

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue  
Carmel, New York 10512  
(845) 808-1020 Fax (845) 808-1933

Paul E. Jonke *Chairman*  
Amy E. Sayegh *Deputy Chair*  
Diane Schonfeld *Clerk*  
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

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

**Members: Chairwoman Addonizio and Legislators Ellner & Nacerino**

**Thursday July 11, 2024**  
**(Immediately following Health Mtg. starting at 6:00 P.M.)**

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Acceptance of Minutes – May 16, 2024**
- 4. Approval/ Budgetary Amendment 24A059/ Sheriff’s Department/ American Rescue Plan Act (ARPA) Funding Reallocation/ School Safety**
- 5. Approval/ Budgetary Amendment 24A060/ Town of Philipstown/ American Rescue Plan Act (ARPA) Funding Reallocation Request to Garrison Landing Water District – Well 8 Project**
- 6. Discussion/ ARPA Update – Reallocations Pending**
- 7. FYI/ Litigation Report**
- 8. Other Business**
- 9. Adjournment**

#3

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

**Members: Chairwoman Addonizio and Legislators Ellner & Nacerino**

**Thursday**

**May 16, 2024**

The meeting was called to order at 6:30pm 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 – April 9, 2024**

The minutes were approved as submitted.

**Item #4 – Approval/ Town of Kent American Rescue Plan Act (ARPA) & Sales Tax Funding Change Request**

Chairwoman Addonizio explained the request for the ARPA and Sales Tax Funding from the county to be reallocated. She stated the Town of Kent requested an additional \$70,000 for the Town Hall Renovation Project, as costs have exceeded the original budget, and that the town would also like an additional \$30,000 for improvements at Ryans Field for the tennis, basketball, and pickleball courts. She stated the Food Security Project will be reduced by \$100,000 as the town officials feel they will not be able to spend the full amount in the designated time frame. She clarified that the \$30,000 for Ryans Field was presented to the county's ARPA consultant and deemed ARPA compliant under the requirements.

Commissioner of Finance Michael Lewis explained that this is a direct result of having their town hall meeting, getting municipalities on board, understanding the process, and understanding the guidelines. He stated everyone is now responsive and he expressed his excitement for the progression of these projects.

Chairwoman Addonizio affirmed they are getting close to the deadline and asked if they had another year until the deadline.

Commissioner of Finance Michael Lewis clarified that they have until the end of the year to commit the funds, and an additional two years to spend the funds and get the projects done.

Legislator Gouldman asked if all towns were falling into place with the ARPA funding.

Commissioner of Finance Michael Lewis stated yes, and that the next agenda item will be Philipstown, and then in other business will be the town of Carmel. He expressed

that at this point they have almost addressed every municipality. He stated that the smaller villages are on target.

Legislator Gouldman thanked Commissioner Lewis for working with the towns.

Legislator Nacerino expressed her belief that it is good that the towns have had time to reassess their needs and their priorities, thus allowing them to properly repurpose the funds.

Commissioner of Finance Michael Lewis commended the county's ARPA consultant and her team for reaching out to the municipalities. He commended Director of Compliance and Intergovernmental Relations Jennifer Caruso and Planning Commissioner Barbara Barbosa for their work.

Chairwoman Addonizio made a motion to approve Town of Kent American Rescue Plan Act (ARPA) & Sales Tax Funding Change Request; Seconded by Legislator Ellner. All in favor.

#### **Item #5 – Approval/ Town of Philipstown Sales Tax Funding Change Request**

Chairwoman Addonizio explained the request for the Sales Tax portion or \$369,670 of the approved \$739,340 to be reallocated to a different project in the Garrison Landing Water District which would include a new well and the expansion of water source capacity.

Director of Compliance and Intergovernmental Relations Jennifer Caruso explained that the Town of Philipstown would be repurposing their sales tax allocation. She stated the town's ARPA funding is yet to be determined, and there is a question on the project's ARPA eligibility. She has been working with the ARPA consultant on a solution. She stated that in the meantime, the Sales Tax portion has been put forward to address emerging project needs.

Chairwoman Addonizio made a motion to approve Town of Philipstown Sales Tax Funding Change Request; Seconded by Legislator Nacerino. All in favor.

#### **6. Discussion/ Requests from the Law Department to the Putnam County Clerk for Records of the County that are maintained by the Clerk's Office**

County Clerk Michael Bartolotti stated any records maintained by the County Clerk's Office are open to public view unless sealed by law or court order. He requested an elaboration on the specific records being discussed.

Legislator Jonke stated that the County Attorney had informed the Legislature of files that the County Clerk's Office was not releasing upon the County Attorney's request.

County Attorney Compton Spain stated that this is a matter that should probably be addressed through the Charter. He clarified that this matter arose during executive session when he had explained that there was a file in relation to a case that his office was unable to get hold of. He stated that he did not add this item to the agenda and clarified that he was summonsed over. He expressed difficulty in discussing with department heads why the County Attorney's Office needs requested files.

Senior Deputy County Attorney Heather Abissi clarified that privileges in relation to legal matters often prevent the County Attorney's Office from disclosing with department heads why certain files are requested. She explained that the County Attorney's Office had asked County Clerk Michael Bartolotti to disclose a file that was understood to be a District Attorney file. She clarified that the County Attorney's Office had previously asked for the file through fulfilling a Freedom of Information Law (FOIL) request. She stated that the file was necessary for responding to a discovery demand and that County Clerk Michael Bartolotti suggested the County Attorney's Office request the file directly from the District Attorney's Office. She explained that the District Attorney's Office was unwilling to give the file without an explanation of why County Attorney's Office wanted it.

Legislator Nacerino explained that the crux of this dialogue is in regard to establishing the guidelines in the County Clerk's Office for keeping and distributing files. She believes the County Clerk is in a custodial position in relation to legal files and is unable to distribute any file upon request.

County Clerk Michael Bartolotti clarified that the County Clerk's Office is not the legal custodian of these records and that it is the department that is the legal custodian of that record. He explained that the County Clerk's Office does not destroy, transfer, or ascend to the archives any record without the knowledge and consent of the department that created the record. He explained that the only time a department loses legal custody of a record is if that record has been ascended to archives by its department for archival purposes.

Senior Deputy County Attorney Heather Abissi proposed a discussion on whether an amendment to the Charter granting the County Attorney access to these files is necessary. She stated that the County Attorney is responsible for representing all county agencies and in order to do that, there will be times when the County Attorney will need access to files without providing a reason for accessing the file to the department responsible for the file. She reaffirmed that in order for the County Attorney to ethically and effectively represent the county, the County Attorney will need access to files without being forced to give a reason why.

Legislator Jonke stated that the reason he asked for this item to be placed on the agenda is because he believes the County Attorney should have all the records that he may need in as quick a time period as he can get them. He asked County Clerk Michael Bartolotti if the County Attorney owes the District Attorney an explanation as to why the County Attorney's Office needs the files.

County Clerk Michael Bartalotti responded by suggesting that that is a matter to be settled between the County Attorney and the District Attorney. He stated that he would caution against allowing the County Attorney access to files of other departments. He stated that his office does not know what is in any files and there may be files sealed by operation of law. He provided an example of matrimonial files, stating that the only people with access to matrimonial files absent a court order are the involved parties, their attorneys of records, and the courts.

County Attorney Compton Spain explained that the County Attorney's Office has ethical obligations that they have to adhere to, which makes his office different from other departments. He stated that this particular matter that arose is from a case from over thirty years ago that is of great consequence to the county that the County Attorney's Office is trying to defend. He explained that this case involves highly sensitive matters, and it spans many former District Attorneys and Sheriffs. He stated that this particular file is significant because the County Attorney's Office was reviewing it for a FOIL request and, upon review, an attorney in the office saw something that might be relevant to the matter at hand.

Senior Deputy County Attorney Heather Abissi explained that when the County Attorney's Office had requested the file for a FOIL, they were given the file with no problem. She stated that now, the County Attorney's Office is asking for the file back and they are being met with resistance.

Legislator Nacerino stated that this is an unprecedented matter and that she would not support changing the Charter to allow the Law Department the ability to encroach upon these files without the knowledge and consent of the relevant department head. She explained that such an action would go against the procedure of the County Clerk's Office.

Senior Deputy County Attorney Heather Abissi stated that the County Attorney's Office was asked by the District Attorney to provide information as to why they needed the file, and that the County Attorney's Office deemed that sharing this information would be ethically wrong. She explained that the county departments are clients of the County Attorney and that the County Attorney is looking for transparency in order to effectively defend the county.

Legislator Nacerino stated that while she understands the County Attorney's Office may be acting in the interest of the county, it is not okay to ask the County Clerk to circumvent the District Attorney.

County Attorney Compton Spain stated that this is not an active file.

Legislator Ellner asked County Clerk Bartolotti if, in general, all files within the County Clerk's Office are available to anyone.

County Clerk Michael Bartolotti replied by explaining that the records management center of the County Clerk's Office is responsible for keeping the records of departments that cannot house them themselves. He stated that it is a cooperative records management department. He stated that by allowing a department to access the records of a different non-consenting department, the integrity of records management department would be compromised. He reiterated that nothing is done to a record without the knowledge and consent of the department that created the record.

Legislator Ellner asked County Clerk Michael Bartolotti what the policy and procedure is if consent to access records of another department is denied.

County Clerk Michael Bartolotti explained that the county department that is the legal custodian would have to directly give their consent to the department seeking their records. He explained that this is a matter between the department that created the records and the department that is seeking the records. He stated that there is no procedure beyond that.

Legislator Nacerino expressed her belief that allowing the County Attorney access to any files would be a slippery slope and it would challenge the integrity of the management of records. She also questioned why the County Attorney's Office had not chosen to submit a new FOIL request.

Senior Deputy County Attorney Heather Abissi clarified that the County Attorney's Office had not submitted the original FOIL request, rather they were responding to a FOIL request on behalf of the county. She stated that the County Attorney's Office had chosen not to submit a new FOIL request due to restrictions limiting information provided through the FOIL. She provided an example of a circumstance in which it would be appropriate to not notify a department head of a reason for needing a specific file, saying if a department head was accused of malfeasance, then their knowledge of the County Attorney needing a file on them might incentivize that department head to change their behavior. She stated in circumstances like these, it might be inappropriate to notify the department head of the lawsuit until they had knowledge of what the relevant records say.

County Clerk Michael Bartolotti stated that such a matter should be resolved through a petition to the court.

Senior Deputy County Attorney Heather Abissi stated that in this particular instance, an application to the court would be negative and embarrassing and that impending litigation could harm the county's interest. She explained that these concerns with petitioning to the court are the reasons why the County Attorney's Office sought to resolve this matter internally.

County Attorney Compton Spain emphasized that this is a very limited set of circumstances.

Legislator Nacerino explained that this is not just a matter concerning one case, but a matter concerning setting a protocol that needs to be respected and one concerning the ensured protection of each department's files.

County Attorney Compton Spain stated that the County Attorney's Office differs from other departments because it represents the county in litigation matters.

Legislator Nacerino stated that the County Attorney's Office has never had the privileges to access files without the knowledge and consent of the department that made the files.

County Attorney Compton Spain responded by stating that what his office is trying to accomplish has never been done before. He expressed that the County's policy will hamstring the County Attorney's Office and theoretically will continue to do so. He suggested a revised procedure in which the County Attorney is able to sign out a file and meet in executive session to explain why he needs the particular file.

Legislator Jonke stated that his goal for adding this item to the agenda was to make the County Attorney's life easier. He stated that the County Attorney should have access to these records. He asked County Clerk Michael Bartolotti if there is anything about the policy that does not conform with state law.

County Clerk Michael Bartolotti stated that the policy conforms to state law, and that he checked with colleagues around the state and with the state archives to make sure of this.

Legislator Jonke asked County Attorney Compton Spain what the District Attorney's response was when it was explained to the DA that the Law Department could not share why it needs the file due to ethical concerns.

County Attorney Compton Spain stated that part of the problem is, upon explanation, the file could potentially be gone through very thoroughly and things that they are looking for could be removed. He stated he doesn't want to accuse anyone of that, but there is the possibility that a document is removed.

Legislator Nacerino expressed her belief that there is a trust issue between the Law Department and the District Attorney's Office. She stated that there is a need to protect the custodial oversight of the County Clerk and the protocol in place. She explained that the District Attorney is an elected official, and to encroach upon his files seems like an unethical way to conduct business, and it would set a bad precedent of blurring lines between who can do what and when. She stated that she will not support that.

Senior Deputy County Attorney Heather Abissi stated that the file was a closed and archived file.

County Clerk Michael Bartolotti clarified that the file was not in the archives.

Senior Deputy County Attorney Heather Abissi explained that the District Attorney's Office had stated that the file was in the archives.

County Clerk Michael Bartolotti stated that the District Attorney's Office is incorrect, and the file is, in fact, not in the archives.

Legislator Ellner asked if there is a way to conduct a legislative subpoena of the file.

Legislative Counsel Robert Firriolo stated that there is a way for the Legislature to conduct investigations and to issue subpoenas. He stated that this is a gray area and there is not a lot of case law on legislative subpoenas, but the Charter does give that power to the Legislature. He stated that in theory, the Law Department would come to the Legislature and explain that they are not getting cooperation in the production of a county document, and the Legislature could order someone to turn over a document because it is county property.

County Attorney Compton Spain explained that it is his position that the file is county property. He clarified that he is not trying to solicit active files, and that this file is closed. He emphasized that this particular litigation spans thirty years.

Legislator Nacerino stated that she would like to send a letter to the District Attorney requesting a rationale for why he would not release these records.

County Attorney Compton Spain explained that there are other ways he can get the information he needs.

Legislator Nacerino explained that she feels very strongly about protecting the integrity of the County Clerk's Office, and that she is concerned about the ramifications of allowing the County Attorney to circumvent the District Attorney for the sake of accessing files. She explained that she is not basing this position around one case, and that this is a slippery slope.

County Attorney Compton Spain stated that the County Attorney's Office is different from other departments because it represents the county departments in legal matters. He stated that the departments are clients to the County Attorney's Office, and it is the County Attorney's responsibility to act quickly when it comes to legal matters concerning the county.

Lynne Eckardt, resident of Southeast, asked how much of the County Clerk's Office records are digitized and if digitization of files would solve the problem of potential tampering.

County Clerk Michael Bartolotti stated a great deal of the records are digitized. He stated since 2015 they have received about \$600,000 worth of grant money to digitize. He explained that they digitize all day every day and it absolutely protects the integrity

of the files. He stated they have great security monitoring in their facility; it's alarmed, it's equipped with cameras, and many of the boxes containing sensitive information are physically taped. He explained that they don't know the specifics of what is in the boxes, and that they do not touch them, because they are not their records, they just manage them.

Legislator Crowley asked how the County Clerk's Office knows they are getting the records back as they were after someone signs records out.

County Clerk Michael Bartolotti explained that only the department that created the record can sign out the record.

Legislator Crowley suggested that safeguards should be put into place when a file is copied for a FOIL request.

County Clerk Michael Bartolotti stated if the County Attorney's Office is working through a FOIL request, they would contact the department, and they would not directly contact records management.

County Attorney Compton Spain stated the question is who do these files technically belong to. He stated he believes they are county files and that there should be a provision that mandates the protection and maintenance of these files.

County Clerk Michael Bartolotti explained that with District Attorney records, you would have to apply to the appellate division to get permission to have those records destroyed. He explained for any other record, they follow the Records Retention Schedule, and those records only get destroyed if the Records Management Department feels that their useful life under the retention schedule has ended. He clarified that they would need approval from the Records Management Office and the relevant department head to then have that record destroyed. He also clarified that the only files that get archived are files that are available to the public. All other records are overseen by the Record Management Department.

County Attorney Compton Spain stated that he thinks it should be mandated that all files should be sent to the County Clerk, and that these records belong to the county and the taxpayers.

Chairwoman Addonizio asked County Clerk Michael Bartolotti how other counties move forward with records management.

County Attorney Compton Spain stated that the Attorney General had simply told him that this is a county matter. He also stated that he thinks the Charter should be clearer.

County Clerk Michael Bartolotti stated that procedure is similar in other counties.

Legislator Nacerino explained that these procedures are in place for a reason, and we cannot have interchangeable people going into other departments files just because they are considered county property. She stated that the County Attorney's Office is a department of the county and has to abide by the same rules as other departments of the county.

Legislator Crowley explained that she is having a hard time understanding, with the ethical obligations at hand and the potential costly nature of this case, why this document is such an issue. She stated that it is concerning that this is unprecedented, and she wants to know why this is happening. She stated that it is bothersome that this file has become an unobtainable file.

County Attorney Compton Spain explained that this situation is leading them down a path in which the County Attorney's Office will have to discuss sensitive information with individuals who maybe should not be aware of such information. He stated that he is trying to do everything he can to protect the county and limit the amount of money that it will have to pay.

Legislator Nacerino stated that overstepping these procedures could have unwanted trickle-down ramifications and that she thinks the District Attorney needs to be heard from.

Chairwoman Addonizio stated that a confidential memo can be sent to the District Attorney.

County Attorney Compton Spain stated that he does not want to go down that slippery slope. He explained that it is healthy for the county for him to have a healthy relationship with the District Attorney and the Sheriff.

Legislator Ellner asked how time sensitive this matter is.

Senior Deputy County Attorney Heather Abissi stated that they have discovery demands pending, but new counsel has been brought in for each of the respective parties, and that will give a little bit of wiggle room, because the court has given the new attorneys time to catch up. She stated that because they have been given some time, the County Attorney's Office has not taken action to seek a legislative subpoena. She explained that as time goes on, it will become more urgent, and they would have to give an affidavit from the staff member that viewed the file if they cannot get the information in time.

County Attorney Compton Spain clarified that it does not matter if someone was malicious in their actions, the county is responsible. He stated that they were thinking there may have been bad actors when they started and that the county may be able to avoid some liability, however the County Attorney's Office now believes the county cannot avoid liability. He stated that the only two issues with the case are how much the county will pay, and who will pay.

Director of Compliance and Intergovernmental Relations Jennifer Caruso asked if the County Attorney's Office has an ethical obligation to meet the discovery demand.

Senior Deputy County Attorney Heather Abissi explained that the County Attorney's Office is bound by ethical rules, which separates them from other county departments. She explained they could be ethically grieved if they violate these rules, leading to an investigation by the appellate division's grievance committee.

Legislator Nacerino stated that this begs the question of why the District Attorney is adamant about not releasing these files.

County Attorney Compton Spain stated that the District Attorney just wants to know what is going on.

Legislator Nacerino asked why they cannot tell the District Attorney what is going on in an ethical manner.

Senior Deputy County Attorney Heather Abissi explained that the County Attorney's Office had informed the District Attorney that they were attempting to respond to a discovery demand. She stated that going beyond that would be inappropriate. She explained that if the Law Department does not promptly respond to the discovery demand, there may be malfeasance attributed to them that would drive the value of this case up.

Legislator Nacerino stated the intention of the Committee to send the District Attorney a memorandum to find out his reasoning for withholding the file.

County Attorney Compton Spain explained that he wants the county records in order to help him effectively defend the county, and he would be glad to justify any of his actions.

## **7. Discussion/ Putnam County v. Voutsinas Litigation**

Chairwoman Addonizio referred to a timeline of entries on the legal file list. She stated the first entry was dated 6/2/23, and then subsequent dates were provided. On 7/12/23, 9/13/23, 11/2/23, and 12/6/23 the law department provided the Legislature with a legal file list. She stated that there were no particular entries for this case on any of those four dates. She stated on 12/13/23 the outside counsel was appointed by the County Attorney and Voutsinas was sued for a declaratory judgement. She then stated that there were three more dates that the law department provided a legal file list with no entry for this case. Those dates were 2/15/24, 3/15/24, and 4/3/24. She summarized by saying they received seven (7) legislative file lists with no entries for this case.

Legislator Jonke stated that on May 6, 2024, the Legislature received a copy of a decision on an action that was started by the county against an individual. He explained

that the Legislature was unaware of this legal proceeding's existence. He stated that this case was not on any of the legal reports from when the filing occurred until now. He asked if the Law Department can initiate a legal action or proceeding without the permission of the Legislature and he expressed concern with not knowing about the proceeding, and if there are other matters the Legislature is unaware of.

Senior Deputy County Attorney Heather Abissi stated that she cannot speak to the legal reports. She explained that she took this case over from former Senior Deputy County Attorney Connor McKiernan, and to her knowledge, he had been in contact with Counsel Robert Firriolo and was trying to brief him on this and was told he did not need to be involved. She stated that section 11-2 of the Charter should be looked at because it is "circular" in how it is written. She stated that the County Attorney sought approval through the County Executive as permitted by the Charter. She stated they did this due to the potential conflict of interest for the Legislature in this matter.

County Attorney Compton Spain stated that the case was previously brought up and that there is no matter that he has spent more time on than this case.

Legislator Jonke questioned if the Legislature has the right to know if the County Attorney is filing a lawsuit on behalf of the county.

Chairwoman Addonizio asked Legislative Counsel Robert Firriolo to explain the Putnam County Code section 11-2.

Legislative Counsel Robert Firriolo stated that Senior County Attorney Heather Abissi's previous statements were incorrect. He clarified by saying the County Attorney does not have the authority, under any circumstances, to initiate litigation. He explained that only the Board of Supervisors or the Legislature can initiate litigation. He stated there is case law that says the County Executive can only initiate litigation when the Charter authorizes the County Executive. He then explained that our County Charter does not authorize the County Executive to file litigation. He stated that the code clearly says the County Attorney shall not have the power to file litigation unless it is a judgement for money under \$10,000 or if the County Attorney is directed to do so by an officer, board, or commission having the power or authority under statute. He clarified that neither the County Attorney, nor the County Executive have the power under statute or under the Charter. He stated that the County Attorney's Office brought forward a legal proceeding that violated section 11-2 of the code.

Legislator Nacerino noted Deputy Senior County Abissi was the outside counsel for the County before becoming an employee. She stated she takes offense to the assumption that asking permission of the Legislature for this case may lead to a conflict of interest.

Deputy Senior County Attorney Heather Abissi stated that in order to avoid the appearance of impropriety, the County Attorney sought the approval from the County Executive.

Legislator Nacerino stated that she does not see any perceived conflict of interest with the entirety of the Legislature.

County Attorney Compton Spain stated there was a lot of misunderstanding, and a lot happened prior to him coming in.

Legislator Jonke asked why the case was not mentioned on any of the litigation reports.

Senior Deputy County Attorney Heather Abissi stated that this was responsive to a notice of claim file brought against the county.

Legislative Counsel Robert Firriolo stated he was contacted by then Deputy County Attorney McKiernan in preparation for the 50H hearing. He clarified that he had never heard about this matter from anyone in the law department after he had spoken to the Senior Deputy County Attorney on July 10, 2023.

County Attorney Compton Spain asked what was done wrong in the procedure of this matter.

Legislator Nacerino responded by stating the policy and procedure was violated.

County Attorney Compton Spain stated it was his understanding that the case was on the report, but it had not explained exactly what the County Attorney's Office was doing.

Legislator Sayegh stated she wants the Legislature to see all litigation on the reports, regardless of if it has seen activity.

Legislator Jonke stated that if County Attorney Compton Spain had come to the Legislature with the litigation request, he likely would have been given total support by the Legislature to initiate litigation.

Senior Deputy County Attorney Heather Abissi stated the County Attorney's Office intended to avoid protracted litigation.

Legislator Nacerino stated, they are simply speaking to the fundamentals and procedures that are to be followed as dictated by the Charter.

County Attorney Compton Spain stated this matter predated him. He stated that it is up to the Legislature as to what happens to 34 Gleneida Avenue.

Chairwoman Addonizio stated that 34 Gleneida Avenue was voted to be sold, and it was not.

County Attorney Compton Spain stated that the county is in the process of re-upping with the real estate entity at the moment.

Legislator Crowley stated she wanted to know what the conflict of interest was that stopped the County Attorney's Office from coming to the Legislature and instead caused them to go to the County Executive.

Chairwoman Addonizio explained that the individual being discussed is her son-in-law. She stated that she did recuse herself and that this fact had nothing to do with the seven (7) month delay in the litigation report.

County Attorney Compton Spain stated that it was an extremely awkward situation, and the County Attorney's Office was trying to maneuver in such a way that would avoid getting personal and naming names. He also stated that he did not settle the case, because he felt the county did not owe the money.

Legislator Jonke asked County Attorney Compton Spain if he still believes he can initiate litigation without coming to the Legislature first.

Deputy Senior County Attorney Heather Abissi stated that County Attorney Compton Spain went to the County Executive in a good faith belief that he could receive authorization to initiate litigation from the County Executive based on their reading of the Charter.

County Attorney Compton Spain stated that next time there is a special proceeding, he will notify the Legislature and ask for the authority to initiate litigation.

Legislator Sayegh questioned how we safeguard from this happening again.

County Attorney Compton Spain explained that the only reason he went to the County Executive was due to the nature of the entire circumstance.

Lynne Eckardt, resident of Southeast, asked what the policy is regarding conflict of interest, specifically, she asked what constitutes one and what the procedure is when a conflict of interest occurs.

Legislative Counsel Robert Firriolo stated that the Putnam County Ethics Code has a very thorough section on defining conflicts of interest, and which relatives of an employee or an official would constitute a conflict of interest. He suggested that anyone who wants to see the specifics should look at it under the ethics provisions.

Lynne Eckardt, resident of Southeast, asked Chairwoman Addonizio when she recused herself.

Chairwoman Addonizio stated she recused herself from the beginning, stating that she was not present at the meeting in which the matter was originally discussed due to illness.

Lynne Eckardt, resident of Southeast, stated that she recommends future recusals be made in public.

Chairwoman Addonizio stated that this matter containing a potential conflict of interest had only been discussed at one (1) meeting, which was the meeting she was not present for, therefore there was no need to state her recusal in writing.

Legislative Counsel Robert Firriolo clarified that there was no vote taken by the Legislature to sell 34 Gleneida Avenue to the person of interest. He stated there were three (3) resolutions by which the Legislature put the property on the market through the MLS. He stated there was the initial resolution, then there was a resolution requiring a comparative market analysis, and finally a resolution requiring an appraisal. He added, following the appraisal, the Legislature set the selling price. He stated there was a meeting in which the prospective purchaser came to discuss the parking issue. He stated the contract for the prospective purchaser was set at full price. He explained that there was no vote by the Legislature concerning this individual.

County Attorney Compton Spain stated that the meeting with the prospective purchaser caused confusion and misunderstanding. He stated that former Deputy County Attorney Connor McKiernan had come to his office and told him that he had felt threatened on several different occasions.

Lynne Eckardt, resident of Southeast, suggested in the future to have recusal in writing so that the public understands exactly what happened.

Legislator Jonke stated that at the rules meeting of December 2022, there was side agreement to the contract at the last minute that allowed the purchaser to buy 24 parking spaces outright, but there was no appraisal with it. He stated there was a lot of pressure to get this done by the end of 2022, and he felt it was derailed at the meeting.

Lynne Eckardt, resident of Southeast, said this was a big question to leave so last minute. She stated that some people felt it should be leased space, while others felt it should be sold. She stated that doing something like this so last minute required a concrete answer that made sense for everyone. She felt the decision was very rushed.

Legislator Ellner asked does the law department have the ability to bring litigation without the authorization of the Legislature.

County Attorney Compton Spain stated that he does absolutely not have that authority, and he stated why he chose to avoid the Legislature in this particular situation.

## **8. Discussion/ Requiring Resumes for Board Appointments/ Legislator Montgomery**

Chairwoman Addonizio made a motion to table item #8. Seconded by Legislator Nacerino. All in favor.

## **9. FYI/ Litigation Report**

Legislator Sayegh asked if the Legislature knows if these are all the cases. She questioned the integrity of these reports.

Legislator Nacerino stated that was part of the discussion in Item #7.

## **10. Other Business**

Chairwoman Addonizio made a motion to accept the other business. Seconded by Legislator Ellner. All in favor.

### **10a. Other Business - Approval - Town of Carmel ARPA & Sales Tax Funding Change Request**

Commissioner of Finance Michael Lewis stated he worked diligently with the Town of Carmel. He stated they wanted to repurpose \$1,315,630 to resurfacing and repaving. This amendment to the final rule would allow some recipients to use this money for repaving.

Legislator Ellner stated that he lives in water district #2, and the water treatment plant there has served its useful life. He stated the town is doing something very good for those who live in Water District #2, therefore he is in favor of this request.

Legislator Crowley stated she is also in favor of this request, because the roads are horrendous in the area.

Chairwoman Addonizio made a motion to approve Town of Carmel ARPA & Sales Tax Funding Change Request. Seconded by Legislator Ellner. All in favor.

## **11. Adjournment**

There is no further business at 8:04 pm, Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Ellner. All in favor

Respectfully submitted by Owen Lennon, PILOT Intern.

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue  
Carmel, New York 10512  
(845) 808-1020 Fax (845) 808-1933

Paul E. Jonke *Chairman*  
Amy E. Sayegh *Deputy Chair*  
Diane Schonfeld *Clerk*  
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

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

**Members: Chairwoman Addonizio and Legislators Ellner & Nacerino**

**Thursday** **6:30PM** **May 16, 2024**

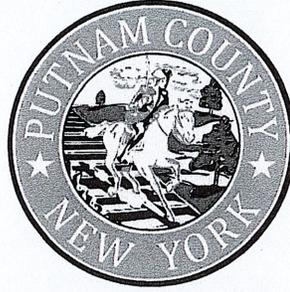
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- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Acceptance of Minutes – April 9, 2024**
- 4. Approval/ Town of Kent American Rescue Plan Act (ARPA) & Sales Tax Funding Change Request**
- 5. Approval/ Town of Philipstown Sales Tax Funding Change Request**
- 6. Discussion/ Requests from the Law Department to the Putnam County Clerk for Records of the County that are maintained by the Clerk's Office**
- 7. Discussion/ Putnam County v. Voutsinas Litigation**
- 8. Discussion/ Requiring Resumes for Board Appointments/ Legislator Montgomery**
- 9. FYI/ Litigation Report**
- 10. Other Business**
- 11. Adjournment**

cc: all  
Rules  
A+A

#4

MICHAEL J. LEWIS  
Commissioner of Finance



SHEILA BARRETT  
First Deputy Commissioner of Finance

ALEXANDRA GORDON  
Deputy Commissioner of Finance

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk  
FROM: Michael J. Lewis, Commissioner of Finance – MJL  
RE: Budgetary Amendment – 24A059  
DATE: July 3, 2024

2024 JUL -3 AM 10:38  
LEGISLATURE  
PUTNAM COUNTY  
CARMEL, NY

At the request of the Commissioner of Finance, the following budgetary amendment is requested.

<b>Capital Fund:</b>			
<b>Decrease Appropriations:</b>			
53097000 53000 52223	Capital - PCSO School Safety - ARPA	\$	875,000
<b>Decrease Estimated Revenues:</b>			
53097000 428601 52223	Transfer in - General	\$	875,000
<b>General Fund:</b>			
<b>Increase Appropriations:</b>			
10990100 59020 52403	Transfer Out - Capital (ARPA PCSO Boiler Replacement)	\$	155,000
10990100 59020 52405	Transfer Out - Capital (ARPA PCSO Life Safety)	\$	720,000
<b>Increase Estimated Revenues:</b>			
10131000 449898 52403	Federal Aid - ARPA CFDA 21.027	\$	155,000
10131000 449898 52405	Federal Aid - ARPA CFDA 21.027	\$	720,000

**Decrease Appropriations:**

10990100 59020 52223	Transfer Out - Capital (ARPA PCSO School Safety -ARPA)	\$ 875,000
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**Decrease Estimated Revenues:**

10131000 449898 52223	Federal Aid - ARPA CFDA 21.027	\$ 875,000
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Fiscal Impact - 2024 - \$ 0

Fiscal Impact - 2025 - \$ 0

The Administration has worked closely with the Sheriff's Department that was granted ARPA funds pursuant to Resolution #135 of 2022 by the Legislature to ensure compliance with applicable rules and regulations set forth by the US Treasury. This has included efforts from our own internal ARPA Committee, as well as review and assistance by the County's outside ARPA consultant. As a result of these reviews, it has come to our attention that all the Sheriff's capital projects that were approved as part of the 2024 Capital Plan are also eligible under Expenditure Category 6.1 – Provision of Government Services (see attached). As the County approaches the 12/31/2024 deadline set forth by the US Treasury to commit funds, it is the Administration's and the Sheriff's belief that reallocating \$875,000 towards these projects is the best way to use the ARPA funds.

**A. FACILITIES:**

No	Project Name	Description	Recommended Expenditure Category
1	Capital Reserve- Minor Reservations	Includes minor facility renovation capital projects (i.e. 6N, Koehler Center, Board of Elections). Also includes previously adopted CP's which are replenished when funding is drawn down (i.e- Flooring @ various County facilities, Sidewalks & Stair Safety, & Doors/Frames/Hardware).	6.1 - Provision of Government Services
2	Generator Replacement Program	Replace in kind the two generators at the Koehler Senior Center. They are both aging out of service.	6.1 - Provision of Government Services
3	DPW Stockpile Modernization (A. Operations Building/Pole Barn, B. Salt Storage Shed)	DPW Fair Street Operations Hub. The pre-engineered structure will be the main hub for DPW Operations. It will house the plow truck fleet, Brine Operations, other equipment storage, an office (for admin, scheduling, dispatch and salt tracking) and a bunk room for overnight road maintenance. The Pre-engineering plans will meet the requirements of New York State Building Code. The new building will be located adjacent to the previous structure. There is minimal sitework required to prep the site. The long sides of the building will be the north/south faces. The south face will have 6 bay doors for truck and 1 bay door for brine operations. There will also be man door access to the office and bunk area	6.1 - Provision of Government Services
4	Sheriff's Department Boiler Replacements	Putnam County is requesting funding for the replacement of the existing hot water boilers serving the Putnam County Sheriff's Department and Correctional Facility located in Carmel, NY. The County has conducted an existing conditions assessment to develop a scope of work. A consulting engineering firm has been contracted to develop plans and specifications for a public bid. <ul style="list-style-type: none"> <li>• Metal Building</li> <li>• Approximately 200 x 45 (roughly 9,000 square feet)</li> <li>• Footing and foundation Design and install</li> <li>• Automated garage door openers</li> <li>• LED overhead lighting</li> <li>• Electrical outlets</li> <li>• Concrete floors that are resistant to High Salt environment</li> <li>• Provisions for future wash bay</li> <li>• Provisions for water/sewer connections</li> <li>• Provisions for electrical connection</li> <li>• Office and bunking quarters</li> <li>• Designed and insulated for heat and air (climate controlled)</li> <li>• The South side of the building will have (6) garage doors for truck storage and (1) bay for Road Brine Operations</li> <li>• Bay doors shall be 10' wide x 16' high with windows</li> </ul>	6.1 - Provision of Government Services
5	Sheriff's Department Gate Improvements	To replace the existing Correctional Facility gate with a new, functional automatic gate to allow for access through the lower lot area. This gate has not been operational for quite some time and is in dire need of replacement.	6.1 - Provision of Government Services
6	Sheriff's Department Life Safety Systems Modernization	Upgrades to the two existing fire alarm systems (Fire Alarm and Lighting Control) and intercom system which are severely outdated and no longer compatible with modern replacement parts rendering certain elements obsolete.	6.1 - Provision of Government Services
7	ADA Improvements @ Various County Facilities	This funding will cover upgrades at the County Office Building including the installation of a main entrance access ramp and automatic door along with bathroom renovations on the 1st and 3rd floors.	6.1 - Provision of Government Services
8	Countywide Elevator Modernization Program	This 4 to 5 year program will aim to fully replace outdated elevators including their controls, hardware, electrical and mechanical components at the following sites: County Office Building 121 Main St. Sheriff's Department Historic Courthouse	6.1 - Provision of Government Services
9	New Courthouse HVAC Rooftop Unit Assessment & Replacements	This project will aim to replace 4 rooftop units which are approaching the end of their useful life (20 years). As a result of this, The County is experiencing ongoing maintenance issues and the costs associated as such.	6.1 - Provision of Government Services
10	DBS Building 3 Needs Assessment	Generator backup power should be prioritized if a newer IT server room is to be constructed. County is considering transitioning to cloud-based backup and storage. Additionally, Department movement/expansion should be finalized prior to any improvement commitments.	6.1 - Provision of Government Services

**B. ENVIRONMENTAL**

No	Project Name	Description	Recommended Expenditure Category
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1	Repairs and Improvements to Various Dams	This program will aim to inventory and perform periodic inspections on County-owned dams while prioritizing and performing the required repairs based on inspection reports. Lake MacGregor Dam Town of Kent Middle and Upper Dams	5.18 - Water and Sewer: Other
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**C. TRANSPORTATION**

No	Project Name	Description	Recommended Expenditure Category
1	Repair and Replacement of Various Bridges & Culverts/BRIDGENY Local Match	NYS DOT triennial solicitations for various bridge and culvert work.	Surface transportation project
2	Pavement Maintenance & Rehabilitation	County road and parking lot pavement rehabilitation funding. The County DPW Engineering Dept. has identified certain roads and parking lots in need of repair through our asset management software.	Surface transportation project
3	NYS Capital Highway Improvement Program Funding (CHIPS)	CHIPS provides State funds to municipalities to support the construction and repair of highways, bridges, highway-railroad crossings, and other facilities that are not on the State highway system.	Surface transportation project
4	PIN 8757.67 Farmers Mills Rd.	Farmers Mills Road (CR 42) over Seven Hills Lake Outlet is a bridge replacement project that will replace the existing structure with a wider bridge that will be supported on piles. (BIN 3345630). Town of Kent	Surface transportation project
5	PIN 8756.09 Fair Street Reconstruction	Fair St. from Route 52 to Hill & Dale Rd. improvements. The project includes pavement rehabilitation, drainage, road realignment, sidewalks, culvert replacements and intersection improvements at the Hill & Dale intersection. Town of Carmel.	Surface transportation project
6	PIN 8761.97 Stoneleigh Drewville Intersection	Stoneleigh Avenue @ Drewville Road intersection improvements will include the construction of a roundabout at the intersection of Stoneleigh Avenue and Drewville road to improve traffic flow and safety. This project will also provide safe access through the intersection to the hospital. Project will also treat road runoff. Town of Carmel.	Surface transportation project
7	PIN Bikeway II, Stage 4-	Completion of the construction of a 3 meter (10 ft) wide asphalt shared use path, beginning at Putnam Avenue in the Town of Southeast running approximately 0.58 km (0.36 miles) easterly to the Village of Brewster, ending at North Main Street. The project begins at the terminus of the recently completed section of Putnam Bikeway II Stage 4 at Putnam Avenue and ends at the proposed Maybrook Bikeway II at North Main Street. The Putnam Bikeway Pedestrian Bridge over MNRD project includes the construction of a multi-span bridge over the Metro-North Railroad Brewster Yard and the Metro-North Railroad Harlem Line, retaining wall systems, new closed drainage, storm water management facilities, railing, drainage and pavement marking and signs.	Surface transportation project
8	PIN 8762.97 Ludingtonville Rd. @52	This project at the intersection of Ludingtonville Rd. and Rt. 52 will provide safer access through the intersection. The road will be improved from the Rt. 52 intersection to the eastbound exit ramp of I-84. This project will also include stormwater runoff mitigation and bridge rehabilitation (BIN 3345620). Town of Kent.	Surface transportation project
9	PIN 8762.97 Culvert Replacement Program	The Putnam County Culvert Replacement Program has identified through asset management and condition assessment programs, several culverts including but not limited to: Croton Falls 34-3 & 34-4, and Peekskill Hollow Rd 21-9, that are in need of replacement. Based on the assessment, additional culverts with the lowest rating will be added.	Surface transportation project
10	Transit Section 5307 Funds-	Program administration to maintain operations and meet requirements for continued operations of Putnam area rapid transit (part) bus service.	Surface transportation project

**D. EQUIPMENT**

No	Project Name	Description	Recommended Expenditure Category
1	Highway Equipment-	General equipment purchases for DPW operations including but not limited to the following: Dump trucks Pickups Mowers Paving equipment Tractors	6.1 - Provision of Government Services

PUTNAM COUNTY LEGISLATURE

Resolution #139

Introduced by Legislator: Joseph Castellano on behalf of the Audit & Administration Committee at a Regular Meeting held on June 4, 2024.

page 1

**APPROVAL/ BUDGETARY AMENDMENT (24A047)/ DPW/ SHERIFF'S CORRECTIONAL FACILITY BOILER REPLACEMENTS & GATE IMPROVEMENTS/ AMEND CAPITAL PROJECTS (County ARPA Funding School Safety)**

WHEREAS, the Department of Public Works Commissioner has requested a budgetary amendment (24A047) to amend Capital Projects 52403 – Correctional Facility Boiler Replacements, 52404 – Correctional Facility Gate Improvements and 52405 – Correctional Facility Life Safety Systems; and

WHEREAS, this funding will allow for DPW to proceed with these projects and the accelerated completion goal before the next heating season specific to the Boiler Replacement Project; and

WHEREAS, DPW in conjunction with the Capital Committee has identified a budgetary savings in Capital Project 53405 – Correctional Facility Life Safety Systems which will cover the shortfall for the Boiler Project; and

WHEREAS, \$125,000 from the PCSO School Safety – ARPA funding will cover the Gate Improvements Project; 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:

**CAPITAL FUND:**

**Increase Appropriations:**

53097000 53000 52403	Capital – PCSO Boiler Project	130,000
53097000 53000 52404	Capital – PCSO Gate Improvements	125,000

**Increase Estimated Revenues:**

53097000 428601 52403	Transfer In – General	130,000
53097000 428601 52404	Transfer In – General	125,000

**Decrease Appropriations:**

53097000 53000 52405	Capital – PCSO Life Safety	130,000
53097000 53000 52223	Capital – PCSO School Safety – ARPA	125,000

**Decrease Estimated Revenues:**

53097000 428601 52405	Transfer In – General	130,000
53097000 428601 52223	Transfer In – General	125,000

State of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on June 4, 2024.

Dated: June 7, 2024

Signed: \_\_\_\_\_

Diane Schonfeld  
Clerk of the Legislature of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #139

Introduced by Legislator: Joseph Castellano on behalf of the Audit & Administration Committee at a Regular Meeting held on June 4, 2024.

page 2

**GENERAL FUND:**

**Increase Appropriations:**

10990100 59020 52204	Transfer Out – Capital – ARPA – PCSO Gate Improvements	125,000
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**Increase Estimated Revenues:**

10131000 449898 52204	Federal Aid – ARPA CFDA 21.027	125,000
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**Decrease Appropriations:**

10990100 59020 52223	Transfer Out – Capital – ARPA – PCSO School Safety	125,000
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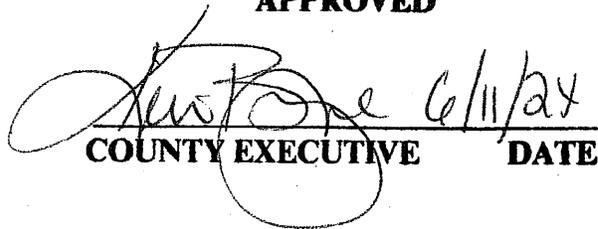
**Decrease Estimated Revenues:**

10131000 449898 52223	Federal Aid – ARPA CFDA 21.027	125,000
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2024 Fiscal Impact – 0 –  
2025 Fiscal Impact – 0 –

**BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO, ELLNER & NACERINO WERE ABSENT. MOTION CARRIES.**

**APPROVED**

  
 COUNTY EXECUTIVE      DATE

State of New York  
ss:  
County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on June 4, 2024.

Dated: June 7, 2024

Signed: 

Diane Schonfeld  
Clerk of the Legislature of Putnam County

MICHAEL J. LEWIS  
Commissioner of Finance



SHEILA BARRETT  
First Deputy Commissioner of Finance

ALEXANDRA GORDON  
Deputy Commissioner of Finance

cc: all  
Rules  
A+A

Reso.  
#5

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk  
FROM: Michael J. Lewis, Commissioner of Finance – MJL  
RE: **Budgetary Amendment – 24A060**  
DATE: July 1, 2024

2024 JUL -2 AM 11:01  
LEGISLATURE  
PUTNAM COUNTY  
CARNEL, NY

At the request of the Commissioner of Finance, the following budgetary amendment is requested.

**Capital Fund:**

**Increase Appropriations:**

56989000 53000 52218	Capital - Town of Philipstown	\$	184,835
55197000 53000 52202	Capital - ARPA (Highway Infrastructure)	\$	369,670

**Increase Estimated Revenues:**

56989000 428601 52218	Transfer in - General	\$	184,835
55197000 428601 52202	Transfer in - General	\$	369,670

**Decrease Appropriations:**

56989000 53000 52218	Capital - ARPA (Town of Philipstown )	\$	369,670
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**Decrease Estimated Revenues:**

56989000 428601 52218	Transfer in - General	\$	369,670
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**General Fund:**

**Increase Appropriations:**

10990100 59020 52218	Transfer Out - Capital	\$	184,835
10990100 59020 52202	Transfer Out - Capital	\$	369,670

**Increase Estimated Revenues:**

10131000 424011	Interest Earnings	\$	184,835
10131000 449898 52202	Federal Aid - ARPA CFDA 21.027	\$	369,670

**Decrease Appropriations:**

10990100 59020 52218	Transfer Out - Capital (ARPA Town of Philipstown)	\$	369,670
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**Decrease Estimated Revenues:**

10131000 449898 52218	Federal Aid - ARPA CFDA 21.027	\$	369,670
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Fiscal Impact - 2024 - \$ 0

Fiscal Impact - 2025 - \$ 0

Please refer to attached memorandum regarding the Request for Reallocation of ARPA funds for the Town of Philipstown.

## APPROVAL/TOWN OF PHILIPSTOWN ARPA FUNDING REALLOCATION

WHEREAS, the Town of Philipstown was allocated a total of \$739,341 of American Rescue Plan Act (ARPA) and sales tax funding pursuant to Resolutions # 133 & # 134 of 2022; and

WHEREAS, the Town of Philipstown these funds were originally approved for the Garrison Landing Water District Project pursuant to Resolutions #133 & #134 of 2022; and

WHEREAS, the Legislature approved the Sales Tax portion of the funds (\$369,670) to be expended on the Garrison Landing Water District – Well 8 Project pursuant to Resolution #121 of 2024; and

WHEREAS, the Town of Philipstown wishes to expend the ARPA portion of the funds on further costs associated with the Garrison Landing Water District; and

WHEREAS, it has been determined by the County's consultant that these costs are not eligible ARPA expenses and/or will not likely comply with ARPA rules; and

WHEREAS, the County, in order to support the Town of Philipstown as originally contemplated and according to the intent contained in Resolutions #133 & #134, while also seeking to preserve the ARPA funds granted to it by the U.S. Treasury, wishes to assist the Town of Philipstown with the amount of \$184,835 from the General Fund; and

WHEREAS, the Commissioner of Finance, and the County Auditor have reviewed and recommended said reallocation; and

WHEREAS, the County Executive has reviewed and recommended said reallocation; and

WHEREAS, the *Rules, Enactments and Intergovernmental Relations Committee* has reviewed and approved of this request; now therefore be it

RESOLVED, that the Town of Philipstown ARPA funding of \$369,670 originally allocated pursuant to Resolution # 133 of 2022 is hereby authorized to be expended on ARPA-eligible County capital project(s), with efforts to focus on a Department of Public Works project located in the Town of Philipstown; and be it further

RESOLVED, that the Town of Philipstown shall receive \$184,835 from the County's General Fund which shall be expended on expenses associated with and costs incurred related to the Garrison Water District repairs.

RESOLVED, that the distribution of said funds shall be contingent upon the receiving municipality executing an intermunicipal agreement with Putnam County, as prepared by the Putnam County Attorney, and executed by the Putnam County Executive including such terms as contained herein.



DEPARTMENT OF FINANCE

**MEMORANDUM**

TO: Diane Schonfeld, Legislative Clerk

FROM: Michael J. Lewis, Commissioner of Finance – *MJL*

RE: **Town of Philipstown – ARPA Funds Reallocation**

DATE: July 1, 2024

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The Administration has worked closely with all the Towns and Villages granted ARPA funds pursuant to Resolutions #133 of 2022 by the Legislature to ensure compliance with applicable rules and regulations for use of ARPA funding by the County's subrecipients. This has included efforts from our own internal ARPA Committee, as well as review and assistance by the County's outside ARPA consultant. As a result of these reviews, it has come to our attention that the Town of Philipstown's costs associated with the Garrison Landing Water District may not be in compliance with standards set forth by the US Treasury. It is our understanding that this project for drinking water was essential for Philipstown residents. However, despite valiant efforts from both the County and the Town, the expenses would likely not be eligible for ARPA and/or not be in compliance with rules for procurement using ARPA funds.

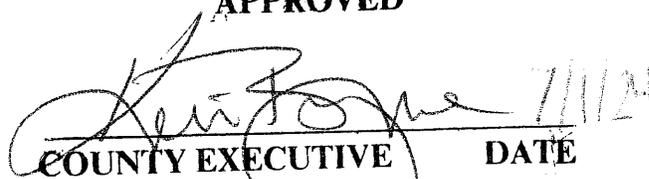
As such, the Administration is seeking to reallocate the \$369,670 of APRA funds originally allocated to the Town of Philipstown pursuant to Resolution #133 of 2022 to a County ARPA-eligible project to ensure ARPA compliance and retention of ARPA dollars. More specifically, the County intends to expend the funds on an ARPA-eligible DPW project located in the Town of Philipstown.

Further, on behalf of the Town of Philipstown, the Administration is requesting approval to provide \$184,835 in funds from the General Fund, which was originally allocated to County capital projects, to the Town of Philipstown to support the Town in this much-needed project and its related costs.

It is the Administration's belief that this amount assists the Town in accordance with the intent contemplated by Resolution #133 of 2022, helping the Town with an essential need, while also recognizing other, County towns and villages' efforts to comply with the ARPA requirements.

Attached is a proposed resolution for consideration by the Legislature.

Approved:

**APPROVED**  
  
**COUNTY EXECUTIVE**      **DATE** 7/1/24

Kevin M. Byrne  
County Executive

**MICHAEL LEWIS**  
COMMISSIONER OF FINANCE



*cc:all  
Rules  
Revised*

**KEVIN M. BYRNE**  
PUTNAM COUNTY EXECUTIVE

*#6*

**MEMORANDUM**

Date: July 2, 2024

To: Diane Schonfeld – Legislative Clerk

From: **Michael Lewis, Commissioner of Finance – MJL**

CC: Kevin Byrne, County Executive

James Burpoe, Deputy County

Jennifer Caruso, Director of Compliance & Intergovernmental Relations

RE: **ARPA Update /Discussion – Reallocations pending**

2024 JUL -2 AM 11:40  
LEGISLATURE  
PUTNAM COUNTY  
CARMEL, NY

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Please consider the above referenced item for inclusion on the agenda for the upcoming July 11<sup>th</sup> meeting of the Rules, Enactments, Intergovernmental relations Committee. The Administration is aware of additional requests to re-purpose funding previously authorized by Resolution #133,134 & 135 of 2022. We are not seeking any authorization at this time but would like to provide you with some visibility of requests that are being considered that may result in a future proposal to the Legislature. Members of the ARPA Committee will be present to discuss.

Thank you in advance for your consideration.

**July 11, 2024  
Rules Meeting**

**#7**

**FYI/ Litigation Report**