

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman Addonizio and Legislators Ellner & Nacerino

Tuesday

April 9, 2024

(Rules Meeting to Immediately Follow)

The meeting was called to order at 6:50pm by Chairwoman Addonizio who requested Legislator Ellner lead in the Pledge of Allegiance. Upon roll call Legislators Ellner and Nacerino and Chairwoman Addonizio were present.

Item #3 – Acceptance of Minutes – March 21, 2024

The minutes were approved as submitted.

Item #4 – Approval/ Budgetary Amendment 24A026/ Veterans Service Agency/ Peer to Peer Program/ Comply with State Aid

Chairwoman Addonizio stated this is funding for the Peer to Peer Program. She explained the funding is used to assist veterans suffering from post-traumatic stress syndrome and other related combat stress disorders through individual and small group Peer to Peer counseling methods. She stated the program is administered by the Putnam County Office of Veterans Affairs and the NYS Office of Mental Health. She expressed her appreciation for this funding which supports this critical program.

Legislator Nacerino expressed her appreciation that the funding did come through for this critical program. She stated this program is vital to our Veterans.

Chairwoman Addonizio made a motion to; Approval/ Budgetary Amendment 24A026/ Veterans Service Agency/ Peer to Peer Program/ Comply with State Aid; Seconded by Legislator Ellner. All in favor.

Item #5 – Discussion/ Approval/ Proposed Legislation to Create Department of General Services

- a. Local Law to Amend Article 5 of the Putnam County Charter Entitled “Executive Department”**
 - i. Discussion/ Section 5.01 Department of General Services; Commissioner**

Chairwoman Addonizio explained that it was discussed at the last Rules Committee meeting about the possibility of removing either “public” or “political office” from the second paragraph which reads, “The Commissioner shall not hold any other public or

political office, whether elected or appointed, as long as he or she remains in the current position of County employment.” Chairwoman Addonizio stated that, after consideration, she believed the wording should remain since the Commissioner has purchasing powers it would safeguard any perception of impropriety.

Legislator Nacerino concurred.

Legislator Ellner concurred.

Senior Deputy County Attorney Conrad Pasquale explained that his research looked through Attorney General and Comptroller opinions to see if there was any noted incompatibility in an office with a Director of Purchasing type position, and a separate public or elected office. He stated that he was not able to find any. He stated that if there was a conflict or even the appearance of a conflict, and this language was not in the Charter, it would still be prohibited to act when there is a conflict. He stated that we have our Board of Ethics as a safeguard to ensure that does not happen. He stated that if the wording was taken out of the version right now, it is not that there would be no recourse. He stated that if the wording is going to be left in, he believed that we may need to revisit potentially in the Audit Committee, similarly situated positions that we have within the County government to ensure that similar restrictions are across the board. He stated that this does not mean that we must make changes, but we can look into it after the Department of General Services is established.

Chairwoman Addonizio questioned if this would set the stage for compatible wording across the board.

Senior Deputy County Attorney Pasquale stated that would not be his decision. He stated that he briefly discussed it with the Administration. He believed that everything should be reviewed at this point.

Legislator Nacerino stated that consistency was discussed. She believed that if we start going case by case to decide who it applies to and who it does not, then we lose the ability to be consistent in what we say and do. She believed that if there are other departments with similar positions having oversight ability, we should review those and be consistent across the board.

Senior Deputy County Attorney Pasquale agreed and stated that was the conclusion at the last meeting, to ensure that it is consistent with what we are doing here today.

Chairwoman Addonizio stated that it was her understanding that if we keep this wording in place, it will be across the board eventually in every department.

Senior Deputy County Attorney Pasquale stated that it will be reviewed, and it seems like that is the intention. He stated that by having this restriction in the law preventing “public or political office” for the Director of General Services. He stated that the idea is that similarly situated department heads would likely also be subject to that same

restriction in the future if they are not already. He stated that we will be reviewing them, and if it is appropriate and made sense to have that wording included, it would be put before the Legislature for consideration. If the Legislature believed the proposed change was not required, the Legislature could cite against it.

Legislator Ellner stated that if this was the language currently in the Charter, he questioned why we were reviewing it.

Senior Deputy County Attorney Pasquale believed that no one else prior to this has. He believed that the language was incorporated into a few places, but no one has reviewed it for consistency across the board. He stated that with consistency being the goal, that would essentially be the purpose of any future review.

Legislator Ellner stated that he did not see the need for absolute consistency because there are different functionalities by different departments.

Legislative Counsel Firriolo explained that the Charter Review Commission (Commission) considered each and every section of the Charter where these restrictions appear and to his recollection did not recommend any revisions in those sections because they were considered on a case-by-case basis. He believed that some positions were restricted by State law from the ability to hold offices. He stated that depending on what State law says, you may not be able to have consistency. He stated that the Administration could undertake another review, but he stated with certainty that each of these positions was considered, and the Commission determined that there was no need to change anything.

**ii. Approval/ Section 5.05 Division of Information Technology/
Geographic Information Systems; Director**

Chairwoman Addonizio stated that at the last meeting it was requested that the position of Director be appointed by the County Executive, not by the Commissioner of General Services. She stated that what is before us is that change.

Chairwoman Addonizio made a motion to amend Section 5.05 as revised by Item #5aⁱⁱ for the Director to be appointed by the County Executive; seconded by Legislator Nacerino. All in favor.

Legislator Gouldman questioned if Item #5a was being separated into two (2) parts.

Legislative Counsel Firriolo explained that for the purposes of discussion, there were two (2) distinct items that were carried over from the prior meeting; Section 5.01 and 5.05 of Article 5 Department of General Services. He stated that one (1) amendment has been made and one (1) has been declined. He stated that now the discussion pertains to the whole law as amended.

Chairwoman Addonizio questioned if there were any further discussion on the proposed Local Law to amend Article 5.

Legislator Nacerino stated that at last month's meeting she questioned the posting listed on the County's website for a Capital Assessment & Procurement Coordinator position. She stated that the response from the Personnel Director, which was noted in the minutes, was that this position was already budgeted for the Purchasing Department. She explained that the changes in essence being made to Article 5 would dissolve the Purchasing Department as we know it. She stated that she had concerns about Sections 5.03 and 5.04 regarding the Division of Procurement and Central Services. She quoted a Section 5.03 which states: "The Director shall have the authority, in accordance with County policy or as may be otherwise required by law, to appoint, within budgetary appropriations, and remove such staff as he or she deems necessary." She believed that giving the Director the authority to hire or fire personnel was quite alarming. She did not believe that the volume of work relating to the purchasing of materials, supplies, contracts, bids, rentals, servicing of equipment has increased by leaps and bounds. With that being said, the creation of the position of Commissioner of General Services, which she wholeheartedly supports, was approved with a \$21,000 salary increase to include additional responsibilities, distinguishing it from that of the Purchasing Director. She stated that it would include responsibilities such as the vehicle fleet, consortium of printing, copying, phones, procurement compliance and grant writing opportunities. She believed that the only thing growing was County government. She explained that the previous Director of Purchasing ran the department almost solo for many years. She stated that the County Executive Administration has doubled in the County Executive's office. She stated that another position posted on the website was for a Capital Asset Procurement Coordinator was approved in the 2024 budget. She did not believe the County needed two (2) procurement positions at this time. She stated that the duties of the Commissioner, Director and Asset Procurement Coordinator were redundant in many ways. She stated that the Administration has also created a new Compliance Coordinator, and the County has a Risk Manager. She believed that all of these positions intertwine to insure checks and balances. She believed that if and when there comes a time there is a demonstrated need for this position, it could easily be proposed for a Charter change as it was for the Department of Public Works (DPW) as it probably will be for the newly created position for the Health Department. She stated that the duties of the Capital Asset Procurement Coordinator meet the objectives at this time and there is no need to adopt a Division in the Charter for the Director of Procurement and Central Services.

Legislator Nacerino made a motion to remove Sections 5.03 and 5.04; seconded by Chairwoman Addonizio.

Legislator Ellner requested clarification. He believed these were existing and funded positions.

Legislator Nacerino stated that it was created in the proposed changes of the Charter. She stated that they are not existing or funded. She stated that the funded position was

for the Capital Asset Procurement Coordinator. She believed it was redundant in the sense that we would have two (2) people performing, in essence, the same job. She did not believe we needed to set in stone that there will be a Deputy at this time. She believed that the personnel staff in place at this time would certainly suffice.

Legislator Ellner questioned what the Administration's justification was.

Director of Purchasing John Tully explained that the clause was being submitted because if any future Administration wanted to have the opportunity to have two (2) separate division heads in the Department of General Services, they would need to get the position approved by the Legislature, and then a Charter change would not be required. He stated that what Legislator Nacerino is proposing is essentially the same thing. The Administration, whoever that may be, would request a Charter change and new position along with the requisite funding. He stated that there was no growing of government in the proposal submitted. He explained that the Asset Manager position previously resided in the Department of Public Works (DPW). He stated that the Purchasing Department has worked with DPW on a regular basis. He stated that they are active members of the Capital Projects Committee, and the Asset Manager is part of procurement, helping with plans and specifications and work that procurement performs for DPW. He stated that they wanted to put the position in a better place where they could manage it effectively with procurement.

Legislator Nacerino explained that the need for a Deputy Director has not been demonstrated and she believed it was not necessary at this point. She believed that we were on target with just consolidating and making things more efficient internally.

Director Tully believed that the Administration agreed with that at the last meeting. He did not see any issue.

Legislator Nacerino stated that it does not do anything to the plan.

Director Tully concurred.

Legislator Ellner clarified that we were eliminating a sentence in Section 5.03.

Legislator Nacerino said, "no". She stated that Sections 5.03 and 5.04 would be eliminated.

Chairwoman Addonizio called for a vote on the motion and the second to remove Sections 5.03 and 5.04. All in favor.

Legislative Counsel Firriolo stated that there was a vote needed for Article 5 as amended. He stated that there were two (2) amendments. He stated that what is before you are the original proposals with Sections 5.03 and 5.04 deleted, as well as the change in Section 5.05 which you previously adopted. He suggested one (1) more

motion to renumber Sections 5.05 and 5.06 which involve IT/GIS to Sections 5.03 and 5.04 to replace the deleted sections.

Chairwoman Addonizio made a motion to renumber Sections 5.05 and 5.06 to Sections 5.03 and 5.04; seconded by Legislator Ellner. All in favor.

Chairwoman Addonizio made a motion to approve Article 5 as amended; seconded by Legislator Nacerino. All in favor.

b. Local Law to Amend Chapter 117 Entitled “Apprenticeship Training Program” and Chapter 140 Entitled “Contracts and Procurement” of the Putnam County Code in Relation to the Creation of the Department of General Services

Chairwoman Addonizio explained that this changes the title of “Director of Purchasing” to “Commissioner of General Services” throughout sections in the Code.

Chairwoman Addonizio made a motion to approve; seconded by Legislator Nacerino. All in favor.

c. Local Law to Amend Section 7.05 of the Putnam County Charter Entitled “Capital Program and Capital Budget”

Chairwoman Addonizio stated that this removes “Highways & Facilities” and adds “Public Works” and “the Commissioner of General Services”.

Chairwoman Addonizio made a motion to approve; seconded by Legislator Nacerino. All in favor.

Item #6 – Approval/ Settlement of Litigation/ Marc Manzoello vs. County of Putnam et al.

7:21p.m. Chairwoman Addonizio made a motion to go into Executive Session to discuss litigation matters; Seconded by Legislator Nacerino. All in favor.

8:33p.m. Chairwoman Addonizio made a motion to come out of Executive Session; Seconded by Legislator Nacerino. All in favor.

Chairwoman Addonizio stated no action was taken in Executive Session.

Chairwoman Addonizio made a motion to Approve Settlement of Litigation/ Marc Manzoello vs. County of Putnam et al.; Seconded by Legislator Ellner. All in favor.

Item #7 – Approval/ Fund Transfer 24T078/ Settlement of Litigation/ Marc Manzoello vs. County of Putnam et al.

Chairwoman Addonizio made a motion to Approve/ Fund Transfer 24T078/ Settlement of Litigation/ Marc Manzoello vs. County of Putnam et al.; Seconded by Legislator Nacerino. All in favor.

Item #8 – Discussion/ Litigation Update/ County Attorney Spain

The Litigation Update was addressed in the Executive Session.

Item #9 – FYI/ Litigation Report

The Litigation Report was duly noted.

Item #10 - Other Business - None

Item #11 – Adjournment

There being no further business at 8:35pm, Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Nacerino . All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.