

**SPECIAL MEETING  
OF THE  
PUTNAM COUNTY LEGISLATURE  
CALLED BY THE CLERK AT THE REQUEST OF THE CHAIRMAN  
TO BE HELD IN ROOM 318  
PUTNAM COUNTY OFFICE BUILDING  
CARMEL, NEW YORK 10512**

**Monday** **August 24, 2015** **6:30 P.M.**  
**(Prior to the Audit & Administration Committee Meeting)**

The meeting was called to order at 6:36 P.M. by Chairman Albano who requested Legislator Castellano lead in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Gouldman, Nacerino, Gross, Castellano, Wright and Chairman Albano were present. Legislators Addonizio and LoBue were absent. Also present was Legislative Counsel Van Ross.

Item #3 – Approval/Resolution for Sales Tax Adjustment. Chairman Albano moved the following; seconded by Legislator Nacerino.

Chairman Albano stated that this is the continuation of the additional 1% sales tax.

Legislator Wright believed that it was counterproductive to the business community. He stated that we have been taught by history that you cannot tax your way out of fiscal problems; you need to grow your way out of fiscal problems. He stated that the business community cannot grow when Putnam County has the most oppressive sales tax in the region and very little other infrastructure to support the business environment. He strongly urged the Legislature to not accept this. However, should the Legislature choose to adopt this, he suggested a lower percentage. He stated that this was originally proposed to the citizens of Putnam County as a temporary tax increase. He believed that it was not fair to tell the citizens that this is a temporary tax; yet never have it go away. He stated that if we don't figure out a way to grow tourism and development in ways that help our tax base, we are never going to have enough money to spend.

Legislator Nacerino believed that some of the points Legislator Wright voiced were viable. However, she certainly did not believe that anyone currently on this Legislature could take responsibility to say that we said this was a temporary measure. She stated that at this juncture, she did not believe we could afford a \$14 million shortfall if we do not adopt this.

Chairman Albano believed this was a measure to fill the gap; not a temporary measure. He stated that he would like to find another area to make up this difference. He stated when that is accomplished he would definitely support lowering the sales tax. However, until that time we need to balance the budget.

Legislator Castellano stated that without the additional 1% a shortfall of approximately \$14 million in revenue would fall on the property tax owners. He stated that people visiting the County contribute to the sales tax revenue received from the additional 1%. He stated that the County is faced with a hard tax cap this year of  $\frac{3}{4}$  of a percent. He stated that he would like to see the percentage reduced in the future; however, he did not believe this is the time.

**Legislator Gross concurred with Legislator Castellano that the County is in a bind with the  $\frac{3}{4}$  % tax cap.**

**Chairman Albano stated that the additional 1% sales tax is based on spending and in some ways may be viewed as a more “fair tax.” He stated that people visiting the County contribute rather than the burden falling only on Putnam County residents.**

**Legislator Wright stated that the temporary measure to increase the sales tax went into effect in 2007. He stated that in the eight years hence Putnam has not addressed what was acknowledged as an emergency situation in 2007. He believed that if we lowered the percentage by 1/8, he believed it would have sent the message to the business community that Putnam is open for business and not that Putnam is the most highly taxed County in the region. He did not believe that the \$1.5 million received from the Deskovic settlement needed to be put into the category it was put into. He believed that would cover the 1/8%.**

#### **RESOLUTION #179**

#### **APPROVAL/SALES TAX ADJUSTMENT**

**County Legislature of the County of Putnam imposing taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.**

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

**SECTION 1. Section 4-A of Resolution #85 of 1977, adopted by the County Legislature of the County of Putnam on February 10, 1977, imposing sales and compensating use taxes, as amended, is amended to read as follows:**

**SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.**

**Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning September 1, 2007, and ending November 30, 2017. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such section 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.**

**SECTION 2. Paragraph (g) of subdivision (1) of section 11 of Resolution #85 of 1977, adopted by the County Legislature of the County of Putnam on February 10, 1977,**

imposing sales and compensating use taxes, as amended, is amended to read as follows:

(g) With respect to the additional one percent rate of taxes imposed for the period beginning September 1, 2007, and ending November 30, 2017, in respect to the use of property used by the purchaser in this county prior to September 1, 2007.

**SECTION 3.** This enactment shall take effect December 1, 2015.

**BY ROLL CALL VOTE: SIX AYES. ONE NAY – LEGISLATOR WRIGHT. LEGISLATORS ADDONIZIO & LOBUE WERE ABSENT. MOTION CARRIES.**

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE  
(Chairwoman Addonizio, Legislators Gouldman & Scuccimarra)**

Item #6n – Approval/Litigation Settlement (tabled from August 4, 2015 Full Meeting) was next. Chairman Albano moved the following; seconded by Legislator Nacerino.

**RESOLUTION #180**

**APPROVAL/LITIGATION SETTLEMENT**

**WHEREAS**, on or about April 20, 2012, the Plaintiff, Christina Chez, was injured in a motorcycle accident on Farmers Mills Road in the Town of Kent, allegedly as the result of the negligent clean-up of a petroleum/fuel oil spill by the County;

**WHEREAS**, Plaintiff sought recovery for personal injury damages and for pain and emotional suffering; and

**WHEREAS**, Plaintiff agreed to a settlement with the County, subject to the Legislature’s approval, in which the County agreed to pay Plaintiff the sum of ninety-five thousand (\$95,000.00) dollars; and

**WHEREAS**, the County Attorney, the County’s outside counsel, James A. Randazzo, and NYMIR’s claims representative recommended the settlement as an alternative to trial; and

**WHEREAS**, counsel for the County of Putnam has in fact settled the matter with the Plaintiffs for the sum of ninety-five thousand (\$95,000.00) dollars and is preparing the required Stipulation of Discontinuance and General Releases which, upon filing with the Court, will discontinue this matter and which will allow Plaintiff to receive her settlement payment; and

**WHEREAS**, the settlement is in the public interest and has avoided the costs of further litigation; now therefore be it

**RESOLVED**, that the settlement of this matter for the sum of ninety-five thousand (\$95,000.00) dollars is hereby approved.

**BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & LOBUE WERE ABSENT. MOTION CARRIES.**

There being no further business; at 6:48 P.M., Legislator Nacerino made a motion to adjourn; seconded by Chairman Albano. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.