

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

Members: Chairwoman Addonizio and Legislators Ellner & Nacerino

**Thursday March 21, 2024
(Immediately following Protective Mtg. beginning at 6:30pm)**

The meeting was called to order at 6:54pm by Chairwoman Addonizio who requested Legislator Ellner lead in the Pledge of Allegiance. Upon roll call Legislators Ellner and Nacerino and Chairwoman Addonizio were present.

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

The minutes were approved as submitted.

**Item #4 – Approval/ Fund Transfer 24T040/ County Attorney/ Litigation Settlement/
TD Auto Finance**

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

**Item #5 – Approval/ Town of Southeast/ American Rescue Plan Act (ARPA)
Funding Reallocation to Lake Tonetta Bio Treatment System Project**

Chairwoman Addonizio made a motion to waive the rules and accept the additional revised resolution; Seconded by Legislator Nacerino. All in favor.

Commissioner of Finance Michael Lewis stated a meeting with the towns, villages and ARPA Consultant was held in February to explain the process of spending the ARPA funds and the importance of adhering to the guidelines because the funds need to be obligated, pursuant to the United States Treasury, by December 31, 2024. He stated he believes the requests that have come in since are a direct result of this meeting. He stated he worked with Town of Southeast Councilman Cyprus on reallocating this funding. He stated the Town's original request was for \$150,000 for the Lake Tonetta Bio Treatment System Project. He stated after this agenda had been published the Town realized the project would require another \$65,000. He stated in addition to that, the Town identified that the projects at the Town Hall and Town Court would not be moving forward and therefore made a subsequent request to reallocate that funding to the Cobb Road Culvert Replacement Project.

Chairwoman Addonizio requested clarification on the cost of the Cobb Road culvert replacement.

Commissioner Lewis stated \$585,000 was added to the project to bring the total allocation up to \$1,085,000.

Legislator Ellner requested confirmation that these requested projects are all acceptable under the ARPA guidelines.

Commissioner Lewis stated yes, they are. He detailed the process these requests go through:

- The town or village submits their requested project to the Administration and/or Finance Department.
- The County then has the project reviewed by the ARPA Consultant.
- The ARPA Consultant determines the eligibility of the project.
- The project is brought forth to the Administration for the approval of County Executive Byrne.
- Once approved, it is sent to the County Auditor and finally the Legislature for approval.

Legislator Gouldman commended Commissioner Lewis and the Finance Department staff for holding the meeting in February relaying the importance of making sure this funding is allocated correctly so it does not become a lost opportunity.

Legislator Jonke applauded the Finance Department as well as Town of Southeast Councilman Cyprus for proactively reallocating this funding and making sure the taxpayers in the Town of Southeast are getting the benefit of this ARPA funding.

Legislator Montgomery stated Lake Tonetta is a gem of a lake and the work the Town is doing to protect and restore it is so important. She stated she is happy to see this project move forward.

Legislator Crowley stated her appreciation for Commissioner Lewis's tenacity in making sure the towns and villages are aware of this process. She stated these funds are improving the infrastructure within the County and as a result it is improving the livelihood of our residents.

Legislator Montgomery stated these projects being requested by the towns and villages are the tip of the iceberg in terms of infrastructure projects that are needed. She stated the towns and villages operate on very small budgets and she is happy when the County is able to help them with these vital projects.

Chairwoman Addonizio made a motion to approve the revised resolution; Seconded by Legislator Nacerino. All in favor.

**Item #6 – Approval/ Town of Patterson/ American Rescue Plan Act (ARPA)
Funding Reallocation to Dorset Hollow Water District Extension Project**

Legislator Nacerino stated she is very pleased to see this on the agenda this evening. She stated as mentioned by County Executive Byrne in his State of the County Address, the Town of Patterson will be benefiting from the Front Street revitalization project and she is thankful for the support of the Administration. She stated it is important to remember that the requests for these projects originate within the towns and villages themselves. She stated she is very proud of Town of Patterson Supervisor Williams and the Town Board for bringing this initiative forward. She stated the Town of Patterson is often compared to the Town of Pawling, as they both have the railroad running through the middle of town and it is questioned why Patterson does not have the shops and those sorts of things that Pawling has. She stated water has always been one of the biggest obstacles for the Town of Patterson so she is pleased to move this project forward tonight as it will greatly contribute to the revitalization of Front Street.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

Item #7 – Approval/ Village of Nelsonville/ Savings of Sales Tax Funds Applied to the HVAC System at Village Hall

Chairwoman Addonizio made a motion to waive the rules and accept the additional revised resolution; Seconded by Legislator Ellner. All in favor.

Commissioner Lewis stated the original project request was for \$63,890 total, of which 50% was to go toward a feasibility study and 50% toward HVAC improvements at Village Hall. He stated the feasibility study wound up costing less, at \$27,000 and the HVAC system wound up costing more, at \$38,000. He stated therefore, Village of Nelsonville Mayor Winward requested to reallocate the remaining funding for the feasibility study to offset the increased cost of the HVAC system. He stated this work has already been completed, this will just shift the funding and make the Village whole.

Legislator Montgomery stated the Village of Nelsonville operates on a very small budget and Mayor Winward's attention to detail is unbelievable. She thanked the Village of Nelsonville for their diligence in identifying this opportunity.

Legislator Addonizio made a motion to pre-file the revised resolution; Seconded by Legislator Nacerino. All in favor.

Item #8 – Approval/ Proposed Legislation to Create Department of General Services

Director of Purchasing John Tully thanked the Committee for including this on this evening's agenda. He stated the creation of a Department of General Services (DGS)

has been a focus since County Executive Byrne took office last year. He stated this proposal was assembled by the following team of individuals chosen by County Executive Byrne based on their specific expertise:

- Deputy County Executive James Burpoe, who has over 12 years of experience as the Commissioner of General Services for Orange County.
- Personnel Officer Paul Eldridge, who researched any potential issues with civil service in relation to this new department.
- Director of IT/GIS Thomas Lannon, who co-authored the proposal to form the DGS.
- Commissioner of Finance Michael Lewis, who looked critically into the finances associated with the creation of the DGS.
- Senior Deputy County Attorney Conrad Pasquale, who reviewed every aspect of how the creation of the DGS would impact the Putnam County Charter and provided redline copies of all changes being proposed.

He stated in addition to the above team, County Executive staff members, Director of Compliance and Intergovernmental Relations Jennifer Caruso, Chief of Staff Matthew Covucci, and Director of Communications Christopher Formisano contributed to this proposal. He stated this is not the first time this has been discussed and they went into the 2024 budget process with this in mind, which paved the way to create the DGS. He provided examples of other governments that have a DGS including the Federal Government with the United States General Services Administration, the New York State Office of General Services, and surrounding counties such as Dutchess County, Rockland County, Orange County, and Albany County among others throughout the State. He stated the difference is that Putnam County is a smaller government making this proposal and in some of the above listed locations there are multiple employees handling the same tasks that Putnam County will only need one (1) employee for. He stated this is important because in addition to the savings laid out in the proposal, because Putnam is smaller, it will be set up for long term success in terms of taking advantage of future savings. He stated purchasing and technology are not going away. He stated the current Purchasing Department and IT/GIS Department collaborate often to assist other departments with their needs. He stated the proposal for the DGS solidifies that relationship and ensures that the County will benefit from these departments being under one umbrella. He stated the discussion this evening is a necessary step in the process of forming the DGS and how the County can benefit moving forward.

a. Local Law to Amend Article 5 of the Putnam County Charter Entitled “Executive Department”

Chairwoman Addonizio questioned if a new position is being created in proposed Article 5 of the Putnam County Charter under sections 5.03 and 5.04.

Director Tully stated no, the Charter change was crafted to give the County Executive the ability to structure the department in whatever way they believe would best serve the County. He stated the structure presented by County Executive Byrne has the Commissioner of DGS taking on duties of procurement. He stated the way the Charter

is written is that if the County Executive presents to the Legislature a budget that includes a different structure and the Legislature approves that funding, the Charter would not have to change.

Chairwoman Addonizio requested clarification between the Commissioner and Director positions referenced in the proposal.

Senior Deputy County Attorney Conrad Pasquale stated the role of Commissioner of DGS will assume the responsibilities of the current Director of Purchasing. He stated if at some point in the future the Commissioner decides it is appropriate to appoint a director, which is essentially a deputy position, and it is within budgetary appropriations it can be created. He stated at this point it has not been funded therefore it has not been created.

Legislator Nacerino stated by including this language it seems it is being set up to incorporate a director in the near future. She questioned a posting she saw on the Putnam County website which advertised a Capital Asset and Procurement Coordinator position. She questioned why this posting was made public to be applied for before the approval of this department was completed.

Personnel Officer Paul Eldridge stated that position is already in the budget within the Purchasing Department.

Director Tully stated that position was approved in the 2024 budget process.

Legislator Nacerino clarified that this position is separate from the director position being discussed as the duties and responsibilities seem similar.

Director Tully stated that is correct.

Legislator Nacerino questioned if it is anticipated needing to hire a director, or deputy, position in the near future.

Director Tully stated he does not see the need for that position right now. He stated regardless of the plan to create the DGS, there have been instances in the past where Director of IT/GIS Lannon has articulated the need for additional IT staff. He stated he believes those needs would be more prudent to address first.

Legislator Nacerino stated IT is a big undertaking and it is important to have the right people in the right positions. She stated technology is so fluid, it is vital to remain protected.

Director Tully agreed. He stated a lot of thought was put into the proposal to create this Department with the intention of a successful future.

Legislator Nacerino stated in Section 5.01 it states “The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in the current position of County employment.” She stated she believes this language is somewhat antiquated and is a precedent that would need to be applied across the board. She stated there are many employees in management positions that sit on various boards within their respective towns or villages. She stated this statement negates the ability of this individual to serve on a political committee or be involved in their town, which does not present a conflict for the job at hand.

Senior Deputy County Attorney Pasquale stated he believes that is the language that is currently in the Charter, which is why it was left in. He stated if the Legislature would like to remove that language, it can do so as there is no requirement for it to be included.

Legislator Nacerino stated she would like to see it removed because there are other individuals in management positions serving within their towns.

Chairwoman Addonizio agreed.

Legislator Ellner stated it is restrictive.

Legislator Crowley questioned if this should be consistent across the board for all County employees, managers or not. She stated she believes employees currently need to obtain permission to serve on a board or committee within their local government.

Legislator Sayegh clarified that the discussion is pertaining to the possible removal of the first sentence of the second paragraph under section 5.01 and that the second sentence, “He or she and all full-time managerial employees in the department shall serve on a full-time basis and shall not engage in any private practice, nor be employed in their field of expertise with the County by any private or other government entity.”, would remain.

Legislator Nacerino stated yes, she is referring to only the first sentence referring to public or political office.

Legislator Sayegh stated the importance of leaving that second sentence in to avoid possible conflicts of interest.

Chairwoman Addonizio stated this revision could be drafted by the Law Department.

Senior Deputy County Attorney Pasquale clarified that he should draft a change where “The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in the current position of County employment.” is to be removed and “He or she and all full-time managerial employees in the department shall serve on a full-time basis and shall not engage in any private practice,

nor be employed in their field of expertise with the County by any private or other government entity.”, is to be left in.

Chairwoman Addonizio stated that is correct.

Legislator Montgomery questioned what the suggested language would be. She stated she disagrees that the Commissioner of the DGS should be able to hold a political office. She stated an individual on a committee is the lowest level of an elected official. She suggested removing public office from the wording so the Commissioner would be prohibited only from holding a political office.

Legislator Nacerino stated there is currently a County employee who holds a political office, therefore if that restriction were to be implemented it would affect those employees.

Legislator Montgomery stated this section of the Charter speaks to only the Commissioner of DGS.

Legislator Nacerino stated she is looking at it on a broad scope because it will have to be applied across the board.

Legislator Montgomery stated this proposal does not speak to that.

Legislator Nacerino stated for other positions that are being considered, the same language would have to be applicable as well. She stated she does not see a management employee holding a position on their town or village board as a potential conflict of interest. She stated an employee having a private practice or being employed elsewhere in their field of expertise would be a conflict of interest.

Chairwoman Addonizio questioned if this wording is anywhere else in the Charter.

Legislative Counsel Robert Firriolo stated yes, however he does not believe both public and political are referenced each time. He stated his recollection from the Charter Review Commission is that they reviewed what is “public” and what is “political” office. He stated he believes it was determined that a position on a committee is not deemed a public office under state law. He stated by including both public and political the intention is clear that it is trying to preclude someone from serving on a political committee.

Legislator Jonke stated Section 5.05 states that within the DGS there will be an independent Division of IT/GIS. He questioned how there could be an independent division within another department.

Senior Deputy County Attorney Pasquale stated there is precedent for this within the Finance Department as the Real Property Tax Service Agency falls under the Finance Department but operates independently. He stated aside from the role of Director of

IT/GIS being very technical, it handles a lot of sensitive and confidential information. He stated while the Director of IT/GIS would serve under the Commissioner of DGS, they could not be ordered to disclose any information that should not be.

Director of IT/GIS Lannon stated the relationship between IT/GIS and DGS is important, especially being a smaller county. He stated this gives the IT/GIS Department the independence to do the work they need to do while providing necessary oversight on the purchases throughout the County.

Legislator Ellner stated also in Section 5.05 it states that the Director of IT/GIS would be appointed by the Commissioner of DGS.

Senior Deputy County Attorney Pasquale stated that wording is included more for the future. He stated currently, the Director of IT/GIS is a tested civil service position so it is not subject to appointment like it would be in the future. He stated the current Director of IT/GIS Tom Lannon will continue in this role and it is his understanding that his successor would be appointed by the Commissioner of DGS and move forward as such.

Legislator Ellner stated he would rather see the County Executive make that appointment as opposed to the Commissioner of DGS.

Director Tully stated if the Commissioner did not make an appropriate appointment, the County Executive could step in. He stated the Commissioner serves at the pleasure of the County Executive. He stated he and Director of IT/GIS Lannon work well together and there will not be a change upon the creation of the DGS.

Legislator Castellano stated moving forward, anyone hired into that position will not be in a civil service position.

Director Tully stated the candidate would still be coming from a civil service test list.

Personnel Officer Eldridge stated there are many categories of employment; technically all County employees are civil service regardless of if they have taken a test or not.

Chairwoman Addonizio stated the way it is worded sounds like the appointment will be made and will not be a tested position. She questioned why the individual would still be chosen from a list.

Personnel Officer Eldridge stated the position is in a competitive class, in order to change that a request would be made by him to the State Civil Service Commission. He stated he currently does not see a need for that. He stated the position is appointed no matter what.

Chairwoman Addonizio stated she believes it could be made clearer.

Legislator Crowley questioned if the vetting process will become more stringent for the Director of IT/GIS when the time comes to bring in a new employee because of the risk of cyber security. She questioned if anything more would be added to the job description.

Director Tully stated job descriptions are always evolving in any position. He stated prior to a position being posted, it is run through the Personnel Department to ensure it includes the County's current needs and accounts for technological changes since the last time it was posted.

Director Lannon provided the example of artificial intelligence. He stated five (5) years ago it was not discussed at all, although it existed. He stated now, it is a major buzzword.

Legislator Crowley stated she is making sure the process allows for the right person to be in the position rather than choosing from the top three (3) candidates on a list. She stated it is important to have all the proper protections in place for this type of position.

Director Lannon stated when the job is posted there are requirements to be met before an individual can even submit their application. He stated part of those requirements could be the cyber security, which would be developed by the County. He stated if those requirements are not met, the individual would not even progress to the test.

Director Tully stated any potential change to the title of the position would necessitate action by the Legislature.

Legislator Nacerino questioned if a title change would be required if the position were made exempt.

Personnel Officer Eldridge stated not necessarily, but the specifications may change. He stated the assumption is that all positions are competitive and to change that, a case would have to be made as to why it is not practicable to be tested. He stated in order to do that there is an extensive process including holding a public hearing and sending the request to the State Civil Service Commission.

Legislator Jonke stated he is not in favor of the Commissioner of DGS appointing the Director of IT/GIS because it would not be as transparent as if the appointment were made by the County Executive. He stated when the County Executive makes the appointment, the Legislature would then confirm it, which is a more transparent process.

Legislator Ellner questioned if all Director-level positions are tested.

Personnel Officer Eldridge stated no, it depends on whether it is practicable to test for it or not. He stated they rely on the New York State Constitution to determine what is practicable. He stated anything other than "competitive" is an exception so the assumption would be that the position will be competitive.

Legislator Ellner questioned if a deputy commissioner is a tested position.

Personnel Officer Eldridge stated not necessarily, it depends on the job responsibilities.

Legislator Ellner questioned if there would be more flexibility if the position was a Deputy Commissioner rather than Director of IT/GIS.

Personnel Officer Eldridge stated the title does not have as much of an impact on the classification as the responsibilities and duties do.

Legislator Montgomery stated she would like to go back to the discussion on the wording contained in proposed Section 5.01 regarding the Commissioner holding public or political office. She questioned if throughout the Charter this restriction is only connected to commissioner positions, or if it also applies to other management and staff positions.

Legislative Counsel Firriolo stated he would have to look into that, but he does not believe it is only commissioners. He stated there are certain positions such as the County Attorney where there are restrictions put on their outside employment or holding public office and each one is different. He stated this restriction is not across the board; it is selective. He stated there are some areas where the Charter is explicit and some areas where there are no restrictions.

Legislator Montgomery stated she believes the positions appointed by the County Executive are those under the restriction from holding public or political office. She stated she does not believe a commissioner or County Attorney should hold political office.

Legislative Counsel Firriolo stated he believes Legislator Montgomery is correct, it applies to department head positions or key appointee positions. He stated he does not recall anything across the board pertaining to subordinate employees with respect to holding public offices.

Legislator Montgomery stated she believes the wording should remain in Section 5.01 that the Commissioner should not hold a public or political office.

Chairwoman Addonizio made a motion to table item #8a. Local Law to Amend Article 5 of the Putnam County Charter Entitled "Executive Department"; Seconded by Legislator Nacerino. All in favor.

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

Director Tully stated the changes made in Chapters 117 and 140 of the Putnam County Code are replacing “Director of Purchasing” with “Director of General Services”.

Legislative Counsel Firriolo stated that is correct. He stated it also replaces references to the Highway Department with “Department of Public Works” where they appear. He stated this local law cannot be approved until the local law in item #8a is approved creating the Department of General Services.

Chairwoman Addonizio made a motion to table item #8b. Local Law to Amend Chapter 117 Entitled “Apprenticeship Training Program” and Chapter 140 Entitled “Contracts and Procurement” of the Putnam County Code in Relation to the Creation of the Department of General Services; Seconded by Legislator Ellner. All in favor.

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

Chairwoman Addonizio stated the changes made to Section 7.05 of the Putnam County Charter replace references to the Department of Purchasing with the Department of General Services and references to the Highway Department to the Department of Public Works.

Legislative Counsel Firriolo stated this local law cannot be approved until the local law in item #8a is approved creating the Department of General Services.

Chairwoman Addonizio made a motion to table item #8c. Local Law to Amend Section 7.05 of the Putnam County Charter Entitled “Capital Program and Capital Budget”; Seconded by Legislator Ellner. All in favor.

d. Local Law to Amend Article 3 of the Putnam County Charter Entitled “County Executive”

Chairwoman Addonizio stated this local law places the Department of Tourism into Article 3 of the Putnam County Charter which is entitled “The County Executive”. She questioned if this is the appropriate section for the Department of Tourism to be in.

Chairwoman Addonizio made a motion to waive the rules and accept the additional; Seconded by Legislator Nacerino. All in favor.

Chairwoman Addonizio stated she believes the Department of Tourism would be more appropriately placed under Article 12 “Other County Functions”.

Senior Deputy County Attorney Pasquale stated he believes that is an appropriate change and he would be happy to draft it.

Legislator Ellner questioned what the justification of taking the Department of Tourism out of the purview of the Legislature and moving it under the County Executive.

Senior Deputy County Attorney Pasquale stated the Department of Tourism was not under the purview of the Legislature originally, it is under Article 5 "Executive Department".

Chairwoman Addonizio stated Article 5-B could also be created for the Department of Tourism.

Senior Deputy County Attorney Pasquale stated yes, that is also an option.

Legislative Counsel Firriolo stated in reference to Legislator Ellner's question, the text of the section is not changing. He stated the only proposal was to change the location of the Department of Tourism within the Charter. He stated even if it were to be moved into Article 3 "The County Executive" it would not incur any more power to the County Executive.

Chairwoman Addonizio questioned if this item would need to be tabled as well.

Legislative Counsel Firriolo stated the Department of Tourism can be moved out of Article 5 in anticipation of the creation of the DGS. He stated from a drafting standpoint the simplest place to move the Department of Tourism is under Article 12 by creating a new Section 12.12 and 12.13 rather than creating a new Article.

Senior Deputy County Attorney Pasquale agreed. He stated if the Committee would like to move forward with that this evening he will make the appropriate changes to the local law so it will read appropriately when it gets to the Full Legislative meeting.

Chairwoman Addonizio made a motion to amend the local law to replace references to Article 3 with Article 12 and Article 3.07 and 3.08 with 12.12 and 12.13 respectively, subject to drafting of the Law Department; Seconded by Legislator Nacerino. All in favor.

Senior Deputy County Attorney Pasquale stated that a motion should also be made to amend the resolution to repeal current Charter Article 5.03 and 5.04, where the Department of Tourism is currently located.

Chairwoman Addonizio made a motion to amend the resolution to repeal Article 5.03 and 5.04 of the Putnam County Charter and to move those subsections to a new Article 12.12 and 12.13; Seconded by Legislator Nacerino. All in favor.

Legislator Nacerino questioned if the Committee can revisit Legislator Jonke's request to have the appointment of the Director of IT/GIS made by the County Executive.

Senior Deputy County Attorney Pasquale stated so the Legislature is aware, there are several deputy commissioner positions within the Charter that are appointed by the commissioner of that department. He stated the Department of Social Services and the Department of Public Works are examples of this.

Legislator Jonke stated he believes this is a unique situation and would prefer to see the appointment made by the County Executive.

Legislator Nacerino agreed.

Chairwoman Addonizio stated that can be brought forward in April.

Item #9 – Other Business

a. FYI/ Litigation Report

Chairwoman Addonizio made a motion to waive the rules and accept the other business; Seconded by Legislator Nacerino. All in favor.

The Litigation Report was duly noted.

Item #10 – Adjournment

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

Respectfully submitted by Administrative Assistant Beth Robinson.