

**REGULAR MEETING  
OF THE  
PUTNAM COUNTY LEGISLATURE  
HELD IN THE  
HISTORIC COURTHOUSE  
CARMEL, NEW YORK 10512**

Wednesday

February 6, 2013

7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairman Othmer who requested that Joseph DeMarzo, Deputy Commissioner of Social Services, Mental Health & Youth Bureau lead in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Oliverio, Nacerino, Albano, Gross, Castellano, LoBue, DiCarlo and Chairman Othmer were present. Also present was Legislative Counsel Van Ross.

Chairman Othmer requested that Legislator Oliverio present the proclamation for "Children of Alcoholics Week" to Joseph DeMarzo, Deputy Commissioner of Social Services, Mental Health & Youth Bureau and Adriene Iasoni from the Youth Bureau.

**Children of Alcoholics Week - February 10-16, 2013**

**WHEREAS, it is estimated that one in four children in the United States under age 18 is hurt by family alcohol abuse or alcoholism, and that countless others are affected by parental drug use; and**

**WHEREAS, there is strong scientific evidence that alcoholism runs in families with children of alcoholics being 2 to 4 times more likely to develop alcoholism than children of non-alcoholics; and**

**WHEREAS, parental alcohol abuse or drug use is a significant factor in a large proportion of child abuse and neglect cases; and**

**WHEREAS, young children of alcoholics exhibit symptoms of depression and anxiety to a greater extent than children of non-alcoholics and incur increasing health care costs and experience more life problems over the lifespan; and**

**WHEREAS, young children of alcohol or drug dependent parents often have difficulty in school and are more likely to be truant, drop out of school, repeat grades, or be referred to a school counselor or psychologist; and**

**WHEREAS, children of addicted parents, with interest and support from family, friends, health professionals, teachers, clergy, and others, can avoid the negative effects of familial alcoholism and drug dependence; now therefore be it**

**RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim February 10-16, 2013 as Children of Alcoholics Week and together with The Putnam County Communities That Care Coalition encourage all Putnam County residents to help break the silence often surrounding familial alcoholism and drug addiction and to reach out to support these children and their families.**

**Item #3 – Approval of Minutes – Year End Meeting – December 27, 2012  
Organizational Meeting – January 8, 2013**

The minutes were approved as submitted.

**Item #4 – Correspondence**

- a) County Auditor was duly noted.

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE  
(Chairman Oliverio, Legislators DiCarlo & Scuccimarra)**

**Item #5a – Approval/Fund Transfer (12T461)/Department of Social Services/County Contributions was next. Chairman Othmer recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

**RESOLUTION #25**

**APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/COUNTY CONTRIBUTIONS**

**WHEREAS, the Department of Social Services has requested a fund transfer (12T461) to cover projected year-end costs for the local share of Office of Mental Health State Facility Admissions; and**

**WHEREAS, the Health, Social, Educational & Environmental 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:**

<b>10610900 54435</b>	<b>EAF CW FC FNP (Emergency Assistance to Families Child Welfare Foster Care Federal Non Participation)</b>	<b>\$17,000</b>
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**Increase:**

<b>10431000 54950</b>	<b>County Contributions</b>	<b>\$17,000</b>
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**2012 Fiscal Impact – 0 –  
2013 Fiscal Impact – 0 –**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5b – Approval/Fund Transfer (13T005)/Health Department/Early Intervention Itinerant & Transportation/Preschool CPSE Administration was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:**

Legislator Oliverio stated that there is a correction to Item #5b attached to the backup material. This fund transfer is for 2012 and not 2013. The revised fund transfer number is 12T472 and the fiscal impact for 2012 and 2013 is zero.

**RESOLUTION #26**

**APPROVAL/FUND TRANSFER/HEALTH DEPARTMENT/EARLY INTERVENTION ITINERANT & TRANSPORTATION/PRESCHOOL CPSE ADMINISTRATION**

WHEREAS, the Health Department has requested a fund transfer (12T472) to fund Early Intervention Itinerant & Transportation and Preschool CPSE Administration accounts in order to meet anticipated expenses for 2012; and

WHEREAS, the Health, Social, Educational & Environmental 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:**

10405900 54414	Early Intervention Center Base	38,000
10296000 54441	Preschool Itinerant	<u>58,600</u>
		96,600

**Increase:**

10405900 54441	Early Intervention Itinerant	28,000
10405900 54678	Early Intervention Transportation	20,000
10296000 54113	Preschool CPSE Administration	<u>48,600</u>
		96,600

2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5c – Approval/Fund Transfer (13T006)/Department of Social Services/Temporary was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

**RESOLUTION #27**

**APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/TEMPORARY**

WHEREAS, the Department of Social Services has requested a fund transfer (13T006) to provide additional funds needed to continue employment through 3/31/13 when incumbent is expected return from medical leave without pay; and

WHEREAS, the Health, Social, Educational & Environmental 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:**

10101000 51000	Personal Services	3,293
10107000 51000	Personal Services	1,851
10107000 58002	Social Security	<u>142</u>
		5,286

Increase:		
10101000 51094	Temporary	5,144
10101000 58002	Social Security	<u>142</u>
		5,286

2013 Fiscal Impact – 0 –  
2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5d – Approval/Local Law/Adding a New Chapter 172 to the Putnam County Code in Relation to Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

Legislator Oliverio stated that the SEQR process was not done for this Local Law, therefore he requested that this item be postponed until the March Full Legislative Meeting after being reviewed by the Health Committee Meeting in February. He stated that there was also some discussion on whether this law in its original state is legal to impose upon our towns the restrictions we are putting in the law for our County roads. It has been brought to his attention that Home Rule supersedes the power of the County to impose this law. He questioned if we could get clarification from the Law Department on this matter.

Chairman Othmer stated that it is already being reviewed by the Law Department.

Legislator Oliverio made a motion to table this item; seconded by Legislator DiCarlo. All in favor.

**A Local Law Adding a New Chapter 172 to the Putnam County Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities.**

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

**Section 1.**

**A New Chapter 172 is hereby added to the Code of Putnam County to read as follows:**

**Chapter 172  
Hydraulic Fracturing**

§172.01. Definitions.  
§172.02. Prohibitions.

- §172.03. Provision to be included in Bids and Contracts related to the Construction or Maintenance of County Roads.
- §172.04. Duty of Employees to be Familiar with this Chapter.
- §172.05. Penalties.
- §172.06. Severability.

**Section 172.01. Definitions.**

1. As used in this Chapter the term “hydraulic fracturing” shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
2. As used in this Chapter the term “natural gas extraction activities” shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas or other subsurface hydrocarbon deposits, including, but not limited to, core and rotary drilling and hydraulic fracturing.
3. As used in this Chapter the term “natural gas waste” shall mean any waste which is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials (“NORMs”) and heavy metals. Natural gas waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.
4. As used in this Chapter the term “application” shall mean the physical act of placing or spreading natural gas waste on any road or real property located within the County of Putnam.

**Section 172.02. Prohibitions.**

1. The introduction of natural gas waste into any wastewater treatment facility within or operated by the County of Putnam is prohibited.
2. (a) The sale of natural gas waste within the County of Putnam is prohibited.  
(b) The application of natural gas waste on any road or real property located within the County of Putnam is prohibited.

**Section 172.03. Provision to be Included in Bids and Contracts related to the Construction or Maintenance of County Roads.**

1. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be provided to the County.
2. All bids and contracts related to the retention of services to construct or maintain a County road shall include a provision stating than no materials containing natural gas waste shall be utilized in providing such a service.

**Section 172.04. Duty of Employees to be Familiar with this Chapter.**

The County Executive or, at the County Executive’s option, any Department Head or Commissioner appointed by the County Executive is authorized to develop policies to ensure County employees are familiar with the provisions of this Chapter and take such steps as are directed by the County Executive or such Department Head or

Commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this law. This Section shall not excuse non-compliance by a Contractor or Vendor of the County.

**Section 172.05. Penalties.**

Any violation of Section 172.02 of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days' imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

**Section 532.06. Severability.**

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction, or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions, of this chapter are hereby declared to be severable.

**Section 2.**

This Local Law shall take effect in sixty days.

**AUDIT & ADMINISTRATION COMMITTEE  
(Chairman Castellano, Legislators Albano & Nacerino)**

Item #5e – Approval/Budgetary Amendment (12A114)/Sheriff's Department/Outside Road Patrol Services was next. Chairman Othmer recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #28**

**APPROVAL/BUDGETARY AMENDMENT/SHERIFF'S DEPARTMENT/OUTSIDE ROAD PATROL SERVICES**

WHEREAS, the Sheriff's Department has requested a budgetary amendment (12A114) to cover reimbursable expenses incurred by the Sheriff's Department; 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:

Increase Revenue:		
17311000 426601	Outside Road Patrol Services	2,859.81
16311000 426601	Outside Services	<u>21,567.52</u>
		24,427.33

**Increase Appropriation:**

<b>17311000</b>		<b>Road Patrol Service</b>	
	<b>51093</b>	<b>Overtime</b>	<b>2,656.58</b>
	<b>58002</b>	<b>Social Security</b>	<b>203.23</b>
<b>16311000</b>		<b>Youth &amp; Community Services</b>	
	<b>51093</b>	<b>Overtime</b>	<b>20,025.55</b>
	<b>58002</b>	<b>Social Security</b>	<b><u>1,541.97</u></b>
			<b>24,427.33</b>

**2012 Fiscal Impact – 0 –**

**2013 Fiscal Impact – 0 –**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5f – Approval/Budgetary Amendment (12A115)/Health Department/State Aid Special Health Programs Immunization was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #29**

**APPROVAL/BUDGETARY AMENDMENT/HEALTH DEPARTMENT/STATE AID SPECIAL HEALTH PROGRAMS IMMUNIZATION**

**WHEREAS, the Health Department has requested a budgetary amendment (12A115) to establish a State revenue budget for the Immunization Grant allowing for the proper allocation of revenue; 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:**

**Increase Revenue:**

<b>11017000 434720</b>	<b>St Aid Special Health Programs Immunization</b>	<b>\$35,851.00</b>
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**Decrease Revenue:**

<b>11017000 444011</b>	<b>Federal Aid Immunization</b>	<b>\$35,851.00</b>
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**2012 Fiscal Impact – 0 –**

**2013 Fiscal Impact – 0 –**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5g – Approval/Budgetary Amendment (12A116)/Finance/Year-End Journal Entry #1/Year Ended December 31, 2012 was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #30**

**APPROVAL/BUDGETARY AMENDMENT/FINANCE/YEAR-END JOURNAL ENTRY #1/YEAR ENDED DECEMBER 31, 2012**

**WHEREAS, the Commissioner of Finance has requested a budgetary amendment (12A116) which is the first year end entry for the year ended December 31, 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:**

**GENERAL FUND:**

**Increase Estimated Appropriations:  
SEE ATTACHED SHEET: \$1,024,584**

**Increase Estimated Revenues:  
SEE ATTACHED SHEET: \$1,743,143**

**Decrease Estimated Appropriations:  
SEE ATTACHED SHEET: \$3,029,421**

**Decrease Estimated Revenues:  
SEE ATTACHED SHEET: \$3,747,980**

**ROAD FUND:**

**Increase Estimated Appropriations:  
SEE ATTACHED SHEET: \$ 205,075**

**Increase Estimated Revenues:  
SEE ATTACHED SHEET: \$ 236,967**

**Decrease Estimated Appropriations:  
SEE ATTACHED SHEET: \$ 114,076**

**Decrease Estimated Revenues:  
SEE ATTACHED SHEET: \$ 145,968**

**ROAD MACHINERY FUND:**

**Increase Estimated Appropriations:  
SEE ATTACHED SHEET: \$ 29,210**

**Increase Estimated Revenues:  
SEE ATTACHED SHEET: \$ 35,660**

**Decrease Estimated Appropriations:  
SEE ATTACHED SHEET: \$ 22,509**

**Decrease Estimated Revenues:  
SEE ATTACHED SHEET: \$ 28,959**

**CAPITAL FUND:**

**Increase Estimated Appropriations:  
SEE ATTACHED SHEET: \$ 80,000**

Increase Estimated Revenues:  
SEE ATTACHED SHEET: \$ 80,000

**DEBT SERVICE FUND:**

Increase Estimated Appropriations:  
SEE ATTACHED SHEET: \$6,844,319

Increase Estimated Revenues:  
SEE ATTACHED SHEET: \$6,635,127

Decrease Estimated Appropriations:  
SEE ATTACHED SHEET: \$ 209,192

2012 Fiscal Impact \$654,436  
2013 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5h – Approval/Budgetary Amendment (13A001)/Sheriff’s Department/Selective Traffic Enforcement Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #31**

**APPROVAL/BUDGETARY AMENDMENT (13A001)/SHERIFF’S DEPARTMENT/SELECTIVE TRAFFIC ENFORCEMENT PROGRAM**

WHEREAS, the Sheriff’s Department has requested a budgetary amendment (13A001) to establish the lines in the Sheriff’s 2013 Budget for the County’s participation in the Selective Traffic Enforcement Program; and

WHEREAS, the program runs from October 1, 2012 to September 30, 2013; 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:

Increase Revenue:  
17311002 443893 10021 Selective Traffic Enforcement Program \$13,750

Increase Appropriation:  
17311002 51093 10021 Selective Traffic Enf. Program-Overtime \$13,750  
17311002 58002 10021 Selective Traffic Enforcement Program-Soc Sec 1,052  
\$14,802

Decrease Appropriation:  
10199000 54980 General Contingency \$ 1,052

2013 Fiscal Impact \$1,052  
2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5i – Approval/Budgetary Amendment (13A002)/Sheriff’s Department/Child Passenger Safety Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #32**

**APPROVAL/BUDGETARY AMENDMENT/SHERIFF’S DEPARTMENT/CHILD PASSENGER SAFETY PROGRAM**

**WHEREAS, the Sheriff’s Department has requested a budgetary amendment (13A002) based on notification from NYS Governor’s Traffic Safety Committee of continued funding for Putnam County’s participation in the Child Passenger Safety Program; and**

**WHEREAS, the program runs from October 1, 2012 through September 30, 2013; 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:**

**Increase Revenue:**

<b>17311002 443892 10023</b>	<b>Child Passenger Safety</b>	<b>\$2,250</b>
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**Increase Appropriation:**

<b>17311002 54989 10023</b>	<b>Child Passenger Safety Misc.</b>	<b>\$2,250</b>
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**2013 Fiscal Impact – 0 –**

**2014 Fiscal Impact – 0 –**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5j – Approval/Budgetary Amendment (13A003)/Sheriff’s Department/Buckle Up New York was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #33**

**APPROVAL/BUDGETARY AMENDMENT/SHERIFF’S DEPARTMENT/BUCKLE UP NEW YORK**

**WHEREAS, the Sheriff’s Department has requested a budgetary amendment (13A003) based on notification from NYS Governor’s Traffic Safety Committee of continued funding for Putnam County’s participation in the “Buckle Up New York” campaign; and**

**WHEREAS, the program runs from October 1, 2012 through September 30, 2013; 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:**

<b>Increase Revenue:</b>		
17311002 443899 10024	Buckle Up New York Grant	2,310

<b>Increase Appropriation:</b>		
17311002 51093 10024	Buckle Up Grant – Overtime	2,310
17311002 58002 10024	Buckle Up Grant – Soc Security	<u>177</u>
		2,487

<b>Decrease Appropriation:</b>		
10199000 54980	General Contingency	177

2013 Fiscal Impact \$177

2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5k – Approval/Budgetary Amendment (13A004)/Board of Elections/HAVA was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #34**

**APPROVAL/BUDGETARY AMENDMENT/BOARD OF ELECTIONS/HAVA**

**WHEREAS, the Commissioner of Finance has requested a budgetary amendment (13A004) for payment to the Town of Carmel to reimburse for handicap modifications to the Carmel Town Hall to comply with the Help Americans Vote Act (HAVA); and**

**WHEREAS, the reimbursement to the Town of Carmel is reimbursable to the County through State and Federal funding pass through; 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:**

<b>Increase Revenue:</b>		
10145000 440892	Board of Elections – HAVA Fed Aid	\$31,303

<b>Increase Appropriations:</b>		
10145000	Board of Elections	
54936	Partnership Initiative	\$31,303

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5L – Approval/Budgetary Amendment (13A006)/Sheriff’s Department/Use of Proceeds of Seized Property was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #35**

**APPROVAL/BUDGETARY AMENDMENT/SHERIFF'S DEPARTMENT/USE OF PROCEEDS OF SEIZED PROPERTY**

WHEREAS, the Sheriff's Department requested a budgetary amendment (13A006) to allow for the expenditure of Federal Seized Asset funds to cover the annual maintenance fee and upgrades needed for the digital cellular telephone investigative device purchased last year; 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:

**Increase Revenue:**

10311000 427151	Sheriff – Proceeds of Seized Property	2,998.99
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**Increase Appropriation:**

10311000	Sheriff Administration	
54782	Software Accessories	2,998.99

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #5m – Approval/Fund Transfer (12T454)/Sheriff's Department/Overtime was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #36**

**APPROVAL/FUND TRANSFER/SHERIFF'S DEPARTMENT/OVERTIME**

WHEREAS, the Sheriff's Department has requested a fund transfer (12T454) to cover overtime costs through end of 2012 and payout accruals to retiring employee; and

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

RESOLVED, that the following fund transfer be made:

**Decrease:**

15311000 51093	Overtime	706.00
15311000 58002	FICA	54.01
19311000 51094	Temporary	1,221.59
19311000 58002	FICA	56.43
		<u>2,038.03</u>

**Increase:**

17311000 51093	Overtime	706.00
17311000 58002	FICA	54.01
17002000 51093	Overtime	737.59

19311000 51000	Personnel Line	484.00
17002000 58002	FICA	<u>56.43</u>
		2,038.03

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5n – Approval/Fund Transfer (12T462)/Department of Social Services/Cover Increased Safety Net Expenditures was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #37

APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/COVER INCREASED SAFETY NET EXPENDITURES

WHEREAS, the Department of Social Services has requested a fund transfer (12T462) to cover projected year end costs due to increased shelter costs resulting from an increase in Safety Net caseload; and

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

RESOLVED, that the following fund transfer be made:

Decrease:

10610900 54435	EAF CW FC FNP (Emergency Assistance to Families Child Welfare Foster Care Federal Non Participation)	151,500
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Increase:

10614000 54493	Payments to Recipients	151,500
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2012 Fiscal Impact – 0 –  
2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5o – Approval/Fund Transfer (12T463)/Health Department/Preschool Care was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #38

APPROVAL/FUND TRANSFER/HEALTH DEPARTMENT/PRESCHOOL CARE

WHEREAS, the Health Department has requested a fund transfer (12T463) to cover anticipated expenses through 2012 due to increase in children from January – August 2012; and

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

RESOLVED, that the following fund transfer be made:

<b>Decrease:</b>		
10296000 54441	Preschool Itinerant Services	35,000
10296000 54417	Preschool Evaluations	<u>17,000</u>
		52,000

<b>Increase:</b>		
10296000 54414	Preschool Care at Private Institutions	52,000

2012 Fiscal Impact – 0 –

2013 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5p – Approval/Fund Transfer (12T465)/Sheriff’s Department/Cover 2012 Year End Costs was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #39

APPROVAL/FUND TRANSFER/SHERIFF’S DEPARTMENT/COVER 2012 YEAR END COSTS

WHEREAS, the Sheriff’s Department has requested a fund transfer (12T465) to cover 2012 year end costs in the Sheriff’s Department and Correctional Facility; and

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

RESOLVED, that the following fund transfer be made:

		Increase	Decrease
10315000 51093	ot jail	43066.31	
10315000 58002	fica jail	3294.57	
10008000 51093	medical ot	84645.35	
10008000 58002	medical fica	5794.62	
10009000 51093	transport ot	13576.41	
10009000 58002	transport fica	564.06	
10010000 51000	kitchen personal services	479.45	
10315000 54580	board out/ account payable	25380	
		176800.77	
10315000 51094	temp jail		2412.5

10315000	54310	office supplies	560.09
10315000	54311	printing/forms	6227.66
10315000	54313	books	607.6
10315000	54319	dry cleaning	1500
10315000	54371	gasoline	12344.26
10315000	54385	uniforms	365
10315000	54640	training	347.42
10315000	54675	travel	482.45
10008000	54152	medical testing	5000
10008000	54646	medical contracts	6448.34
10009000	54510	mach. Maint	3000
10010000	51093	kitchen ot	2001.25
10010000	54646	kitchen contracts	1000
10010000	51094	kitchen temp	1260
10012000	51093	training ot	1728.2
10012000	58002	training fica	247.1
10011000	51094	maint. Temp	2847.25
10011000	52630	comp equip.	20000
10011000	54354	fuel	500
10011000	54510	mach. maint	1532
10011000	54560	equip. rental	10000
10011000	58002	maint. Fica	218.29
10013000	51094	ATI temp	4731.25
10013000	54640	edu/ training	448.16
10013000	58002	ATI fica	362.39
19311000	51094	security temp	7930
19311000	54319	dry cleaning	1650
19311000	54385	uniforms	2800
17002000	54510	mach maint	350
17311000	54370	road/automotive	11654.97
17311000	54319	dry cleaning	6026.85
17311000	54410	supplies and mat.	5883
17311000	54640	edu & training	4132
17311000	54675	travel	2475.6
17311000	52190	medical equip.	2000
15311000	52110	civil furn & furn	1000
15311000	51093	civil ot	500
15311000	54640	civil edu & training	810
15311000	54675	civil travel	200
14311000	52150	narc motor veh	1500
14311000	52680	other equip	895
14311000	54370	narc automotive	3800
13311000	54636	operations internet	2210.37

10315000	51096	holiday pay	8666
10315000	54300	misc	116
10011000	54710	maint. & repairs	5250
10011000	54631	electric	3791
10011000	54751	grounds	250
18311000	54640	edu & training	2000
15311000	54313	books & supp	2858
14311000	54800	ins	1800
14311000	54510	mach maint	1026
14311000	54560	equip rental	1000
14311000	54634	telephone	878
14311000	54640	edu & training	500
13311000	54634	telephone	1500
17003000	54710	maint. & repairs	1366
17311000	54150	canine	668
17311000	54371	gasoline	557
18311000	54314	postage	500
17311000	52680	other equip	458
17311000	54510	mach maint	813
17311000	54560	equip rental	500
16311000	52130	comp equip	314.77
			176800.77

**2012 Fiscal Impact – 0 –  
2013 Fiscal Impact – 0 -**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5q – Approval/Fund Transfer (12T468)/Highways & Facilities/Overtime was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #40**

**APPROVAL/FUND TRANSFER/HIGHWAYS & FACILITIES/OVERTIME**

**WHEREAS, the Department of Highways & Facilities has requested a fund transfer (12T468) to cover overtime for year ending 2012; and**

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

**RESOLVED, that the following fund transfer be made:**

**Decrease:**

**10514200 51093**

**County Snow Overtime**

**38,827**

<b>Increase:</b>		
10331000 51093	Sign Shop Overtime	1,285
10511000 51093	Highway Road Overtime	<u>37,542</u>
		38,827
	2012 Fiscal Impact – 0 –	
	2013 Fiscal Impact – 0 –	

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5r – Approval/Fund Transfer (13T001)/Department of Social Services/Temporary was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**RESOLUTION #41**

**APPROVAL/FUND TRANSFER/DEPARTMENT OF SOCIAL SERVICES/TEMPORARY**

**WHEREAS, the Department of Social Services has requested a fund transfer (13T001) to provide continued Caseworker coverage on part-time basis in Child Protective Service unit for maternity leave ending 2/01/13 and to provide for continued Clerical support coverage in Temporary Assistance unit while incumbent is on Medical Leave; and**

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

**RESOLVED, that the following fund transfer be made:**

<b>Decrease:</b>		
10102000 51000	Personal Services	2,362
10101000 51000	Personal Services	<u>3,215</u>
		5,577
<b>Increase:</b>		
10102000 51094	Temporary	2,362
10101000 51094	Temporary	<u>3,215</u>
		5,577

**2013 Fiscal Impact – 0 –**  
**2014 Fiscal Impact – 0 –**

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #5s – Approval/Budgetary Transfer (13T010)/Finance/Putnam County Visitors Bureau Inc. was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:**

**Legislator LoBue stated that she understands that there has been a change in personnel in the Tourism Office. The Communications Director that was hired last year is now being paid on a temporary line through the County Executive’s Office. She stated that she would like this item to be tabled to the Economic Development Committee for further discussion requesting the Tourism Director to explain the personnel changes.**

**Legislator LoBue made a motion to table this item; seconded by Legislator DiCarlo.**

Legislator Castellano stated that this \$23,139 is money coming out of Contingency to cover Administrative costs. There will be a match for the same amount given to us by the State.

Legislator LoBue stated that she was concerned because a Communications Director was hired for this outside agency and is now being paid for through the County Executive's temporary line.

By Roll Call Vote on the motion to table: Four Ayes – Legislators DiCarlo, Gross, LoBue, Oliverio. Five Nays – Legislators Albano, Castellano, Nacerino, Scuccimarra and Chairman Othmer. Motion to table fails.

**RESOLUTION #42**

**APPROVAL/BUDGETARY TRANSFER/FINANCE/PUTNAM COUNTY VISITORS BUREAU**

WHEREAS, the 2013 Putnam County Budget provided \$181,000 to the Putnam Tourism Promotion Agency, and

WHEREAS, as the State's match for the "I Love New York" program has been reduced to \$57,143 from the requested \$199,250; and

WHEREAS, as a result of the reduced State's match for the "I Love New York" program the total expense of the agency will be \$204,139 leaving a shortfall of \$23,139; and

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (13T010) to fund the Tourism Promotion Agency as a result of the State's reduction for the "I Love New York" program; and

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

RESOLVED, that the following budgetary transfer be made:

**Increase Estimated Appropriations:**

25641000 54950	County Contribution	23,139
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**Decrease:**

10199000 54980	Contingency	23,139
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2013 Fiscal Impact \$23,139

2014 Fiscal Impact \$23,139

**BY ROLL CALL VOTE: SIX AYES. THREE NAYS – LEGISLATORS DICARLO, LOBUE & OLIVERIO. MOTION CARRIES.**

Item #5t – Approval/Refunding Bond Resolution was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

**RESOLUTION #43**

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

**February 6, 2013**

\* \* \*

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 February 6, 2013, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Albano, Castellano, DiCarlo, Gross, LoBue, Nacerino, Oliverio, Scuccimarra and Chairman Othmer.

There were absent: None

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

\* \* \*

Legislator Castellano offered the following resolution and moved its adoption:

**REFUNDING BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED FEBRUARY 6, 2013, AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$21,000,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$21,000,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO**

**Recitals**

WHEREAS, on January 19, 2005, the County of Putnam, New York (herein called the "County"), issued its \$7,018,000 Public Improvement (Serial) Bonds, 2005, currently outstanding in the principal amount of \$5,020,000 (the "Outstanding 2005 Bonds"); and were originally issued pursuant to various bond resolutions duly adopted to finance the purposes set forth in Exhibit B-1; and

WHEREAS, the Outstanding 2005 Bonds mature on January 15 in the years and in the principal amounts and bear interest payable semiannually on January 15 and July 15 in each year to maturity, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2014	\$ 330,000	4.00%
2015	345,000	4.00
2016	360,000	4.00
2017	375,000	4.00
2018	390,000	4.00
2019	405,000	4.00
2020	425,000	4.00
2021	440,000	4.00
2022	460,000	4-1/8
2023	475,000	4-1/8
2024	495,000	4-1/8
2025	520,000	4.25

WHEREAS, the Outstanding 2005 Bonds maturing on or after January 15, 2016, are subject to redemption prior to maturity, at the option of the County, on January 15, 2015, and any date thereafter on any interest payment date, as a whole or in part, at the following redemption prices, plus accrued interest to the date of redemption:

<u>Redemption Dates (all dates inclusive)</u>	<u>Redemption Prices (Percentages of Principal Amount)</u>
January 15, 2015 and July 15, 2015	101%
January 15, 2016 and July 15, 2016	100½
January 15, 2017 and thereafter	100

WHEREAS, on January 26, 2006, the County issued its \$18,000,000 Public Improvement (Serial) Bonds, 2006, currently outstanding in the principal amount of \$15,920,000 (the "Outstanding 2006 Bonds") were originally issued pursuant to the bond resolution duly adopted to finance the purposes set forth in Exhibit B-2; and

WHEREAS, the Outstanding 2006 Bonds mature on January 15 in the years and in the principal amounts and bear interest payable semiannually on January 15 and July 15 in each year to maturity, as follows:

<u>Year</u>	<u>Currently Outstanding</u>	<u>Interest Rate</u>
2014	\$ 400,000	4-3/8%
2015	420,000	4-3/8
2016	440,000	4-3/8
2017	460,000	4-3/8
2018	480,000	4-3/8
2019	500,000	4-3/8

2020	520,000	4-3/8
2021	545,000	4-3/8
2022	570,000	4-3/8
2023	595,000	4-3/8
2024	625,000	4-3/8
2025	655,000	4-3/8
2026	685,000	4-3/8
2027	720,000	4-3/8
2028	755,000	4-3/8
2029	790,000	4-3/8
2030	830,000	4-3/8
2031	875,000	4-3/8
2032	915,000	4.50
2033	965,000	4.50
2034	1,010,000	4.50
2035	1,060,000	4.50
2036	1,105,000	4.50

WHEREAS, the Outstanding 2006 Bonds maturing on or after January 15, 2017, are subject to redemption prior to maturity, at the option of the County, on January 15, 2016, and any date thereafter on any interest payment date, as a whole or in part, at the redemption price of par, plus accrued interest to the date of redemption; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permits the County to refund all or a portion of the outstanding unredeemed maturities of the Outstanding 2005 Bonds and the Outstanding 2006 Bonds (referred to herein collectively as the "Outstanding Bonds") by the issuance of new bonds, the issuance of which will result in present value debt service savings for the County, and the County Legislature has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds;

NOW, THEREFORE, be it

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

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the aggregate Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.
- (b) "Escrow Contract" means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 10 hereof.
- (c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.
- (d) "Outstanding Bonds" shall mean the Outstanding 2005 Bonds and the Outstanding 2006 Bonds.

- (e) **“Present Value Savings”** means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.
- (f) **“Redemption Date”** or **“Redemption Dates”** means January 15, 2015, and any interest payment date thereafter with respect to the Outstanding 2005 Bonds maturing on or after January 15, 2016; and January 15, 2016, and any interest payment date thereafter with respect to the Outstanding 2006 Bonds maturing on or after January 15, 2017.
- (g) **“Refunding Bond”** or **“Refunding Bonds”** means all or a portion of the \$21,000,000 Refunding Serial Bonds of the County of Putnam, New York, authorized pursuant to Section 2 hereof.
- (h) **“Refunding Bond Amount Limitation”** means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

**Section 2.** The County Legislature of the County hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$21,000,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$21,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$21,000,000 are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the “Refunding Financial Plan”) prepared for the County by Roosevelt & Cross, Inc., New York, New York, and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds and the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, if any, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded, if

any, becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

**Section 3.** The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the unmatured aggregate outstanding balances of the Outstanding Bonds issued pursuant to various bond resolutions of the County duly adopted by the County Legislature of the County on their respective dates, authorizing the issuance of bonds of the County for various purposes in and for the County. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$21,000,000 shall mature in amounts and at dates to be determined. The Commissioner of Finance, the chief fiscal officer of the County, is hereby authorized to approve all details of the refunding financial plan not contained herein.

**Section 4.** The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum period of probable usefulness (“PPU”) permitted by law at the time of original issuance of the Bonds to be Refunded, as set forth in Exhibits B-1 and B-2 annexed hereto and hereby made a part hereof, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds.

**Section 5.** The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms and bear such interest as set forth therein. The County Legislature recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as Exhibit A.

**Section 6.** The Refunding Bonds shall be sold at private sale and the Commissioner of Finance, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the Refunding Bonds the Commissioner of Finance shall have filed with the County Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds. In connection with such sale, the County authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. The Commissioner of Finance is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the County in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2 hereof.

**Section 7.** Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County. The faith

and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

**Section 8.** Subject to the provisions of this resolution and of the Law and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Law, the powers and duties of the County Legislature relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing any arbitrage certification relative thereto, and as to executing the Escrow Contract described herein, the Official Statement referred to in herein and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, and as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

**Section 9.** The validity of the Refunding Bonds authorized by this resolution 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 10.** Prior to the issuance of the Refunding Bonds, the County shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

**Section 11.** The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder, if invested, shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

**Section 12.** That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the refunding financial plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

**Section 13.** In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the County Legislature hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Dates, as shall be determined by the Commissioner of Finance in accordance with Section 8 hereof. The sum to be paid therefor on the applicable Redemption Date shall be the par value thereof, the accrued interest to such Redemption Dates and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the County by mailing such notice at least thirty days prior to such Redemption Dates, and in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

**Section 14.** This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized

and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspapers of the County.

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

**AYES:**           **NINE – Legislators Albano, Castellano, DiCarlo, Gross,  
LoBue, Nacerino, Oliverio, Scuccimarra and  
Chairman Othmer.**

**NOES:**           **NONE**

**ABSENT:**       **NONE**

**The resolution was declared adopted.**

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## **EXHIBIT A**

PROPOSED REFUNDING FINANCIAL PLAN

**EXHIBIT B-1  
(2005 Bonds)**

<u>Purpose</u>	<u>Authorization Date</u>	<u>Amount Issued</u>	<u>PPU</u>
Senior Citizens Center	April 6, 2004	\$4,226,000	30 years
Lake McGregor Equipment	December 29, 2003	700,000	5 years
Tilly Foster Roof Replacement	August 3, 2004	350,000	15 years
Bridge and Culvert Reconstruction	July 6, 2004	950,000	20 years
Highway and Road Reconstruction	July 6, 2004	792,000	15 years

**EXHIBIT B-2  
(2006 Bonds)**

<u>Purpose</u>	<u>Authorization Date</u>	<u>Amount Issued</u>	<u>PPU</u>
Construction of new County Courthouse	September 6, 2005	\$18,000,000	30

**CLERK'S CERTIFICATE**

I, Diane Schonfeld, Clerk of the Putnam County Legislature, in the State of New York, HEREBY CERTIFY that Bond Resolution No. 43 - 2013 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of the County of Putnam duly called and held on February 6, 2013, 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 Bond Resolution, which was duly adopted by the County Legislature on February 6, 2013, and approved by the County Executive on February \_\_\_\_, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Legislature on this \_\_\_\_ day of February, 2013.

(SEAL)

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Diane Schonfeld  
Clerk of the Legislature

#### LEGAL NOTICE

The resolution, a summary of which is published herewith, has been adopted on February 6, 2013, 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.

**REFUNDING BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED FEBRUARY 6, 2013, AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$21,000,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$21,000,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO.**

**Object or purpose:** refunding of all or a portion of currently outstanding Bonds of the County issued in 2005 and 2006.

**Period of probable usefulness:** various between five (5) and thirty (30) years, commencing on the date of original issuance of the first note or bond issued for the purposes for which the outstanding bonds were issued.

**Amount of obligations to be issued:** not to exceed \$21,000,000

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

Dated: February 6, 2013  
Carmel, New York

Legislator Oliverio complemented County Executive Odell and Commissioner of Finance Carlin. The rates that they are applying for now with this Refunding Bond are very low compared to the rates the County had. This will save the County, literally, hundreds of thousands of dollars.

Legislator Nacerino made a motion to waive the rules and accept the Other Business items; seconded by Legislator Oliverio. All in favor.

Item #6 – Other Business

Item #6a – Approval/Re-Appointment Putnam County Traffic Safety Board was next. Chairman Othmer moved the following; seconded by Legislator Oliverio.

**RESOLUTION #44**

**APPROVAL/RE-APPOINTMENT PUTNAM COUNTY TRAFFIC SAFETY BOARD**

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

Rich Pepe, Town of Philipstown, as an Alternate member, for a one (1) year term, said term to expire December 31, 2013;

John Tully, Town of Patterson, as an Alternate member, for a one (1) year term, said term to expire December 31, 2013;

Norman Olsen, Town of Philipstown for a three (3) year term, said term to expire December 31, 2015;

Ron Cummings, Town of Putnam Valley, for a three (3) year term, said term to expire December 31, 2015;

Robert Cullen, Town of Southeast, for a three (3) year term, said term to expire December 31, 2015;

Peter Dandreano, Town of Patterson, for a three (3) year term, said term to expire December 31, 2015;

Sergeant Robert Behan, Town of Carmel Police Department, for a three (3) year term, said term to expire December 31, 2015.

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #6b – Approval/Resolution Opposing the New York Secure Ammunition and Firearms Enforcement Act (NYSAFE) of 2013 was next. Chairman Othmer moved the following; seconded by Legislators Oliverio & LoBue.

Chairman Othmer stated that Item #6b and #6c have to do with the new legislation passed by the State with respect to the SAFE Act. There is the potential for unfunded

mandates being imposed on the counties in New York State. These resolutions are asking the State to reconsider certain items.

Legislator DiCarlo stated that one resolution pertains to the discussion of gun rights and the second resolution pertains to unfunded mandates. The big issue now is that the State is now taking their responsibilities and shifting it down to the counties to pay for initial costs and periodic certifications. In the next couple of weeks the Legislature will be having emotional and important conversations with regard to school security. The State shifts a cost down to the County and now we will have School Superintendents talking about the importance of school security. This is the quandary that we get caught in all the time. Now is the time to speak with our elected officials who are in session up in Albany and they need to revisit this issue. You would think we would learn from the Federal government, although I guess we don't, of passing rules and laws while not understanding fully what are contained in these laws. It looks good and is politically expedient to do and gets great sound bites, but now here we go with another unfunded mandate while we are supposed to be running government on a 2% tax cap. Legislator DiCarlo stated that he did not understand how we could continue to do this.

#### **RESOLUTION #45**

#### **RESOLUTION OPPOSING THE NEW YORK SECURE AMMUNITION AND FIREARMS ENFORCEMENT ACT OF 2013**

**WHEREAS, the right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution, as well as the Civil Rights Law of the State of New York; and**

**WHEREAS, the New York State Secure Ammunition and Firearms Enforcement Act of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, will have a detrimental effect on hunters, sportsmen and legal gun owners.**

**WHEREAS this legislation imposes burdensome new regulations upon law abiding gun owners and will curtail the rights of law abiding citizens of this State; and**

**WHEREAS this legislation, while denying the rights of law abiding citizens, fails to address the problem of acts of violence perpetrated by criminals and those who are dangerously mentally ill; and**

**WHEREAS, this legislation creates an environment in the state which is hostile to gun manufacture and ownership; and**

**WHEREAS, this legislation contemplates the creation of a new unfunded mandate requiring the Counties to absorb the cost of the initial and periodic recertification procedure; now therefore be it**

**RESOLVED, that the Putnam County Legislature does hereby oppose the enactment of the New York State Secure Ammunition and Firearms Enforcement Act of 2013 because it fundamentally alters or abridges the right to keep and bear arms without addressing the problems of gun violence; and, be it further**

**RESOLVED, that this Legislature hereby calls upon the New York State Legislature and Governor to set aside and annul this ill-conceived and poorly drafted statute which abridges the rights of law abiding citizens of the State of New York; and be it further**

**RESOLVED, that in the meantime the Putnam County Legislature calls upon the New York State Legislature and Governor to remove any and all possible unfunded mandates created or that may be created by this legislation; and be it further**

**RESOLVED**, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator Greg Ball, Senator Terri Gipson, Assemblyman Stephen Katz, Assemblywoman Sandra Galef and the New York State Association of Counties and New York State Association of County Clerks.

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #6c – Approval/Resolution Related to Implementation of NYSAFE Act was next. Chairman Othmer moved the following; seconded by Legislators Oliverio and LoBue.

#### **RESOLUTION #46**

#### **APPROVAL/RESOLUTION RELATED TO IMPLEMENTATION OF NYSAFE ACT**

**WHEREAS**, at the 2013 Legislative Conference of the New York State Association of Counties the Conference passed a resolution calling upon the Governor and the State Legislature to amend Chapter 1 of the Laws of 2013 as it relates to County cost and implementation of the provisions related to Mental Health, Record Keeping and Public Safety, and

**WHEREAS**, a copy of this resolution is attached to this resolution and made a part hereof, and

**WHEREAS**, the Putnam County Legislature believes that this legislation is another unfunded mandate in cost, as well as record keeping, forced upon the County by the State of New York, now therefore be it

**RESOLVED**, that the Putnam County Legislature supports the attached resolution adopted by the 2013 Legislative Conference of the New York State Association of Counties, and be it further

**RESOLVED**, that copies of this resolution be forwarded to the Governor of the State of New York, the Leaders of the State Legislature, Senator Greg Ball, Senator Terri Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz and the New York State Association of Counties.

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

Item #6d – Approval/Refund of Taxes/Roth Nursery Inc./Town of Southeast/Tax Map #'s 46.-3-38 & 46.-3-38.1 was next. Legislator Gross moved the following; seconded by Legislator Oliverio.

#### **RESOLUTION #47**

#### **APPROVAL/REFUND OF TAXES/ROTH NURSERY INC./TOWN OF SOUTHEAST/TAX MAP #'s 46.-3-38 & 46.-3-38.1**

**WHEREAS**, Roth Nursery Inc. has requested a tax refund for Tax Map #'s 46.-3-38 & 46.-3-38.1 in the Town of Southeast; and

**WHEREAS**, the Real Property Tax Services Agency, the Commissioner of Finance, the Department of Law and the County Auditor have reviewed and approve said tax refund; now therefore be it

**RESOLVED**, that the Putnam County Legislature approves the application for refund of taxes by Roth Nursery Inc. for Tax Map #'s 46.-3-38 & 46.-3-38.1 in the Town of Southeast in the amount of \$6,766.23.

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**

**Item #7 – Recognition of Public.**

**Lynne Eckardt, Town of Southeast, requested clarification on the transfer for the Putnam County Visitors Bureau; if it was actually paying someone or for the I Love New York program.**

**Legislator Castellano stated that it was for Administrative costs. We received a larger grant amount than what was anticipated. We needed to match those funds in order to receive the money from the grant. If we did not match the grant amount we would have lost the grant monies. It pertains to the I Love New York program.**

**Commissioner of Finance Carlin explained that the grant is approximately \$57,000. The Visitors Bureau has an appropriation of \$181,000. The issue is if you don't increase this by the \$23,000 it will hurt the Visitors Bureau because they will have to dip into their operating funds to meet the match. This has happened in the past and the Legislature has allocated more money to the match so that it does not hurt the operation of the Visitors Bureau. If we don't increase this and get the money for the match, we will lose the I Love New York funds of \$57,000. This will actually penalize the Visitors Bureau for getting more money from the I Love New York program.**

**Ms. Krista Yacovone, a Legal Fellow with Riverkeeper, read a statement of support regarding the proposed legislation that would ban acceptance of hydraulic fracturing waste at treatment plants within the County and ban application of fracking waste on roads within the County. She explained that Riverkeeper is actively involved in advocacy surrounding the issue of fracking because of its potential impacts on the State's water supply. Riverkeeper commends the Board for considering legislation to protect County residents from the dangers posed by improperly treated and re-purposed fracking waste.**

**Paula Clair presented the Legislature with a copy of a letter from the Albany Times Union, dated Tuesday, January 29, 2013 about Faith leaders who joined the fight against fracking. She also presented the Legislature with a copy of a list of Moratoria, Bans and Resolutions from New York State, Pennsylvania and a Sampling of Municipalities and Key Organizations from Varied Locations Opposed to Hydrofrack Drilling.**

**Item #8 – Recognition of Legislators.**

**Legislator LoBue stated that this Saturday nine Wrestlers from the Brewster Wrestling Team will be traveling to Rockland County to compete in the sectionals. She wished them luck.**

**Legislator Castellano wished everyone much safety with this weekend's pending storm.**

**Legislator Gross stated that last week he attended a Wellness Program sponsored by the Health Department. He stated that it was very informative with respect to obesity, body weight, diet and the ramifications of being overweight. Dr. Beals pointed out to him that by participating in the Defensive Driving Program every three years to receive a 10% reduction in liability insurance, there may be a possibility for a similar reduction in Health Insurance costs with employee participation in the provisions of a Wellness Initiative.**

**Legislator Gross also mentioned that Legislator Albano was recognized at the NYSAC conference by the President of the Association. He received a certificate through Cornell University for completing the courses he participated in which were offered at the conference.**

**Legislator Albano stated that we all support the ban on Hydrofracking. He stated that when we talk about the waste material going into sewer treatment plants, he pointed out that our sewer treatment plants in this area dump into New York City's reservoirs. Therefore, he did not believe we would ever see this waste material being brought into sewer treatment plants in Putnam County.**

**Legislator Nacerino stated that, as an employee of the Brewster Central School District, she would like to echo Legislator LoBue's comments in wishing luck to the Brewster Wrestling Team. She also mentioned that she enjoyed attending the NYSAC conference. It was a great learning experience.**

**Legislator Oliverio wished everyone a "Happy Valentine's Day".**

**Legislator Scuccimarra thanked Ms. Paula Clair and Ms. Krista Yacovone for addressing the Legislature on this very important fracking issue.**

**There being no further business, at 7:38 P.M., Legislator Oliverio made a motion to adjourn; seconded by Legislator DiCarlo. All in favor.**

**Respectfully submitted by Diane Schonfeld, Clerk.**