

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

Tuesday

September 4, 2018

7:00 P.M.

The meeting was called to order at 7:04 P.M. by Chairman Castellano who requested Legislator Nacerino lead in the Pledge of Allegiance and Legislator Albano lead in the Legislative Prayer. Upon roll call, Legislators Scuccimarra, Gouldman, Addonizio, Nacerino, Albano, Jonke, Sullivan and Chairman Castellano were present. Also present was Legislative Counsel Firriolo.

PROCLAMATIONS

Chairman Castellano recognized Legislator Sayegh who presented the “Children’s Expo & Public Safety Day” proclamation to Deputy Commissioner of Emergency Services Robert Lipton and Program Coordinator of the Child Advocacy Center Marla Behler.

RECOGNIZING THE CHILDREN’S EXPO & PUBLIC SAFETY DAY

WHEREAS, the Children’s Expo & Public Safety Day will be held on Saturday, September 22, 2018 on the Donald B. Smith Campus, Old Route Six, Carmel, NY to raise awareness about many aspects of child and public safety; and

WHEREAS, this event is co-presented by the Putnam County Child Advocacy Center (CAC) and the Putnam County Bureau of Emergency Services; and

WHEREAS, it is sponsored by Eric Gross, in memory of his late wife, Barbara, and by Putnam Hospital Center; and

WHEREAS, it is the mission of the Bureau of Emergency Services (BES) to protect life and property by providing coordination, communication, and training to all of Putnam’s Fire and EMS services. The BES also provides emergency management resources and initiatives, including training and equipping special teams for Fire Investigation, Fire Police, HAZMAT, and a Communications team. Additionally, the BES maintains a countywide communications system and continually seeks ways to improve response to both natural and manmade disasters; and

WHEREAS, the community is committed to keeping Putnam safe through the efforts of police, local government, social service agencies, private partnerships, and the efforts of extraordinary volunteer fire departments and service groups; and

WHEREAS, the CAC opened in 1999 to reduce trauma to child victims and their families by providing an immediate coordinated response to abuse allegations. Child safety and prevention education remain a priority, with the CAC providing education for the community to reduce the incidence of serious childhood injuries and death through events such as the Children’s Expo & Public Safety Day, Child Fatality Review Team, and partnering with local agencies to implement innovative programs to ensure the physical, mental, and emotional wellbeing of the Children of Putnam County; now therefore be it

RESOLVED, that the Putnam County Legislature and the Putnam County Executive do hereby urge all Putnam residents to attend the Children’s Expo & Public Safety Day organizations for the 13th year, as the event offers a wide range of services designed to support children and families in Putnam County.

Chairman Castellano recognized Legislator Scuccimarra who presented the “National Recovery Month” proclamation to Commissioner of Social Services Michael Piazza, Deputy Commissioner of Social Services Joseph DeMarzo and Kristin McConnell – Executive Director of the Prevention Council of Putnam, Inc.

NATIONAL RECOVERY MONTH – SEPTEMBER 2018

WHEREAS, Behavioral health is an essential part of one’s overall wellness; and
WHEREAS, Prevention of mental and substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, Preventing and overcoming mental and substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and

WHEREAS, We must encourage relatives and friends of people with mental and substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, To help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), the Putnam County Executive, and the Putnam County Legislature invite all residents of Putnam County to participate in National Recovery Month; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim September 2018 as *National Recovery Month* and together with the Prevention Council of Putnam and the Putnam County Communities that Care Coalition encourage all Putnam County residents to observe this month with appropriate programs, activities, and ceremonies to support this year’s *Recovery Month*.

Chairman Castellano recognized Legislator Sullivan who presented the “9/11 Day of Service & Remembrance” proclamation to Commissioner of Social Services Michael Piazza, Deputy Commissioner of Social Services Joseph DeMarzo and Executive Director Mental Health Association in Putnam County, Inc. Megan Castellano.

9/11 DAY OF SERVICE & REMEMBRANCE

WHEREAS, On September 11, 2001, the peace and security of our nation was shattered by terrorist attacks that killed many innocent people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. Although the terrorists’ goal was to strike a powerful blow to the hearts of all Americans and tear at the fabric our nation, arising from the very ashes of that tragedy came a remarkable spirit of unity, compassion, and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who came to service during the rescue and recovery effort and in defense of our Nation both at home and abroad; and

WHEREAS, people of all ages and walks of life, across America, and around the world, collectively witnessed an event of immense tragedy on September 11, 2001; and

WHEREAS, an unprecedented, historic bonding of Americans ascended from the collective shock, unifying the Country in an outpouring of national spirit, pride, selflessness, generosity, courage, and service; and

WHEREAS, many brave people heroically, tirelessly, and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and

WHEREAS, on September 11, 2009, the President of the United States issued the Patriot Day Proclamation officially and permanently designating September 11th as a National Day of Service & Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature recognize the Putnam Communities that Care Coalition, the Mental Health Association in Putnam, the Joseph Dwyer Vet2Vet Program, and the Putnam County Veterans Service Agency for coordinating a community event that will invite and welcome residents to write “Thank You” letters to First Responders, Veterans both abroad and at home, Police Officers, and Firefighters and express their sincere observance and appreciation for the outpouring of dedicated service. September 11th will never, and should never be just another day in the hearts and minds of all Americans and people around the world.

Item #4 – Approval of Minutes – Regular Meeting – August 7, 2018

The minutes were approved as submitted.

Item #5 – Correspondence

- a) County Auditor was duly noted.

Item #6 – Pre-filed resolutions:

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairman Sullivan, Legislators Addonizio & Albano)**

Item #6a – Approval/ Inter-Municipal Agreement with the Town of Poughkeepsie/ Reciprocity of Master Plumbing Licensing was next. Chairman Castellano recognized Legislator Sullivan, Chairman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Addonizio and Albano, Legislator Sullivan moved the following:

Legislator Albano believed this was a great idea and we should do this with more municipalities.

Legislator Nacerino concurred. She stated that using the talents of people within other municipalities without incurring fees that are cost prohibitive really speaks to what we need to do.

Legislator Addonizio concurred.

RESOLUTION #200

**APPROVAL/ INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF POUGHKEEPISE/
RECIPROCITY OF MASTER PLUMBING LICENSING**

WHEREAS, the County of Putnam (the “County”) and the Town of Poughkeepsie (the “Town”) desire to enter into a Reciprocal Agreement (“Agreement”) to allow reciprocity of licensing of Master Plumbers; and

WHEREAS, the County desires to provide its residents with the level of safety that comes from licensing qualified tradesmen in a competitive environment; and

WHEREAS, the County wants to support its resident qualified tradesmen by offering them greater opportunity to ply their trades; and

WHEREAS, both the County and the Town require successful completion of examination(s) and licensing by the municipality prior to engaging in the trade of a master plumber; and

WHEREAS, the Putnam County Plumbing and Mechanical Trades Board has reviewed the qualifications required for a Master Plumbing license in the Town and has concluded that the requirements are substantially similar to the qualifications required for a Master Plumbing license in the County; and

WHEREAS, both the County and the Town desire to enter into such Agreement defining the terms and conditions upon which their master plumbers may obtain a reciprocal Master Plumbing license in the other municipality without further examination; and

WHEREAS, the Putnam County Legislature deems that it is in the best interests of the local taxpayers of the County to enter into such Agreement; now therefore be it

RESOLVED, that pursuant to Section 119-o of the NYS General Municipal Law, the Putnam County Legislature approves such Agreement with the Town of Poughkeepsie to provide for reciprocity of Master Plumber licensing between the County and the Town of Poughkeepsie; and be it further

RESOLVED, that the County Executive is authorized to execute such Agreement with the Town of Poughkeepsie in the form attached hereto as Schedule “A”; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Agreement between the County of Putnam and the Town of Poughkeepsie in the manner approved herein; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE
(Chairwoman Scuccimarra, Legislators Gouldman & Sayegh)**

Item #6b – Approval/ Local Law to Amend Chapter 203 of the Putnam County Code Entitled “Smoking”, by Adding a New Article II Entitled “The Tobacco 21 Act” and a New Article III Entitled “Local Tobacco Retail Licensing and Enforcement Mechanism” was next. Chairman Castellano recognized Legislator Scuccimarra, Chairwoman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators Gouldman and Sayegh, Legislator Scuccimarra moved the following:

Legislator Scuccimarra made a motion to amend this to remove Section 3 pertaining to licensing; seconded by Legislator Albano.

Legislator Jonke stated that there was a concern raised by the Law Department and he made a motion to table this item; seconded by Legislator Nacerino.

Chairman Castellano questioned if everyone had the opportunity to speak on the first motion.

Legislator Gouldman questioned if we could vote on the first motion.

Chairman Castellano stated that the motion to table is voted on first.

Legislative Counsel Firriolo explained that the motion to table has priority over the motion to amend as long as each legislator has a chance to speak on the additional motion to move the resolution forward. The vote on the motion to table is immediate and there is no debate on the motion to table.

Chairman Castellano stated that there should have been the opportunity to speak on the first motion; therefore he would allow that to happen.

Legislative Counsel Firriolo stated that each Legislator gets one (1) opportunity before the vote must be called on the motion to table.

Legislator Albano believed that this was important legislation and he stated that he knows there are concerns about the way the law is written. He stated that perhaps it should be reviewed in more detail. He stated that he was hopeful, and believed that there was support by most of the legislators. He believed this was legislation that needed to be approved very soon.

Legislator Scuccimarra stated that this legislation has been discussed since April. She explained that the County Executive asked her to Chair the "One Army in the War on Addiction Task Force". She stated that she immediately enlisted individuals and agencies around the County who had intricate knowledge of addiction. She explained that the Task Force put forward this law to help the County with the addiction crisis. She explained that raising the age to purchase tobacco was an important step, as tobacco could be a crossover to another drug. She stated that vaping products are becoming an epidemic and are in our schools. She stated that School Superintendents, agencies and many individuals support this legislation. She stated that 22 other counties and cities have implemented this; including Essex County this morning. She stated that they have had no problem implementing this law and are all working together for the same goal; to protect our children. She stated that this law has been discussed in the legislature for at least one (1) month now and tonight it has come under scrutiny. She stated to say that she is disappointed is an understatement. She hoped in the future they will see this was something that should be approved.

Legislator Gouldman believed this was a good piece of legislation to increase the age to purchase tobacco products from 18 to 21 years of age. He stated that he would not support the motion to table.

Legislator Sayegh stated that she is very much in favor of passing the T21 legislation. She stated that she has children 19, 18 and 16 years of age. She stated that this is a huge debate in the schools and she believed that we needed to support our schools. She believed that this is good legislation, although there have been questions raised that should be addressed.

Legislator Addonizio believed that we need to be aware of why we are considering tabling this legislation. She quoted Section 223-15(B) in the licensing section of the law. She quoted the amounts of the violations. She believed that the violation would pertain to the store owner and the person selling the product. She was concerned that it could be one (1) of our young children working at a convenience store, who makes a mistake by selling the tobacco product to someone under age. She believed they would be subjected to paying the fine. She also quoted Section 223-15(D). She believed that we needed to review these sections of the law.

Legislator Sullivan stated, as a conservative republican, he was one (1) who generally was not in favor of adding rules and regulations to people's lives by telling them how to live. He stated, over the course of the last month, he has listened to the experts and residents of the community. He explained that the belief is to protect children from tobacco addiction and vaping products, therefore he supports raising the age to 21. He explained that there needed to be some fine tuning to the law, however he was confident that it would come back next month for approval.

Legislator Nacerino explained that it needs to be understood that we are tabling this because of the logistics and dynamics of the law. She believed it was not thoroughly vetted and there are many questions and concerns. She stated that she did not support this legislation to raise the age. She prefaced by stating that she is not a smoker, nor were her husband, three (3) adult children, daughter-in-law or son-in-law. She explained that while legislator's opinions about Tobacco 21 may differ, she would have expected respect for our individual opinions. Instead attempts to disparage, demean and indoctrinate other legislators were made in the media and on Legislator Scuccimarra's facebook page. She believed that she lost sight of the core values that defines democracy; our ability to speak our minds and agree to disagree. She explained the reasons why she did not support the proposed law. She believed that fining and banning would not prevent young adults from buying tobacco products. She stated if that was the case, underage drinking and drugs would not be so prevalent in our County and beyond; all illegal activities. She believed intervention begins at a much younger age than 18 and we must get to the core of addiction at tender ages. In support of her decision, Legislator Nacerino quoted a study by a Senior Researcher of the San Francisco Center on juvenile and criminal justice. She also quoted survey results from high profile stings. She believed that Tobacco 21 advocates were sending a message that our 18, 19 and 20 year olds were incapable of making sound decisions. It defies how they are treated in our society, both legally and culturally; government knows what's best and now wants to take on a parental role. She explained what 18, 19 and 20 year olds are allowed to do such as; vote, pay taxes, join the armed forces, get married and encumber student debt. She believed that the role of the Health Committee should be to develop policies and use effective strategies for the public benefit such as, education and awareness, rather than seeking to regulate private conduct and pose bans.

Legislator Jonke stated that he was opposed to the legislation because of how we define an adult in this Country. He stated that he made a motion to table because there are

valid concerns about the legislation that is in front of us. He explained that they just wanted to review it again and it will come back to the Full Legislature next month.

Chairman Castellano explained that the legislators have had some different opinions during the discussions of this legislation. He stated that he was in favor of increasing the age to 21 years old, although he does understand the opposite view point. He stated that there are some issues that need to be resolved and fine-tuned. He stated that he is comfortable having it go back to Committee and have it return back to the Full meeting next month with a fair compromise.

Chairman Castellano called on a Roll Call vote on the motion to table this item back to Committee. Six Ayes – Legislators Addonizio, Jonke, Nacerino, Sayegh, Sullivan and Chairman Castellano. Three Nays – Legislators Albano, Gouldman and Succimarra. Motion Carries.

A LOCAL LAW TO AMEND THE PUTNAM COUNTY CODE ADDING A NEW CHAPTER 223, ENTITLED “TOBACCO SALES” WITH A NEW ARTICLE I, ENTITLED “THE TOBACCO 21 ACT” AND A NEW ARTICLE II ENTITLED “LOCAL TOBACCO RETAIL LICENSING AND ENFORCEMENT MECHANISM.”

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Creating Chapter 223 of the Putnam County Code entitled “Tobacco Sales”.

Section 2

Chapter 223 of the Putnam County Code is hereby amended to add a new Article I, entitled “The Tobacco 21 Act” to read as follows:

§ 223-1 Findings and intent; statutory authority.

A. The Putnam County Legislature hereby finds as follows:

- (1) Approximately 96 percent of smokers begin smoking before age 21 with most beginning before age 16. Smokers frequently transition from experimentation to addiction between the ages of 18 and 21; and
- (2) Youth get their cigarettes from social sources, most of whom are peers age 18 to 21. Today, there are more 18 and 19 year olds in high school than in past years, thus, permitting tobacco product sales to 18 or 19 years old no longer makes sense; and
- (3) Few 21 year olds travel within high school social circles; thus, raising the minimum consumer age for tobacco product sales to age 21 will effectively remove this critical source of tobacco, thereby delaying or preventing smoking initiation; and
- (4) Evidence shows the younger the age of initiation, the greater the risk of nicotine addiction, heavy daily smoking, and difficulty quitting; and

- (5) Adolescents are particularly susceptible to the “rewarding” effects of nicotine. In fact, nicotine addiction, which can develop at low levels of exposure, well before established daily smoking, causes three out of four young smokers to continue smoking into adulthood, even if they intended to quit after a few years; and
- (6) Findings by the New York State Department of Health confirm that Electronic Cigarettes (E-cigarettes), which heat a solution of liquid nicotine flavorings and other chemicals to create an aerosol that is inhaled, are the most commonly used tobacco product among youth in New York. In fact, E-cigarette use among New York youth doubled from 2014 to 2016 and is now triple the rate of e-cigarette use among New York adults; and
- (7) E-cigarettes use does not prevent or “protect” youth from smoking. Most of the e-liquids used in e-cigarettes contain nicotine, the highly addictive compound in all tobacco products that is not harmless and may be particularly problematic to young people; and
- (8) Recent studies indicate that the brain continues to develop until approximately age 25, particularly in ways that affect impulsivity, addiction and decision making; and
- (9) Delaying smoking initiation reduces the likely of ever starting, reduces the number of regular smokers, and lessens the immediate, mid and long-term health effects of smoking to an individual.

- B.** Therefore, the Putnam County Legislature declares the intent and purpose of this article is to improve the public health and well-being of the County’s youth, such that it is necessary to prohibit the sale of tobacco products to an individual under twenty-one (21) years of age and, in turn, prevent young adults from becoming addicted adult smokers and avoid the associated serious health consequences that follow.
- C.** Unless otherwise noted herein, article 13-F of the New York State Public Health Law shall apply.

§ 223-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCESSORY — Any product that is intended or reasonably expected to be used with or for the human consumption of a Tobacco Product or Electronic Aerosol Delivery System; does not contain tobacco and is not made or derived from tobacco; and meets either of the following: (1) is not intended or reasonably expected to affect or alter the performance, composition, constituents, or characteristics of a Tobacco Product or Electronic Aerosol Delivery System; or (2) is intended or reasonably expected to affect or maintain the performance, composition, constituents, or characteristics of a Tobacco Product or Electronic Aerosol Delivery System but (a) solely controls moisture and/or temperature of a stored Tobacco Product or Electronic Aerosol Delivery System; or (b) solely provides an external heat source to initiate but not maintain combustion of a

Tobacco Product. Accessory includes, but is not limited to, carrying cases, lanyards and holsters.

COMPONENT or PART — Any software or assembly of materials intended or reasonably expected: (1) to alter or affect the Tobacco Product's or Electronic Aerosol Delivery System's performance, composition, constituents, or characteristics; or (2) to be used with or for the human consumption of a Tobacco Product or Electronic Aerosol Delivery System. Component or Part excludes anything that is an Accessory, and includes, but is not limited to e-liquids, cartridges, certain batteries, heating coils, programmable software, rolling papers, and flavorings for Tobacco Products or Electronic Aerosol Delivery Systems.

DEPARTMENT — The Putnam County Health Department.

ELECTRONIC AEROSOL DELIVERY SYSTEM — An electronic device that, when activated, produces an aerosol that may be inhaled, whether or not such aerosol contains nicotine. Electronic Aerosol Delivery System includes any Component or Part but not Accessory, and any liquid or other substance to be aerosolized, whether or not separately sold. Electronic Aerosol Delivery System does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

PERSON — Any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

TOBACCO PRODUCT — Any product made or derived from tobacco or which contains nicotine, marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption. Tobacco Product includes any Component or Part, but not Accessory. Tobacco Product does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

§ 223-3 Minimum Sales Age.

No Person shall sell any Tobacco Product, Electronic Aerosol Delivery System, or other product regulated by Article 13-F of New York State Public Health Law to individuals under twenty-one (21) Years of Age.

§ 223-4 Age Verification.

Sales by a Person of any Tobacco Product, Electronic Aerosol Delivery System, or any other product regulated by New York State Public Health Law Article 13-F shall be made only to an individual who demonstrates through the processes contained in New York State Public Health Law Article 13-F Section 1399-cc(3), as the same may be amended from time to time, that the purchaser is of twenty-one (21) Years of Age.

§ 223-5 Signage.

Any Person operating a place of business wherein any Tobacco Product, Electronic Aerosol Delivery System, or any other product regulated by New York State Public Health Law Article 13-F, is sold or offered for sale shall post in a conspicuous place a sign upon

which there shall be imprinted the following statement, “SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS OR SMOKING PARAPHERNALIA, TO PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE IS PROHIBITED BY LAW.” Such sign shall be printed on a white card in red letters at least one-half inch in height.

§ 223-6 Violations and Enforcement.

- A. The Department or its authorized designee(s) shall enforce the provisions of this article. The Department may conduct periodic inspections in order to ensure compliance with this article.**
- B. Any Person who violates any provision of this article shall be guilty of a violation punishable by a fine of a minimum of \$300.00, but not to exceed \$1,000.00 for a first violation, and a minimum of \$500.00, but not to \$1,000.00 for each subsequent violation. Each day on which a violation occurs shall be considered a separate and distinct violation.**
- C. Violations of this article shall be separate from, and where applicable, any penalty provided for under New York State Public Health Law § 1399-ee - § 1399-ff unless such penalty is expressly provided for herein.**
- D. If any Person violates this provision three times or more within a two-year period, then, in addition to any other penalty permitted by this section, the New York State Commissioner of Taxation and Finance shall be contacted in order to suspend the individual’s applicable registration in accordance with New York State Public Health Law § 1399-dd.**

§ 223-7 Rules and Regulations

The Department may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this article.

§ 223-8 Severability

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the valid provision or application, and to this end, the remaining provisions of this article are declared to be valid.

Section 3.

Chapter 223 of the Putnam County Code is hereby amended to add a new Article II to Chapter 223, entitled “Local Tobacco Retail Licensing and Enforcement Mechanism” to read as follows:

§ 223-9 Findings and intent; statutory authority.

- A. The County of Putnam has a substantial and important interest in reducing the**

number of individuals of all ages who use cigarettes and other tobacco products, and a particular interest in protecting adolescent from tobacco dependence and the illnesses and premature death associated with tobacco use.

- B. An overwhelming majority of Americans who use tobacco products begin using such products while they are adolescents and become addicted to those products before reaching the age of 18. The average age of a new smoker in New York State is 13 years.
- C. The use of E-cigarettes (more formally known as Electronic Delivery Aerosol Systems) among high schoolers in New York is increasing, and, in fact, is more common than cigarette use. The State Department of Health found that e-cigarettes are the most commonly used tobacco product among youth in New York. E-cigarettes and similar devices pose health hazards and may contribute to youth cigarette smoking and reduced cessation, regardless of nicotine content.
- D. Although it is unlawful to sell tobacco products to minors, 5 percent of New York retailers sold to minors between 2010 and 2012. A local licensing system for retailers of tobacco products, electronic cigarettes, and other products regulated by Article 13-F of New York State Public Health Law will provide a local enforcement mechanism to allow Putnam County to monitor and increase Tobacco Retailers' compliance with state and federal laws that prohibit sales of tobacco products to minors.
- E. Therefore, it is the intent and purpose of this article to protect and promote the health of its youth, to reduce youth smoking rates by implementing effective measures through this Local Law to license all tobacco product retail outlets within the County, prevent the sale or distribution of contraband tobacco products and provide locally enforceable penalties.

§ 223-10 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCESSORY — Any product that is intended or reasonably expected to be used with or for the human consumption of a Tobacco Product or Electronic Aerosol Delivery System; does not contain tobacco and is not made or derived from tobacco; and meets either of the following: (1) is not intended or reasonably expected to affect or alter the performance, composition, constituents, or characteristics of a Tobacco Product or Electronic Aerosol Delivery System; or (2) is intended or reasonably expected to affect or maintain the performance, composition, constituents, or characteristics of a Tobacco Product or Electronic Aerosol Delivery System but (a) solely controls moisture and/or temperature of a stored Tobacco Product or Electronic Aerosol Delivery System; or (b) solely provides an external heat source to initiate but not maintain combustion of a Tobacco Product. Accessory includes, but is not limited to, carrying cases, lanyards and holsters.

APPLICANT — An individual, partnership, limited liability company, corporation, or other business entity seeking a Tobacco Retail License.

COMPONENT or PART — Any software or assembly of materials intended or reasonably expected: (1) to alter or affect the Tobacco Product's or Electronic

Aerosol Delivery System's performance, composition, constituents, or characteristics; or (2) to be used with or for the human consumption of a Tobacco Product or Electronic Aerosol Delivery System. Component or Part excludes anything that is an Accessory, and includes, but is not limited to e-liquids, cartridges, certain batteries, heating coils, programmable software, rolling papers, and flavorings for Tobacco Products or Electronic Aerosol Delivery Systems.

DEPARTMENT — The Putnam County Health Department.

EXISTING TOBACCO RETAILER — Any Person who is lawfully engaged in the retail sale of Tobacco Products and possesses a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance on the effective enforcement date of this article.

ELECTRONIC AEROSOL DELIVERY SYSTEM — An electronic device that, when activated, produces an aerosol that may be inhaled, whether or not such aerosol contains nicotine. Electronic Aerosol Delivery System includes any Component or Part but not Accessory, and any liquid or other substance to be aerosolized, whether or not separately sold. Electronic Aerosol Delivery System does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

NEW TOBACCO RETAIL LICENSE — Any Tobacco Retail License that is not a Renewed Tobacco Retail License.

PERSON — Any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

RENEWED TOBACCO RETAIL LICENSE — A Tobacco Retail License issued to an Applicant for the same location at which the Applicant previously possessed a valid Tobacco Retail License during the previous year.

TOBACCO PRODUCT — Any product made or derived from tobacco or which contains nicotine, marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption. Tobacco Product includes any Component or Part, but not Accessory. Tobacco Product does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

TOBACCO RETAIL LICENSE — A license issued by the Department to a Person to engaged in the retail sale of Tobacco Products, Electronic Aerosol Delivery Systems, or any other product regulated by Article 13-F of the New York State Public Health Law in the County of Putnam.

§ 223-11 Tobacco Retail License.

- A. Effective, December 1, 2018, no Person shall sell, offer for sale, or permit the sale of Tobacco Products, Electronic Aerosol Delivery Systems, or any other product regulated by Article 13-F of the New York State Public Health Law to consumers in**

Putnam County without a valid Tobacco Retail License issued by the Department. A Tobacco Retail License is not required for a wholesale dealer who sells products to retail dealers for the purpose of resale only and does not sell any Tobacco Products, Electronic Aerosol Delivery Systems or other products regulated by Article 13-F of the New York State Public Health Law directly to consumers.

- B. Notwithstanding the requirements set forth in Section 223-27(A), this article shall not apply to registered organizations pursuant to Title V-A of Article 33 of New York Public Health Law.
- C. All Tobacco Retail Licenses issued pursuant to this section are nontransferable and non-assignable and are valid only for the Applicant and the specific address indicated on the Tobacco Retail License. A separate Tobacco Retail License is required for each address at which Tobacco Products, Electronic Aerosol Delivery Systems or other products regulated under Article 13-F of the New York State Public Health Law are sold or offered for sale. Any change in business ownership or business address requires a new Tobacco Retail License.
- D. All Tobacco Retail Licenses issued pursuant to this section are valid for no more than one year and expire on the First Day of December following the effective date of the Tobacco Retail License. As set forth in Section 223-30, a Tobacco Retail License may be revoked by the Department prior to its expiration date for cause.
- E. Existing Tobacco Retailers shall submit applications for a New Tobacco Retail License to the Department in writing upon a form provided by the Department at least thirty (30) days prior to December 1, 2018. Thereafter, all applications for a Renewed Tobacco Retail License shall be submitted to the Department in writing upon a form provided by the Department at least thirty (30) days prior to the expiration of the current Tobacco Retail License.
- F. Tobacco Retailers not in existence prior to December 1, 2018 shall submit an application for a New Tobacco Retail License at least thirty (30) days prior to opening and may not sell tobacco products until such a license is issued.
- G. Within thirty (30) days of receiving a completed application and supporting documentation, if any, the Commissioner of Health or Public Health Director may either grant to deny the application's request for a Tobacco Retail License and must notify the application of the determination. If the applicant is an Existing Tobacco Retailer, the retailer may continue to engage in the sale of Tobacco Products, Electronic Aerosol Delivery Systems, or any other product regulated by Article 13-F of the New York State Public Health Law to consumers in Putnam County until such time as a determination is made by the Public Health Director and the retailer receives notification of such determination. If the applicant is applying for a New Tobacco Retail License and was not in existence prior to December 1, 2018, the applicant may not begin selling Tobacco Products, Electronic Aerosol Delivery Systems, or any other product regulated by Article 13-F of the New York State Public Health Law to consumers in Putnam County until the applicant receives notification of the Public Health Director's determination.

- H. Applications for a Tobacco Retail License shall be submitted to the Department in writing upon a form provided by the Department. The Department may require such forms to be signed and verified by the Applicant or an authorized agent thereof.
- I. The issuance of any Tobacco Retail License pursuant to this Article is done in the discretion of the Department and shall not confer upon licensee any property rights in the continued possession of such a license.

§ 223-12 Issuance of Licenses.

A. Upon the receipt of a completed application for a New Tobacco Retail License or Renewed Tobacco Retail License, the Department shall inspect the location at which tobacco sales are to be permitted. The Department may also ask the Applicant to provide additional information that is reasonably related to the determination of whether a license may issue.

B. The Department may refuse to issue a Tobacco Retail License to an Applicant if it finds that one or more of the following bases for denial exists:

(1) The information presented in the application is incomplete, inaccurate, false, or misleading;

(2) The Applicant does not possess a required certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance;

(4) The Applicant has previously had a Tobacco Retail License issued under this article revoked;

(5) A Tobacco Retail License issued under this article for the same address or location has previously been revoked;

(6) The Applicant has been found by a court of law or administrative body to have violated any federal, state, or local laws pertaining to (a) trafficking in contraband Tobacco Products or illegal drugs; (b) the payment or collection of taxes on Tobacco Products; (c) the display of Tobacco Products or of health warnings pertaining to Tobacco Products; or (d) the sale of Tobacco Products, Electronic Aerosol Delivery Systems, or any other product regulated by Article 13-F of the New York State Public Health Law;

(7) The Applicant has not paid to the County of Putnam outstanding fees, fines, penalties, or other charges owed to the County of Putnam; or

(8) The Department determines, in accordance with written criteria established to further the purposes of this article, that the Applicant is otherwise not fit to hold a Tobacco Retail License.

C. No Tobacco Retail License shall be issued to any seller of Tobacco Products, Electronic Aerosol Delivery Systems, or any other product regulated by Article 13-F of the New York State Public Health Law that is not in a fixed, permanent location.

§ 223-13 License Display

- A. Any Tobacco Retail License issued pursuant to this article shall be displayed prominently at the location where the Tobacco Products are sold so that it is readily visible to customers.**
- B. Selling, offering for sale, or permitting the sale of any Tobacco Product without a valid Tobacco Retail License displayed in accordance with Section 223-29(A) constitutes a violation of this article.**

§ 223-14 Suspension and Revocation of License

- A. The Department may suspend or revoke a Tobacco Retail License issued pursuant to this article for violations of the terms and conditions of this article or for violation of any federal, state, or local law or regulation pertaining to (a) trafficking in contraband Tobacco Products or illegal drugs; (b) the payment or collection of taxes on Tobacco Products; (c) the display of Tobacco Products or of health warnings pertaining to Tobacco Products; or (d) the sale of Tobacco Products, Electronic Aerosol Delivery Systems or any other product regulated by Article 13-F of the New York State Public Health Law.**
- B. The Department may revoke a Tobacco Retail License if the Department finds that one or more of the bases for denial of a license under Section 223-28 existed at the time application was made or at any time before the license issued.**

§ 223-15 Violations and Enforcement

- A. The Department or its authorized designee(s) shall enforce the provisions of this article. The Department may conduct periodic inspections in order to ensure compliance with this article.**
- B. Any Person who violates any provision of this article shall be guilty of a violation punishable by a fine of a minimum of \$300.00, but not to exceed \$1,000.00 for a first violation, and a minimum of \$500.00, but not to \$1,000.00 for each subsequent violation. Each day on which a violation occurs shall be considered a separate and distinct violation.**
- C. Violations of this article shall be separate from, and where applicable, any penalty provided for under New York State Public Health Law § 1399-ee - § 1399-ff unless such penalty is expressly provided for herein.**
- D. If any Person violates this provision three times or more within a two-year period, then, in addition to any other penalty permitted by this section, the New York State Commissioner of Taxation and Finance shall be contacted in order to suspect the individual's applicable registration in accordance with New York State Public Health Law § 1399-dd.**
- E. Upon written notice of a violation of any provision of this article, the Public Health Director shall cause a hearing to be held in accordance with this code.**

§ 223-16 Rules and Regulations

The Department may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this article.

§ 223-17 Severability

The provisions of this article are declared to be severable, and if any section of this article is held to be invalid, such invalidity shall not affect the other provisions of this article or this chapter that can be given effect without the invalidated provision.

Section 4

This Local Law shall take effect 60 days from its filing with the NYS Secretary of State.

Item #6c – Approval/ Local Law to Amend the Code of the County of Putnam by Adding a New Chapter 217 Entitled “Synthetic Drugs, Ban on Sale and Possession of” was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators Gouldman and Sayegh, Legislator Scuccimarra moved the following:

Legislator Jonke stated that he would vote in favor of this. He stated that he had a discussion with District Attorney Robert Tendy. He stated that he is also behind this legislation. Legislator Jonke that in order for this to have any teeth, he requested that we send a copy of this legislation to our New York State Representatives; Senator Terrence Murphy, Senator Susan Serino, Assemblywoman Sandra Galef, Assemblyman Kevin Byrne and a letter to Governor Andrew Cuomo asking them to pass this on a State level.

RESOLUTION #201

APPROVAL/ LOCAL LAW TO AMEND THE CODE OF THE COUNTY OF PUTNAM BY ADDING A NEW CHAPTER 217, ENTITLED “SYNTHETIC DRUGS, BAN ON SALE AND POSSESSION OF.”

Be it enacted by the Legislature of the County of Putnam as follows:

Section I.

A new Chapter 217 is hereby added to the Code of the County of Putnam to read as follows:

CHAPTER 217

SYNTHETIC DRUGS, BAN ON SALE AND POSSESSION OF

§ 217-1 Legislative intent

§ 217-2 Definition.

§ 217-3 Sale prohibition.

§ 217-4 Possession prohibition.

§ 217-5 Reverse pre-emption.

§ 217-6 Severability.

§ 217-7 Penalties.

§ 217-1 - Legislative intent.

The Legislature finds that:

- A. Putnam County, along with communities throughout the country, has experienced increased crimes, emergency room cases, illnesses, and deaths linked to the use and abuse of synthetic drugs and other similar substances or compounds;**
- B. Such products are being openly sold and marketed either within the County or online.**
- C. While New York State has continued to update its schedule of controlled substances, many new variants of these substances are able to avoid prohibition by slightly changing their chemical composition;**
- D. The health, safety and well-being of the residents of Putnam County is furthered by prohibiting the sale, use or possession of these substances.**

§ 217-2 - Definition.

Whenever used in this Chapter, the term “synthetic drug” shall mean any product, whether described as tobacco, potpourri, herbs, incense, spice, aromatic, or any combination thereof, and whether marketed for the purpose of being smoked, ingested or injected, or otherwise marketed, which includes, but is not limited to, one or more of the following stimulant, depressant, or hallucinogenic substances:

- A. 1-Pentyl-3-(1-Naphthoyl) Indole; some trade or other names; JWH-018;**
- B. 1-Butyl-3-(1-Naphthoyl) Indole; some trade or other names; JWH-073;**
- C. 1-[2-(4Morpholinyl) Ethyl]-3-(1Naphthoyl) Indole; some trade or other names; JWH-200;**
- D. 5-(1, 1-Dimethyloctyl)-2-[(1R, 3S)-3-Hydroxycyclohexyl]-Phenol; some trade or other names; CP 47, 497;**
- E. 5-(1, 1-Dimethyloctyl)-2-[(1R, 3S)-3-Hydroxycyclohexyl]-Phenol; or some trade or other names; Cannabicyclohexanol; CP 47, 497 C8 Homologue;**
- F. Fentanyl analogues such as furanyl fentanyl, acetyl fentanyl, and 4 NAPP (despropionyl fentanyl);**
- G. A material, compound, mixture or preparation in any form that contains the component Salvinorin A, or as a concentrated extract of the chemical Salvinorin A;**
- H. Any analogue of a synthetic cannabinoid or cannabimimetic agent, cathinone, phenethylamine, phenylpiperazine, ketamine derivative, and tryptamines, meaning**

a substance that has a chemical structure that is substantially similar to the chemical structure of a substance defined by part 9 of title 10 of the New York Codes, Rules and Regulations as of the date of the violation, or as included in Schedule I of the Federal Drug Enforcement Administration Schedules of Controlled Substances, as listed in Section 1308.11 of Title 21 of the Code of Federal Regulations, or successor regulation, as of the date of the violation, or any cannabimimetic agent, as defined in Section 812 of Title 21 of the United States Code, as of the date of the violation and has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of such a substance defined by Part 9 of Title 10 of the New York Codes, Rules and Regulations as of the date of the violation, or as included in Schedule I of the Federal Drug Enforcement Administration Schedules of Controlled Substances, as listed in Section 1308.11 of Title 21 of the Code of Federal Regulations, or successor regulation as of the date of the violation, or any cannabimimetic agent, as defined in Section 812 of Title 21 of the United States Code, as of the date of the violation;

- I. Any other non-prescription substance or compound developed prior to or subsequent to the adoption of this section, which has a chemical structure and/or pharmacological effect substantially similar to, or which otherwise mimics the active ingredient(s) of marijuana, cocaine, heroin, or any other controlled substance.

§ 217-3 - Sale prohibition.

It shall be a violation of this Chapter for any person or entity to sell, offer for sale, give away, barter, exchange or otherwise furnish or provide any synthetic drug.

§ 217-4 - Possession prohibition.

It shall be a violation of this Chapter for any person or entity to possess any synthetic drug unless such synthetic drug is expressly prescribed to said person by a physician, psychiatrist, or person otherwise duly licensed and authorized to prescribe medication within the State of New York and, at the time of the alleged violation, the person in possession of the synthetic drug is able to provide written proof to the law enforcement officer(s) that the synthetic drug was so prescribed.

§ 217-5 - Reverse pre-emption.

This Chapter shall be null and void on the day that federal or statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Chapter, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Putnam. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations, have been enacted for purposes of triggering the provisions of this Section.

§ 217-6 - Severability.

If any clause, sentence, paragraph, or section of this Chapter shall be held invalid by any court of competent jurisdiction, or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered.

§ 217-7 - Penalties.

A. This Chapter shall be enforced by any local law enforcement agency having jurisdiction.

B. Any person or entity that violates the provisions of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment up to one year, or both.

C. In addition to the penalties described in subsection “B” of this section, any person or entity that violates this Chapter shall be liable for a civil penalty of not less than five hundred dollars (\$500.00) and not more than two thousand dollars (\$2,000.00), collectible by and in the name of the County of Putnam.

Section II.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6d – Approval/ Requests to NYSDEC and USACE Regarding Public Comment, Public Information, and Public Scoping Meetings Concerning Proposed Storm Surge Barriers was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators Gouldman and Sayegh, Legislator Scuccimarra moved the following:

Legislator Scuccimarra stated that this resolution is requesting additional public meetings, extending the public comment period to at least 90 days to better inform the public and also to look at the environmental impacts.

Legislator Nacerino explained that the resolution appears to be benign, requesting the extension of the scoping comment period from 70 to 90 days in order to receive more information on the proposed storm surge barriers. However, she stated that she was uncomfortable with turning a blog from an advocacy group into legislation without doing our due diligence by providing a fair hearing for alternative perspectives. She believed it was the Legislature’s responsibility as elected officials, to hear both sides of an issue before casting our votes. She stated for that reason she would be voting no.

RESOLUTION #202

APPROVAL/REQUESTS TO NYSDEC AND USACE REGARDING PUBLIC COMMENT, PUBLIC INFORMATION, AND PUBLIC SCOPING MEETINGS CONCERNING PROPOSED STORM SURGE BARRIERS

WHEREAS, in response to Superstorm Sandy, the U.S. Army Corps of Engineers (USACE) initiated a coastal storm risk management study for the NY/NJ Harbor & Tributaries Focus Area, with a goal to develop and implement measures to reduce the risk of coastal storm damage to communities, critical infrastructure, and important societal resources; and

WHEREAS, the non-federal sponsors of the study include New York State, represented by the NYS Department of Environmental Conservation (NYSDEC), and New Jersey, represented by the NJ Department of Environmental Protection; and

WHEREAS, the USACE is currently considering six different alternatives, ranging from no action alternative, to constructing massive in-water barriers to shoreline and nature-based measures; and

WHEREAS, several of these plans – specifically, the ones including giant in-water barriers throughout New York Harbor (Alternatives. 2, 3A, 3B & 4) – could potentially threaten the very existence of the Hudson as a living river; and

WHEREAS, barrier projects throughout the harbor would reportedly cost up to \$60 billion to build, and \$100 million to \$2.5 billion to maintain every year, without even addressing sea level rise, thereby raising questions about fiscal responsibility and a failure to address sea-level rise; and

WHEREAS, the USACE reportedly plans to narrow down the six alternatives to one or two, which are to be announced in a draft report due fall 2018, without a thorough review of the environmental impacts of each plan, and without meaningful public input; and

WHEREAS, while a seventy-day public comment period is now open through September 20, the USACE has only held five public meetings, on three days, to inform the public and consider the full range, or “scope” of the issue; and

WHEREAS, such a limited number of meetings in such a short timeframe is inadequate given the enormous scale of the project, and it fails to provide a meaningful opportunity for public involvement, leaving out a large number of communities that may be drastically affected by the selected alternative; now therefore be it

RESOLVED, that the Putnam County Legislature does hereby request that the scoping comment period be extended from the current seventy (70) days to at least ninety (90) days; and be it further

RESOLVED, that the Putnam County Legislature does hereby request that more information on the proposed storm surge barriers be shared with the public, including those studies reviewed, or that will be reviewed, by USACE to evaluate alternatives; and be it further

RESOLVED, that the Putnam County Legislature does hereby request additional public scoping meetings across New York City, Long Island, and the Hudson Valley; and be it further

RESOLVED, that copies of this resolution shall be delivered to NYSDEC Commissioner Basil Seggos; USACE New York District Project Manager Bryce Wisemiller; and Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division, USACE.

BY ROLL CALL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR NACERINO. MOTION CARRIES.

PERSONNEL COMMITTEE
(Chairwoman Nacerino, Legislators Jonke & Sullivan)

Item #6e – Approval/Fund Transfer (18T172)/Youth Bureau/ Youth Program Specialist Increased from Part Time to Full Time Position was next. Chairman Castellano recognized Legislator Nacerino, Chairwoman of the Personnel Committee. On behalf of the members of the Committee, Legislators Jonke and Sullivan, Legislator Nacerino moved the following:

RESOLUTION #203

APPROVAL/FUND TRANSFER /YOUTH BUREAU/ YOUTH PROGRAM SPECIALIST INCREASED FROM PART TIME TO FULL TIME POSITION

WHEREAS, the Youth Bureau has requested a fund transfer (18T172) to increase the hours of the Youth Program Specialist from 28 hours per week to 35 hours per week; and

WHEREAS, the Part Time Caseworker position will be eliminated from the 2019 budget; and

WHEREAS, the fiscal impact would be for health insurance; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10087000 51000 (13101)	Caseworker	3,221
-------------------------------	-------------------	--------------

Increase:

10087000 51000 (10110)	Youth Program Specialist	3,221
-------------------------------	---------------------------------	--------------

**2018 Fiscal Impact – 0 –
2019 Fiscal Impact \$21,107**

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

PROTECTIVE SERVICES COMMITTEE
(Chairman Jonke, Legislators Gouldman & Sullivan)

Item #6f – Approval/Fund Transfer (18T173)/Bureau of Emergency Services/ Rescue Equipment & Uniforms / FY2015 Technical Rescue & Urban Search And Rescue (USAR) Targeted Grant Program was next. Chairman Castellano recognized Legislator Jonke, Chairman of the Protective Services Committee. On behalf of the members of the Committee, Legislators Gouldman and Sullivan, Legislator Jonke moved the following:

RESOLUTION #204

APPROVAL/FUND TRANSFER /BUREAU OF EMERGENCY SERVICES/ RESCUE EQUIPMENT & UNIFORMS / FY2015 TECHNICAL RESCUE & URBAN SEARCH AND RESCUE (USAR) TARGETED GRANT PROGRAM

WHEREAS, by Resolution #232 of 2016 Putnam County received grant funds through the FY2015 Technical Rescue & Urban Search and Rescue (USAR) Targeted Grant Program; and

WHEREAS, the Acting Commissioner of Emergency Services has requested a fund transfer (18T173) to utilize the remaining balance of said grant funds expiring on August 31, 2018; and

WHEREAS, the Protective Services Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10398901 54646 10132	Contract – Technical Rescue Grant	29,622.30
----------------------	-----------------------------------	-----------

Increase:

10398901 52195 10132	Rescue Equipment	19,615.80
10398901 54385 10132	Uniforms	<u>10,006.50</u>
		29,622.30

2018 Fiscal Impact – 0 –

2019 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6g – Approval/Grant Application/ Bureau of Emergency Services/ 2018 Statewide Interoperable Communications Grant Program was next. On behalf of the members of the Protective Services Committee, Legislators Gouldman and Sullivan, Legislator Jonke moved the following:

RESOLUTION #205

APPROVAL/GRANT APPLICATION/ BUREAU OF EMERGENCY SERVICES/ 2018 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT PROGRAM

WHEREAS, Section 5-1(D)(1) of the Putnam County Code requires Legislative approval of all grant applications and subsequent renewals thereof prior to submission; and

WHEREAS, the Bureau of Emergency Services would like to apply for a grant under the 2018 Statewide Interoperable Communications Grant (SICG) - Targeted Grant Program; and

WHEREAS, the total funding available for the 2018 SICG – Targeted Program is \$65 million with a maximum available award of \$6 million; and

WHEREAS, the goal of the 2018 SICG-Targeted Program is to improve the overall status of land mobile radio interoperability for public safety agencies within New York as well as with other States, through implementing a targeted approach; and

WHEREAS, the period of performance for the 2018 SICG-Targeted Program is four (4) years from the execution of the contract; and

WHEREAS, the funds would be used towards our ongoing Radio Communications Project; and

WHEREAS, there are no County matching funds required; and

WHEREAS, the application for this grant is due August 31, 2018; and

WHEREAS, the Protective Services Committee has considered and approved of this grant application; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the Putnam County Bureau of Emergency Services to apply for this grant under the 2018 Statewide Interoperable Communications Grant (SICG)-Targeted Grant Program.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

PHYSICAL SERVICES COMMITTEE

(Chairman Albano, Legislators Nacerino & Scuccimarra)

Item #6h – Approval/Budgetary Amendment (18A062)/ Highways & Facilities/ Tilly’s Table was next. Chairman Castellano recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Nacerino and Scuccimarra, Legislator Albano moved the following:

Chairman Castellano stated that they are doing a fantastic job at Tilly’s Table.

Legislator Albano explained that, like the Golf Course, this is the perfect opportunity for these facilities to pay for themselves, while still maintaining the beautiful landscape.

RESOLUTION #206

APPROVAL/BUDGETARY AMENDMENT / HIGHWAYS & FACILITIES/ TILLY’S TABLE

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (18A062) to amend the 2018 Tilly’s Table Budget to reflect the results of operations to date and further estimated through year end; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10084000 54646 10137	Contracts	364,500
----------------------	-----------	---------

Increase Estimated Revenues:

10084000 420892 10137	Revenue – Tilly’s Table	380,000
-----------------------	-------------------------	---------

Increase Estimated Appropriations:

10199000 54980	Contingency	15,500
----------------	-------------	--------

2018 Fiscal Impact (\$15,500)

2019 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6i – Approval/Fund Transfer (18T176)/Commissioner of Planning/Gasoline was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Legislator Albano moved the following:

Legislator Albano explained that some of the County’s larger diesel vehicles have been replaced with smaller gasoline vehicles which were more economical. He stated that this has resulted in using less diesel fuel. He stated that funds from the diesel fuel line are now being transferred to the gasoline line.

Chairman Castellano explained that right sizing our fleet has been positive. He stated that hopefully we will also see gasoline prices going down as predicted.

RESOLUTION #207

APPROVAL/FUND TRANSFER /COMMISSIONER OF PLANNING/ GASOLINE

WHEREAS, the Commissioner of Planning has requested a fund transfer (18T176) to cover gasoline for buses until year end; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

95630000 54373	Diesel Fuel	30,000
----------------	-------------	--------

Increase:

95630000 54371	Gasoline	30,000
----------------	----------	--------

2018 Fiscal Impact – 0 –

2019 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6j – Approval/Conveyance of Tax Map #25.47-1-4 / Town of Patterson was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Legislator Albano moved the following:

Legislator Nacerino explained that this was a benefit to the homeowner and the taxpayers.

RESOLUTION #208

APPROVAL/CONVEYANCE OF TAX MAP NO.: 25.47-1-4/TOWN OF PATTERSON

WHEREAS, an unimproved parcel of real property identified as Town of Patterson Tax Map No.: 25.47-1-4 was acquired by the County by Tax Deed, which was recorded in the Office of the Putnam County Clerk Office on September 17, 2014, in Liber 1960 at Page 53; and

WHEREAS, said property cannot be improved under existing zoning regulations;
and

WHEREAS, Michael P. Tucker and Janet Elaine Tucker own the adjacent parcel of property identified as Town of Patterson Tax Map No.: 25.47-1-5; and

WHEREAS, Michael P. Tucker and Janet Elaine Tucker have offered to purchase Town of Patterson Tax Map No.: 25.47-1-4 for the sum of \$3,500.00; and

WHEREAS, Michael P. Tucker and Janet Elaine Tucker have also agreed to merge Town of Patterson Tax Map No.: 25.47-1-4 with their property; and

WHEREAS, the Putnam County Administration has reviewed said offer and recommends the acceptance of same; now therefore be it

RESOLVED, that pursuant to Section 31-8(B) of the Putnam County Code, the Putnam County Legislature approves the transfer of Town of Patterson Tax Map No.: 25.47-1-4 to Michael P. Tucker and Janet Elaine Tucker for the sum of \$3,500.00, together with payment of the appropriate Transfer Tax, Recording Fees, and County, Town, and School Taxes; and be it further

RESOLVED, that upon receipt of said monies, Town of Patterson Tax Map No.: 25.27-1-4 shall be conveyed in an "as is" condition by quitclaim deed, which shall provide that it be automatically merged with Town of Patterson Tax Map No.: 25.47-1-5; and be it further

RESOLVED, that the Putnam County Attorney is authorized to prepare said quitclaim deed, and the Putnam County Executive shall be authorized to execute said quitclaim deed on behalf of the County.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6k – Approval/ Putnam County Veterans’ Residence/ Lease Agreement Renewals was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Legislator Albano moved the following:

Chairman Castellano thanked Director of the Veteran’s Services Karl Rohde and his staff for the great work they do for the Veterans.

RESOLUTION #209

APPROVAL/PUTNAM COUNTY VETERANS’ RESIDENCE/LEASE AGREEMENT RENEWALS

WHEREAS, the County of Putnam is the owner of certain real property, including the building situated thereon, located at 9 Drew Lane, Carmel, New York 10512, which is known as the Putnam County Veterans’ Residence; and

WHEREAS, the Putnam County Veterans’ Residence is operated as a communal residence for veterans who meet the established eligibility criteria; and

WHEREAS, the County of Putnam previously entered into separate lease agreements with the veterans listed in the attached Schedule “A”, for single-residence rooms in the Putnam County Veterans’ Residence; and

WHEREAS, said lease agreements expired on July 31, 2018 and the County of Putnam is desirous of renewing same for a period of one (1) year; now therefore be it

RESOLVED, that the County of Putnam approves the renewal of the leases between the County and the veterans listed in the attached Schedule “A”; and be it further

RESOLVED, that the County Executive is authorized to execute renewal lease agreements with the veterans listed in the attached Schedule "A", for said single-residence rooms in the Putnam County Veterans' Residence at the rental amounts listed in the attached Schedule "A", which renewal leases shall be in substantial conformance with the form attached hereto as Schedule "B"; and be it further

RESOLVED that the County Attorney is authorized to take whatever legal action is necessary to effectuate said renewal lease agreements in the manner approved herein and as written.

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6L – Authorizing Lease/ Room #5 Putnam County Veterans' Residence was next. On behalf of the members of the Physical Services Committee, Legislators Nacerino and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #210

AUTHORIZING LEASE/ROOM # 5 PUTNAM COUNTY VETERANS' RESIDENCE

WHEREAS, the County of Putnam is the owner of certain real property, including the building situated thereon, located at 9 Drew Lane, Carmel, New York 10512, which is known as the Putnam County Veterans' Residence; and

WHEREAS, the Putnam County Veterans' Residence is operated as a communal residence for veterans who meet the established eligibility criteria; and

WHEREAS, the County of Putnam is desirous of entering into a lease agreement with Peter Behnen for a single-residence room in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreement shall be for a term commencing on August 1, 2018 and expiring on July 31, 2019; now therefore be it

RESOLVED, that the County of Putnam may enter into the aforementioned lease agreement with Peter Behnen for the single-residence room in the Putnam County Veterans' Residence identified as Room # 5, for a term commencing on August 1, 2018 and expiring on July 31, 2019; and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute said lease agreement with Peter Behnen at the rental price of \$400.00 per month, which shall be in substantial conformance with the form attached hereto as Schedule "A"; and be it further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #6m – Approval/ Budgetary Amendment (18A061)/ County Clerk/ Local Government Records Management Improvement Fund (LGRMIF) Grant Award was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Jonke, Chairman Castellano moved the following:

RESOLUTION #211

APPROVAL/ BUDGETARY AMENDMENT / COUNTY CLERK/ LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) GRANT AWARD

WHEREAS, the County Clerk has requested a budgetary amendment (18A061) to account for a Local Government Records Management Improvement Fund (LCRMIF) Grant awarded in the amount of \$51,995; and

WHEREAS, the grant is a shared services grant in conjunction with the Town of Putnam Valley which will add to the existing electronic document management system created under the previous 2016/2017 grant and 2017/2018 grant, and address the problems that are prevalent with the storing and access of paper records; and

WHEREAS, this grant runs from July 1, 2018 through June 30, 2019; and

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

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10146000 54646 10145	Contracts	51,995
----------------------	-----------	--------

Increase Estimated Revenues:

10146000 430601 10145	State Aid – Records Management	51,995
-----------------------	--------------------------------	--------

2018 Fiscal Impact – 0 –

2019 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6n – Approval/Budgetary Amendment (18A063) / Putnam County Sheriff/ Additional SPO's for the 2018-2019 School Year was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Jonke, Chairman Castellano moved the following:

Chairman Castellano explained that the County would be reimbursed by the school districts for these SPO officers. He stated that this is a great program and the Sheriff is doing a fantastic job with it.

Legislator Nacerino concurred. She stated the SPO's provide support for our children and their safety. She applauded the Sheriff's Department for this program.

RESOLUTION #212

APPROVAL/BUDGETARY AMENDMENT / PUTNAM COUNTY SHERIFF/ ADDITIONAL SPO'S FOR THE 2018-2019 SCHOOL YEAR

WHEREAS, the Putnam County Sheriff has requested a budgetary amendment (18A063) to cover expenses for nine (9) additional Special Patrol Officers (SPO) requested by several school districts for the 2018-2019 School Year; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Revenue:

16099000 422609	Sheriff SPO Program – SPO Contracts	125,962
-----------------	-------------------------------------	---------

Increase Appropriations:

16099000 54385	Sheriff SPO Program – Uniforms	8,000
16099000 52180	Sheriff SPO Program – Other Equipment	20,000
16099000 51094	Sheriff SPO Program – Temporary	91,000
16099000 58002	Sheriff SPO Program – Social Security	<u>6,962</u>
		125,962

2018 Fiscal Impact – 0 –

2019 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6o – Approval/Fund Transfer (18T166)/District Attorney/Partnership Initiatives was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Jonke, Chairman Castellano moved the following:

RESOLUTION #213

APPROVAL/FUND TRANSFER /DISTRICT ATTORNEY/PARTNERSHIP INITIATIVES

WHEREAS, the District Attorney has requested a fund transfer (18T166) to cover “Conducting Complete Traffic Stops” training for local law enforcement at the TOPS building; and

WHEREAS, the Protective Services Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10001000 54682	Special Services	6,500
----------------	------------------	-------

Increase:

10001000 54936	Partnership Initiatives	6,500
----------------	-------------------------	-------

2018 Fiscal Impact – 0 –

2019 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Chairman Castellano made a motion to accept the revised resolution for Item #6p; seconded by Legislator Nacerino. All in favor.

Item #6p – Authorization/ Legislators to Attend September New York State Association of Counties Conference was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Jonke, Chairman Castellano moved the following:

RESOLUTION #214

APPROVAL/AUTHORIZATION/LEGISLATORS TO ATTEND SEPTEMBER NEW YORK STATE ASSOCIATION OF COUNTIES CONFERENCE

WHEREAS, three (3) Legislators have requested permission to attend the New York State Association of Counties Conference to be held in Rochester, New York in September 2018 for registration and lodging total expenditure of approximately \$640 per person; and

WHEREAS, the Putnam County Legislature has reviewed and approves their requests; now therefore be it

RESOLVED, that three (3) Legislators are authorized to attend the New York State Association of Counties Conference to be held in Rochester, New York in September 2018.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Other Business

There was no other business submitted to the meeting.

Item #8 – Recognition of Public on Agenda Items

Ms. Lynne Eckardt, Town of Southeast, believed that the Legislature had plenty of time to review the T21 resolution. She stated that T21 was important legislation. She stated that she takes issue with Legislator Nacerino because we do not allow our children to drink and she believed it was valid to leave that decision to themselves. She stated that as Town of Southeast Councilwoman the majority of the Town Board is in favor of this legislation. She expressed her frustration with the delay.

Item #9 – Recognition of Legislators

Legislator Gouldman stated that the schools are open and reminded everyone to drive safely. He also informed everyone that, from October 4th through October 7th, the Vietnam Veterans Traveling Wall will be coming back to Putnam County and will be displayed at Veterans Memorial Park. He invited all to attend.

Legislator Addonizio explained that she recently attended a White House Conference with NY County leaders. She stated that Counselor to the President, Kellyanne Conway spoke during the conference about trying to develop a plan to fight the opioid crises. Legislator Addonizio explained that she had the opportunity to personally speak with her to discuss the opioid crises in Putnam County. Counselor to the President, Kellyanne Conway gave her the name and phone number of someone in her office that she could

contact. Legislator Addonizio stated that she is awaiting a return call. Legislator Addonizio also stated that August 31st was International Overdose Awareness Day. She stated that we need to come together as a community supporting the cause and to realize that this is a disease.

Legislator Jonke stated that he attended a wake today for an old friend of his, former Town of Southeast Supervisor Doug Scolpino. He stated that he was a great guy and those who knew him are surely going to miss him. His funeral is scheduled for tomorrow.

Legislator Nacerino stated that tomorrow is the first day of school for most schools across Putnam County. She wished everyone well for the upcoming school year. She shared the tragic news of the loss of a 14 year old Brewster student, Oscar Gonzalez, who drowned in Lake Tonetta on Labor Day weekend. She stated that our thoughts and prayers go out to his family. She stated that she would like to close the meeting in memory of Oscar Gonzalez.

There being no further business, at 8:01 P.M., Chairman Castellano made a motion to adjourn; seconded by Legislator Albano. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.