that the Putnam County Legislature authorize the renewal of such Lease Agreement; now therefore be it

RESOLVED, that the County of Putnam may renew the Lease Agreement with American Legion Post #275 for American Legion; and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute a renewal Lease Agreement with American Legion Post #275 for American Legion at the annual rental rate of \$14,400, which renewal Lease Agreement shall be in substantial conformance with the form attached hereto as "Schedule A"; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. MOTION CARRIES.

Item #7 - Recognition of Public

Mr. Steve Rosario, resident of Philipstown, stated as elected officials they are major targets for many things and often times do not hear words of appreciation. He thanked the Legislature and the County Executive for their support on the renewal of the Lease Agreement for the American Legion Post in Philipstown.

Mr. Shel Merr, resident of Carmel, felt that the auction process gives the public the opportunity to purchase and own a piece of property in Putnam County at a price they can afford. He stated that he was sorry to see that real estate agents will now be

involved in the process because it takes away the opportunity for people who would not be able to afford to purchase a home through a realtor.

Judge James Reitz thanked the Legislature for approving the position of Treatment Court Coordinator. He believed that Putnam County will be well served by that position. He stated that it was just a few months ago when they first learned of the State cutting back on the budget. He thanked the County Executive for her involvement in working together with the Legislature as a team in supporting this position. He stated that there will be a costs savings from day one. The population of the jail will be kept down because of the members of the Treatment Court Program will not be taking up those cells. They will be productive members of our community working, taking care of their families and getting off public assistance.

Legislator Birmingham stated that typically the Legislature only entertains recognition of the public for those items that are on the agenda. However, in this one instance he would make a motion to waive the rules; seconded by Legislator Oliverio. All in favor.

Bill Miller from the Brewster Elks Club presented Karl Rohde with Distinguish Service Award. He thanked Mr. Rohde for his dedication in serving our veterans.

Item #8 - Recognition of Legislators

Legislator Birmingham stated that tonight was a very expensive meeting. We have spent in new money tonight \$1,197,109 dollars. Almost \$1.2 million in new spending.

Legislator DiCarlo stated that he wished everyone a Happy 4th of July.

Legislator Gross stated that he attended the Traffic Safety Board meeting. He wanted everyone to be aware of the "Yellow Dot Program". It is a program that is helpful when Emergency Responders arrive at the scene of an accident to have medical information on the victims involved. There is a card that individuals fill out with respect to their medical information and place it in their glove compartments. There is also a yellow dot that is placed on the vehicle window which informs the first responder of this medical information that is available. The kit is available to pick up at the Sheriff's Department.

Chairwoman Conklin stated that the Legislature will be going into executive session and there will be no further business afterwards. She wished everyone a good holiday.

Item #9 - Litigation (Executive Session)

At 8:30 P.M., Chairwoman Conklin made a motion to go into executive session to discuss a litigation matter; seconded by Legislator Oliverio. All in favor.

At 9:10 P.M., Chairwoman Conklin made a motion to come out of executive session; seconded by Legislator Oliverio. All in favor.

There was no action taken.

There being no further business, Chairwoman Conklin made a motion to adjourn; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.