

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

Tuesday

November 1, 2016

7:00 P.M.

The meeting was called to order at 7:04 P.M. by Chairwoman Nacerino who requested that Legislator Gross lead in the Pledge of Allegiance and Legislator Scuccimarra lead in the Legislative Prayer. Upon roll call, Legislators Scuccimarra, Gouldman, Addonizio, Albano, Gross, Castellano, LoBue, Wright and Chairwoman Nacerino were present. Also present was Legislative Counsel Van Ross.

Item #4 – Approval of Minutes – Regular Meeting – October 4, 2016

The minutes were approved as submitted.

Item #5 – Correspondence

a) County Auditor was duly noted.

Item #6 – Pre-filed resolutions:

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

Item #6a – Approval/Budgetary Amendment (16A070)/Bureau of Emergency Services & Putnam County Sheriff's Department/ 2016 Homeland Security Grant was next. Chairwoman Nacerino recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

Legislator Wright requested to note his recusal because his son is the Assistant Director of the grantor agency.

RESOLUTION #231

APPROVAL/BUDGETARY AMENDMENT /BUREAU OF EMERGENCY SERVICES & PUTNAM COUNTY SHERIFF'S DEPARTMENT/ 2016 HOMELAND SECURITY GRANT

WHEREAS, the Putnam County Bureau of Emergency Services has requested a budgetary amendment (16A070) for the 2016 Homeland Security Grant awarded in the amount of \$275,000; and

WHEREAS, the contract period for this grant is from September 1, 2016 through August 31, 2019; and

WHEREAS, this grant was reviewed by the Protective Services Committee of the Putnam County Legislature at its March 14, 2016 meeting; and

WHEREAS, there are no matching County funds required and therefore no approval resolution was needed to apply for said grant; and

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

RESOLVED, that the following budgetary amendment be made:

EMERGENCY SERVICES

Increase Appropriations:

10398901 52140 10131	FY16 Homeland Security-Audio Visual Equip	7,000
10398901 52180 10131	FY16 Homeland Security-Other Equipment	34,296
10398901 52650 10131	FY16 Homeland Security-Motor Vehicles	90,704
10398901 54710 10131	FY16 Homeland Security-Maint. & Repairs	<u>43,000</u>
		175,000

SHERIFF'S DEPARTMENT

Increase Appropriations:

10364501 54646 10131	FY16 Homeland Security-Contracts	65,000
10364501 52180 10131	FY16 Homeland Security-Other Equip.	<u>35,000</u>
		<u>100,000</u>
		275,000

Increase Revenue:

10398901 440891 10131	FY16 Homeland Security	275,000
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

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

Item #6b – Approval/Budgetary Amendment (16A071)/ Bureau of Emergency Services/ FY2015 Technical Rescue & Urban Search and Rescue (USAR) Targeted Grant Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

Legislator Wright requested to note his recusal because his son is the Assistant Director of the grantor agency.

RESOLUTION #232

APPROVAL/BUDGETARY AMENDMENT/ BUREAU OF EMERGENCY SERVICES/FY2015 TECHNICAL RESCUE & URBAN SEARCH AND RESCUE (USAR) TARGETED GRANT PROGRAM

WHEREAS, by Resolution #186 2015 the Putnam County Legislature approved and authorized the Bureau of Emergency Services to apply for a grant under the New York State Division of Homeland Security and Emergency Services “FY2015 Technical Rescue & Urban Search and Rescue (USAR) Targeted Grant Program;” and

WHEREAS, the Bureau of Emergency Services has requested a budgetary amendment (16A071) to account for this grant awarded in the amount of \$150,000; and

WHEREAS, the performance period for this award is December 7, 2015 through August 31, 2018; and

WHEREAS, the Audit & Administration Committee has reviewed and approved said budgetary amendment; now therefore be it
RESOLVED, that the following budgetary amendment be made:

Increase Appropriations:

10398901 52195 10132	Tech Rescue Grant – Rescue Equip	53,500
10398901 52695 10132	Tech Rescue Grant – Rescue Equip	11,500
10398901 54410 10132	Tech Rescue Grant – Supplies/Mat.	15,000
10398901 54646 10132	Tech Rescue Grant – Contracts	<u>70,000</u>
		150,000

Increase Revenue:

10398901 440891 10132	Technical Rescue Grant	150,000
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

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

Item #6c – Approval/Fund Transfer (16T280)/Bureau of Emergency Services/Purchase Motor Vehicle was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

Legislator Castellano explained that there was a need for an additional vehicle because of the extra person in the Department.

Legislator LoBue stated that she would not be supporting this request. She explained that when there was a change in the Department and the new Commissioner took office, the Legislature was told that everything would be moving forward in a fiscally conservative manner. She stated that recently we were asked to add a second Deputy to the Bureau of Emergency Services which has never existed in the history of the Department. She stated that now we are being asked to purchase an additional vehicle for the second Deputy. She stated that the funds are coming from a grant, however, we will still be responsible for the maintenance, gasoline, insurance, etc. She stated that Item #6a which just approved Homeland Security grant funding, there is \$90,704 designated for Motor Vehicles. She stated that she had reservations about this request and believed it would be setting a terrible precedence moving forward. She stated that she has scrutinized the vehicle requests from the Sheriff's Department.

Legislator LoBue made a motion to table the request to the November Protective Services Committee; seconded by Legislator Wright.

Legislator Wright stated that he objected that this item did not go before the Protective Committee. He believed there was time before the end of the year if there was a need to encumber the funds. He explained that when vehicle requests come from any Department there seems to be an urgent need when vehicles are deemed unsafe. He stated that there is a black Crown Victory in the County parking lot which several years ago was explained by the District Attorney's office that the vehicle had to be taken out of

service and there was a need to buy a new four (4) wheel drive vehicle for that Department. He stated that the Crown Victory is still in the County parking lot being used every day. He stated that we are not even given the courtesy of vehicle document backup requests that we have repeatedly made. He believed that there should be a cumulative running departmental lists of vehicles which documents; when vehicle was received, age of vehicle, the need for the vehicle, amount of vehicle, grant funding, if transferred from or to another department, etc.

Legislator Gross believed that the Crown Victory belongs to the Fraternal Order of Police (FOP). He stated that the grant funds are coming from Indian Point. He stated that he was initially opposed to the request, however, after speaking with Commissioner of Emergency Services Sutton, the Deputy Commissioner will be coordinating all the Fire Departments across the County for all events, activities and emergency services progress. He stated that since there is a valid use for this vehicle and there will be Indian Point grant funds utilized to purchase the vehicle, he would support the request. He also explained the wear and tear on police vehicles.

Legislator Addonizio concurred with Legislator Gross. She stated that the funds are coming from Indian Point funds which we receive every year. She stated that it was her understanding that \$3 million per year are allocated and split between seven (7) counties.

Legislator Wright clarified that he has not stated that he is against the vehicle purchase. He is against the way we have allowed vehicles to be purchased.

Legislator Scuccimarra stated that she would be voting in favor of this request. She stated that we need to remember the time that we live in now and there is always a threat of something happening across the County. She agreed with Legislator Wright that moving forward we should have more accountability, however, for right now the need for this vehicle has been explained.

Chairwoman Nacerino stated that she too would support this request. She believed that Commissioner Sutton made a compelling argument in Committee. She stated that during these perilous times we not only need to have the right personnel in place, we need to give them the ability to do their jobs effectively. She stated that she shares Legislator Wright's sentiments regarding vehicle control and inventory.

Chairwoman Nacerino called for a Roll Call on the motion to table.

Two Ayes – Legislators LoBue and Wright. Seven Nays – Legislators Addonizio, Albano, Castellano, Gouldman, Gross, Scuccimarra and Chairwoman Nacerino. Motion Failed.

Chairwoman Nacerino called for a Roll Call on the Resolution.

RESOLUTION #233

**APPROVAL/FUND TRANSFER /BUREAU OF EMERGENCY SERVICES/ PURCHASE
MOTOR VEHICLE**

WHEREAS, the Commissioner of Emergency Services has requested a fund transfer (16T280) to purchase a 2016 Ford Explorer and installation of lights/siren and radios; and

WHEREAS, the Audit & Administration Committee has reviewed and approved said fund transfer; now therefore be it
RESOLVED, that the following fund transfer be made:

Decrease:		
10014000 52110	Furniture	5,000
10014000 52140	Audio Visual	3,500
10014000 52640	Audio Visual	5,000
10014000 54739	Training Supplies	1,500
10014000 54782	Software/Accessories	20,000
10014000 54989	Miscellaneous	<u>5,000</u>
		40,000

Increase:		
10014000 52650	Motor Vehicles	40,000

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY ROLL CALL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. ONE ABSTENTION – LEGISLATOR WRIGHT. MOTION CARRIES.

Item #6d – Approval/Fund Transfer (16T291)/District Attorney/Transcription Fees for DiPippo Trial was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

RESOLUTION #234

APPROVAL/FUND TRANSFER /DISTRICT ATTORNEY/TRANSCRIPTION FEES FOR DIPIPPO TRIAL

WHEREAS, the District Attorney has requested a fund transfer (16T291) to cover Transcription Fees for DiPippo Trial; and

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

RESOLVED, that the following fund transfer be made:

Decrease:		
10116500 54612	Stenographic Services	12,000

Increase:		
10116500 54682	Special Services	12,000

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Other Business

Legislator Wright stated that if he is appropriately corrected by Legislator Gross that the FOP is now driving the Crown Victoria, he failed to understand how the County could sell a vehicle to an esteemed law enforcement agency, for their presumably safe use, when it was unsafe for use by the County. He stated that it was represented to the Legislature that the vehicle was unsafe at the time we were called upon approximately two (2) years ago to replace it. He stated that either the County perpetrated a fraud on the FOP if they bought the vehicle, or if the County still has the vehicle in some venue of service, the fraud was perpetrated on the Legislature.

Item #8 – Recognition of Public

***Definition on Procedure for Public Comment.**

Chairwoman Nacerino stated that it was important to provide clarity and therefore she read into the record the following memorandum from Legislative Counsel Van Ross:

In response to your memorandum dated October 6, 2016, back in 2001 the Chairman of the Legislature and the Deputy County Executive proposed that at Legislative Meetings under Recognition of the Public, only agenda items be discussed by the public. No amendment to the Legislative Manual was made. The suggested change was accepted by the Legislature without resolution and followed ever since.

Without any formal adoption there is no definition of “agenda items” to rely on. During the past 15 years only Pre-filed Resolutions were considered “agenda items” but periodically comment was allowed without objection for recipients of the various proclamations made during the meeting.

In my recollection, minutes have never been considered as an “agenda item,” and there never was an attempt to discuss them under Recognition of the Public.

In my opinion minutes of prior meetings are not an “agenda item” under Recognition of the Public. Now that the question has arisen, it is in the best interest of the Legislature to determine whether it should be a formal rule, and if so, define “agenda items.” If it is determined that this requirement is no longer needed then it should be deleted when requesting Recognition of the Public.

Lynne Eckardt, Town of Southeast Councilwoman stated that she was speaking as a private resident. Ms. Eckardt requested further clarification on the statement read.

Chairwoman Nacerino explained what had precipitated her request for an opinion from Legislative Counsel. She explained that during a prior Full Legislative meeting, we specifically spoke to our rules that only agenda items be addressed during recognition of the public. She explained that a member from the public then addressed an agenda item from the minutes of a prior meeting being approved on that night’s agenda.

Lynne Eckardt questioned where she could find the policy of not allowing discussion of anything but agenda items.

Chairwoman Nacerino stated that it has been based on past practice.

Lynne Eckardt requested, as Legislator Wright has, as soon as possible that this Legislature consider allowing public comment at Full meetings.

Chairwoman Nacerino explained that the Legislature's process is different. She explained that both she and Legislator Gross previously sat on Town Boards and the Legislative Manual dictates different policies and procedures than that of Town Boards. She stated that the Legislature has seven Committee meetings where open and transparent dialogue takes place. She stated that the Full Legislative meeting is the cumulative effect of the outcome of those meetings. She stated that her request to discuss this matter is recognized and we would certainly move forward with that discussion in an upcoming Rules meeting.

Item #9 – Recognition of Legislators

Legislator Albano stated that all the information comes before the Legislature at the Committee meetings and he believed that was the best time for the public to speak because if questions come up we can get answers. He stated that we could also choose not to move an item to the Full meeting if the Committee feels there is not enough information available. He explained that during the Full meeting the appropriate Department Head may not be in attendance to address any concerns. He stated that the Full meeting is the time an item is going to be voted on, therefore, he believed that was not the appropriate time for further discussion when it has already been vetted in Committee.

Legislator Gross stated that transparency has popped up many times in the media. He stated that to suggest that transparency has been omitted is not accurate. He explained that there is a wide range of discussions at the Committee meetings; with some being quite heated at times. Legislator Gross ended his comments by wishing everyone a "Happy Thanksgiving."

Legislator LoBue stated that she has a different view of what is appropriate and what is not. She stated that things are discussed in Committee. However her recollection serving on this board for eight years is that when we come to the Full meetings, where they are being taped for open transparency, that we have discussions in public; not behind closed doors. She believed that she has noticed a stifling of this and that it is now stated that discussion should take place at the Committee level. She explained that in the past when important issues to the public generated a larger turnout of people, the Legislature always accommodated the public, from whom we serve, allowing them to comment before a vote is taken by the Legislature on that particular item. She believed that we needed to be more transparent and we need to be listening to the public. Legislator LoBue ended her comments by stating that it is bittersweet that two (2) of their colleagues, Legislators Gross and Wright, will no longer be on the Legislature next year. She wished everyone a "Happy Thanksgiving."

Legislator Castellano stated not to forget the Veterans on November 11th; Veteran's Day.

Chairwoman Nacerino stated that she disagreed with some of the comments made by Legislator LoBue; however, the dialogue would continue at the November Rules Committee meeting.

There being no further business; at 7:44 P.M., Chairwoman Nacerino closed the meeting in memory of Jill Pennelle, the daughter of Pete Pennelle, who is an employee of Putnam County. Jill lost her battle with cancer and our thoughts and prayers go out to Pete and Linda Pennelle and family; seconded by Legislator Castellano. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.