

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

Members: Chairman Sullivan and Legislators Albano & Castellano

**Wednesday November 22, 2021
Immediately following Economic Development & Physical Mtgs. beginning at 6:00pm**

The meeting was called to order at 6:40pm by Chairman Sullivan who requested Legislator Albano lead in the Pledge of Allegiance. Upon roll call Legislator Albano & Chairman Sullivan were present. Legislator Castellano was absent.

**Item #3 – Approval of Minutes – September 16, 2021 Meeting
October 7, 2021 Budget Meeting
October 7, 2021 Special Meeting**

The minutes were approved as submitted.

**Item #4 – Amendments to Trades Board Laws/ Fees/Civil Penalty Schedules
a. Approval/ Local Law to Amend the Code of the County of Putnam
Chapter 135, Entitled “Contractors”**

Senior Deputy County Attorney Conrad Pasquale stated as a reminder, the changes to this law are similar to those already passed for the Plumbing & Mechanical Trades and Electrical laws. He stated this law was held off because there was a change to be incorporated. He stated under Section 135-4 *Definitions*, the definitions of Appearance Ticket and Notice of Charges were added. He stated in Section 135-6 *Board of Home Improvement*, the term length of a Board Member had previously been changed from two (2) years to three (3) years to match the term lengths of the other trades boards, however the Home Improvement Board requested it be changed back to two (2) years. He stated in Section 135-8 *Registration Required* a new paragraph has been added. He stated previously, the Home Improvement law was merely a registration that was recognized; anyone could be registered. He stated there was a subcategory for people who do lawn care and similar work, which had different educational requirements but still required a registration. He stated the issue was that the insurance requirements are vastly different depending on what work is actually being done. He stated therefore, it would be possible to be registered to do lawn work but the worker is installing a roof, which insurance would not necessarily cover. He stated in Section 135-8 *Registration Required* subsection D was added to make it so that if an individual was working outside of the scope of what they are registered to do, they would be deemed unregistered. He stated Section 135-25 *Insurance and Bonding* was updated to require anyone doing home improvement work in Putnam County, whether they are registered or not, to have insurance. He mentioned that the numbering has also been changed throughout the law to match the rest of the Putnam County Code.

Chairman Sullivan stated the language added to Section 135-25 *Insurance and Bonding* adds clarity to the work being done. He questioned the added wording in subsection F which states “All insurance policies and bonds must be carried throughout the entire period of registration and for the duration of any home improvement work performed.”

Senior Deputy County Attorney Pasquale stated there was a specific case where a home improvement contractor was properly registered, insured, and bonded however the registration expired and was not renewed in a timely manner, nor was the insurance or the bond. He stated this contractor was working on a project they had initially commenced when they were properly registered. He stated this added language ensures the requirement for all contractors to maintain proper registration, insurance, and bond for the duration of the work being done.

Legislator Albano questioned if the requirement of general liability insurance for \$1-\$2 million was consistent across the board.

Senior Deputy County Attorney Pasquale stated yes, it is consistent; no changes were made to that.

b. Approval/ Home Improvement Fees/ Civil Penalty Schedule/ Pursuant to Sections 135-13(A) & 135-13(B) of the Putnam County Code

Senior Deputy County Attorney Pasquale stated the changes made to the Fee/Civil Penalty schedule are consistent with those made to the other trades boards. He stated the changes made are minor and are for clarification purposes.

Chairman Sullivan made a motion to pre-file the necessary resolutions for item #4a and item #4b; Seconded by Legislator Albano. All in favor.

Item #5 – Approval/ Re-Appointments/ Home Improvement Board/ Cusanelli, Hull, Harnish, Lyons, & Korin

Chairman Sullivan stated one (1) of the individuals being recommended for re-appointment has not yet filed their required financial disclosure form. He stated discussions have been had over the past few years about board members failing to file the financial disclosure form and how to handle the situation.

Legislator Addonizio questioned if the individual is refusing to file.

Chairman Sullivan stated he believes there have been several notifications given to the individual and requests made for them to file.

Legislator Jonke stated he does not believe the individual should be re-appointed if they will not file the financial disclosure form. He stated board members are aware of the requirement to file the form when they are appointed to the board. He stated it would set a bad tone if the Legislature were to reappoint someone who refuses to file.

Legislator Nacerino suggested separating the individuals being reappointed and giving this individual the opportunity to file prior to the Full Legislative Meeting. She stated if at that point they still have not filed, they would not be reappointed.

Legislator Albano agreed. He stated he appreciates all volunteer board members, and it is important for them to all follow the same guidelines and requirements.

Legislative Clerk Diane Schonfeld stated unless the board member is being removed, their appointment does not expire until the end of the year, December 31, 2021. She stated the office could continue to follow up and if they file their financial disclosure before the Rules, Enactments, & Intergovernmental Relations Committee Meeting in December, the appointment for that individual could be made then.

Chairman Sullivan stated the Legislature has been discussing the issue of individuals not filing the financial disclosure forms for a while now. He stated if the forms are not filed, the individual will not be able to serve on the board.

Legislative Counsel Firriolo stated the board members who have filed their financial disclosure form can be moved forward and the one who has not can be separated and moved forward if and when they file.

Chairman Sullivan made a motion to approve the re-appointments of Cusanelli, Hull, Lyons, & Korin; Seconded by Legislator Albano. All in favor.

**Item #6 – Approval/ Re-Appointments/ Plumbing & Mechanical Trades Board/
Boyd, Losee, & Lyons**

Legislator Nacerino clarified that Christopher Lyons is on both the Plumbing & Mechanical Trades Board and the Home Improvement Board.

Chairman Sullivan stated that is correct.

Legislator Montgomery thanked Director of Consumer Affairs Michael Budzinski for sending the resumes and information. She stated having conflict statements on each individual would be helpful as well.

Chairman Sullivan agreed.

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

Item #7 – Approval/ Re-Appointments/ Electrical Board/ Counihan, Pidala, & Rossiter

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

Item #8 – Approval/ Budgetary Transfer 21T306/ County Attorney/ Fund Year End Invoices

County Attorney Jennifer Bumgarner stated the Law Department has had several unexpected and unanticipated matters that have required excessive budgetary expenditures. She stated what was most significant this year was the amount of money spent on the general category of personnel and labor law matters. She stated specifically, after employees returned to work after being remote due to COVID, the Law Department was inundated with workplace violence and harassment complaints. She stated the cases were referred to outside counsel and they investigated to determine if the allegations could be substantiated, in some cases requiring many employees to be interviewed. She stated the reports from those investigations are then issued to the Law Department and resulted in a lot of work. She stated there are also two (2) cases being litigated relative to a specific Highway Department project that is not covered by insurance because it is a breach of contract action. She stated they are working on attempting to settle these cases. She stated she was also required to assign conflict counsel in certain cases where they could have been a conflict because she was already providing advice to either the County Executive or the Legislature on a specific matter that the Sheriff required counsel on as well. She stated for instance, the Highway Department matter and labor law cases all cost over \$100,000 within one (1) year, which is unheard of. She questioned why the amount was blacked out on some of the pages in the backup material.

Legislator Montgomery questioned why some information was blacked out on the backup material.

County Attorney Bumgarner questioned if the information was blacked out by the Legislative Office upon receipt of the document from the Law Department.

Legislative Clerk Schonfeld stated no, the document was received with that information already blacked out.

County Attorney Bumgarner stated she is unaware when or how the information got redacted. She stated there are redactions on the right side of the pages that she did with a black marker, however on the right side of the page the redaction looks exact, as if it were done by a computer.

Chairman Sullivan questioned if it is possible that the information that appears to be blacked out is highlighted in another color that was made darker when the document was scanned and copied.

Legislator Montgomery stated this is a big expense this year, especially the expense of the labor issue that speaks to a bigger issue. She stated she hopes these cases do not continue into next year and suggested bringing in a human resource expert to help employees with these issues. She stated in regard to the conflict with counsel for the Sheriff, she questioned why information on specific cases was being requested from the Sheriff directly and not the County Attorney's office as it has been in the past. She stated the County Attorney's office has sent information on other cases.

Chairman Sullivan stated the question posed is off topic.

Legislator Montgomery disagreed and stated it involves the cost included in this fund transfer.

County Attorney Bumgarner stated that assumes the cost was incurred because somehow there was a failure of disclosure of documents by the County Attorney's office, and that is not what those cases specifically were. She clarified that the conflict counsel was assigned in specific circumstances where there were issues that arose where she, or a member of her staff, had previously been contacted by another public officer or employee for advice on that specific issue. She stated with respect to the profession of those in the Law Department, once they are contacted for advice they are prohibited from providing advice to another individual with an interest that conflicts. She stated under the ethical rules applicable to the legal profession, she was restrained from providing the Sheriff counsel and advice. She stated therefore, separate counsel was sought out to ensure the Sheriff was not denied assistance of counsel. She stated it was several separate issues.

Legislator Montgomery thanked County Attorney Bumgarner for the explanation. She requested a list of the cases conflict counsel was needed for.

Chairman Sullivan stated he believes those cases are on the backup material.

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

Item #9 – Approval/ Contract/ Legislative Counsel

Chairman Sullivan stated one (1) response to the RFP (request for proposal) was received and it was from Altieri & Firriolo. He stated this was advertised in local newspapers, online bidding website, and was issued directly to the Putnam County Bar Association. He stated the only response was from the current Legislative Counsel Robert Firriolo, who does a terrific job.

Legislator Albano agreed that Legislative Counsel Firriolo is doing a great job.

Legislator Jonke agreed and stated Legislative Counsel Firriolo is fair, thorough, and professional.

Legislator Nacerino echoed the sentiments of her colleagues.

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

Item #10 – Approval/ Litigation Settlement/ Rosado v. County of Putnam

At 7:10pm Chairman Sullivan made a motion to go into executive session to discuss litigation; Seconded by Legislator Albano. All in favor.

At 7:40pm Chairman Sullivan made a motion to come out of executive session; Seconded by Legislator Albano. All in favor.

No action was taken.

Chairman Sullivan stated although it is not an easy decision to make, this settlement protects the taxpayers from future liability related to this claim. He stated this is an economic decision and he is in no way saying the behavior of the Sheriff's Department was acceptable. He stated this settlement is for \$125,000.

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

Item #11 – Approval/ Local Law Authorizing County of Putnam of Enter into Inter-Municipal Agreement to Effectuate a Mutual Aid Response Plan for the Police Departments of Participating Municipalities and to Delegate to the Sheriff the Powers Granted to the Chief Executive Officer to Request and Grant Police Assistance (Westchester County)

Senior Deputy County Attorney Pasquale stated this would allow the County to enter into an intermunicipal agreement (IMA) between the County of Putnam and Westchester County. He stated Westchester County has a Police Chief's Association and even though our Sheriff's Department is not lead by a Police Chief, the Sheriff does qualify. He stated the current Sheriff is a member of the Police Chief's Association. He stated the incoming Sheriff would presumably also join. He stated this is relevant because only the Police Chief's Association gets a say in how the plans are revised. He stated this is essentially a rapid response plan that is headed by the County of Westchester and encompasses most, if not all, of the municipalities within the County of Westchester and only recently have they been expanding it outside where they are allowing certain neighboring municipalities enter. He stated it is similar in function to Putnam County's Emergency Response Team, but this would allow us to draw resources from Westchester County as well. He stated because Westchester is a much larger county, they have the finances and resources that Putnam just does not have

access to. He stated this also touches on a section of the General Municipal Law which deals with who is permitted, statutorily, to request aid in certain situations and that typically the County Executive would be the person to make the request. He stated however, there is a provision that allows that authority to be delegated to the Chief of Police, which in this particular case would be the Sheriff. He stated this is one of the major considerations as this is a significant shift of power. He stated this particular resolution was requested by the Putnam County Sheriff's Department therefore he may be unable to address questions or concerns. He stated when this was last on the agenda, a member of the Sheriff's Department was present however he does not believe there is representation this evening.

Chairman Sullivan explained that he had a conversation with Sheriff-Elect McConville about this matter and he was in agreement with it.

Legislative Counsel Firriolo stated because this involves a delegation of power to the Sheriff it would make sense to have this codified. He stated when a local law is enacted, it could be added to a specific section of the Code. He stated by adding it into the Code it would be easier to find and track the legislative history. He stated it would also make it easier to repeal if necessary. He suggested amending the proposed local law by inserting language that this adds a new section to the Code. He stated he discussed this with County Attorney Bumgarner as well, who agreed that it would make sense and expressed that it was simply an oversight that this was not already included.

Chairman Sullivan agreed.

Senior Deputy County Attorney Pasquale stated as far as the formal function, it is essentially how Westchester County had done it. He stated he can certainly draft this up to be codified. He stated he could make the amendment prior to the Full Legislative Meeting.

Legislative Counsel Firriolo stated the Committee could also approve the IMA and substitute the amended version at the Full Legislative Meeting.

Legislator Sayegh requested clarification on the wording in the fifth section that refers to the requesting municipality being responsible for payment of services. She questioned if the payment refers to the liability or the actual service.

Senior Deputy County Attorney Pasquale stated he is unable to speak to the specifics of how this is going to work as this is a Westchester agreement and is being engaged in by the Sheriff's Department. He stated from his understanding of this, which is through his understanding of the General Municipal Law, it means that a requesting municipality typically would be responsible for the cost of resources, loss, and damages. He stated he is not sure about the cost of personnel. He stated if Putnam County were requesting aid on behalf of a municipality within the County, the request would be coming from the County.

Chairman Sullivan made a motion to approve this item subject to the discussed amendments; Seconded by Legislator Albano. All in favor.

(Clerk's Note: Although it was mentioned that an amendment would be included on the December 7, 2021 Full Legislative Meeting agenda, there was not enough time for the proposed local law to be distributed before being voted on. Therefore, the amended version will be included on the December Rules Committee agenda for approval.)

Item #12 – Update/ Discussion/ Redistricting/ Legislative Counsel Robert Firriolo

Chairman Sullivan stated he would like to table this item tonight.

Board of Elections Commissioner Cathy Croft stated she is present this evening for this item.

Chairman Sullivan apologized for Commissioner Croft waiting so long for this item.

Commissioner Croft stated no one from the Board of Elections was notified that this was going to be on tonight's agenda. She stated Section 14.01 of the Putnam County Charter states a redistricting commission should be made up of a bipartisan group.

Chairman Sullivan stated no decisions are being made this evening. He stated a bipartisan commission will be established. He stated a meeting is going to be held on this within the next couple of weeks. He stated this is going to be a lot of work and he ensured Commissioner Croft that she will be intimately involved.

Commissioner Croft stated election districts are able to be combined moving forward with the updated voting machines.

Legislative Counsel Firriolo stated in preparation for next month, one of the things he would like to discuss is the potential need to change election districts. He stated a State law was recently passed regarding moving election districts.

Commissioner Croft clarified that the addition of more election districts is possible.

Legislative Counsel Firriolo stated yes, it is something the commission would discuss with the Board of Elections.

Commissioners Croft stated each election district has a unique ballot style and there is more of a chance of a voter getting an incorrect ballot if there are more districts.

Legislative Counsel Firriolo stated that is understood; according to State law, the variation between the districts must be no more than 5%, which is about 270 people.

Commissioner Croft stated that is based on total population, not voting population. She stated she received census numbers and questioned if Legislative Counsel Firriolo had the updated information.

Legislative Counsel Firriolo stated yes, he does.

Commissioner Croft requested that she and Commissioner Scannapieco receive a copy of the information Legislative Counsel Firriolo is referring to.

Legislative Counsel Firriolo stated absolutely, the Board of Elections will be involved.

Commissioner Croft questioned when the deadline is.

Legislative Counsel Firriolo stated there is no firm deadline. He stated it would traditionally be before the 2022 elections, but because there was a delay in both the census figures being released and this new law, NYSAC has stated that 2023 would be appropriate.

Chairman Sullivan made a motion to table item #12; Seconded by Legislator Albano. All in favor.

Item #13 – FYI/ Litigation Report – Duly Noted

Item #14 – Other Business – None

Item #15 – Adjournment

There being no further business at 8:00pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.