

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

Tuesday June 3, 2014 7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairman Albano who led in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Oliverio, Tartaro, Nacerino, Gross, Castellano, LoBue, Wright and Chairman Albano were present. Also present was Legislative Counsel Van Ross.

PROCLAMATION

Chairman Albano requested that Legislator Gross present the Putnam County Youth Bureau High School Senior Recognition Day proclamation to Deputy Commissioner of Social Services/Mental Health/Youth Bureau, Joseph DeMarzo, High School Seniors and Youth Bureau Representatives – Janeen Cunningham, Diane Moore, Barbara Reitz, Adriene Iasoni and Kathy Klein.

**PUTNAM COUNTY YOUTH BUREAU HIGH SCHOOL SENIOR RECOGNITION DAY
JUNE 3, 2014**

WHEREAS, Putnam County Youth Bureau Senior Recognition is an opportunity to celebrate the contributions young people make to our community every day of the year through volunteer service and service-learning;

WHEREAS, Putnam County recognizes our youth as important community members, and values their unique skills, perspectives, and ideas, as they lead awareness, service, and advocacy activities;

WHEREAS, Youth Bureau volunteers donate their time to Department programs such as Youth Court and a wide variety of service activities throughout Putnam County;

WHEREAS, realizing the need for community involvement, the citizens of Putnam County are proud to unite in assisting our youth to achieve their goals and help them to develop good citizenship;

WHEREAS, the accomplishments and achievements of these young citizens deserve the recognition and commendation of their community leaders; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim June 3, 2014 as Putnam County Youth Bureau High School Senior Recognition Day and thank these high school seniors for their long-standing dedication and commitment to the Putnam County community.

Item #3 - Correspondence

- a) County Auditor was duly noted.

Item #4 - Pre-filed resolutions:

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairwoman LoBue, Legislators Tartaro & Wright)**

Item #4a – Approval/Worker’s Compensation Settlement was next. Chairman Albano recognized Legislator LoBue, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators, Tartaro and Wright, Legislator LoBue moved the following:

RESOLUTION #129

APPROVAL/WORKER’S COMPENSATION SETTLEMENT

WHEREAS, on or about January 25, 2001, April 10, 2002, June 24, 2003 and June 7, 2005, the claimant, Robert Guzzo, (hereinafter “Guzzo”) while employed by the Putnam County Department of Highways, Facilities and Parks had several work related injuries; and

WHEREAS, the claimant received medical treatment as a result of said injury, including surgeries, physical therapy and doctor visits; and

WHEREAS, it is in the County’s best interest to settle the indemnity portion of these claims as the ongoing costs are significant and rising; and

WHEREAS, the Law Department and our third party administrator, Pomco Group, both recommend the settlement as an alternative to further litigation and ultimate lifetime payments; and

WHEREAS, claimant is desirous of entering into a Section 32 agreement with the County, subject to the Legislature’s approval, in which the County agrees to pay the sum of fifty one thousand (\$51,000.00) dollars to Guzzo and nine thousand (\$9,000.00) to his counsel; and

WHEREAS, the Law Department, has in fact settled the matter with the claimant for the sum of sixty thousand (\$60,000.00) dollars and has obtained settlement documents from outside counsel, which, upon approval of the Putnam County Legislature and the Worker’s Compensation Board, will discontinue these matters with the Court and which will allow the claimant to receive the Section 32 settlement payment; and

WHEREAS, the settlement is in the public interest and will avoid further costs; now therefore be it

RESOLVED, that the settlement of this matter for the sum of fifty one thousand (\$51,000.00) dollars to claimant and nine thousand (\$9,000.00) to his counsel is approved; 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 #4b – Approval/Memorialization/Support Scaffold Law Reform was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Tartaro and Wright, Legislator LoBue moved the following:

Chairman Albano stated that he was in favor of this memorialization. He stated that it was unfortunate that the liability is completely on the employer and not passed along to where the real responsibility may be.

Legislator LoBue stated that it also drives up construction costs. She stated that New York State is the only State that still has this law on the books which was enacted in 1885 when modern safety equipment and safety measures were not in place.

RESOLUTION #130

APPROVAL/MEMORIALIZATION/SUPPORT SCAFFOLD LAW REFORM

WHEREAS, New York Labor Law Section 240 and 241, commonly known as the “Scaffold Law,” outlines liability for injuries caused by an employee’s fall from a height; and

WHEREAS, said sections impose strict liability on employers and owners of buildings if a worker falls from any height; and

WHEREAS, the law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

WHEREAS, the Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, in turn causing New York State to have the highest general liability insurance costs in the nation; and

WHEREAS, the Scaffold Law is a boon to personal injury lawyers, as half of the 30 largest law suits in the state stem from Scaffold Law issues, and while scaffold related injuries have decreased in the past 20 years, the number of Scaffold Law claims has increased 500 percent; and

WHEREAS, New York is the only state in the country to maintain a law like the Scaffold law that imposes strict liability on the employer; further it is one of a very few laws that mandate strict liability in the State of New York; and

WHEREAS, the increase in costs in New York drives away investment in our infrastructure when developers and contractors can get better rates in other states; and

WHEREAS, not only does the law drive away out-of-state investment in infrastructure but the loss of investment to other states also serves to decrease the number of new construction jobs created every year, making it more difficult for many of New York’s skilled laborers to find appropriate employment; and

WHEREAS, comparative negligence standards would help maintain worker safety while decreasing some of the insurance costs related to implementation of the current Scaffold Law; and

WHEREAS, this negligence standard under the Scaffold Law would not ban recovery for an injured worker due to their own negligence, but would allow the employer to raise issues with employee culpability in an effort to mitigate the damages in cases where the worker’s actions contributed to his or her injury; and

WHEREAS, federal regulations have been enacted that attempt to protect workers from injury from falls by requiring certain precautions to be in place for people working at heights and provides an outlet for workers concerned about their safety to engage federal review of any worksite for compliance with these regulations; now therefore be it

RESOLVED, that the Putnam County Legislature is strongly in support of Scaffold Law reform, as well as meaningful protection of construction workers; and be it further

RESOLVED, that the Putnam County Legislature supports the full repeal of the Scaffold Law or its modification to include a pure standard of comparative negligence; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4c – Approval/Amend Local Law #9 of 2012/ In Relation to Requirement of Providing an Apprenticeship Training Program and Having Appropriate Apprenticeship Agreements in Place by Contractors/ Subcontractors to Putnam County Project Labor Agreements in Connection with the Purchase of Construction Goods and Services for Major Construction Projects was next.

Legislator LoBue stated that there were several Legislators not present at the Rules Committee meeting. Therefore she requested the item be tabled back to Committee for further discussion.

Legislator LoBue made a motion to table this item back to Committee; seconded by Legislators Gross and Oliverio. All in favor.

APPROVAL/AMEND LOCAL LAW #9 OF 2012 / IN RELATION TO REQUIREMENT OF PROVIDING AN APPRENTICESHIP TRAINING PROGRAM AND HAVING APPROPRIATE APPRENTICESHIP AGREEMENTS IN PLACE BY CONTRACTORS/ SUBCONTRACTORS TO PUTNAM COUNTY PROJECT LABOR AGREEMENTS IN CONNECTION WITH THE PURCHASE OF CONSTRUCTION GOODS AND SERVICES FOR MAJOR CONSTRUCTION PROJECTS

WHEREAS, by Resolution #39 of 1998, the Legislature of Putnam County authorized enactment of Local Law #7 of 1998, known as the “Putnam County Project Labor Agreement Law,” and by Resolution #162 of 2012, the Legislature of Putnam County authorized enactment of Local Law #9 of 2012, amending Local Law #7 of 1998, which legislation is in relation to consideration and utilization of Project Labor Agreements, when appropriate, in connection with the purchase of construction goods and services for major construction projects in Putnam County; and

WHEREAS, Putnam County wishes to further amend the Project Labor Agreement contained in Local Law #9 of 2012; now therefore be it

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

LOCAL LAW #9 of 2012 is hereby amended to read as follows:

Section 1. Legislative Intent and Objectives:

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

Agreement in any given Major Construction Project is in furtherance of such intents and purposes.

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

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

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

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

6. In addition to, but not in limitation of, the foregoing requirements, Contractors and Subcontractors to a Project Labor Agreement in any Major Construction Project shall provide trade-specific apprenticeship programs, through supervised training and education, and have in place, prior to entering into any Project Labor Agreement, apprenticeship agreements, appropriate for the type and scope of the work to be performed, that have been registered with and approved by the State Commissioner of Labor, pursuant to Article 23 of the New York Labor Law.

Section 2. Impact Analysis of Project Labor Agreements:

The heads of all departments and offices of the County of Putnam engaged or involved in the planning, preparation and execution of any Major Construction Project seeking to justify the use of a Project Labor Agreement on a given Major Construction Project must conduct an analysis and direct the preparation of a feasibility/due diligence report substantiating any projected economic savings and demonstrating that the use of a Project Labor Agreement will promote the objective of completing the project at the lowest reasonable cost. Such an analysis and preparation of the feasibility/due diligence report must be completed prior to the inclusion of a Project Labor Agreement provision in any bid specification. A predetermination shall be made in advance of directing the

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

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

Section 3. Project Labor Agreement Implementation and Content:

Upon a determination by the County of Putnam to utilize a Project Labor Agreement in connection with a specific Major Construction Project, the County Executive, or his/her duly appointed representative(s), shall be directly involved in negotiating the terms of the Project Labor Agreement. Upon a determination by the County of Putnam to utilize a Project Labor Agreement in connection with any specific Major Construction Project, the unions affiliated with the Putnam County Building and Construction Trades Council shall designate a board composed of not less than five nor more than seven members who shall act as the exclusive bargaining agent and representative for tradespeople employed for the project for the purpose of negotiating the terms of a Project Labor Agreement. Any Project Labor Agreement negotiated pursuant to the terms of this Local Law, as amended, shall require that the parties shall not discriminate against any employee or applicant on the basis of age, race, creed, color, national origin, sex, disability (excluding a bona fide occupational qualification), genetic predisposition or carrier status, or marital status and shall require the parties to operate in full compliance with all applicable federal, state and local laws and regulations which require equal employment opportunities. The Project Labor Agreement, when duly approved, shall be included in the bid specification for the project. The form of any

Project Labor Agreement to be entered into by the County of Putnam in connection with any Major Construction Project shall be subject to the approval of the County Attorney. Nothing contained in the Local Law, as amended, shall be construed to authorize or permit the inclusion of any term or condition in any Project Labor Agreement or in any bid specification issued by the County of Putnam which would unduly restrict competition, unlawfully discriminate or otherwise impair the ability of all contractors to participate and submit bids in connection with a proposed public work project, in strict accordance with the requirements of Section 103 of the New York State General Municipal Law. All successful bidders shall become signatories to the respective Major Construction Project's Project Labor Agreement.

Upon a determination by the County of Putnam to utilize a Project Labor Agreement in connection with any specific Major Construction Project, Contractors' and Subcontractors' apprenticeship agreements shall follow the standards set forth by Article 23 of the New York Labor Law.

Section 4. Effective Date:

This Local Law shall take effect immediately.

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

Item #4d – Approval/ Local Law to Amend Article 10 of the Putnam County Charter entitled “Human Resources Services” to add two (2) new sections entitled “Deputy Commissioner of Social Services” and “Deputy Commissioner of Mental Health” was next. Chairman Albano recognized Legislator Oliverio, Chairman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators LoBue and Scuccimarra, Legislator Oliverio moved the following:

Legislator Oliverio stated that, as recommended by the Personnel Department, this local law is delineating these already existing positions in their rightful category.

RESOLUTION #131

A Local Law to Amend Article 10 of the Putnam County Charter entitled “Human Resources Services” to add two (2) new sections entitled “Deputy Commissioner of Social Services” and “Deputy Commissioner of Mental Health.”

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

Section 1. Article 10 of the Putnam County Charter is hereby amended to read as follows:

ARTICLE 10. Human Resources Services

**TITLE I
Department of Social Services**

§ 10.01. Department of Social Services; Commissioner.

There shall be a Department of Social Services under the direction of a Commissioner of Social Services who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Commissioner of Social Services shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office for the term provided by law. The Commissioner shall have the power, within budgetary appropriations, to appoint such staff of his or her department as may be necessary to implement the duties of this office as set forth herein.

§ 10.02. Commissioner of Social Services; powers and duties.

The Commissioner of Social Services shall perform the duties prescribed by law and such additional and related duties as are required by the County Executive.

§ 10.03 Deputy Commissioner of Social Services.

The Commissioner of Social Services shall appoint a Deputy Commissioner of Social Services who shall act generally for and in place of the Commissioner of Social Services in the event of his or her absence from the County or inability to perform and exercise the powers and duties of office. The Deputy Commissioner of Social Services shall perform all of the duties of the Commissioner of Social Services only in the event that the Commissioner of Social Services is absent or unable to perform and exercise the powers and duties of such office.

**TITLE II
Department of Health**

§ 10.04. Department of Health; Commissioner/Public Health Director.

- (a) There shall be a Department of Health under the direction of a Commissioner of Health or a Public Health Director who shall be appointed by the County Executive, subject to confirmation by the County Legislature. If the appointment is that of Commissioner, at the time of his or her appointment and throughout his or her term of office the Commissioner shall be and remain duly licensed and entitled to practice medicine in the State of New York, and shall have such other qualifications as may be required by law. In the alternative, if the appointment is that of Public Health Director, such person shall possess a master's degree in public health or a related field and three years of public health administration experience, or an appropriate combination of education and experience deemed equivalent by the State Commissioner of Health.
- (b) All appointments to the position of Public Health Director and the appointment and arrangements for the medical consultant are subject to the approval of the State Commissioner of Health.
- (c) Either the Commissioner or the Director shall be directly responsible to and serve at the pleasure of the County Executive, unless otherwise provided by law.
- (d) The Commissioner/Public Health Director shall serve on a full-time basis and shall not be employed nor engage in any private practice in their field of expertise.
- (e) All full-time managerial employees in the department who are professionally licensed shall not engage in any private practice, nor be employed in their field of expertise with the County, by any private or governmental entity. [Amended 9-6-2011 by L.L.]

No. 18-2011]

§ 10.05. Powers and duties.

Except as otherwise provided in this Charter, the Commissioner of Health or the Director shall have all the powers and perform all the duties conferred or imposed upon a County Health Commissioner and upon county boards of health by the Public Health Law or any other law. He or she shall perform such other and related duties as are required by the County Executive or the County Legislature.

§ 10.06. Deputy Health Commissioner.

In the event that the office of Commissioner of Health is vacant, a Deputy Commissioner of Health shall be appointed by the County Executive subject to confirmation by the County Legislature. A Deputy Commissioner of Health who has been appointed by the County Executive shall perform all the duties of a Commissioner of Health, may serve on a part-time basis, shall be and remain duly licensed to practice medicine in the State of New York, and shall have such other qualifications as may be required by law.

§ 10.07. Board of Health.

There shall be in the Department of Health a Board of Health consisting of seven (7) members who shall be appointed by the County Legislature in the manner and for the term provided in the Public Health law. It shall be mandatory, however, that at least one member of the Board of Health shall be appointed primarily on the basis of known experience and interest in environmental matters. The Board of Health, subject to the provisions of the Public Health Law and the State Sanitary Code, shall have the power to formulate, adopt, promulgate, amend or repeal such rules and regulations as may affect public health within the County; to formulate, adopt, promulgate, amend or repeal a County Sanitary Code; to consider any matter that may come to its attention relating to the preservation and improvement of public health within the County, and to advise the Commissioner or the Administrator thereon either on request or upon its initiative, and from time to time make recommendations to the Commissioner or Administrator thereon.

**TITLE III
Department of Mental Health**

§ 10.08. Department of Mental Health; Commissioner.

There shall be a Department of Mental Health under the supervision of a Commissioner of Mental Health who shall be appointed by the County Executive upon the recommendation of the Community Services Board and subject to confirmation by the County Legislature. The Commissioner of Mental Health shall meet the qualifications prescribed by the Mental Hygiene Law and the State Commissioner of Mental Hygiene. He or she shall be directly responsible to and serve at the pleasure of the County Executive.

§ 10.09. Powers and duties.

Except as otherwise provided in this Charter, the Commissioner of Mental Health shall

have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Commissioner of community mental health services and shall perform such other and related duties required by the Administrative Code, local law, the County Executive or the Community Services Board.

§ 10.10. Deputy Commissioner of Mental Health.

The Commissioner of Mental Health shall appoint a Deputy Commissioner of Mental Health who shall act generally for and in the place of the Commissioner of Mental Health in the event of his or her absence from the County or inability to perform and exercise the powers and duties of office. The Deputy Commissioner of Mental Health shall have the powers and shall perform all of the duties of the Commissioner of Mental Health only in the event that the Commissioner of Mental Health is absent or unable to perform and exercise the powers and duties of such office.

§ 10.11. Community Services Board.

Within the Department of Mental Health there shall be a Community Services Board consisting of nine (9) members who shall be appointed by the County Legislature in the manner and for the term provided in the Mental Health Law. It shall be mandatory, however, that the County Executive or his or her designee be one of the members. The Board shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a community mental health board except that it shall not have the power to appoint or remove the Commissioner of Mental Health, to fix his or her compensation and expenses, to exercise supervisory authority over the Commissioner of Mental Health and to audit and approve claims over the Commissioner of Mental Health and to audit and approve claims of the Department of Mental Health.

Section 2.

This local law shall take effect forty-five (45) days after its adoption and is subject to permissive referendum.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4e – Approval/Memorialization/ Support NYS Senate Bill S06562 / Assembly Bill A08178B Making the Restrictions Relating to Smoking in Public Areas Applicable to Electronic Cigarettes was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue & Scuccimarra, Legislator Oliverio moved the following:

Legislator Oliverio stated the currently electronic cigarettes are unregulated.

Legislator Gross stated that he had a relative involved in this business, therefore he would like to recuse himself from Items #4e, 4f and 4g.

Legislator Scuccimarra stated that there is a large drug crisis surrounding us. She stated that this could be used by our children as a gateway to something else. There are no studies on this product regarding health risks. She believed that we needed to bring more attention to this instead of having it slide under the radar.

Legislator Wright stated that if the bill sought a better understanding of electronic cigarettes, which were ostensibly introduced to assist people to stop using conventional cigarettes, and if the bill sought to investigate this area, then he believed Legislator Scuccimarra's comments were apropos. However, the two bills seek to categorically treat electronic cigarettes for purposes of where they are able to be used in all respects as a tobacco cigarette. He did not know if there is any body of evidence that makes that medical or moral equivalent that would permit him to support this. He stated that he was not prepared to say that electronic cigarettes were as bad as conventional cigarettes. He stated that for those people that they have, indeed, already helped to stop smoking, he would like to see an investigation and research into their effects, where they should be permitted and whether they give off any second hand harmful vapors that could injure third parties.

Legislator Nacerino stated that she supported Legislators Scuccimarra and Oliverio. She believed that there was little known on the effects of electronic cigarettes, no regulations in place and the fear of the unknown. She stated that we are supporting that more regulations be put into place, have more understanding and more documentation and evidence supporting it one way or the other. She stated that currently there are no regulations or accountability with respect to electronic cigarettes.

Legislator Oliverio stated that electronic cigarettes put out a cloud of vapor which he believed was pure nicotine. He stated that we do not know if there are any side effects from these vapors.

Legislator Wright believed that we were asking for more regulations out of ignorance than that of knowledge.

Legislator LoBue stated that she supported all three of these memorializations. She stated that we are requesting that safeguards be put in place.

Legislator Castellano stated that he was in agreement as well. He stated that this is an exploding industry which nobody seems to understand. He stated that he was recently in a restaurant where someone was smoking an electronic cigarette, yet nobody knew what to do about it. He believed that it was certainly a cigarette and that the same rules should apply.

RESOLUTION #132

APPROVAL/MEMORIALIZATION/ SUPPORT NYS SENATE BILL S06562 / ASSEMBLY BILL A08178B MAKING THE RESTRICTIONS RELATING TO SMOKING IN PUBLIC AREAS APPLICABLE TO ELECTRONIC CIGARETTES

WHEREAS, electronic cigarettes are devices that heat up liquid nicotine and emit water vapor and are not currently regulated by the FDA and are not subject to tobacco laws since they do not contain tobacco; and

WHEREAS, there is little known about the chemical make-up of the liquid nicotine or the harm to individuals from inhaling the water vapor directly or through second hand exposure placing individuals at risk; and

WHEREAS, there is currently under consideration Senate Bill S06562 / Assembly Bill A08178B which would amend the definition of smoking contained in subsection 8 of

Section 1399-n of the Public Health Law, to include electronic cigarettes under this definition; and

WHEREAS, the effect of this Bill would be to ban the use of electronic cigarettes under the Indoor Clean Air Act and certain outdoor areas; and

WHEREAS, the Health, Social, Educational & Environmental Committee of the Putnam County Legislature has considered and approved of this resolution; now therefore be it

RESOLVED, that the Putnam County Legislature supports Senate Bill S06562 / Assembly Bill A08178B and recommends its adoption by the State of New York; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Co-Leaders Dean Skelos and Jeffrey Klein, Assembly Speaker Sheldon Silver, the Senate Health Committee and the Assembly Committee of Codes.

BY POLL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR WRIGHT. ONE RECUSAL – LEGISLATOR GROSS. MOTION CARRIES.

Item #4f – Approval/Memorialization/Support NYS Senate Bill #S07027A and Assembly Bill #A09299A / Prohibiting the Sale of Liquid Nicotine to Minors under the Age of Eighteen Across the State and Under the Age of Twenty-one in the City of New York; Requires Containers of Electronic Liquid to be Labeled with its Ingredients, Amount of Nicotine and a Warning, and be child Resistant was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue & Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #133

APPROVAL/MEMORIALIZATION/SUPPORT NYS SENATE BILL S07027A AND ASSEMBLY BILL A09299A / PROHIBITING THE SALE OF LIQUID NICOTINE TO MINORS UNDER THE AGE OF EIGHTEEN ACROSS THE STATE AND UNDER THE AGE OF TWENTY-ONE IN THE CITY OF NEW YORK; REQUIRES CONTAINERS OF ELECTRONIC LIQUID TO BE LABELED WITH ITS INGREDIENTS, AMOUNT OF NICOTINE AND A WARNING, AND BE CHILD RESISTANT

WHEREAS, electronic cigarettes are battery powered devices that heat up liquid nicotine and emit water vapor and are not currently regulated by the Federal government; and

WHEREAS, e-liquids have been found to be harmful to humans if ingested or simply upon contact with an individual's skin, thereby increasing calls to poison control by 300%; and

WHEREAS, Senate Bill S07027A and Assembly Bill A09299A would ban the sale of liquid nicotine to minors, require childproof packaging and require labeling requirements which include an ingredient list and a warning label; and

WHEREAS, this legislation will protect minors by not letting them purchase liquid nicotine, and requiring packaging which will make children less likely to come into contact with the liquid accidentally; and

WHEREAS, the Health, Social, Educational & Environmental Committee of the Putnam County Legislature has considered and approved of this resolution; now therefore be it

RESOLVED, that the Putnam County Legislature supports Senate Bill S07027A / Assembly Bill A09299A and recommends its adoption by the State of New York; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Co-Leaders Dean Skelos and Jeffrey Klein, Assembly Speaker Sheldon Silver, the Senate Health Committee and the Assembly Committee of Codes.

BY POLL VOTE: EIGHT AYES. ONE RECUSAL – LEGISLATOR GROSS. MOTION CARRIES.

Item #4g – Approval/Memorialization/Support of NYS Senate Bill S07139 / Assembly Bill A09649 / Requiring Retailers of Electronic Cigarettes, not otherwise Registered with the Department of Taxation and Finance to Sell Tobacco Products, to Register with the Department of Health was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue & Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #134

APPROVAL/MEMORIALIZATION/SUPPORT OF NYS SENATE BILL S07139 / ASSEMBLY BILL A09649 / REQUIRING RETAILERS OF ELECTRONIC CIGARETTES, NOT OTHERWISE REGISTERED WITH THE DEPARTMENT OF TAXATION AND FINANCE TO SELL TOBACCO PRODUCTS, TO REGISTER WITH THE DEPARTMENT OF HEALTH

WHEREAS, New York State banned the Sale of Electronic Cigarettes to minors in 2012 but did not include electronic cigarettes under the definition of tobacco products under the Tax Law, thus retailers do not need a tobacco registration from the Department of Taxation and Finance; and

WHEREAS, this lack of registration makes it impossible for the Department of Health's Enforcement Unit to conduct compliance checks to ensure retailers are not selling electronic cigarettes to minors; and

WHEREAS, Senate Bill S07139 / Assembly Bill A09649 would correct this situation by requiring retailers selling electronic cigarettes to register with the Department of Health; now therefore be it

RESOLVED, that Putnam County supports Senate Bill S07139 / Assembly Bill A09649 and urges its adoption by the New York State Legislature; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblywoman Sandra Galef, Assemblyman Stephen Katz, Senate Majority Co-Leaders Dean Skelos and Jeffrey Klein, Assembly Speaker Sheldon Silver, the Senate Finance Committee and the Assembly Health Committee.

BY POLL VOTE: EIGHT AYES. ONE RECUSAL – LEGISLATOR GROSS. MOTION CARRIES.

Item #4h – Approval/Grant Application/Trap-Neuter-Return (TNR) Grant was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators LoBue & Scuccimarra, Legislator Oliverio moved the following:

RESOLUTION #135

APPROVAL/GRANT APPLICATION/TRAP-NEUTER-RETURN (TNR) GRANT

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

WHEREAS, Pet Smart Charities has available a Trap-Neuter-Return Grant available in the amount of \$2,500; and

WHEREAS, since its inception in August 2012 the Feral Cat Task Force has conducted the Trap-Neuter-Return procedure on 244 cats; and

WHEREAS, this grant would further the success of this very important program; and

WHEREAS, the Health, Social, Educational & Environmental Committee has considered and approved of this grant application; now therefore be it

RESOLVED, that the Health Department's application for a grant in the amount of \$2,500 under the Trap-Neuter-Return grant from Pet Smart Charities is hereby approved.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**PROTECTIVE SERVICES COMMITTEE
(Chairman Gross, Legislators LoBue & Wright)**

Item #4i – Approval/Appointment/Putnam County Traffic Safety Board was next. Chairman Albano recognized Legislator Gross, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators LoBue and Wright, Legislator Gross moved the following:

RESOLUTION #136

APPROVAL/APPOINTMENT/PUTNAM COUNTY TRAFFIC SAFETY BOARD

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

Guy Gentile, Town of Putnam Valley, filling a vacant position, said term to expire December 31, 2014.

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

Item #4j – Approval/Authorizing Inter-Municipal Agreement/Lease of Armored Personnel Carrier was next. On behalf of the members of the Protective Services Committee, Legislators LoBue and Wright, Legislator Gross moved the following:

RESOLUTION #137

APPROVAL/AUTHORIZING INTER-MUNICIPAL AGREEMENT/LEASE OF ARMORED PERSONNEL CARRIER

WHEREAS, County of Putnam, by and through its Sheriff's Department, wishes to enter into an inter-municipal agreement with the County of Westchester, by and through its Department of Public Safety, wherein the County of Putnam will, inter alia, lease from the County of Westchester a 1985 Armored Personnel Carrier for use within Putnam County (hereinafter referred to as the "1985 APC"); and

WHEREAS, in consideration of such lease, the parties have agreed that the County of Putnam shall pay one (\$1.00) dollar, in addition to providing such personnel necessary to man and operate the 1985 APC, as is needed to respond to calls within the New York State Counter Terrorism Zone-3, as determined by the Commissioner/Sheriff of the Westchester County Department of Public Safety; and

WHEREAS, said inter-municipal agreement will enhance the overall safety and security of the residents of Westchester and Putnam Counties; and

WHEREAS, pursuant to Section 119-o of the NYS General Municipal Law said inter-municipal agreement is subject to the approval of the Putnam County Legislature; now therefore be it

RESOLVED, that the Putnam County Legislature, after due consideration, approves said inter-municipal agreement between the County of Putnam and the County of Westchester, wherein the County of Putnam will, inter alia, lease from the County of Westchester the 1985 APC for the sum of one (\$1.00) dollar, in addition to providing such personnel necessary to man and operate same, as is needed to respond to calls within the New York State Counter Terrorism Zone-3, as determined by the Commissioner/Sheriff of the Westchester County Department of Public Safety; and be it further

RESOLVED, the Putnam County Executive is authorized to execute said inter-municipal agreement between the County of Putnam and the County of Westchester in the form attached hereto as Schedule "A"; and be it further

RESOLVED, that this resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4k – Approval/Grant Application/2014 Homeland Security Grant Program (SHSP & LETPP) was next. On behalf of the members of the Protective Services Committee, Legislators LoBue and Wright, Legislator Gross moved the following:

RESOLUTION #138

APPROVAL/GRANT APPLICATION/2014 HOMELAND SECURITY GRANT PROGRAM (SHSP & LETPP)

WHEREAS, Section 5-1(D)(1) of the Putnam County Code requires the Legislature to approve all grant applications prior to submission and that in the event when time is of the essence requiring submission before Legislative approval, consideration of the application shall occur at the next Full Legislative meeting; and

WHEREAS, the Division of Homeland Security and Emergency Services in New York State has notified Putnam County of an award of \$275,000 under the FY2014 State Homeland Security Program provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency with an application deadline of May 7, 2014; and

WHEREAS, this grant requires no matching funds on the part of the County but requires 25% (\$68,750) be directed to law enforcement terrorism prevention activities; and

WHEREAS, due to the time constraint, the Protective Services Committee has approved of this application; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the Putnam County Bureau of Emergency Services to apply for the \$275,000 grant under the FY2014 State Homeland Security Program.

BY POLL VOTE: EIGHT AYES. ONE RECUSAL – LEGISLATOR WRIGHT. MOTION CARRIES.

**PHYSICAL SERVICES COMMITTEE
(Chairman Albano, Legislators Nacerino & Scuccimarra)**

Item #4L – Approval/Conveyance of Real Property/Portion of Tax Map No.: 75.06-1-67/Town of Carmel. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Legislator LoBue stated that this will enable an animal hospital to be constructed that will be open during the evening hours.

RESOLUTION #139

APPROVAL/CONVEYANCE OF REAL PROPERTY/ PORTION OF TAX MAP NO.: 75.06-1-67/TOWN OF CARMEL

WHEREAS, the County is the possible fee title holder of a 7,897 square foot portion of the property designated and described as 559 Route 6N, Mahopac New York (Carmel TM # 75.06-1-67), which area is further depicted on the survey, dated July 8, 2013, prepared by Link Land Surveyors, PC, and the corresponding legal description, copies of which are attached hereto as Schedule “A” (hereinafter the “Property”); and

WHEREAS, the Property has historically been utilized as a parking area for the commercial establishment located at 559 Route 6N; and

WHEREAS, the County’s possible ownership interest in the Property was only recently brought to issue; and

WHEREAS, such possible ownership interest cannot be definitively confirmed by a title search; and

WHEREAS, the County does not require the use of the Property; and

WHEREAS, Jolie Holdings, LLC is the owner of the balance of 559 Route 6N, Mahopac New York, which is improved by a commercial structure; and

WHEREAS, in order to resolve legal and/or title issues resulting from said possible encroachment, Jolie Holdings, LLC has offered to purchase whatever interest the County has in the Property for the sum of \$25,000.00; and

WHEREAS, the Putnam County Administration has reviewed said offer and recommends the acceptance of same; now therefore be it

RESOLVED, that pursuant to Chapter 31 of the Putnam County Code, the Putnam County Legislature approves of a quitclaim of the County’s possible interest in the Property, as it is depicted on the survey, dated July 8, 2013, prepared by Link Land

Surveyors, PC, and as further described in the legal description attached hereto as Schedule "A"; and be it further

RESOLVED, that Jolie Holdings, LLC shall pay the County the sum of \$25,000.00, together with payment of the appropriate Transfer Tax and Recording Fees; and be it further

RESOLVED, that Jolie Holdings, LLC shall be required, at its sole cost and expense, to obtain any/all necessary approvals as shall be necessary to effectuate the transfer of the Property, including, but not limited to such approvals as may be required by the N.Y.S. Department of Transportation; and be it further

RESOLVED, that upon the issuance of the aforesaid approvals, if required, and the receipt of the aforesaid monies by the County, the County's interest in the Property shall be conveyed in an "as is" condition by quitclaim deed; 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 #4m – Approval/Support the Issuance of Request For Proposals/Photovoltaic Power Generation Projects was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Legislator Tartaro stated that whatever benefit we realize today will certainly increase as the price of electricity moves forward.

RESOLUTION #140

**APPROVAL/SUPPORT THE ISSUANCE OF REQUEST FOR PROPOSALS/
PHOTOVOLTAIC POWER GENERATION PROJECTS**

WHEREAS, the County's energy costs in recent years have significantly increased and have comprised a substantial portion of its maintenance and operations budget; and

WHEREAS, the Federal Energy Regulatory Commission has recently approved a new capacity zone implementation in New York State; and

WHEREAS, said new capacity zone will foreseeably result in electric rate hikes up to 10 percent, resulting in the imposition of a \$230 million increase in energy costs for Hudson Valley residents in the coming year and almost \$500 million over the next three years; and

WHEREAS, such rate hikes will significantly affect the County's already strained budget and financial situation; and

WHEREAS, the County Administration is actively exploring, and is desirous of implementing, energy efficiency and renewable energy initiatives and programs in order to offset the County's rising energy costs and save much needed tax dollars; and

WHEREAS, there are presently new initiatives and energy tariffs designed to increase solar photovoltaic installations throughout the State, in order to improve the State's energy, economic, and environmental wellbeing; and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) will offer up to \$432 million in photovoltaic program funding through 2015; and

WHEREAS, the County is the record owner of numerous properties which are otherwise undevelopable, but are ideal sites for the installation and operation of photovoltaic power generation projects; and

WHEREAS, two such parcels of property are located in the Town of Patterson, and which are designated as Tax Map Numbers 13.-3-16 and 13.-3-17 (hereinafter the "Property"); and

WHEREAS, the County acquired the Property pursuant to a Judgment duly made on the 11th day of December, 2007, and entered in the Office of the Putnam County Clerk on the 12th day of December, 2007, in a tax foreclosure proceeding pursuant to the provisions of Article 11 of the New York State Real Property Tax Law, under Index No. 1619/2007; and

WHEREAS, the Property comprises a portion of the former Kessman/Cross-County Sanitation Landfill located on Cornwall Hill Road; and

WHEREAS, the County Administration proposes the issuance of a Request for Proposals (RFPs) to obtain proposals to partner with entities with the experience and expertise to install and operate a photovoltaic power generation project at the Property and any other County owned property(s) which is suitable to such use, with the possibility of aggregating all Putnam County municipal electric meters; and

WHEREAS, such proposals may ultimately include the lease of said property(s) and/or the option to lease said property(s), as same may be required in order to qualify for and obtain the aforementioned available funding from NYSERDA; and

WHEREAS, the Putnam County Legislature has reviewed and considered this matter and supports the issuance of such an RFP(s) for the Property and any other County owned property(s) which is suitable for the installation and operation of a photovoltaic power generation project; now therefore be it

RESOLVED, that the Putnam County Legislature fully supports and agrees with the concept of the installation and operation of a photovoltaic power generation project at Town of Patterson Tax Map Numbers 13.-3-16 and 13.-3-17, and any other County owned property(s) which is suitable to such use; and be it further

RESOLVED, that the Putnam County Legislature further supports the issuance of a Request for Proposals (RFPs) to obtain proposals to partner with entities with the experience and expertise to install and operate said photovoltaic power generation project(s), which RFP may include the ultimate lease and/or option to lease County owned property(s); and be it further

RESOLVED, that the ultimate lease and/or option to lease said County owned property(s) shall be subject to the further approval of the Putnam County Legislature pursuant to the applicable provisions Chapter 31 of the Putnam County Code; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4n – Approval/Resolution in Support of Putnam County’s Use of WQIP Funds/Repair of Dam at Tilly Foster Farm was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #141

APPROVAL/RESOLUTION IN SUPPORT OF PUTNAM COUNTY’S USE OF WQIP FUNDS/REPAIR OF DAM AT TILLY FOSTER FARM

WHEREAS, the County of Putnam (hereinafter the "County") and the City of New York (hereinafter the "City"), as well as other various parties, executed the 1997 Watershed Memorandum of Agreement (hereinafter the "MOA") to, among other things, protect the water supply of the City for use by the City's residents and non-residents; and

WHEREAS, pursuant to the MOA, the City provided thirty million dollars (\$30,000,000) of East of Hudson Water Quality Investment Program Funds (hereinafter the "WQIP Funds") to the County to support a program of water quality investments in Putnam County; and

WHEREAS, Section 140(a) of the MOA provides that WQIP Funds shall be used to support a program of water quality investments in East of Hudson (defined by the MOA as "the drainage basins of the specific reservoirs and controlled lakes of the New York City Watershed located east of the Hudson River in the New York Counties of Dutchess, Putnam and Westchester"); and

WHEREAS, Section 140(b)(viii) of the MOA provides that WQIP Funds and earnings thereon may be used for the costs of the designing, planning, environmental assessment, permitting, acquisition, financing, constructing and installing of certain delineating projects, including stream bank stabilization and protection measures to the extent such measures are necessary to correct or reduce existing erosion, sedimentation or pollutant loading into streams and other watercourses; and

WHEREAS, the County is the owner of the 199 acre property located at 100 Route 312, which is commonly known as the Tilly Foster Farm; and

WHEREAS, the Tilly Foster Farm was acquired in October 2002 for the purposes of water quality protection and the preservation of open space, as it is in the New York City Watershed in immediate proximity of the Middle Branch Reservoir; and

WHEREAS, the City previously approved the expenditure of WQIP Funds in order to fund said acquisition; and

WHEREAS, there is an existing earthen dam situated on a stream fed agricultural pond located on the Tilly Foster Farm; and

WHEREAS, said dam is in disrepair and requires immediate restoration work in order to maintain its continued structural integrity and improve water quality; and

WHEREAS, the County wishes to undertake said restoration work on the dam and surrounding banks, (hereinafter the "Project"); and

WHEREAS, the Project will protect and improve the City's water supply; and

WHEREAS, the County Executive has approved the expenditure of the use of earnings of the WQIP Funds to pay for the Project; and

WHEREAS, the Putnam County Legislature has now had the opportunity to review the Project and has found that it is consistent with the requirements and directives contained in the MOA with respect to the appropriate expenditure of the use of earnings of the WQIP Funds; now therefore be it

RESOLVED, the Putnam County Legislature hereby approves the use of earnings on the WQIP Funds to undertake and fund the Project; and be it further

RESOLVED, that this expenditure shall not exceed Three Hundred Thousand Dollars (\$300,000.00); and be it further

RESOLVED, that the Putnam County Legislature shall transmit the "Right of Objection" letter required under the terms of the MOA; and be it further

RESOLVED, that upon conclusion of the objection process, the Commissioner of Finance is authorized to transfer and disburse the approved funds from the earnings on the WQIP Funds accordingly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4o – Approval/Resolution in Support of Putnam County’s Use of WQIP Funds/Rehabilitation of Subsurface Sewage Treatment System at Tilly Foster Farm was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #142

APPROVAL/RESOLUTION IN SUPPORT OF PUTNAM COUNTY’S USE OF WQIP FUNDS/REHABILITATION OF SUBSURFACE SEWAGE TREATMENT SYSTEM AT TILLY FOSTER FARM

WHEREAS, the County of Putnam (hereinafter the “County”) and the City of New York (hereinafter the “City”), as well as other various parties, executed the 1997 Watershed Memorandum of Agreement (hereinafter the “MOA”) to, among other things, protect the water supply of the City for use by the City’s residents and non-residents; and

WHEREAS, pursuant to the MOA, the City provided thirty million dollars (\$30,000,000) of East of Hudson Water Quality Investment Program Funds (hereinafter the “WQIP Funds”) to the County to support a program of water quality investments in Putnam County; and

WHEREAS, Section 140(a) of the MOA provides that WQIP Funds shall be used to support a program of water quality investments in East of Hudson (defined by the MOA as “the drainage basins of the specific reservoirs and controlled lakes of the New York City Watershed located east of the Hudson River in the New York Counties of Dutchess, Putnam and Westchester”); and

WHEREAS, Section 140(b)(iii) of the MOA provides that WQIP Funds and earnings thereon may be used for the costs of the designing, planning, environmental assessment, permitting, acquisition, financing, constructing and installing of certain delineating projects, including the rehabilitation or replacement of subsurface sewage treatment systems (“SSTS’s”) that are failing or likely to fail soon; and

WHEREAS, the County is the owner of the 199 acre property located at 100 Route 312, which is commonly known as the Tilly Foster Farm; and

WHEREAS, the Tilly Foster Farm was acquired in October 2002 for the purposes of water quality protection and the preservation of open space, as it is in the New York City Watershed in immediate proximity of the Middle Branch Reservoir; and

WHEREAS, the City previously approved the expenditure of WQIP Funds in order to fund said acquisition; and

WHEREAS, there is an existing subsurface sewage treatment systems (“SSTS”) associated with the “Lodge Building” located at the Tilly Foster Farm; and

WHEREAS, presently said subsurface sewage treatment systems (“SSTS”) is likely to soon fail or is actually failing and requires immediate rehabilitation work in order to properly function and operate; and

WHEREAS, the County wishes to undertake said rehabilitation work on said subsurface sewage treatment systems (“SSTS”) (hereinafter the “Project”); and

WHEREAS, the Project will protect and improve the City’s water supply; and

WHEREAS, the County Executive has approved the expenditure of the use of earnings of the WQIP Funds to pay for the Project; and

WHEREAS, the Putnam County Legislature has now had the opportunity to review the Project and has found that it is consistent with the requirements and directives

contained in the MOA with respect to the appropriate expenditure of the use of earnings of the WQIP Funds; now therefore be it

RESOLVED, the Putnam County Legislature hereby approves the use of earnings on the WQIP Funds to undertake and fund the Project; and be it further

RESOLVED, that this expenditure shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00); and be it further

RESOLVED, that the Putnam County Legislature shall transmit the "Right of Objection" letter required under the terms of the MOA; and be it further

RESOLVED, that upon conclusion of the objection process, the Commissioner of Finance is authorized to transfer and disburse the approved funds from the earnings on the WQIP Funds accordingly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4p – Approval/Resolution in Support of Putnam County’s Use of WQIP Funds/Upgrade of Water System at Tilly Foster Farm was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #143

APPROVAL/RESOLUTION IN SUPPORT OF PUTNAM COUNTY’S USE OF WQIP FUNDS/UPGRADE OF WATER SYSTEM AT TILLY FOSTER FARM

WHEREAS, the County of Putnam (hereinafter the "County") and the City of New York (hereinafter the "City"), as well as other various parties, executed the 1997 Watershed Memorandum of Agreement (hereinafter the "MOA") to, among other things, protect the water supply of the City for use by the City’s residents and non-residents; and

WHEREAS, pursuant to the MOA, the City provided thirty million dollars (\$30,000,000) of East of Hudson Water Quality Investment Program Funds (hereinafter the "WQIP Funds") to the County to support a program of water quality investments in Putnam County; and

WHEREAS, Section 140(a) of the MOA provides that WQIP Funds shall be used to support a program of water quality investments in East of Hudson (defined by the MOA as "the drainage basins of the specific reservoirs and controlled lakes of the New York City Watershed located east of the Hudson River in the New York Counties of Dutchess, Putnam and Westchester"); and

WHEREAS, Section 140(b) of the MOA provides that WQIP Funds and earnings thereon may be used for the costs of the designing, planning, environmental assessment, permitting, acquisition, financing, constructing and installing of certain delineating projects, in addition to such other projects designed to protect and improve water quality in the Watershed which are approved by the NYCDEP; and

WHEREAS, the County is the owner of the 199 acre property located at 100 Route 312, which is commonly known as the Tilly Foster Farm; and

WHEREAS, the Tilly Foster Farm was acquired in October 2002 for the purposes of water quality protection and the preservation of open space, as it is in the New York City Watershed in immediate proximity of the Middle Branch Reservoir; and

WHEREAS, the City previously approved the expenditure of WQIP Funds in order to fund said acquisition; and

WHEREAS, the existing water system, including subsurface piping, located at the Tilly Foster Farm is inadequate for the existing and contemplated uses thereof; and

WHEREAS, said existing water system requires immediate upgrade work in order to properly function and operate for said uses; and

WHEREAS, the County wishes to undertake such upgrade work on said existing water system (hereinafter the "Project"); and

WHEREAS, the Project will protect and improve the City's water supply; and

WHEREAS, the County Executive has approved the expenditure of the use of earnings of the WQIP Funds to pay for the Project; and

WHEREAS, the Putnam County Legislature has now had the opportunity to review the Project and has found that it is consistent with the requirements and directives contained in the MOA with respect to the appropriate expenditure of the use of earnings of the WQIP Funds; now therefore be it

RESOLVED, the Putnam County Legislature hereby approves the use of earnings on the WQIP Funds to undertake and fund the Project; and be it further

RESOLVED, that this expenditure shall not exceed One Hundred Eighty Thousand Dollars (\$180,000.00); and be it further

RESOLVED, that the Putnam County Legislature shall transmit the "Right of Objection" letter required under the terms of the MOA; and be it further

RESOLVED, that upon conclusion of the objection process, the Commissioner of Finance is authorized to transfer and disburse the approved funds from the earnings on the WQIP Funds accordingly.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4q – Approval/Lease Agreement/Tilly Foster Farm Building was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Legislative Counsel Clement Van Ross wanted to note that there has been a Disclosure of Record given to the Legislature as this person is a County employee.

Legislator LoBue stated that she would be voting "no" because she believed it was a conflict of interest. She stated that the criticism she had in the past when questioning the leases on the Farm was that there were several people utilizing space at the Farm that weren't paying any rent. She believed that we were moving in the same direction.

Legislator Scuccimarra stated that she did not have a problem with this. She stated that at all the meetings she attended regarding Tilly Foster Farm it seemed like the public wanted animals to be back on the Farm. She stated that this person has training in taking care of animals and having her at the Farm would help defray costs.

Legislator Tartaro stated that there is a very specific job description of the daily duties she will perform at the Farm. If this person was not there to perform these duties a person would have to be hired to do them. He believed this was an exchange of services.

Legislator Nacerino stated that the person is a licensed veterinary technician. She believed this would be a cost savings measure and a safeguard measure to have someone on sight to take care of the animals.

Legislator Oliverio stated that at first he viewed this “quid pro quo” as a conflict of interest. He believed this agreement was legal, however, this type of arrangement does bring up some questions. He stated that it is not a “pay as you go” or “salary position”. He stated that there is a lease agreement, however, it does not specify the hours or what the job duties specifically entail. He stated that he would vote in favor of it because he answered many of his own questions when doing some research. However, he did believe there were some gray areas.

Legislator Nacerino stated that the fact that this person is a licensed veterinary technician, she believed that the expectations were that she would perform all the same duties a technician would perform if the animal was brought to the veterinarian. She stated that there is a lease agreement in place, however she did not believe it was too late to draw up some sort of agreement listing the expectations of her duties. She believed this was a work in progress. If it doesn't work out, we don't renew the lease.

Chairman Albano stated that he did not believe it was a conflict of interest. He believed this was a mathematical formula; performance of services to offset what the rent should be.

Legislator Gross believe this was a great fit. He stated that he knows this person to be a very conscientious employee of Putnam County. He believed we were very fortunate to have this type of situation available.

Legislator Wright believed that Legislator Oliverio's concerns about the specifications of duties were set forth in the proposed lease agreement under the “rent” section. However, Legislator Oliverio's concerns raised about the hours to be committed and the concomitant supervision of that person by an agency director during their regular business hours while they are also attending to other County business, Legislator Wright believed that it should have some specification of hours outside of the conventional work hours. He stated that the agreement does not even specify that these duties are to be performed after regular employment hours. Therefore, he stated that he could not support this the way it is currently worded.

Chairman Albano stated that at this point we do not even know what animals will be at the Farm. There may come a time when we need more help because this might not be enough. He stated that until there is a plan in place, we do know that we need a presence at the Farm. He believed that right now this was a safety net and a natural fit. He believed that there would be many changes in the future at the Farm.

RESOLUTION #144

APPROVAL/LEASE AGREEMENT/TILLY FOSTER FARM BUILDING

WHEREAS, the County of Putnam is the owner of certain real property located at 100 Route 312, Brewster, New York 10509, including the numerous buildings located thereon, which is commonly known as the Tilly Foster Farm; and

WHEREAS, the County recently regained possession of the Tilly Foster Farm, and the operations and maintenance responsibilities thereof; and

WHEREAS, such operations and maintenance responsibilities will necessitate the County to have an individual with the necessary qualifications and expertise to reside at

the Tilly Foster Farm in order to provide the required care for the animals to be located thereon; and

WHEREAS, one of buildings located on the Tilly Foster Farm, known as Building Number 2, is presently not needed for the County's use; and

WHEREAS, Teresa Delahanty has the requisite qualifications and expertise to provide such required care to said animals; 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 Teresa Delahanty for the lease of the Building Number 2 at the Tilly Foster Farm, in exchange for her undertaking the aforementioned duties and obligations; 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 Building Number 2 at the Tilly Foster Farm constitutes surplus space owned by the County; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and Teresa Delahanty for Building Number 2 at the Tilly Foster Farm, 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 Teresa Delahanty in the manner approved herein.

BY ROLL CALL VOTE: SEVEN AYES. TWO NAYS – LEGISLATORS LOBUE & WRIGHT. MOTION CARRIES.

Item #4r – Approval/Budgetary Amendment (14A034)/ 2014 East of Hudson Coalition/Legal Services Budget was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #145

APPROVAL/BUDGETARY AMENDMENT / 2014 EAST OF HUDSON COALITION/ LEGAL SERVICES BUDGET

WHEREAS, the County of Putnam, pursuant to Resolution #126 of 2011, became a member of the East of Hudson Coalition (the "EOH Coalition"), an association of municipalities located in the New York City watershed east of the Hudson River; and

WHEREAS, the EOH Coalition municipalities are subject to heightened requirements because their surface waters feed the New York City drinking water system; and

WHEREAS, the EOH Coalition wishes to initiate discussions and negotiations with the New York City Department of Environmental Protection and the New York State Department of Environmental Conservation regarding future requirements for phosphorus reductions by EOH Coalition municipalities and relief to said municipalities from the financial burden of such requirements; and

WHEREAS, the EOH Coalition wishes to engage the law firm of Rapport Meyers LLP to represent it and its municipal members with respect to the aforementioned discussions and negotiations; and

WHEREAS, the law firm of Rapport Meyers LLP has submitted a proposed 2014 Legal Budget for the EOH Coalition dated February 18, 2014, a copy of which is annexed hereto and hereby made a part hereof (the "Proposal"); and

WHEREAS, the Putnam County Legislature wishes to approve the Proposal and engage the law firm of Rapport Meyers LLP to represent the EOH Coalition on the terms set forth in the Proposal; and

WHEREAS, the Proposal provides that each of the EOH Coalition municipalities will pay a portion of the legal fees incurred by the EOH Coalition based on the Allocation Schedule (the "Allocation Schedule"), a copy of which is annexed hereto and hereby made a part hereof; and

WHEREAS, based upon the estimated legal fees of \$33,000 set forth in the Proposal for calendar year 2014 and the Allocation Schedule setting the County of Putnam contribution percentage at 6.459%, the County of Putnam would incur legal fees relating to the EOH Coalition in the amount of \$2,131.49; and

WHEREAS, for fiscal purposes, one of the members of the EOH Coalition will serve as the "lead municipality" by paying the law firm's vouchers as they are approved by the EOH Coalition, and seek reimbursement from members of the EOH Coalition according to the Allocation Schedule; and

WHEREAS, Putnam County has been designated to serve as the "lead municipality" for said purpose; now therefore be it

RESOLVED, that the Putnam County Legislature hereby approves the Proposal submitted by the law firm of Rapport Meyers LLP for representation of the EOH Coalition in calendar year 2014 and the payment of legal fees incurred thereunder pursuant to the Allocation Schedule; and be it further

RESOLVED, that the Putnam County Legislature hereby approves the designation of Putnam County as the "lead municipality" for the purpose of paying the legal bills and collecting contributions from members of the EOH Coalition as set forth in this proposal and contribution schedule; and be it further

RESOLVED, that the Putnam County Legislature hereby authorizes the County Executive to execute any and all documents necessary to give effect to this resolution; and be it further

RESOLVED, that the following budgetary amendment (14A034) be made:

Increase Estimated Appropriations:

10131000 54125	Legal Services	33,000
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Increase Estimated Revenues:

10131000 422102	Legal Services – Other Governments	30,868
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Decrease:

10199000 54980	Contingency	2,132
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2014 Fiscal Impact - \$2,132

2015 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4s – Approval/Apply for Federal Transportation Alternative Program Grant (TAP)/Kent Revitalization Project/ Planning Department was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

Legislator Tartaro stated that this is a shovel ready project; the engineering and surveying has been completed. Unfortunately the project is going to be scaled down from the original proposal. He stated that, if built, it will definitely go a long way in designating the Route 52 corridor as a main street which was one of the primary goals of the Kent Revitalization Committee going back to 2008.

RESOLUTION #146

APPROVAL /APPLY FOR FEDERAL TRANSPORTATION ALTERNATIVE PROGRAM GRANT (TAP)/KENT REVITALIZATION PROJECT/ PLANNING DEPARTMENT

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

WHEREAS, the Commissioner of Highways & Facilities has requested legislative approval of a grant application due June 11, 2014 for a sidewalk project on the northbound side of Route 52 from ShopRite Plaza to the former Kent Library and Putnam County Savings Bank in Kent; and

WHEREAS, the estimated amount of the project is \$2,000,000.00 and the Federal grant amount being sought is \$1,600,000.00; and

WHEREAS, since the project is in the NYSDOT right of way of Route 52, the State could match 15% of the project cost (\$300,000.00) but this will depend on future state budgets; and

WHEREAS, the County will need to match 5% of the project cost or \$100,000.00; now therefore be it

RESOLVED, that the Putnam County Legislature approves of the submission of the requested grant application for the sidewalk project on the northbound side of Route 52 from ShopRite Plaza to the former Kent Library and Putnam County Savings Bank in Kent as part of the Kent Revitalization and Restoration Project.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4t – Approval/Minor Renovations/Highways & Facilities was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Chairman Albano moved the following:

RESOLUTION #147

APPROVAL/MINOR RENOVATIONS/HIGHWAYS & FACILITIES

WHEREAS, the Commissioner of Highways & Facilities has requested permission to use \$95,369.93 that has accumulated over the prior years in the remaining Minor Renovation Project account for current projects; and

WHEREAS, the Physical Services Committee has reviewed this request and approved of it; now therefore be it

RESOLVED, that the Commissioner of Highways & Facilities is authorized to use the \$95,369.93 remaining balance of the Minor Renovations line (51989000 53000 50036) for the following Minor Renovation Projects:

- **Fire Protection, Security, Computer Access, Egress Improvements, Code Compliance.**
- **Water Treatment and Plumbing Improvements.**

- Various Roof Repairs.
- Gutter Replacement.
- ATI Project Supplies and Materials.
- Highway Department Storeroom/Copy Room.
- Probation Department Carpeting.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**PERSONNEL COMMITTEE
(Chairwoman Nacerino, Legislators Castellano & Tartaro)**

Item #4u – Approval/Budgetary Amendment (14A037)/Commissioner of Health/ Reorganization of Health Department was next. Chairman Albano recognized Legislator Nacerino, Chairwoman of the Personnel Committee. On behalf of the members of the Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

RESOLUTION #148

**APPROVAL/BUDGETARY AMENDMENT/COMMISSIONER OF HEALTH/
REORGANIZATION OF HEALTH DEPARTMENT**

WHEREAS, a resignation in the Health Department has created a vacancy of a nursing position affecting both the WIC and Nursing programs; and

WHEREAS, the Commissioner of Health has requested a budgetary amendment (14A037) to cover the Reorganization of the Health Department due to this resignation; and

WHEREAS, the proposal has been reviewed by the Health, Social, Educational & Environmental Committee, the Personnel Committee and the Audit & Administration Committee; now therefore be it

RESOLVED, that due to this reorganization the following positions will be effected:

Positions:

- 401015101 Eliminated as of 5/14/14**
- 401011112 Salary of \$94,731 has been split to the following budget lines:**
 - 11401000 – 60%**
 - 11015000 – 20%**
 - 10408200 – 20%**

And be it further

RESOLVED, that a New Position has been created with an annual salary of \$59,357 budget line 21401000 (401026105) which will be effective as of 7/01/14; and be it further

RESOLVED, that the following budgetary amendment be made:

Decrease Estimated Appropriations:

10408200 51000	Personal Services	27,621
10408200 51094	Temporary	10,087
10408200 58002	Fica	3,091
10408200 58006	Dental	644
10408200 58008	Health Insurance	7,235
11015000 58002	Fica	30

11015000 58006	Dental	51
11015000 58008	Health Insurance	405
11401000 51000`	Personal Services	19,164
11401000 51094	Temporary	9,625
11401000 58002	Fica	2,202
11401000 58006	Dental	293
11401000 58008	Health Insurance	3,745
11401000 58009	Vision	48
21401000 51094	Temporary	1,000
11401000 51094	Temporary	3,825
11401000 58002	Fica	<u>293</u>
		89,359

Decrease Estimated Revenues:

10131000 427705	Vacancy Control Factor	29,260
10408200 434011	State Aid – WIC (KERN)	17,515
11015000 434011	State Aid – Lead	65
11401000 434011	State Aid – Nursing	10,364
10408200 434011	State Aid – Health	<u>1,377</u>
		58,581

Increase Estimated Revenues:

21401000 434011	State Aid – Health Ed	10,447
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Increase Estimated Appropriations:

10408200 58009	Vision	24
11015000 51000	Personal Services	281
11015000 58009	Vision	24
21401000 51000	Personal Services	30,020
21401000 58002	Fica	2,221
21401000 58006	Dental	732
21401000 58008	Health Insurance	7,803
21401000 58009	Vision	<u>120</u>
		41,225

2014 Fiscal Impact (29,260)

2015 Fiscal Impact (38,506)

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4v – Approval/Confirmation/Renewal of Appointment/Commissioner of Health was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

Legislator Nacerino stated that we were very fortunate to have someone of Dr. Beals' caliber to be part of the Putnam County team.

Legislator Oliverio stated that serendipity is very funny. He stated that he and Dr. Beals were candidates for this Legislative seat and he believed that the County won on both ends. He stated that he kept his seat and the County received the best Commissioner in New York State.

Legislator Scuccimarra stated that she admired Dr. Beals and was grateful for the many things he has brought to Putnam County.

RESOLUTION #149

APPROVAL/CONFIRMATION/RENEWAL OF TERM OF COMMISSIONER OF HEALTH

WHEREAS, pursuant to Charter Section 10.03 the County Executive appointed Dr. Allen Beals to be the Commissioner of Health for Putnam County on or about May, 2012; and

WHEREAS, said appointment was approved by the New York State Department of Health, through the Commissioner of Health, for an initial period of two (2) years, allowing for the completion of certain graduate level courses by Dr. Allen Beals from an accredited university; and

WHEREAS, the New York State Department of Health further indicated that said two (2) year provisional approval would be renewed for the remaining four (4) years of the six (6) year term of office applicable to the Commissioner of Health, upon proof of satisfactory completion of the above conditions; and

WHEREAS, the Legislature confirmed the appointment of Dr. Beals for the initial two (2) Year period upon the terms and conditions specified by the New York State Department of Health via Resolution 124 of 2012; and

WHEREAS, the New York State Department of Health has recently informed the County of Putnam that it has received adequate proof of the satisfaction of the above referenced conditions by Dr. Beals, and therefore has approved the renewal of his appointment for the remaining four (4) years of his six (6) year term; now therefore be it

RESOLVED, that the Putnam County Legislature hereby acknowledges and confirms the renewal of the appointment of Dr. Allen Beals as the Putnam County Commissioner of Health for the remaining four (4) years of the applicable six (6) year term, said term to expire on June 5, 2018, as approved by the New York State Department of Health.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4w – Approval/Fund Transfer (14T071)/Office For Senior Resources/Temporary was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Tartaro, Legislator Nacerino moved the following:

RESOLUTION #150

APPROVAL/FUND TRANSFER /OFFICE FOR SENIOR RESOURCES/TEMPORARY

WHEREAS, the Office For Senior Resources has requested a fund transfer (14T071) to cover the cost of a Sub-CDL Driver filling in for Full Time CDL Driver retired in March of 2014; and

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

RESOLVED, that the following transfer be made:

Decrease:

10677400 10110

Personnel

8,000

Increase:
10677400 51094

Temporary

8,000

2014 Fiscal Impact – 0 –
2015 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #4x – Approval/SEQRA Determination was next. Chairman Albano recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #151

APPROVAL/SEQRA DETERMINATION

WHEREAS, the Putnam County Legislature is considering a \$300,000 Bond issue for Building Repair Work at the Tilly Foster Farm; and

WHEREAS, the proposed work will include updating the Barn and Lodge to update plumbing, septic, electrical, HVAC, fire prevention, and IT services, provide ADA accessibility and minor repairs and construction to the interior and exterior of said structure; and

WHEREAS, this action has been determined to be a Type II Action in accordance with 6 NYCRR Part 617.5(c)(2) “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes”, now therefore be it

RESOLVED, that the Putnam County Legislature accepts the determination that this project is a Type II Action and pursuant to the State Environmental Quality Review Act §617.6(1)(i), there is no further review necessary.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4y – Approval/Bond Resolution/Tilly Foster Farm Building Improvements was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

Legislator Oliverio asked that the Legislature not bond this. He stated that since 2012 the County has bonded \$10,256,535.00 which did not include the \$750,000.00 for the Carmel Senior Center or this proposal of \$300,000.00. He stated that the County has an excess of \$2 million dollars from sales tax revenue, plus roll over monies, into the millions, from last year. He believed that bonding was a “silent secret tax” that every one of us, especially our children, will have to pay back. He believed bonding was a hidden way to add more expenditures over the years that are not necessary. He stated that these things need to be done at Tilly Foster Farm, however, he believed that we had the

cash to pay for it. He stated that he would be a “no” vote to bond and “yes” vote if we pay cash.

Legislator Gross stated that he respected Legislator Oliverio’s comments, however, outstanding bonds have also come to fruition, so there is a constant turnover. He stated that as bonds are paid off, new bonds can go on. He stated that Commissioner of Finance Carlin has stated that the County is in great shape as far as bonding is concerned. He stated that we needed to have cash on hand for a rainy day such as litigation.

Chairman Albano concurred. He stated that bonds are coming off and bonds are going on. The bond loan rates are at a historically low rate. He did not believe we would see anything lower than this again. He believed that the expense of this bond could be offset by income as the property is improved and a plan developed.

Legislator Nacerino stated that it is a ten year bond. She believed that what we are getting in return for the ten years it certainly makes sense. The property is not depreciating, it is appreciating. She concurred with Legislator Gross in that there could be unanticipated expenses or how the economy is going to turn at any given moment. Therefore, she would like to keep our money where it is.

Legislator LoBue stated that she had an issue with doing the construction when we were not quite sure what the use of the Farm will be yet. She stated that you would not take a mortgage out on your home until you had a plan; knowing exactly what you were going to do in terms of the expansion. She stated there is mention about how we are going to make money back, however, we have thrown a lot of money into the Golf Course and we are losing money, not making money. She stated that usually when you run a business you invest in one area and see what the return is. She believed we were just throwing money all over the place. She stated that she cannot support this bond. She stated that she is very supportive of the Farm and worked very hard trying to bring a restaurant to the Farm; for two years she tried to work with the Administration. She stated that she wanted to repair the septic system and supports using the WQIP funds. However, she stated that she cannot support additional debt.

Legislator Tartaro stated that he supports the bond. He stated that most of the repairs covered by the bond are a necessity. He stated that the buildings are not ADA compliant.

Legislator Oliverio stated that he supports the project. He stated that he has a major concern with the \$11 million dollars that has already been bonded. He stated that it is a debt the County owes. He believed that for a project such as this which is under \$1 million dollars, if we have the cash, it should be utilized to offset these expenses. He stated that the revenue generated from the Farm would then be pure profit. He stated that we would not be paying interest on a bond for ten years.

RESOLUTION #152

EXTRACT OF MINUTES

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

June 3, 2014

* * *

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 June 3, 2014, at 7 o'clock P.M. (Prevailing Time).

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

There were absent: None

Also present: Diane Schonfeld, Clerk of the County Legislature
Clement Van Ross, Legislative Counsel

* * *

Legislator Castellano offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED JUNE 3, 2014, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS COUNTY-OWNED BUILDINGS AT THE TILLY FOSTER FARM FACILITY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$300,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$300,000 SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION.

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

Section 1. The County of Putnam, New York (herein called "County"), is hereby authorized to construct improvements to various County-owned buildings at the Tilly Foster Farm facility. The estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 serial bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12(a)(3) of the Law, is ten (10) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

Section 7. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

Section 8. This bond resolution shall take effect upon the approval of the Putnam County Executive, and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "*The Putnam County Courier*," "*The Putnam Press*," and "*The Putnam County News & Recorder*," three newspapers, each having a general circulation in the County and hereby designated as the official newspapers of the County for such publications.

* * *

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

AYES: SEVEN – Legislators Castellano, Gross, Nacerino, Scuccimarra, Tartaro, Wright and Chairman Albano.

NOES: TWO – Legislators LoBue and Oliverio.

The resolution was declared adopted.

APPROVED: _____
MaryEllen Odell
County Executive, Putnam County

Date of Approval: _____, 2014

CERTIFICATE

I, Diane Schonfeld, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. 152 - 2014 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of said County of Putnam duly called and held on June 3, 2014, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Resolution, which was duly adopted by the County Legislature of the County of Putnam on June 3, 2014 and approved by the County Executive on June __, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County of Putnam this ____ day of June, 2014.

(SEAL)

Diane Schonfeld
Clerk to the County Legislature

NOTICE

The resolution, a summary of which is published herewith, has been adopted on June 3, 2014, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the COUNTY OF PUTNAM, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Diane Schonfeld
Clerk to the County Legislature

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED JUNE 3, 2014, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS COUNTY-OWNED BUILDINGS AT THE TILLY FOSTER FARM FACILITY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$300,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF

\$300,000 SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION.

Object or purpose: to construct improvements to various County-owned buildings at the Tilly Foster Farm facility

Period of probable usefulness: ten (10) years

Amount of obligations to be issued: \$300,000

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

Dated: June 3, 2014
Carmel, New York

Item #4z – Approval/Budgetary Amendment (14A039)/Tilly Foster Farm/Contractual Services and Renovations was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #153

APPROVAL/BUDGETARY AMENDMENT/TILLY FOSTER FARM/CONTRACTUAL SERVICES AND RENOVATIONS

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (14A039) to fund the Contractual Services and Renovations at Tilly Foster Farm; and

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

GENERAL FUND:

Increase Estimated Appropriations:

10084000 54646	Contracts	70,000
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Decrease:

10199000 54980	Contingency	70,000
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CAPITAL FUND:

Increase Estimated Appropriations:

57997000 53000 51429	Tilly Foster – Renovations	300,000
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Increase Estimated Revenues:

05000 45710E 51429	Serial Bonds 2014 – Tilly Foster	300,000
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2014 Fiscal Impact - \$70,000 & Undetermined Debt Service
2015 Fiscal Impact - \$70,000 & Undetermined Debt Service

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

Item #4aa – Approval/Local Law Establishing the Revised 2014 Salary of a Certain Appointed Officer Serving For a Fixed Term: Commissioner of Health was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #154

A LOCAL LAW ESTABLISHING THE REVISED 2014 SALARY OF A CERTAIN APPOINTED OFFICER SERVING FOR A FIXED TERM: COMMISSIONER OF HEALTH

BE IT ENACTED BY THE PUTNAM COUNTY LEGISLATURE AS FOLLOWS:

Section 1.

Section 201 of the County Law and Municipal Home Rule Law, Section 24 requires that certain salary increases of fixed term officers be established by Local Law, subject to permissive referendum.

Section 2.

The annual salary of the hereinafter designed County Officer appointed for a fixed term is hereby set as the following amount for the year 2014 effective June 5, 2014:

**Dr. Allen Beals \$167,000.00
Commissioner of Health**

Section3.

THIS LOCAL LAW SHALL TAKE EFFECT FORTY-FIVE DAYS AFTER ITS PASSAGE AND IS SUBJECT TO PERMISSIVE REFERENDUM.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4bb – Approval/Budgetary Amendment (14A042)/Finance/Restore Salary of the Commissioner of Health was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

Legislator Gross questioned if this was a \$17,000 raise.

Legislator Nacerino stated that the salary was set at \$167,000 for the former Commissioner. Dr. Beals was working at a salary of \$150,000. The \$167,000 was contingent upon Dr. Beals fulfilling the New York State requirements which he has now completed.

RESOLUTION #155

APPROVAL/BUDGETARY AMENDMENT /FINANCE/RESTORE SALARY OF THE COMMISSIONER OF HEALTH

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (14A042) to restore the salary of the Commissioner of Health to \$167,000 annually effective June 5, 2014; and

WHEREAS, the Salary Set for this position in Resolution #293 of 2013 is \$150,000; and

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

RESOLVED, that the Salary of the Commissioner of Health (401010105) contained in Resolution #293 of 2013 is hereby set at \$167,000 effective as of June 5, 2014; and be it further

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10401000 51000	Personnel Services	9,770
10401000 58002	FICA	<u>748</u>
		10,581

Increase Estimated Revenues:

10401000 434011	State Aid – Health	3,517
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Decrease:

10199000 54980	Contingency	7,001
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2014 Fiscal Impact - 7,001

2015 Fiscal Impact – 12,181

And be it further

RESOLVED, that the effective date of this resolution shall be the effective date of the Local Law changing the Salary of the Appointed Official during his/her term.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4cc – Approval/Budgetary Amendment (14A043)/Health Department/Drinking Water Protection Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #156

APPROVAL/BUDGETARY AMENDMENT/HEALTH DEPARTMENT/DRINKING WATER PROTECTION PROGRAM

WHEREAS, the Department of Health has requested a budgetary amendment (14A043) to properly allocate the budgeted revenue for the Drinking Water Protection Program; 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:			
12022000 434899	Drinking Water Supply Protection		194,224
Decrease Revenue:			
12022000 434898	Swap Source Water Assessment Program		194,224
	2014 Fiscal Impact – 0 –		
	2015 Fiscal Impact – 0 –		

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4dd – Approval/Budgetary Transfer (14T081)/Finance/Deputy Sheriff Overtime/July 4th Fireworks/Town of Southeast was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

Legislator Castellano stated that this was an event which started last year at the Highlands location near KOHL's. It turned out to be a fabulous event and was well attended which was great for local businesses. He stated that in order to address any safety concerns for this year, they were allocating \$21,530 from contingency to cover Deputy Sheriff overtime costs.

Chairman Albano stated that he was in favor of this and stated that the event generates sales tax revenue for the County. He believed that in the future we needed to see if Town Police Departments could help the Sheriff's Department with this event.

Legislator Castellano stated the State Troopers help out as well. He stated that one of the things the Town of Southeast is looking into for next year would be to schedule the event on a day other than the actual holiday in order to reduce the overtime expense.

Legislator Oliverio stated that there was an awesome display of fireworks last year. He stated that the retail complex where the event is held produces large sales tax revenue for the County.

Chairman Albano stated that there will also be a great view of the fireworks from the event taking place at Tilly Foster Farm that weekend.

Legislator Nacerino stated this event benefits all the residents in Putnam County. She stated that with an event taking place at Tilly Foster Farm on the 4th of July weekend, it was a good way to provide a little "stay-cation" for our residents. It gives families something to do with their children while also supporting the economy by keeping taxpayer dollars in the County.

Legislator Castellano stated that the businesses also came out in full support of the firework display event last year, so there was no cost to the taxpayers. He stated that some money came from the Town of Southeast which was certainly appreciated. They are the ones who are running this event and information can be found on their website.

Legislator Gross stated that the communities donated up in the neighborhood of \$10,000. He stated that he wanted to give credit to Southeast Councilmen Edwin Alvarez and Robert Cullen for taking the lead in getting this event off the ground.

RESOLUTION #157

**APPROVAL/BUDGETARY TRANSFER /LEGISLATURE/DEPUTY SHERIFF OVERTIME/
JULY 4TH FIREWORKS/TOWN OF SOUTHEAST**

WHEREAS, the Putnam County Legislature has requested a budgetary transfer (14T081) to provide funding for Deputy Sheriff Overtime expected to be incurred at the Fireworks show on July 4th in the Town of Southeast; and

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

RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

17311000 51093	Overtime	20,000
17311000 58002	FICA	<u>1,530</u>
		21,530

Decrease:

10199000 54980	Contingency	21,530
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2014 Fiscal Impact - \$21,530

2014 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4ee – Approval/Budgetary Transfer (14T082)/Finance/Planning Department/ Transportation/Summer Interns PILOT Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

RESOLUTION #158

**APPROVAL/BUDGETARY TRANSFER /FINANCE/PLANNING DEPARTMENT/
TRANSPORTATION/SUMMER INTERNS PILOT PROGRAM**

WHEREAS, the Transportation Manager has requested a budgetary transfer (14T082) to provide funding for summer interns to perform the mandated sampling work required for the PART System pursuant to Federal Guidelines; and

WHEREAS, the County previously paid a contractor \$60.23 per hour to perform the tasks that will now be done for approximately \$10.00 per hour by PILOT Program participants; 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:

95630000 51094	Temporary	14,000
95630000 58002	FICA	<u>1,071</u>

15,071

Decrease Estimated Appropriations:

95630000 54678

Leased Transportation

15,071

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #4ff – Approval/Grant Application/2014 Emergency Management Performance Grant (EMPG) was next. On behalf of the members of the Audit & Administration Committee, Legislators Nacerino and Tartaro, Legislator Castellano moved the following:

Legislator Wright stated that he would recuse himself because his son is the Assistant Director of Homeland Security.

RESOLUTION #159

APPROVAL/GRANT APPLICATION/2014 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

WHEREAS, Section 5-1(D)(1) of the Putnam County Code requires the Legislature to approve all grant applications prior to submission and that in the event when time is of the essence requiring submission before Legislative approval, consideration of the application shall occur at the next Full Legislative meeting; and

WHEREAS, the Division of Homeland Security and Emergency Services in New York State has notified Putnam County of an award of \$42,629 under the FY2014 Emergency Management Performance Grant Program with an application deadline of May 30, 2014; and

WHEREAS, this grant requires no matching funds on the part of the County; and

WHEREAS, due to the time constraints, the Audit & Administration Committee has approved of the submission of this application before approval of the Putnam County Legislature, and has requested the Putnam County Legislature to approve of this grant application; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the Putnam County Bureau of Emergency Services request to apply for the \$42,629 grant under the FY2014 Emergency Management Performance Grant by the New York State Division of Homeland Security and Emergency Services.

BY POLL VOTE: EIGHT AYES. ONE RECUSAL – LEGISLATOR WRIGHT.

Item #5 – Other Business

Chairman Albano made a motion to waive the rules and accept the additional; seconded by Legislator Tartaro. All in favor.

Item #5a – Approval/Budgetary Amendment (14A047)/Highways & Facilities/Road Machinery was next. Chairman Albano moved the following; seconded by Legislator Tartaro:

RESOLUTION #160

APPROVAL/BUDGETARY AMENDMENT (14A047)/HIGHWAYS & FACILITIES/ROAD MACHINERY

WHEREAS, the Highways & Facilities Department has requested a budgetary amendment (14A047) to provide funding in proper line for the sub-contracted repair of the CAT excavator; and

WHEREAS, the Putnam County Legislature has reviewed and approves said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

ROAD MACHINERY FUND:

Increase Estimated Revenues:

10513000 428601 Interfund Transfers – Transfer from Gen Fund 20,000

Increase Appropriations:

10513000 54370 Road Machinery – Automotive 20,000

COUNTY ROAD FUND:

Increase Appropriations:

02990100 59030 Interfund Transfers – Transfer to Gen Fund 20,000

Decrease Appropriations:

10511000 54647 Maint. Roads & Bridges – Sub-Contractors 20,000

GENERAL FUND:

Increase Revenues:

10131000 428551 Interfund Transfers – Transfer from Road Fund 20,000

Increase Appropriations:

10990100 59055 Interfund Transfers – Trans to Road Mach. Fund 20,000

2014 Fiscal Impact – 0 –

2015 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6 – Recognition of Public

Lynn Eckardt from the Town of Southeast stated that Councilmen Alvarez and Cullen have worked really hard on the Southeast firework event. She wanted clarification if this was now a County event and no longer a Southeast event.

Chairman Albano stated that it started as a Southeast event and he believed that it still was. However, now the County is participating with the event taking place at Tilly Foster Farm.

Ms. Eckardt wanted to clarify that the Town of Southeast does not have their own Fire Department and therefore rely on the County, the Sheriff's Department and the State Troopers.

Barbara Ilardi from the Health Department thanked the Legislators on confirming the renewal of appointment of Dr. Beals as Commissioner of Health.

Item #7 Recognition of Legislators

Item #5b - Regarding Case No. 07 CIV 8150

At 8:02 P.M., Chairman Albano made a motion to go into executive session at the request of the County Attorney regarding a particular litigation matter; seconded by Legislator Oliverio. All in favor.

At 8:36 P.M., Chairman Albano made a motion to come out of executive session; seconded by Legislators LoBue and Gross. All in favor.

Chairman Albano stated that no action was taken.

There being no further business, at 8:36 P.M., Chairman Albano made a motion to adjourn; seconded by Legislator Oliverio. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.