

**REGULAR MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
TO BE HELD AT
PUTNAM GOLF, INC.
187 HILL STREET
MAHOPAC, NEW YORK 10541**

Wednesday

October 2, 2013

5:30 P.M.

The meeting was called to order at 5:30 P.M. by Chairman Othmer who requested that Putnam Valley Resident, Mr. Victor Tiship 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.

PROCLAMATIONS

Chairman Othmer requested that Legislator Gross present the proclamation to Deputy Commissioner of Social Services/Mental Health/Youth Bureau, Joseph DeMarzo, Executive Director of the National Council on Alcoholism and Other Drug Dependencies/Putnam, Kristin McConnell and the National Council on Alcoholism and Putnam County Communities That Care Coalition Coordinator, Elaine Santos.

**RECOGNIZING OCTOBER AS "PRESCRIPTION DRUG AND HEROIN ABUSE
AWARENESS MONTH"**

WHEREAS, the abuse of prescription medications is a growing public health concern and every day in the United States more than 2,500 teenagers abuse prescription medication for the first time; and

WHEREAS, opiate-based prescription drugs can fuel addiction which causes the user to desperately seek more causing some prescription drug abusers to turn to heroin, another opiate, which can be stronger, cheaper, and more addictive; and

WHEREAS, 70 percent of all prescription drugs that end up in the bloodstreams of our children and youth come from family and friends, and many young people mistakenly think that it is safer to misuse prescription medications than illegal street drugs; and

WHEREAS, parents and other family members are often unaware that a loved one is abusing prescription medications; and

WHEREAS, when used properly, prescription medications have a legitimate medical use, but misuse of these medications can lead to addiction, overdose, and even death; and

WHEREAS, the Putnam County Communities That Care Coalition, all Putnam County substance abuse prevention and treatment providers, and the County of Putnam are committed to a drug safe community and want to call attention to this problem and help parents, families, and other community members understand what they can do to curb the abuse of prescription medications and heroin; and

WHEREAS, the County of Putnam recognizes the importance of raising awareness around the issue of prescription drug abuse and heroin use in Putnam County; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim October 2013 as *Prescription Drug and Heroin Abuse Awareness Month* and encourage all citizens to join in this observance.

Chairman Othmer requested that Legislator Albano present the next proclamation to Commissioner of Emergency Services, Adam Stiebeling.

NATIONAL FIRE PREVENTION WEEK – OCTOBER 6-12, 2013

WHEREAS, National Fire Prevention Week was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people, left 100,000 homeless, destroyed more than 174,000 structures and burned more than 2,000 acres. The fire began on October 8th, but continued into and did most of its damage on October 9, 1871; and

WHEREAS, on the 40th anniversary of the Great Chicago Fire, the Fire Marshals Association of North America, today known as the International Fire Marshals Association, decided that the anniversary of the Great Chicago Fire should henceforth be observed not with festivities, but in a way that would keep the public informed about the importance of fire prevention; and

WHEREAS, in 1920, President Woodrow Wilson issued the first National Fire Prevention Day proclamation and since 1922, National Fire Prevention Week has been observed on the Sunday through Saturday period in which October 9th falls; and

WHEREAS, National Fire Prevention Week will be October 6th through October 12th, 2013, during which, an attention to a focus on promoting fire safety and prevention; the 2013 Prevention Week's theme is Preventing Kitchen Fires. Cooking is the number one cause of home fires, and a significant contributor to home fire deaths nationwide. Many potential fire hazards go undetected because people simply do not take steps to fireproof their home; and

WHEREAS, fireproofing includes understanding the dangers of unattended cooking and risky kitchen habits; as well as installing and maintaining working smoke alarms outside of every sleep area and remembering to change the batteries at least once a year, designating two escape routes from each bedroom and practice them regularly, teaching everyone the "*Stop, Drop, and Roll*" technique in case clothing catches on fire, avoiding storing unnecessary items in the home or garage increasing fire load, teaching children that matches, lighters, and candles are tools, not to have toys staying in the kitchen when cooking, keeping things that can burn such as, potholders, towels, and paper away from the stove, keeping space heaters three feet from anything that can burn, turning off space heaters when you leave the room and before going to bed, and to never use an oven to heat your home; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature on behalf of all the citizens of Putnam County proclaim the week of October 6 - 12, 2013 as National Fire Prevention Week in Putnam County and remind all citizens of the dangers of fire hazard, encourage all citizens to fireproof their homes, and to increase awareness toward fire prevention activities in support of all Fire Department agencies in the County.

Public Hearing STAR Program - September 3, 2013
Public Hearing PART Bus Routes – September 3, 2013
Regular Meeting – September 3, 2013

The minutes were approved as submitted.

Item #4 - Correspondence

a) County Auditor

There was no activity during the reporting period.

Item #5 - Pre-filed resolutions:

PERSONNEL COMMITTEE
(Chairman DiCarlo, Legislators Gross & Nacerino)

Item #5a – Approval/Budgetary Amendment (13A061)/Commissioner of Health/Elimination of Nutritionist 1 (SS) Position within WIC Program was next. Chairman Othmer recognized Legislator DiCarlo, Chairman of the Personnel Committee. On behalf of the members of the Committee, Legislators Gross and Nacerino, Legislator DiCarlo moved the following:

RESOLUTION #199

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF HEALTH/ ELIMINATION OF NUTRITIONIST 1 (SS) POSITION WITHIN WIC PROGRAM

WHEREAS, the Commissioner of Health has requested a budgetary amendment (13A061) to allow for the elimination of a Nutritionist 1 SS (Spanish Speaking) Position within the WIC (Women, Infants and Children) Program; and

WHEREAS, the WIC Department remains 200 cases below its targeted caseload of 1500 clients per year; and

WHEREAS, the WIC Department's current caseload does not warrant the amount of staff dedicated to this program; and

WHEREAS, the Personnel 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:

Decrease Estimated Appropriations:

10021000 51000	Personal Services	12,512
10021000 58002	FICA	<u>957</u>
		13,469

Decrease Estimated Revenues:

10408200 43401L	State Aid – Public Health	4,504
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Increase:

10199000 54980	Contingency	8,965
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2013 Fiscal Impact (8,965)

2014 Fiscal Impact (60,249) & Fringes

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #5b – Approval/Putnam County Solid Waste Management Plan (SWMP) 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 #200

PUTNAM COUNTY SOLID WASTE MANAGEMENT PLAN (SWMP) AND SEQRA

WHEREAS, the County of Putnam, by and through the Putnam County Legislature, has drafted and considered a “Solid Waste Management Plan Update”; and

WHEREAS, the proposed Solid Waste Management Plan Update (a copy of which is annexed hereto and made a part hereof) has been updated and improved to cover the ten year period from 2010 through 2019; and

WHEREAS, the Updated Plan still will not involve the construction of any Material Recovery Facilities or Transfer Stations; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQRA), the Putnam County Legislature has determined that the adoption of the proposed Solid Waste Management Plan Update constitutes an Unlisted Action, as defined in 6 NYCRR Parts 617.2(ak); and

WHEREAS, in accordance with the requirements of SEQRA, Parts 1 and 2 of a Full Environmental Assessment Form (“EAF”) had been prepared to describe the potential impacts and mitigation measures associated with adoption of the Updated Plan; and

WHEREAS, a coordinated review was undertaken by with all “involved agencies” as such term is defined in the State Environmental Quality Review Act (“SEQRA”) at 6 NYCRR Part 617.2(s) with respect to the Update Plan; and

WHEREAS, the County of Putnam, by and through the Putnam County Legislature (Resolution #97 of 2010), was designated to act as Lead Agency, as such term is defined in 6 NYCRR Part 617.2(u), with respect to the implementation of SEQRA and the conduct of an uncoordinated review; and

WHEREAS, based upon a careful review of the action as a whole, of the Full EAF and of the criteria set forth in 6 NYCRR Part 617.7(c), and after considering all of the public input that has been received, the Putnam County Legislature, as a Lead Agency, determined that the proposed action would not have a significant adverse effect on the environment, and that it would, in fact, have a positive impact by reducing solid waste production and improving disposal options (Resolution #97 of 2010); and

WHEREAS, the Putnam County Legislature previously determined that the adoption of the Updated Plan would not have an adverse environmental impact, and that as such, a Draft Environmental Impact Statement would not be necessary; and

WHEREAS, the Putnam County Legislature issued a negative declaration on April 6, 2010 thereby affirming the fact that there would be no adverse environmental impacts as a result of the adoption of the Plan; and

WHEREAS, the Updated Plan has not been changed or amended in material terms since the passage of Resolution #97 of 2010 on April 6, 2010; the now therefore be it

RESOLVED, that the Putnam County Legislature, as Lead Agency hereby reaffirms its determination that the adoption of the Solid Waste Management Plan Update will not have any significant adverse environmental impacts; and be it further

RESOLVED, that the Putnam County Legislature approves the issuance of the Negative Declaration on April 6, 2010, a copy of which is annexed hereto and made a part hereof, remains valid and effective; and be it further

RESOLVED, that the Putnam County Legislature hereby adopts the updated Putnam County Solid Waste Plan prepared August 2012 with a revised Organizational Chart dated August 2013.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5c – Approval/Local Law to Amend Chapter 203/Code of Putnam County Entitled “Smoking” 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 this local law would prohibit the sale of tobacco products in any retail establishment which has a Pharmacy where prescription drugs are sold.

Legislator Gross thanked the Health Department for the many areas in which they promote public health and safety. He agreed that tobacco products were unhealthy, however, they are not illegal. He mentioned the Prohibition Act of 1919 where alcohol was prohibited until 1933, the Haverstraw issue with respect to advertising last year and the Big Gulp issue with the Mayor of New York. The issue is free trade and free speech. He explained that there were three sting operations in Putnam County; one a few weeks ago, one this past Spring and one last Fall. They went to various businesses where tobacco and alcohol are sold. The result in each case was that it was delicatessens, gas stations and convenience stores that were violating the law with selling tobacco to underage children. He stated that supermarkets and Pharmacies have a very rigid protocol with respect to selling and displaying tobacco products. These products are behind the counters at grocery stores and Pharmacies. He believed that this resolution did not do anything to prevent the sale of tobacco. In fact, it actually affects the businesses that do the best job of stopping under age purchases. Legislator Gross stated that there is another growing problem with obesity which leads to diabetes, strokes and heart attacks. He explained the calorie and sugar content in a bottle of coke and a bar of candy. He asked that the Health Department and the Health Committee to recalibrate their initiative and look toward instilling good nutrition habits in young children.

Legislator Nacerino stated that she wholeheartedly supported wellness and prevention, however, she believed that this legislation cannot meet its intent or its objective. There is no documentation to support that this law will foster wellness or deter smoking. She believed that the best prevention against tobacco continues to be to foster education and awareness for adults and children.

Legislator Oliverio stated that this is not a discussion about candy bars or soda. It is a discussion about a known killer. This legislation does not outlaw smoking. It would only restrict the sale of tobacco products in Pharmacies which he believed was a place that

you go to get healthy. He stated that we saw the results of the petition/survey. Over 64% of our residents approve of this legislation. He believed that approving this legislation sends the message that this County does not support smoking in any way, shape or form. He believed this was an important message and that it would save lives.

Legislator Scuccimarra stated that this was truly a difficult decision. She did not feel that government should over step their bounds. However, in this case after reading the statistics that cigarette smoking is the leading preventable cause of disease and death in the United States. Approximately 438,000 deaths annually are attributed to smoking. She believed that Pharmacies and Cigarettes did not mix. Selling cigarettes in Pharmacies sends a bad message to the children who are with their parents in the Pharmacies. She stated that she takes her role as a member on the Health Committee very seriously. She believed that Putnam County is the safest County in New York State and believed that it should be the healthiest one as well.

Legislator Albano stated that this is a tough decision and originally believed this legislation was a good idea. However, this is government control. There will always be individuals that smoke and this is inconveniencing them. They want the right to purchase them where they want to. He stated that if it really had an effect on children he would support this. He believed that some of the reports support the fact that underage purchases of cigarettes occur in the smaller businesses. He did not believe we should implement another law or rule if the legislation was not going to have an effect on the youth. He stated that he does not support smoking, however he did not want to restrict the rights of others.

Chairman Othmer stated that his mother was a smoker and he never smoked. He believed it was a terrible habit. However he believes in free commerce and that government is getting too involved in everything.

By Roll Call Vote: Two Ayes – Legislators Oliverio and Scuccimarra. Seven Nays – Legislators Albano, Castellano, DiCarlo, Gross, LoBue, Nacerino and Chairman Othmer. Motion Failed.

**APPROVAL/LOCAL LAW/AMEND CHAPTER 203/CODE OF PUTNAM COUNTY ENTITLED
“SMOKING”**

A Local Law to Amend Chapter 203 of the Code of Putnam County entitled “Smoking”

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

Section 1.

Chapter 203 of the Code of Putnam County entitled “Smoking” is hereby amended to include the following changes, which read as follows:

Article II, Sale of Tobacco and Tobacco Products

§203-17. Legislative Intent.

A. This Legislature hereby finds as follows:

- (1) The laws designed to prohibit the sale of tobacco products in Licensed Health Care Institutions, pharmacies or retail establishments containing a pharmacy within Putnam County should be strengthened in order to best promote the health, safety and welfare of the residents of the County of Putnam; and**
- (2) Each year more than 130,000 adolescents and 2,500,000 adults in New York State currently smoke and smoking kills approximately 25,400 adults in the state each year; and**
- (3) The sale of tobacco products is inconsistent with the mission of Licensed Health Care Institutions because it is detrimental to public health and mitigates efforts to educate patients on the safe and effective use of medication; and**
- (4) Putnam County has a substantial interest in reducing the number of individuals of all ages who use cigarettes and other tobacco products, and in reducing tobacco dependence and the illnesses and premature death associated with tobacco use;**

B. Accordingly, the purpose of this Article is to prohibit the sale of tobacco products in Licensed Health Care Institutions, pharmacies and retail establishments containing a pharmacy within Putnam County.

C. Unless otherwise noted, Article 13-F of the New York State Public Health Law shall apply.

§203-18. Definitions.

A. As used in this Article, the following terms shall have the meanings indicated:

- (1) TOBACCO PRODUCTS shall mean one or more of any product in any form containing tobacco, including, but not limited to, cigarettes, chewing tobacco, snuff, dip, cigars, pipe tobacco, blunt wraps, shisha, gutka and bidis; or one or more of any product comprised wholly, or in part, of tobacco that is manufactured as a wrap or a hollow tube designed to be filled by the consumer with loose tobacco or other fillers and then combusted and inhaled; powdered tobacco or nicotine water.**
- (2) HERBAL CIGARETTE means any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including but not limited to, as a cigarette, cigar or pipe filler.**
- (3) BIDIS means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendra leaf (diospyros exculpra), or any other product offered to consumers as “beedies” or “bidis”.**
- (4) GUTKA means a product containing lime paste, spices, areca and tobacco.**
- (5) NICOTINE WATER means bottled water that is laced with nicotine.**
- (6) SHISHA means any product made primarily of tobacco or other leaf, or any combination thereof, smoked or intended to be smoked in a hookah or water**

- pipe.
- (7) **ELECTRONIC CIGARETTE or E-CIGARETTE** means a battery-operated device that contains cartridges filled with a combination of nicotine, flavor and chemicals that are turned into vapor which is inhaled by the user.
 - (8) **TOBACCO PARAPHERNALIA** means any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco.
 - (9) **PRESCRIPTION DRUGS** shall mean substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them, for which a prescription from a medical professional is necessary in order to obtain same, and specifically does NOT include those drugs which are available “over-the-counter”; It shall also not include devices or their components, parts, or accessories.
 - (10) **LICENSED HEALTH CARE INSTITUTION** shall mean any facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, treatment center, dental clinic, dental dispensary; or nursing home, residential health care facility, out-patient lodge, general hospital or any entity subject to licensing by the New York State Department of Health pursuant to New York Public Health Article 28.
 - (11) **PHARMACY** shall mean any place in which medical prescriptions and prescription drugs are possessed for the purpose of compounding, preserving, dispensing or retailing, or in which medical prescriptions and prescription drugs are compounded, preserved, dispensed or retailed, or in which such prescriptions are by advertising or otherwise offered for sale at retail.
 - (12) **RETAIL TOBACCO BUSINESS** means a sole proprietorship, corporation, limited liability company, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories, either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

§203-19. Regulation of Sale of Tobacco Products in Pharmacies.

- A. The sale of tobacco products and tobacco paraphernalia shall be restricted in the following manner:
 - (1) No person operating a place of business wherein tobacco products, herbal cigarettes, shisha or electronic cigarettes are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any tobacco product, herbal cigarettes, shisha or electronic cigarettes in any manner, unless such products and cigarettes are stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container; provided, however, such restriction shall not apply to retail tobacco businesses, as defined above and in subdivision eight of section thirteen hundred ninety-nine-aa of Article 13-F of the New York State Public Health Law, and to places to which admission is restricted to persons eighteen years of age or older.

- (2) No Licensed Health Care Institution located in Putnam County shall sell or cause to be sold tobacco products.
- (3) No pharmacy or retail establishment that contains a pharmacy within it shall sell or cause to be sold tobacco products or tobacco paraphernalia.

§203-20. Notice and Enforcement.

- A. The owner, manager or operator of any establishment regulated by this Article shall be responsible for compliance with the terms contained herein.
- B. Any citizen may register a complaint under this Article to the Putnam County Health Department.
- C. The Putnam County Health Department shall be charged with enforcement of this Article. The Public Health Director or Commissioner of Health (whichever is applicable), or his or her duly authorized designee, shall be authorized to issue all notices, orders and other processes as may be necessary in the enforcement of this article.
- D. Upon written notice of a violation, the Public Health Director or Commissioner of Health (whichever is applicable), or his or her duly authorized designee, shall enforce the provisions of this Article in accordance with Article VI of the Putnam County Sanitary Code.

§203-21. Violation and Penalties.

- A. Any Person found to be in violation of this Chapter shall be liable for civil penalty of not more than \$250 for the first violation, not more than \$500 for the second violation within a two-year period, and not more than \$1,000 for the third and each subsequent violation within a two-year period. Each day on which a violation occurs shall be considered a separate and distinct violation.

§203-22. Waiver.

- A. A written request for a waiver from the provisions of this Article may be submitted to the Public Health Director or the Commissioner of Health, or his or her duly authorized designee. Such request shall establish that:
 - (1) compliance with a specific provision of this Article would cause undue financial hardship, or
 - (2) there are other factors which exist which would render compliance unreasonable or unpracticable, and
 - (3) such circumstances are beyond the applicant's control.
- B. The applicant shall further establish that granting such a waiver will not endanger public health.
- C. The granting or denying of such waiver shall be in the sole decision of the Public Health Director or the Commissioner of Health, or his or her duly authorized designee.

- D. Every waiver granted shall be subject to such conditions or restrictions as may be necessary to minimize the adverse effects of the waiver upon the public health of the residents of the County of Putnam, and to insure that the waiver is consistent with the general purpose of this Article.

§203-23. Applicability of Other Laws.

This Article shall not be interpreted or construed to permit the sale of tobacco products or tobacco paraphernalia where it is otherwise restricted by other applicable laws.

§203-24. Severability.

If any provision, clause, sentence or paragraph of this Article or the application thereof to any person, firm, corporation, or circumstances shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such invalidity shall not affect, impair, or invalidate the remainder of this Article, which can be given effect without the invalid provision or application, and to this end the remaining provisions of this article are declared to be valid.

Section 2. Effective Date.

This local law shall take effect immediately.

Legislator Oliverio made a motion to waive the rules and accept the additional materials submitted to the meeting; seconded by Legislators DiCarlo and LoBue. All in favor.

Item #5d – Approval/Dental Network Card Program was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators DiCarlo and Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #201

APPROVAL/DENTAL NETWORK CARD PROGRAM

WHEREAS, dental health is an integral part of our residents overall health with an increased awareness of the relationship between oral health and other diseases; and

WHEREAS, Health Economics Group, Inc. has developed a Dental Network Card Program called “DenteMax” which has been endorsed by the New York State Association of Counties; and

WHEREAS, the program has been developed for people who do not have dental insurance coverage such as those who have been laid off from their jobs, employees who work for small businesses, other organizations that do not offer dental benefit plans and those who are retired and no longer have dental insurance; and

WHEREAS, the program is not an insurance plan but a way for our residents to obtain dental coverage at a reduced fee; and

WHEREAS, as this plan does not cost the County any money but charges a fee to the plan’s participants; and

WHEREAS, the Health, Social, Educational & Environmental Committee has met, reviewed and approves this plan; now therefore be it

RESOLVED, that the Putnam County Legislature endorses Health Economics Group, Inc.'s Dental Network Card Program which has also been endorsed by the New York State Association of Counties.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

PHYSICAL SERVICES COMMITTEE
(Chairman Albano, Legislators Othmer & Scuccimarra)

Item #5e – Approval/Budgetary Amendment (13A067)/Highways & Facilities/Purchase Snow Truck Items was next. Chairman Othmer recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #202

APPROVAL/BUDGETARY AMENDMENT /HIGHWAYS & FACILITIES/PURCHASE SNOW TRUCK ITEMS

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (13A067) to purchase snow truck related items to track and manage the distribution of salt and route activity; 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:

CAPITAL FUND:

Increase Estimated Appropriations:

55132000 53000 50187	Highway Equipment	70,000
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Decrease Estimated Appropriations:

55197000 53000 50014	Snow Removal Outpost	50,000
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Increase Estimated Revenues:

55132000 427701 50187	Unclassified – Highway Equip.	50,000
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55132000 428551 50187	Inter Fund Transfer – Road Fund	20,000
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Decrease Estimated Revenues:

59901000 427701 50014	Unclassified – Snow Removal Outpost	50,000
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COUNTY ROAD FUND:

Increase Estimated Appropriations:

10995000 59020 50187	Interfund Transfer – Capital Fund	20,000
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Decrease Estimated Appropriations:

10514200 54410	Supplies & Materials	20,000
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5f – Approval/Conveyance of Tax Map No. 22.82-1-26/Town of Kent was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #203

APPROVAL/CONVEYANCE OF TAX MAP NO. 22.82-1-26 /TOWN OF KENT

WHEREAS, an unimproved parcel of real property identified as Town of Kent Tax Map No.: 22.82-1-26 was acquired by the County by Tax Deed, which was recorded in the Office of the Putnam County Clerk on May 13, 2013, in Liber 1921 at Page 355; and

WHEREAS, said property cannot be improved under existing zoning regulations; and

WHEREAS, Keith and Nancy Faccilonga own a neighboring parcel of property identified as Town of Kent Tax Map No.: 22.82-1-22, which is improved by a single family dwelling; and

WHEREAS, Keith and Nancy Faccilonga have offered to purchase Town of Kent Tax Map No.: 22.82-1-26 for the sum of \$789.30, which represents the County's net investment on the parcel; and

WHEREAS, Keith and Nancy Faccilonga have also agreed to take title to Town of Kent Tax Map No.: 22.82-1-26 subject to a deed restriction which provides that Town of Kent Tax Map No.: 22.82-1-26 be limited to uses accessory and incidental to Town of Kent Tax Map No.: 22.82-1-22; and

WHEREAS, the Putnam County Administration has reviewed said offer and does not object to the acceptance of same; now therefore be it

RESOLVED, that pursuant to Section 31-8(B) of the Putnam County Code, the Putnam County Legislature approves the transfer of Town of Kent Tax Map No.: 22.82-1-26 to Keith and Nancy Faccilonga for the sum of \$789.30, together with payment of the appropriate Transfer Tax, Recording Fees, and County, Town, and School Taxes; and be it further

RESOLVED, that upon receipt of said monies, Town of Kent Tax Map No.: 22.82-1-26 shall be conveyed in an "as is" condition by quitclaim deed, which shall contain a restriction which provides that Town of Kent Tax Map No.: 22.82-1-26 be limited to uses accessory and incidental to Town of Kent Tax Map No.: 22.82-1-22; and be it further

RESOLVED, that the Putnam County Attorney is authorized to prepare said quitclaim deed, and the Putnam County Executive shall be authorized to execute said quitclaim deed on behalf of the County.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5g – Approval/Grant Application/IT-GIS/Round 3, Statewide Interoperable Communications Grant (Round 3 SICG) was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #204

APPROVAL/GRANT APPLICATION/IT-GIS/ROUND 3, STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT (ROUND 3 SICG)

WHEREAS, Section 5-1(D) of the Putnam County Code requires the County Legislature to approve all applications for grants prior to submission, however, in the case where time is of the essence and Legislature approval before submission is not possible the Legislature shall consider the grant application at the next Legislative meeting; and

WHEREAS, Grant funding is available for a New York State grant for Round 3, Statewide Interoperable Communications Grant (Round 3, SICG) limited to Counties that have not previously been awarded a grant under this program with a maximum grant of \$6,000,000.00 to each county; and

WHEREAS, there is no matching funds requirement under this grant but the submission deadline is September 30, 2013; and

WHEREAS, if this grant should be awarded to Putnam County, the County will have the ability to upgrade existing radio towers, install or lease space on new towers and install a new microwave system that links our current towers. By completing the above tasks we will also improve the current reliability of our radio system while preparing for the possible evolution to a new system; and

WHEREAS, the Director of IT/GIS will provide a complete overview to the Legislature prior to the acceptance of this grant; and

WHEREAS, as this grant application has been approved by the Physical Services Committee and the Audit & Administration Committee of the Putnam County Legislature; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the Director of IT/GIS's application for a grant under Round 3, Statewide Interoperable Communications Grant.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5h – Approval/Lease Agreement/Careers For People with Disabilities, Inc. was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

Legislator LoBue questioned if this business was originally located at 34 Gleneida Avenue.

Transportation Manager Tamagna believed that they were located on Fair Street across from the Carmel High School.

RESOLUTION #205

APPROVAL/LEASE AGREEMENT/CAREERS FOR PEOPLE WITH DISABILITIES, INC.

WHEREAS, the County of Putnam is the owner of the property designated and described as Building # 3 of the Donald B. Smith Campus, located at 110 Old Route 6, Carmel, New York 10512 (hereinafter “Donald B. Smith Campus, Building # 3”); and

WHEREAS, a portion of Donald B. Smith Campus, Building # 3 is not needed for use as office space by the County (hereinafter referred to as the “Surplus Office Space”); and

WHEREAS, Careers for People with Disabilities, Inc. has approached the County Executive and has indicated that it is desirous of leasing the Surplus Office Space from the County; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with Careers for People with Disabilities, Inc. for the lease of the Surplus Office Space; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve such lease agreement; now therefore be it

RESOLVED, that the Surplus Office Space located at Donald B. Smith Campus, Building # 3 is not needed for County use; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and Careers for People with Disabilities, Inc. for the Surplus Office Space, in the form attached hereto and made a part hereof as Schedule "A", and that the Putnam County Executive is authorized to execute said Lease Agreement; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Lease Agreement between the County of Putnam and Careers for People with Disabilities, Inc. in the manner approved herein.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5i – Approval/Lease Agreement /Dispute Resolution Center was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

Legislator LoBue stated that she would be voting against the following two leases relocating these businesses from 34 Gleneida Avenue to the Donald B. Smith Campus. This has been an ongoing discussion with respect to emptying out 34 Gleneida Avenue and whether it is the Administration's plan to lease or sell it. Legislator LoBue stated that she would like all of these agencies; Dispute Resolution Center, SCORE and IDA, stay together in one facility. She believes that 34 Gleneida Ave, which has Sewer & Water, is an ideal location for these businesses to entertain clientele.

Legislator Oliverio stated that he too would be voting "no". He believed that 34 Gleneida Avenue was an excellent location for these businesses. He stated that to keep the building empty did not make any sense to him at all.

Chairman Othmer stated that years ago 34 Gleneida Avenue used to be a Car Dealership. He believed the building was very energy inefficient. He stated that the County has been consolidating its services. The County Office Building has received some renovations and the office space is now 100% occupied by County Departments as opposed to a few years ago. He stated that he would like to see the 34 Gleneida Avenue building taken down which he believed was the original plan when the New Courthouse was built.

RESOLUTION #206

APPROVAL/LEASE AGREEMENT /DISPUTE RESOLUTION CENTER

WHEREAS, the County of Putnam is the owner of the property designated and described as Building # 3 of the Donald B. Smith Campus, located at 110 Old Route 6, Carmel, New York 10512 (hereinafter “Donald B. Smith Campus, Building # 3”); and

WHEREAS, a portion of Donald B. Smith Campus, Building # 3 is not needed for use as office space by the County (hereinafter referred to as the “Surplus Office Space”); and

WHEREAS, the County previously entered into a lease agreement with Dispute Resolution Center of Orange and Putnam Counties, Inc. (hereinafter referred to as the “Dispute Resolution Center”) for office space in the building located at 34 Gleneida Avenue, Carmel, New York 10512; and

WHEREAS, said lease agreement with the Dispute Resolution Center expired on December 31, 2010, and has continued thereafter on a month-to-month basis; and

WHEREAS, the Dispute Resolution Center has approached the County Executive and has indicated that the Dispute Resolution Center is desirous of relocating from 34 Gleneida Avenue, Carmel, New York 10512 to the Surplus Office Space located at Donald B. Smith Campus, Building # 3; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with the Dispute Resolution Center for the lease of the Surplus Office Space; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve such lease agreement; now therefore be it

RESOLVED, that the Surplus Office Space located at Donald B. Smith Campus, Building # 3 is not needed for County use; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and the Dispute Resolution Center for the Surplus Office Space, in the form attached hereto and made a part hereof as Schedule “A”, and that the Putnam County Executive is authorized to execute said Lease Agreement; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Lease Agreement between the County of Putnam and the Dispute Resolution Center in the manner approved herein.

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

Item #5j – Approval/Lease Agreement/Putnam Score #678 was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

Legislator Albano stated that he did meet with representatives from SCORE and looked at the space at the Donald B. Smith Campus where they would be relocated to. He believed the space available was quite suitable for all three businesses. He stated that he would rather heat one building this winter and have it fully occupied than to heat a building that is half empty. He stated that he does not support selling 34 Gleneida Avenue. He stated that the Donald B. Smith Campus is a block off of Route 6 and he believed that people would not have a problem getting to it or from it.

Legislator Oliverio stated that he has voiced another concern at the Committee meetings and that is the ability of government to wrap its arms around these private agencies. The

ability for these agencies to target their constituents without the oversight of big brother is a good thing. He believed that 34 Gleneida Avenue was a better location for these organizations. He stated that if 34 Gleneida Avenue is not heated for the winter he believed that the structure would start to deteriorate.

Legislator Gross stated that he was opposed to moving these two organizations out of 34 Gleneida Avenue. He believed that they needed autonomy from the rest of the County. However, it has already taken place. He believed that 34 Gleneida Avenue was a prime location for tourism or as a County building. He believed that it would be the perfect place for the overflow of the Probation Department. He believed that the 34 Gleneida Avenue building had great potential if some modifications were made. He hoped that the County would be smart about the future of that building.

RESOLUTION #207

APPROVAL/LEASE AGREEMENT/PUTNAM SCORE #678

WHEREAS, the County of Putnam is the owner of the property designated and described as Building # 3 of the Donald B. Smith Campus, located at 110 Old Route 6, Carmel, New York 10512 (hereinafter "Donald B. Smith Campus, Building # 3"); and

WHEREAS, a portion of Donald B. Smith Campus, Building # 3 is not needed for use as office space by the County (hereinafter referred to as the "Surplus Office Space"); and

WHEREAS, Putnam Score # 678 (hereinafter referred to as "Putnam Score") currently occupies office space in the building located at 34 Gleneida Avenue, Carmel, New York 10512 on a month-to-month basis; and

WHEREAS, Putnam Score has approached the County Executive and has indicated that Putnam Score is desirous of relocating from 34 Gleneida Avenue, Carmel, New York 10512 to the Surplus Office Space located at Donald B. Smith Campus, Building # 3; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with Putnam Score for the lease of the Surplus Office Space; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve such lease agreement; now therefore be it

RESOLVED, that the Surplus Office Space located at Donald B. Smith Campus, Building # 3 is not needed for County use; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and Putnam Score for the Surplus Office Space, in the form attached hereto and made a part hereof as Schedule "A", and that the Putnam County Executive is authorized to execute said Lease Agreement; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Lease Agreement between the County of Putnam and Putnam Score in the manner approved herein.

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

Item #5k – Approval/Lease Agreement/Putnam County Industrial Development Agency was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #208

APPROVAL/LEASE AGREEMENT/PUTNAM COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, the County of Putnam is the owner of the property located at 841 Fair Street, Carmel, New York 10512 (hereinafter “Planning Department Facility”), including the building located thereon; and

WHEREAS, a portion of the Planning Department Facility is not needed for use as office space by the County (hereinafter referred to as the “Surplus Office Space”); and

WHEREAS, the County previously entered into a lease agreement with the Putnam County Industrial Development Agency (hereinafter referred to as the “IDA”) for office space in the building located at 34 Gleneida Avenue, Carmel, New York 10512; and

WHEREAS, said lease agreement with the IDA expired on December 31, 2010, and has continued thereafter on a month-to-month basis; and

WHEREAS, the IDA has approached the County Executive and has indicated that the IDA is desirous of relocating from 34 Gleneida Avenue, Carmel, New York 10512 to the Surplus Office Space located at the Planning Department Facility; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with the IDA for the lease of the Surplus Office Space; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve such lease agreement; now therefore be it

RESOLVED, that the Surplus Office Space located at the Planning Department Facility is not needed for County use; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and the IDA for the Surplus Office Space, in the form attached hereto and made a part hereof as Schedule “A”, and that the Putnam County Executive is authorized to execute said Lease Agreement; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Lease Agreement between the County of Putnam and the IDA in the manner approved herein.

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

Item #5L – Approval/Memorialization/Peekskill Hollow Road Weight Restriction was next. On behalf of the members of the Physical Services Committee, Legislators Othmer and Scuccimarra, Legislator Albano moved the following:

Legislator Oliverio wanted to make an amendment to the last Whereas clause which would allow trucks that are making local deliveries to go through without a permit.

Legislator Oliverio made a motion to amend the last WHEREAS from (Section 1650 (4)) to (Section 1650 (4-a)); seconded by Legislator LoBue and approved by the members of the Physical Services Committee. All in favor.

RESOLUTION #209

APPROVAL/MEMORIALIZATION/ PEEKSKILL HOLLOW ROAD WEIGHT RESTRICTION

WHEREAS, Peekskill Hollow Road, a County Road, is located in the Towns of Putnam Valley and Kent commencing at Oregon Corners in the Town of Putnam Valley at the intersection with Oscawana Lake Road and ending in the Town of Kent at the intersection with State Route 301, and has been designated by the County as a historical road pursuant to Chapter 169 of the County's Code; and

WHEREAS, the road has developed as a winding narrow road with limited sight distance in many areas making habitual use by heavy vehicles dangerous and potentially deadly while at the same time deteriorating the roadway far beyond normal traffic use; and

WHEREAS, residents residing on Peekskill Hollow Road have petitioned the Legislature, as well as attending many meetings of the Legislature and its Committees, bring the attention to the County of the various serious safety concerns; and

WHEREAS, an engineer's report as well as a personal inspection of the roadway by County personnel have confirmed the conditions brought to the attention of the County by its residents; and

WHEREAS, the County's Commissioner of the Department of Highways & Facilities, by way of letter dated September 9, 2013 to the Physical Services Committee Chairman, has indicated that pursuant to Article 40 Section 1650 (4-a) of the New York Vehicle and Traffic Law his department will place a Temporary Weight Restriction of Vehicles (except for local deliveries) along Peekskill Hollow Road; now therefore be it

RESOLVED, that the Putnam County Legislature supports the determination of the Commissioner as contained in his letter of September 9, 2013.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #5m – Approval/Budgetary Amendment (13A064)/Department of Social Services/Child Fatality Review Team Grant was next. Chairman Othmer recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members

RESOLUTION #210

APPROVAL/BUDGETARY AMENDMENT /DEPARTMENT OF SOCIAL SERVICES/CHILD FATALITY REVIEW TEAM GRANT

WHEREAS, the Commissioner of Social Services has requested a budgetary amendment (13A064) to properly allocate grant funds in accordance with the Child Fatality Review Team Grant awarded to the Child Advocacy Center for the period 8/1/13 – 7/31/14; 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 Appropriation:

22072000	OEOP Child Fatality Review Team	
54310	Office Supplies	500
54311	Printing and Forms	1,000
54410	Supplies/Materials	1,331
54634	Telephone	949
54675	Travel	200
55314	Chargeback Postage	143
55646	Chargeback Contracts	<u>9,473</u>
		13,596

Increase Estimated Revenues:

22072000	OEOP Child Fatality Review Team	
436233	Child Advocacy Center	13,596
	2013 Fiscal Impact – 0 –	
	2014 Fiscal Impact – 0 –	

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5n – Approval/Budgetary Amendment (13A069)/Sheriff’s Department/Outside Services was next. On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #211

APPROVAL/BUDGETARY AMENDMENT/SHERIFF’S DEPARTMENT/OUTSIDE SERVICES

WHEREAS, the Sheriff’s Department has requested a budgetary amendment (13A069) to cover reimbursable expenses incurred; 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:		
16311000 426601	Outside Services	16,325.07
Increase Appropriations:		
16311000	Youth & Community Services	
51093	Overtime	15,157.91
58002	Social Security	<u>1,167.16</u>
		16,325.07

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

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5o – Approval/Budgetary Amendment (13A070)/Sheriff's Department/Purchase Motor Vehicle was next. On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #212

APPROVAL/BUDGETARY AMENDMENT /SHERIFF'S DEPARTMENT/PURCHASE MOTOR VEHICLE

WHEREAS, the Sheriff's Department has requested a budgetary amendment (13A070) authorizing the use of T-Commission Funds to purchase a motor vehicle for the Office of Sheriff; 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 426605	Inmate T Commission Use of Reserve	30,000
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Increase Appropriations:

10311000 52650	Sheriff Admin – Motor Vehicles	30,000
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2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5p – Approval/Fund Transfer (13T219)/Department of Social Services/Purchase Three Vehicles for Medicaid Unit was next. On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #213

APPROVAL/FUND TRANSFER /DEPARTMENT OF SOCIAL SERVICES/PURCHASE THREE VEHICLES FOR MEDICAID UNIT

WHEREAS, the Commissioner of Social Services has requested a fund transfer (13T219) to purchase three (3) vehicles for the Medicaid Unit; and

WHEREAS, this purchase is 100% funded within the Medicaid Administration (Federal/State) Cap; 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:

10104000 51000	Personal Services	
	(601004106)	22,372
	(601004126)	26,373

(601004109)

7,587
56,332

Increase:

10104000 52650 Motor Vehicles 56,332

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5q – Approval/Fund Transfer (13T232)/Office For Aging/Temporary was next. On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #214

APPROVAL/FUND TRANSFER /OFFICE FOR AGING/TEMPORARY

WHEREAS, the Director of Office For the Aging has requested a fund transfer (13T232) to cover emergency situations caused by early retirement, terminations, approved leaves and promotions; 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:

106774 10115	Food Service Helper	18,000
106777 10103	Day Care Helper	6,950
106777 10113	Day Care Helper	20,780
106778 10105	Driver w/CDL	<u>13,600</u>
		59,330

Increase:

10677200 51094	Temporary	18,000
10677400 51094	Temporary	27,730
10677700 51094	Temporary	3,600
10677800 51094	Temporary	<u>10,000</u>
		59,330

2013 Fiscal Impact – 0 –

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5r – Approval/Appointment/Members of Transportation Advisory Council was next. On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #215

APPROVAL/APPOINTMENT/MEMBERS OF TRANSPORTATION ADVISORY COUNCIL

WHEREAS, by Resolution #165 of 2013, the Putnam County Legislature amended Chapter 25 of the Code of Putnam County entitled "Councils and Commissions" by adding a new Article VI entitled "Transportation Advisory Council"; and

WHEREAS, pursuant to the Resolution, the membership of the Transportation Advisory Council shall consist of seven (7) members, who reside in Putnam County, appointed by the County Executive and confirmed by the Legislature; and

WHEREAS, the County Executive has appointed the following residents of the County of Putnam to the Putnam County Transportation Advisory Council:

**Bill Nulk, Member of the Putnam County Chambers of Commerce
Jennifer Maher, Real Estate/Commerce Professional
Tina Cornish-Lauria, Representative for People with Disabilities
Ruth Awaia-Quesada, Representative of the Taxi & Limousine Business
Eric Gross, Citizen-at-Large
Marvin Novinsky, Citizen – Mental Disability
Kathleen Macken, Citizen – Physical Disability**

Now Therefore Be It

RESOLVED, that the Putnam County Legislature hereby confirms the appointment of the above named residents to the Putnam County Transportation Advisory Council.

**BY ROLL CALL VOTE: EIGHT AYES. ONE ABSTENTION – LEGISLATOR LOBUE.
MOTION CARRIES.**

Item #5s – Approval/Renewal of Victim Assistance Program Grant/Child Advocacy Center was next. On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #216

APPROVAL/RENEWAL OF VICTIM ASSISTANCE PROGRAM GRANT/CHILD ADVOCACY CENTER

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

WHEREAS, previously, the New York State Office of Victim Services, by and through the Crime Victims Board, awarded the County of Putnam a grant to be administered by the Child Advocacy Center of Putnam County for the Victim Assistance Program; and

WHEREAS, Resolution #133 of 2009, which was adopted by the Putnam County Legislature on May 5, 2009, approved and authorized the application for renewal of the grant in the amount of \$263,809 for the period of October 1, 2009 through September 30, 2012; and

WHEREAS, the term of the underlying grant agreement, which provides grant funding for the Victim Assistance Program, was extended for a one-year period, namely, for the period of October 1, 2012 through September 30, 2013, with the option to extend

the term of the grant agreement for an additional one-year period, by Resolution #146 of 2012; and

WHEREAS, the New York State Office of Victim Services has advised the County of a one year extension to this contract for the period of October 1, 2013 to September 30, 2014 of an annual award of \$91,747; and

WHEREAS, the County of Putnam desires to renew the grant in the amount of \$91,747 for the above-referenced period; now therefore be it

RESOLVED, that the Putnam County Legislature hereby authorizes and approves the renewal of the Victim Assistance Program grant in the amount of \$91,747 for the period of October 1, 2013 through September 30, 2014; and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute any such agreements as may be necessary to implement the intent and purpose of this resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #5t – Approval/Authorization/Bureau of Emergency Services/Sheriff’s Department/ Apply for 2013 Homeland Security Grant Program (SHSP & LETPP). On behalf of the Audit & Administration Committee, Legislators Albano and Nacerino, Legislator Castellano moved the following:

RESOLUTION #217

APPROVAL/AUTHORIZATION/BUREAU OF EMERGENCY SERVICES/SHERIFF’S DEPARTMENT/ APPLY FOR 2013 HOMELAND SECURITY GRANT PROGRAM (SHSP & LETPP)

WHEREAS, in the past, Putnam County has applied for Homeland Security grants by the Bureau of Emergency Services and the Sheriff’s Department; and

WHEREAS, these grants were received by way of the State Homeland Security Program (SHSP) and the Local Law Enforcement Prevention Program (SLETPP); and

WHEREAS, for the 2013 Program these grants have been combined into one County application; and

WHEREAS, Section 5-1(D) of the Putnam County Code requires all grant applications be approved by the Putnam County Legislature prior to submission; and

WHEREAS, the New York State Division of Homeland Security and Emergency Services has announced that Putnam County has been awarded \$220,000 under the FY2013 State Homeland Security Program with \$55,000 allocated towards law enforcement terrorism prevention activities and \$165,000 for Emergency Services; and

WHEREAS, the FY2013 State Homeland Security Program is 100% funded and requires no County match; and

WHEREAS, the Putnam County Bureau of Emergency Services has requested approval to submit application for the grants that become available under this Program as they become available; now therefore be it

RESOLVED, that the Bureau of Emergency Services is authorized to apply for grants under the 2013 State Homeland Security Grant Program as they become available; and be it further

RESOLVED, that the Bureau of Emergency Services keep the Putnam County Legislature apprised of the grants applied for and received.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6 – Other Business

Item #6a – Approval/Grant Application/Water Quality Improvement Project Funding was next. Chairman Othmer moved the following; seconded by Legislator Oliverio.

Legislator LoBue questioned what project this applied to.

Legislator Albano believed that if grants were available the County should apply for them so that we do not miss this window of opportunity.

RESOLUTION #218

APPROVAL/GRANT APPLICATION/WATER QUALITY IMPROVEMENT PROJECT FUNDING

WHEREAS, Section 5-1(D) of the Putnam County Code requires Legislature approval of all grant applications prior to submission; and

WHEREAS, the Water Quality Improvement Project Grant provides funding to approved projects which reduce polluted runoff, improve water quality and restore habitat in New York’s waterbodies; and

WHEREAS, there are presently projects being planned which would benefit from this grant project, however due to the time sensitive nature of these applications the details of these projects are not presently available; now therefore be it

RESOLVED, that the Department of Highways & Facilities is authorized to submit grant applications under the Water Quality Improvement Project Grant for its projected projects; and be it further

RESOLVED, that the Department of Highways & Facilities shall furnish the Legislature with copies of all grant applications submitted under this project for specific approval after they are made.

BY ROLL CALL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR LOBUE. MOTION CARRIES.

Item #6b – Approval/NYS DOT Grant Agreement/Bikeway & Bus Projects was next. Chairman Othmer moved the following; seconded by Legislator Oliverio.

RESOLUTION #219

APPROVAL/NYS DOT GRANT AGREEMENT/BIKEWAY & BUS PROJECTS

WHEREAS, the Municipal Corporation and the Commissioner entered into a Master Mass Transportation Capital Project Grant Agreement (Contract No. K007017) covering the period of September 15, 2010 to September 14, 2015 for the undertaking of municipal projects general described in Schedule A of that Agreement and any subsequent Supplemental Grant Agreements; and

WHEREAS, pursuant to State Finance Law, Section 89-c, that established the Dedicated Mass Transportation Trust Fund (“DMTTF”), following appropriation by the Legislature monies therein shall be utilized for the reconstruction, replacement, purchase, modernization, improvement, reconditioning, preservation and maintenance of mass transit facilities, vehicles and rolling stock; and

WHEREAS, pursuant to appropriation or reappropriation from the DMTTF, the Legislature authorized certain funding programs for the costs of mass transportation capital projects and facilities undertaken by municipalities and mass transit systems; and

WHEREAS, Putnam County's Project qualifies for funding pursuant to such appropriations and reappropriations, the programmatic criteria and guidelines therefore; and has been approved by the Commissioner of Transportation (in a program of mass transportation capital projects) as more specifically described in Schedule(s) A annexed to or supplementing this Agreement; now therefore be it

RESOLVED, that the Putnam County Legislature hereby approves the Amendment (Supplement Grant Agreement #3) to the Master Mass Transportation Capital Project Agreement (Comptroller's Contract #K007017) covering the period of September 15, 2010 to September 14, 2015 increasing the State matching funds in the amount of \$549,088 for FTA approved projects; and be it further

RESOLVED, that the County Executive is hereby authorized to sign the annexed Supplemental Grant Agreement #3 to said Master Mass Transportation Capital Project Agreement (Comptroller's Contract K007017).

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6c – Approval/Appointment/Putnam County Agriculture & Farmland Protection Board was next. Chairman Othmer moved the following; seconded by Legislator Albano.

RESOLUTION #220

APPROVAL/APPOINTMENT/PUTNAM COUNTY AGRICULTURE & FARMLAND PROTECTION BOARD

RESOLVED that the following be appointed to the Putnam County Agriculture & Farmland Protection Board:

Ava Bynum, Town of Philipstown, Agribusiness Representative, filling a four (4) year term; said term to expire on December 31, 2016

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6d - Approval/Workers Compensation Settlement was next. Chairman Othmer moved the following; seconded by Legislator Oliverio.

RESOLUTION #221

APPROVAL/WORKERS COMPENSATION SETTLEMENT

WHEREAS, on or about September 23, 2011, the claimant, Carl Frisenda, (hereinafter "claimant"), while employed by Putnam County in the Department of Highways, Facilities and Parks, began experiencing pain after picking up a five gallon pail; and

WHEREAS, the claimant received medical treatment as a result of said injury, including surgery; and

WHEREAS, the parties began negotiations as a result of the difference in the medical opinions regarding the scheduled loss of use; and

WHEREAS, claimant is no longer seeking treatment and is desirous of entering into an agreement with the County, subject to the Legislature's approval, in which the County would agree to pay the sum of Forty Eight Thousand Two Hundred Thirty Two dollars and seventy cents (\$48,232.70) representing a 20% scheduled loss of use of the right arm; and

WHEREAS, the Law Department and the County's third party administrator, The Triad Group, both recommend the settlement, as there is a difference of medical opinion and if a hearing is conducted, it would likely result in the claimant's favor; and

WHEREAS, The Triad Group, through its claims representative, has in fact settled the matter with the claimant for the sum of Forty Eight Thousand Two Hundred Thirty Two dollars and seventy cents (\$48,232.70) and has obtained settlement documents, which, upon approval of the Putnam County Legislature and the Worker's Compensation Board, will discontinue this matter with the Court; and

WHEREAS, the settlement is in the public interest and will avoid additional exposure and expense; now therefore be it

RESOLVED, that the settlement of this matter for the sum of Forty Eight Thousand Two Hundred Thirty Two dollars and seventy cents (\$48,232.70) is approved; and be it further

RESOLVED that from said settlement the County will be reimbursed Eight Thousand One Hundred Forty Seven Dollars and Twenty One Cents (\$8,147.21) for time paid to claimant and the claimant will receive the remainder less his attorney fees of Six Thousand Ten Dollars (\$6,010.00) or Thirty Four Thousand Seventy Five and Forty Nine cents (\$34,075.49) in full settlement of this matter; and be it further

RESOLVED, that Commissioner Carlin is hereby directed to pay such settlement, if approved by the Worker's Compensation Board, from the Six Fund.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Recognition of Public.

Karen Delduco, Department of Social Services Employee, stated that she has worked at the Donald B. Smith Campus for many years. She stated that parking at that facility is already a problem. She believed that the employees of these private agencies that will now be leasing space at that facility, and their clientele, will compound this parking issue.

Victor Tiship, Putnam Valley Resident, thanked that Legislature for their support of the weight restriction for Peekskill Hollow Road.

Item #8 – Recognition of Legislators.

Legislator Scuccimarra stated that she was looking forward to the Budget Process.

Legislator Gross wished everyone a Happy Halloween.

Legislator Castellano stated that Columbus Day is approaching and he invited everyone to come to the Mahopac Parade on October 6, 2013.

There being no further business, at 6:22 P.M., Chairman Othmer made a motion to adjourn; seconded by Legislators DiCarlo and LoBue. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.