

PERSONNEL COMMITTEE MEETING
Held in Room 318
Putnam County Office Building
Carmel, New York 10512

Tuesday

September 18, 2012

The meeting was called to order at 6:45p.m. by Chairman DiCarlo. He requested that Legislator Oliverio lead in the Pledge of Allegiance. Upon roll call, Chairman DiCarlo and Legislator Oliverio were present. Legislator LoBue was absent

Item #3 – Approval/Minutes – Personnel Committee Mtg. August 14, 2012

Chair DiCarlo stated that the minutes were accepted as submitted.

Legislator Oliverio made a motion to accept the additional and waive the rules;
Seconded by Chair DiCarlo. All in favor.

Item #4 – Discussion/Correspondence: Fr: Chair of Legislature Conklin To: Legislator Othmer Dated: 9/12/23 Re: Commissioner of Planning

Item #5 – Discussion /Local Law/Amend Article 5-A/Putnam County Charter/ Entitled “Department of Planning, Development and Public Transportation” (Tabled from Sept 4th Full Mtg.)

Chair DiCarlo stated that agenda items # 4 & 5 are related and will be addressed together. He stated that via the correspondence referenced in agenda item #4, there has been a request for clarification on the advertising of the Commissioner of Planning, Development and Public Transportation vacancy.

Personnel Director Eldridge stated that a correspondence was sent to the Legislature this evening addressing this matter. He stated that back in August he provided a rundown of the advertising process. He stated that the ad was posted in the three County Newspapers and the Pennysaver. The job vacancy was posted on the Putnam County Website. He provided justification for using these vehicles as far as reaching local people, supporting local publications and their affordable cost. As a result of that recruitment twelve (12) applications were received.

Chair DiCarlo questioned if this is the normal procedure to find candidates for these types of jobs.

Personnel Director Eldridge stated that “Yes” that is the normal procedure followed. He stated that there has been recommendations made to advertise in the Wallstreet Journal, the New York Times. These publications are extremely expensive. He stated that one Sunday to advertise in both papers and on their website would cost \$10,000. He stated that placing an ad in the Journal news for one day has cost over \$900 in the past. He stated that his advertising budget is \$14,000 for the year. He stated that he believes that if the Wallstreet Journal and New York Times were used, he believes you would be more likely to get more candidates from outside of the County. He stated that in the current environment it is very difficult for people, if they are interested in the position, but they live outside of the County, to relocate to meet that requirement. He stated that in this case and the case of the Highway & Facilities Commissioner hiring process each of the top candidates lived just over the border. He stated that they

advertised locally, spent \$500 and through the process conducted by the Committee Members came up with an excellent candidate.

Chair DiCarlo requested if past practice is to search for a candidate to fill a vacancy of this high level globally.

Personnel Director Eldridge stated many people utilize the internet when job searching and this was posted on the County website. He stated for the past two-three years (2-3) they have been posting vacancies on the County Website. He stated that they have just recently started to use facebook and other social media, but that is a recent development; they were not utilized in the posting of the Commissioner of Planning, Development and Public Transportation position. He stated that in the past the County has had success with this process. He stated that he knows that there are very strong feelings on the topic of the candidate being a resident of Putnam County. He stated that there has been a misunderstanding relative to the Charter. He stated that the Charter was recently revised during the ten (10) year review. The question has been posed "why would the County look to make a change to something that has been recently revised". He stated that there is nothing in the Charter that relates to Public Officer Positions of Residency. It was not discussed or addressed by the Committee that reviewed the Charter. The whole requirement for Public Officer Positions is a New York State Law entitled the "Public Officers Law". He stated that the Public Officers Law relating to residency requirements relating to Public Officer Positions was established in 1909. He stated over one hundred years ago. Certainly mobility today is greater than it was in 1909. He stated that as a result of this Law being in effect many municipalities throughout the State of New York have revised or altered what was in the "Public Officers Law". He stated for example, Westchester County subsection 28 of section 3 of the "Public Officers Law" excludes all Public Officers Positions in Westchester County from being tied into the requirement that they be County Residents. He stated that Westchester County is ten times the population of Putnam County and they don't go by these ancient requirements. He stated that there are two (2) ways to modify this requirement: 1) Go to the New York State Legislature and request that they modify it and give Putnam County an exception 2) You can modify it locally by Local Law. He stated that the most logical way to accomplish this would be to address the Charter provision that talks to that position. He stated that he thinks it is an archaic law and that it limits the possibilities for Putnam County. He stated that the method of advertising of the position generated twelve (12) applicants; seven (7) of which were Putnam County Residents.

Legislator Oliverio stated that he has a problem that people were interviewed outside of the County before changing the Law or the Charter. He stated in his opinion bounds were overstepped without the consent of the Legislature. He stated that the Legislature is not a rubber stamp; the Legislature is the second branch of Government. He stated he is also upset with that this position being discussed is one of the highest paid & highest managerial positions in the County. It involves planning, MS4, transportation key structural institutions within this County. To have someone in that position that does not have a vested interest, not able to vote here, does not pay the taxes here and not able to respond to the people's will, he is totally against. He stated that he would like to alter the Charter. Not to do what is being proposed, he would like to change the requirements for the position. He would like it to state that the requirement be that the candidate have a Bachelor's Degree or at least eight (8) years of experience. He stated that he has received feedback from hundreds of people, asking that he stay with the residency requirement. He stated he believes that the Putnam County needs to have Putnam residents leading the County. He stated that he is an educator; however, he puts more value and weight on a person who has actual experience versus a person with a degree.

Personnel Director Eldridge stated that recently there was nothing changed in the Charter pertaining to residency, but what was changed, was the qualifications for a number of these positions. That was an independent group of people who made up the Charter Review Committee and the Legislative Chair at the time, Legislator Tamagna, was on the Committee.

Legislator Oliverio stated that he voted against the Committee's recommendation. He wanted the requirements to be that you have your Bachelor's Degree and/or at least eight (8) years of experience.

Personnel Director Eldridge stated that they have a candidate that does not only have the degree, but also the experience.

Legislator Oliverio stated that his issue with the candidate is not the qualifications it is the fact that the candidate is not a Putnam County Resident.

Legislator Birmingham stated that he does not have a problem with the candidate not living in Putnam County. He stated that he lives 52 miles away from where he works. He stated that he thinks of himself as dedicated and focused on his position. He stated that there can be a dedication to your profession that does not necessarily require a residency requirement. He stated as Legislators we are required to live here, and are happy to do so. He stated that he does not think that the Charter needs to be changed; he would confer with Deputy County Attorney Negro on this to confirm. He stated that the Charter is silent with respect to residency in this position. He stated that all he sees that needs to be done is to change the application of section 3 of the Public Officers Law as it applies to Putnam County. He stated that he believes that can be done through a Local Law. He stated that he believes that is the approach that should be taken for several reasons. He stated from a practical standpoint, it only will require five (5) votes as opposed to six (6) to pass and he knows those who don't want to change the residency requirement will want to stay with the recommendation to change the Charter, which requires six (6) votes. He stated that right now there is a candidate, who has a professional degree, which he supports. He stated that he believes the Charter Requirements for the position should be changed to requiring a post graduate degree in the field of Urban Planning. He stated that experience is important, but the educational foundation for him has to be a part of the requirement. He stated that he does not agree with limiting the candidate to Putnam County. He stated that he does not believe that it is typical that you would run into someone with that educational background. He stated he recommends changing this through local law. He stated that there is a department that has, for the past seven (7) months has been operating without a Commissioner. The people, who are there, are doing a great job.

Legislator Gross stated that when you hire an Actuary, Accountant, Attorney, Police Chief, and Superintendent of the Schools you utilize professional journals. He stated the he does not believe the maximum number of Professionals was reached by running the ad in the three (3) local papers and Pennysaver. He stated that he also believes that it should have been specified in the ad that the job requires that the person live in Putnam County. He stated that he has received unsolicited opinions from residents who have approached him and have questioned why is the County hiring outside of Putnam to fill six figure positions; there is some anger among the residents. He stated that the Legislature did receive an e-mail from a resident of Patterson, who stated that he is a Planner and would be interested in the Position. He stated in his e-mail that he did not see the ad. He stated that he knows nothing about this person's qualification, but he did want to mention this.

Legislator Oliverio stated that he would like to see an Interim put into serve as the Commissioner until the end of the year. He stated that come January 2013 there will be three new Legislators. He stated that they will be the voice of their constituencies at that time. He would like to revisit the Charter. He stated that he does not want to see this item put forward until after the first of January 2013`. He stated that the Commissioner of Planning, Development and Public Transportation position is one in which critical decisions for the people who live here are made. He stated that he knows two (2) people who could do this job and do it spectacularly well and they are both residents of Putnam County.

Legislator Albano stated that he initially agreed that the person to fill the position should be a Putnam County resident. However Personnel Director Eldridge has presented a very good explanation of this matter. He stated that he does want the most qualified person in this extremely important position. He stated that he does not think that the County should go much longer with this position vacant.

Personnel Director Eldridge stated that an Interim would have to meet the requirements of the positions.

Legislator Oliverio requested confirmation that even an "Acting" Commissioner needs to meet the requirements; he did not think that was the case.

Personnel Director Eldridge confirmed that an "Acting" Commissioner would have to meet the requirements of the position.

Chair DiCarlo questioned if it is in the purview of the Executive Branch along with the Director of Personnel to go and do the hiring.

Personnel Director Eldridge stated that is correct. The Commissioner of Planning, Development and Public Transportation position is one that the County Executive appoints to and is confirmed by the Legislature.

Chair DiCarlo stated he would like to reiterate that the process to look for a candidate to fill this position was the same process that has been used in the past for "Appointed" positions.

Personnel Director Eldridge stated that is correct. What he did to find a candidate for this position is no different from what he has done in the past. He stated that Westchester, who has a population of a million people in their County, hired their Commissioner of Health from Putnam County.

Legislator Birmingham stated that he would like to state for the record that Putnam County employees in the higher level appointed positions such as Director of Consumer Affairs, Director of Office for the Aging & the Health Commissioner have been filled with residents of Putnam County. He stated so far the Commissioner of Highways & Facilities is the only position that has been filled with a non-Putnam County resident.

Chair DiCarlo stated that he would like to point out that when you are looking for a job, it is your responsibility to research and check to see what is available. The responsibility of the initiative absolutely is on the shoulders of the person seeking the position. He stated that he, as an educator, is very aware of the high cost to utilize the New York Times. It is cost prohibitive. He stated that there are other options that those seeking a career in education know to utilize to learn of job opportunities. He stated if the Legislature is saying that they want these expensive publications used, then at budget

time we need to bump up the Personnel Director's advertising budget line by like \$15,000 - \$20,000.

Legislator Birmingham stated that he would like to check to see when the sixty (60) day clock began on this item. He stated that he does not anticipate any action being taken tonight. He stated that as a member of the Legislature he would bring forward a Local Law. He stated the reason for that is that there are planning initiatives that must be addressed. It has been technically a year since John Lynch has served as a full-time Commissioner. He stated that there are a lot of hard working people in the Planning Department who are working in some cases sixteen (16) hours a day and they need help. They need to work with a person who can help them complete what needs to get done. There are transportation issues, MS4, planning and more that needs to be addressed. He stated that he will confer with the County Law Department. He stated that he hopes that he will have the support of the Legislature.

Chair DiCarlo questioned Legislative Counsel VanRoss in relation to the Charter Change, are we in agreement that a Local Law could accomplish the change and not have to do a Charter change.

Legislative Counsel VanRoss stated that it is something he would need to look into.

Deputy County Attorney Negro stated that he agrees with Legislator Birmingham. He stated that this can be done through a Charter Change, which was the original proposition. He stated, but there is nothing that prohibits it from being changed through Local Law. Specifically Municipal Home Rule Law Section 10, which is a State Law dealing with local legislation provides that local governments authorized to adopt and amend local laws which are consistent with the Constitution and General Laws which in relation to qualifications of the Offices and Employees. He continued to provide examples of this practice being used.

Legislator Oliverio stated that you would be allowing this County to no longer put credence on its own people who pay the taxes.

Personnel Director Eldridge stated that is assuming that a person outside of the County would be brought forward for every position. He stated that is not going to be the case.

Steve Rosario (member of the public- Candidate for District #1) stated that he has worked in a position that required residency. He stated that he accepted the job knowing that there was a Residency Requirement. He stated that it is much easier to manage when you are single. He stated once he was married and began his family it was difficult. He stated that he supports a Residency Requirement. He believes that it gives people the opportunity to know their surroundings. He stated when a professional has a position that has a direct impact on people's day to day lives, he believes that it is important that person live in that community. He stated that he supports appointing the person while they are not in the County, but he would support requiring the person to relocate to become a member of the community. He stated that in reference to the qualifications. A lot of professional organizations have Professional Certificates. He stated that the American Institute of Certified Planners does for Urban, County, etc...Planners. He stated that he believes that is a very good option. He stated that a person would not have to have the degree, but the person could go forward to earn the credits.

Chair DiCarlo stated that the current Legislature has been elected to do their job until December 31, 2012. He stated that he does not support the recommendation to wait until 2013 to make a decision on this matter.

Chair DiCarlo stated that no action has been taken on this matter by the committee.

Legislator Birmingham stated that he will work to put a Local Law forward on this matter for the November 2012 Full Legislature Meeting.

Item #6- Approval/Standard Workday Resolution/Backup to Follow

Personnel Director Eldridge broadly explained the complex recording process for this matter. He concluded his explanation by stating that he is still working with the State and the calculations. He stated that at this time it has been agreed that one resolution will include all current employees, and then from this point forward they will only submit those that are new from thereafter. He stated that he will work to have the paperwork ready to be presented at the September 24, 2012 Audit & Administration Meeting.

Chair DiCarlo stated that no action was taken on this matter.

Item #7- Update/Vacant Director of Real Property Position

Commissioner of Finance Carlin stated that they are working on the selection process and project to have a recommendation by next month.

Item #8 Adjournment

There being no further business at 7:30p.m., Chair DiCarlo made a motion to adjourn; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by, Diane Trabulsy, Deputy Clerk of The Legislature