

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

Members: Chairman Birmingham and Legislators Ellner & Gouldman

**Thursday December 18, 2025
(Immediately Following the Audit Mtg. beginning at 6:00PM)**

The meeting was called to order at 6:45pm by Chairman Birmingham who requested Legislator Montgomery lead in the Pledge of Allegiance. Upon roll call Legislator Ellner and Chairman Birmingham were present. Legislator Gouldman was absent. Chairman Birmingham stated Legislator Montgomery would be sitting on the Committee in Legislator Gouldman's absence.

Item #3 – Chairman's Verbal Report – Duly Noted

Item #4 – Acceptance of Minutes – September 15th Meeting

The minutes were accepted as submitted.

Item #5 – Approval – Local Law – Amend Chapter 25, Article VI, Entitled "Transportation Advisory Council"

Commissioner of Planning, Development and Public Transportation Barbara Barosa stated she is requesting to update the Transportation Advisory Council. She stated they solicited the previous members to see if they were interested in returning but were unsuccessful. She stated they then looked at the criteria and found some of the language was antiquated. She stated there will be a study of the County's transit system this year, therefore she is making this request now so the Transportation Advisory Council can participate in the study.

Chairman Birmingham requested an overview of the changes requested.

Commissioner Barosa stated the Transportation Advisory Council was previously focused on economic development and she is now shifting the focus on the needs of the clients. She stated the departments or agencies removed are Consumer Affairs, Industrial Development Agency, and Economic Development Agency. She stated the Putnam County representative on the MTA Board was included at the request of Legislator Montgomery.

Chairman Birmingham questioned if there are any substantive changes to the powers and duties.

Commissioner Barosa stated they narrowed down the powers and duties, for instance taxi and limousine regulatory commission was removed. She stated they are not involved with regulating or licensing the taxis; the DMV handles that.

Chairman Birmingham stated it may be worth revisiting the topic of a taxi and limousine commission since rideshare services like Uber and Lyft have become more popular.

Commissioner Barbara stated she believes that would better to be looked into by the County Clerk or Consumer Affairs.

Chairman Birmingham made a motion to pre-file the necessary resolution; Seconded by Legislator Ellner. All in favor.

Item #6 – Approval – Local Law – Legislative Counsel Positions

Chairman Birmingham stated this local law would amend the Putnam County Charter and provide for counsel to the majority of the Legislature and counsel to the minority of the Legislature. He stated the funding for these positions was voted on unanimously as part of the budget. He stated this version of the local law makes the salaries of each position the same. He stated these positions are more of a separation of powers issue, not a reflection of the current counsel.

Legislator Ellner stated having dedicated attorneys will better serve the Legislature. He thanked Legislative Counsel Abissi for her hard work.

Legislator Montgomery stated a lot of work went into this and she thanked Legislative Counsel Abissi and her colleagues for their work on this. She stated it makes sense to give the authority of the County Attorney to the Executive branch and the authority of Legislative Counsel exclusively to the Legislature. She stated this local law is not about conflict it is about capacity. She stated this is good government; separation of branches. She stated this gives the Legislature the tools to do its job better regardless of party. She stated this does not weaken the Executive branch and does not undermine the County Attorney, it simply gives the Legislature the internal capacity to draft better laws, ask better questions and to govern more effectively. She stated she wished every member of the Legislature was present this evening to participate in this discussion; decisions made about the structure and independence of this Legislature are best made with all members present. She stated her support for this measure as she believes it will result in better service for the people of Putnam County.

Legislator Addonizio stated her support for this local law. She stated a dedicated Legislative attorney ensures that the Legislature will receive legal guidance that is independent from the Executive branch. She stated this helps to avoid conflicts of interest, protects the Legislature's authority, and safeguards separation of powers. She stated a County Legislature with its own attorney will operate more effectively. She stated this supports democracy at the local level, ensuring powers are respected and public interest is protected. She stated it has been a long-standing practice for the Putnam

County Legislature to contract for legislative counsel. She stated she does not believe this is a luxury; it is a safeguard for effective governance.

Legislator Sayegh stated since the formation of the Legislature there has been separate legislative counsel and last year that resource was revoked and removed. She stated the Legislature had a contract for Legislative Counsel, which saved taxpayer money by not hiring an employee. She stated the Legislature was unable to hire their own Legislative Counsel outside of the County Attorney's office, which has made this past year difficult on the Legislators, on herself as Chairwoman of the Legislature, and on the office staff. She clarified that she does not mean to slight any attorney the Legislature has had from the County Attorney's office; they have been professional, educated, and quick to serve as best they can. She stated the ability for the Legislature to choose their own Counsel preserves the separation of powers for the current Legislature as well as future legislatures.

Legislator Jonke stated it is a disgrace that this Legislature had to go this whole year without independent Legislative Counsel. He stated a member of this Legislature wrote a letter to the County Attorney's office and that began what he refers to as a "witch hunt" against our former Legislative Counsel. He stated this County spent \$35,000 on that document and from that, the County Attorney's office discontinued a valid contract that this Legislature approved. He stated at that time, the County Executive sued the Legislature which cost \$52,000 of taxpayer money only to be aborted the night before their scheduled court date. He stated \$87,000 was spent on getting rid of independent Legislative Counsel. He stated it is a disgrace that the Legislature and staff have had to work without independent counsel. He stated his respect for Legislative Counsel Heather Abissi.

Legislator Ellner stated this Legislature hired outside counsel to defend them in the lawsuit filed by the County Executive and that attorney has yet to be paid for the services provided because the County Attorney has yet to sign off on the bill.

Legislator Montgomery stated according to the Putnam County Code the County Attorney has the authority to oversee, hire, and fire Legislative Counsel. She stated this rises above politics, it is about capacity and balance and how we function as an institution, regardless of who holds power. She stated she believes mistakes were made by both the Legislative and Executive branches. She stated that is why this proposed local law needs to be approved and implemented. She stated she believes this local law will pass Committee and the Full Legislature and she hopes the County Executive will then sign it into law. She stated if not, it can be brought forward again next year. She stated the Legislature should be able to hire an attorney in the event they have a conflict with the County Executive because as it stands, an attorney would be provided by the County Attorney. She stated she is looking to be independent as she believes it leads to good government for the residents.

Brett Yarris, resident of Carmel, stated when this Nation was founded through the Constitution they chose to make Article I, the very first part of the document thereby

presumably the most important, about legislative bodies. He stated the legislative bodies in a democratic government are the voices of the people. He stated each Legislator knows their district better than anyone. He stated the Executives, as spelled out in Article II of the Constitution, are to serve an administrative function; to administer the acts of government. He stated to not be able to independently defend the needs of the people served by the Legislature is a travesty. He stated the Executive controlling both branches of government does not reflect the will of the people, it creates machines. He stated the legislation being voted on this evening is an opportunity to maintain independence.

Chairman Birmingham made a motion to pre-file the necessary resolution; Seconded by Legislator Montgomery. By roll call vote: All Ayes. Motion carries.

Item #7 – Approval – Intermunicipal Agreement between the Putnam County Sheriff's Office and Westchester County

Chairman Birmingham made a motion to move item #7 to after item #9 on the agenda; Seconded by Legislator Montgomery. All in favor.

Item #8 – Approval – Re-Appointments – Electrical Board – DaEira, Moccio, Ricci

Legislator Montgomery stated she is grateful for the volunteers' service to this board.

Chairman Birmingham made a motion to pre-file the necessary resolution; Seconded by Legislator Ellner. All in favor.

Item #9 – FYI – Chairperson of the Legislature's Appointments to the Agricultural & Farmland Protection Board

Legislator Sayegh stated she will be reappointing Agriculture & Farmland Protection Board (AFPB) members Nicole Scott and Christine Nastasi. She thanked the members for their volunteerism.

Legislator Montgomery recognized the hard work done by the AFPB.

Cassandra Roth, member of the AFPB thanked Nicole Scott and Christine Nastasi for their service on the Board.

Item #7 – Approval – Intermunicipal Agreement between the Putnam County Sheriff's Office and Westchester County

Chairman Birmingham stated he will be recusing himself from this item due to the fact that the law firm he works for represents, in a small way, the County of Westchester. He asked Legislator Montgomery to act as Chair for this item.

Legislator Montgomery stated shared services are a great thing. She asked Sheriff Brian Hess to speak to this item.

Sheriff Hess stated this is a renewal of the IMA for 5 years. He stated this allows the Putnam County Sheriff's Office to call upon Westchester County for mutual aid. He stated Putnam County is in "Zone A" the shared services allows for a rapid response of additional officers when needed and Putnam is able to do the same.

Legislator Montgomery requested clarification on "Zone A".

Sheriff Hess stated Westchester County is divided into three (3) zones; Zone A covers north of Interstate 287. He stated if the need arises all three (3) zones could be called upon.

Legislator Ellner made a motion to pre-file the necessary resolution; Seconded by Legislator Montgomery. All in favor.

Item #10 – FYI – Litigation Report – Duly Noted

**Item #11 – Other Business of any Matters Proposed by a Member of the Legislature
a. Approval – Soil & Water Conservation District Funds Transfer**

Chairman Birmingham made a motion to waive the rules and accept the other business; Seconded by Legislator Ellner. All in favor.

Legislator Ellner stated this has been discussed for a long time. He stated for the Soil & Water Conservation District (SWCD) to properly function they need to access their funds. He stated Senior Deputy County Attorney Heather Abissi has done a lot of work with the State to get information together and she sent over this draft resolution. He stated these are funds the SWCD are entitled to and he would like to see this move forward. He stated this is a significant amount of money, over \$800,000.

Legislator Montgomery thanked Legislative Counsel Heather Abissi for navigating the legal complexities of this. She stated for the first time in the County's history the role and financial autonomy of the Putnam County SWCD is clearly and unequivocally established. She stated this resolution eliminates the gray area. She thanked SWCD Board Members Cassandra Roth and Brett Yarris for holding the Legislature to task. She stated this is a long overdue step toward transparency.

Legislator Sayegh stated she is in favor of this. She stated any funding for the Putnam County SWCD needs to be released to them. She stated this resolution is in draft form and she is not comfortable taking action until Finance or Risk has reviewed it. She applauded Legislative Counsel Abissi for her work and thanked Legislator Ellner for bringing this forward. She stated as a Legislator, she is not comfortable releasing hundreds of thousands of dollars without doing her due diligence.

Chairman Birmingham stated he had some of the same concerns however there are some safeguards within the resolution. He stated he spoke with Commissioner of

Finance Carlin and although this money does not belong to the County, there is a fiduciary responsibility to safeguard it. He thanked Legislative Counsel Abissi for drafting this resolution in a timely fashion. He stated he has some amendments to suggest. He stated the last resolved clauses states *"this Resolution shall take effect immediately upon and subject to the Commissioner of Finance and Risk Management's approval..."* He stated he would like to add that the final product come back before the Legislature for final approval.

Legislator Montgomery stated she would like to clarify the timeline of this process since it has been mentioned how quickly this was prepared. She stated her understanding is that this was worked through extensively with the SWCD Board.

Legislative Counsel Abissi stated she worked with the SWCD Board with respect to an IMA. She stated the document before the Committee this evening was prepared in a short amount of time after a memorandum requesting such was sent to her by Legislator Ellner.

Legislator Addonizio stated most SWCD across New York State maintain their own financial accounts to support and manage their operations. She stated the Putnam County SWCD is requesting to do the same.

Legislator Ellner stated this has been discussed for over 6 months. He stated these funds are held by the County but do not belong to the County. He stated the SWCD wants to have unfettered access to those funds. He stated he disagrees with adding layers of government. He stated New York State issues these funds and additional funds are being missed out on because the SWCD is not functioning in a fully autonomous manner.

Legislator Sayegh clarified that these are SWCD funds that are provided by New York State. She stated the County has acted as a passthrough of State funds for other organizations in the past. She stated County oversight on these funds can act as protection.

Legislator Montgomery stated she has never seen funds spent from this line.

Commissioner Carlin stated the budget is established and approved to allow funds to be moved administratively. He stated a budgetary amendment would increase an estimated revenue from Soil & Water funds part B or C and then the Legislature would vote to increase an expense line; the County general fund would pay that money and be reimbursed by the trust account.

Chairman Birmingham stated in that instance it is the County doing the spending. He questioned if it should be the SWCD.

Commissioner Carlin stated the County was the de facto SWCD.

Chairman Birmingham stated he believes this is the crux of what is being talked about; the SWCD should be doing the spending, similarly to how outside agencies operate.

Legislative Counsel Abissi stated there is no question these are New York State funds and there is no problem with the SWCD seeking autonomy in using those funds and holding those funds. She stated many other SWCD operate independently. She stated in speaking with the Administration she does not believe they had an issue with it. She stated the issue is how to effectuate this change in a fiscally responsible way. She stated initially, putting together an IMA between the County and the SWCD was being discussed. She stated the notion was the County would hold, safeguard, and handle the funds and provide annual budgets over which the SWCD would have autonomy. She stated the County would assist the SWCD with accounting since the County has the infrastructure for it. She stated despite best efforts, it was not done in time to be sent to this meeting. She stated she received correspondence from the Administration that they were reviewing it. She stated in that intervening time the SWCD indicated that they wanted full autonomy, with the County not involved at all, which is permissible however the IMA was not drafted that way. She stated alternatively, the SWCD requested Legislator Ellner to move this forward via resolution. She stated this resolution was drafted without the information from New York State about what would be required of the County. She stated because the County has been the fiduciary for so long, she is unaware of the level of accounting we would have to provide or what reports would need to be prepared. She stated she has been in contact with counsel for New York State Agriculture and Markets which oversees SWCD and they had to look further into it because not every County operates the same way; in most counties the funds go directly from New York State to the SWCD. She stated since Putnam County is structured the way it is, the County has a fiduciary responsibility to account for these monies; that every dollar that came from New York State went toward something it was supposed to and that the amount the County has is the correct amount. She stated the County is awaiting for the State to provide what level the County will be asked to make an accounting of the funds in order to attest that the County is transferring every dollar they are entitled to. She stated there are multiple steps in this process and she does not currently have the clarity to be able to advise on this issue. She stated she inquired with the State as to what the best course of action would be and they responded that an IMA would be appropriate and the County should wait to hear back from the State to find out what would be needed from the County. She stated the State also communicated that as long as the County is not impeding the SWCD's functioning there is nothing wrong with taking time to do things in a fiscally responsible way because Putnam is unique in that it has this intermediary structure and the State is not going to fault the County for accounting for the money its had all this time. She stated the Legislature has the power to pass this resolution through as-is because she built in those necessary protections. She stated she tried to foresee risks and liabilities but was drafting this resolution blind.

Legislator Ellner stated as a Legislative Representative on the SWCD Board, he believes things have been impeded. He stated there is a tremendous amount of confusion due to the County Soil & Water department, which is unrelated to the SWCD. He stated it is important to ensure that none of the SWCD funds went to that department.

Commissioner Carlin stated future funds will go directly to the SWCD; the County will not touch the money. He suggested requiring an executed IMA that protects the County and has the appropriate indemnity clauses and any other necessary details. He stated as soon as he has the executed IMA and the required banking information is filled out the funds will be released; a budgetary amendment is not necessary because the funds are in a trust fund. He stated the SWCD will have their money in January. He stated he appreciates the work being done by the SWCD, they have a hefty job in front of them.

Cassandra Roth, Chair of the SWCD Board, thanked Heather Abissi who is Legislative Counsel, Senior Deputy County Attorney, and under Soil & Water District law, she is their attorney. She stated in February 2025 she contacted Putnam County to point out inconsistencies and vacancies on the SWCD Board, specifically the treasurer and other required officers, and requesting that it be addressed. She stated she received no response. She stated when it was not corrected she joined the SWCD Board herself. She stated it is apparent the County has not dug into these funds to know there are rules that govern those expenditures. She stated the Seedling Sale hosted by Putnam County Cornell Cooperative Extension should have been paid for with SWCD funds as agreed upon by the Board, however it was funded by the County. She stated she has requested an IMA months ago with the intention of having it prior to the budget process. She stated the SWCD Board has repeatedly requested a printed bank statement of the SWCD funds because in February the SWCD Board is responsible to submit the reports to the State.

Brett Yarris, SWCD Board Treasurer, stated he believes these funds have been misused, not necessarily intentionally, but he believes funds have been spent where they should not have been. He stated he believes there has been conflation between the SWCD Board and the Soil and Water department. He stated no one has been more responsible for these funds than the current SWCD Board. He stated the SWCD Board is not an advisory board and it is not an outside agency. He stated the SWCD Board is a municipality; the County has oversight over nothing. He stated the County cannot stop the SWCD Board from accessing the funds, it can only get in the way.

Legislative Counsel Abissi stated that is correct, the County's role is purely ministerial.

Mr. Yarris stated the County's oversight is on the make up of the Board in that it appoints two (2) Legislative Representatives and approves the appointment of all other appointments. He stated once the Board is in place it is an independent municipality. He stated the County is actively impeding the SWCD Board. He stated he is not faulting the County for this, he is bringing it to the County's attention. He stated SWCD Board is awaiting signature on the IMA submitted to the County seven (7) days ago. He stated this resolution this evening keeps this moving forward. He stated the law and mechanisms are clear and there has been no opposition from the SWCD Board to move this forward. He stated there are safeguards in place in this resolution; he requested it be approved this evening.

Legislator Montgomery apologized for misspeaking earlier about this resolution being worked on for a long time. She stated she believes holding on to this money could be a liability. She stated the County has been the custodian of this money for convenience, but it is no longer working.

Legislator Ellner made a motion to pre-file the necessary resolution; Seconded by Legislator Montgomery. All in favor.

Item #12 – Adjournment

There being no further business at 8:16pm, Chairman Birmingham made a motion to adjourn; Seconded by Legislator Ellner. All in favor.

Respectfully submitted by Deputy Clerk Beth Robinson.