

**AUDIT & ADMINISTRATION COMMITTEE MEETING  
HELD IN ROOM #318  
PUTNAM COUNTY OFFICE BUILDING  
CARMEL, NEW YORK 10512**

**Members: Chairman Castellano and Legislators Ellner & Gouldman**

**Thursday** **6:30pm** **May 23, 2024**

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The meeting was called to order at 6:30pm by Chairman Castellano who requested Legislator Ellner lead in the Pledge of Allegiance. Upon roll call Legislator Ellner and Chairman Castellano were present. Legislator Gouldman was absent.

**Item #3 – Acceptance of Minutes – April 29, 2024**

The minutes were accepted as submitted.

**Item #4 – Correspondence/County Auditor**

**a. Sales Tax Report**

Chairman Castellano mentioned that he spoke to Commissioner of Finance Michael Lewis about the impact of the clothing and footwear sales tax exemption.

Commissioner of Finance Michael Lewis stated the County is trending in line with its budgeted Sales Tax for 2024 of \$77.5 million. He stated there are many reasons for the fluctuation in numbers. He stated that he contacted the Department of Taxation and Finance and was informed that the Vendors file quarterly returns. He stated therefore the earliest he will be able to present the true numbers that will reflect the impact of the Sales Tax Exemption on clothing and footwear under \$110 in Putnam County will be in July.

**b. Transfer/Revenue Report – Duly Noted**

**c. 2024 Contingency/Sub-Contingency Report – Duly Noted**

**Item #5 – Correspondence/ Commissioner of Finance**

**a. Overtime/Temporary Report – Duly Noted**

**b. Approval/ Budgetary Amendment 24A035/ Planning, Development & Public Transportation/ Community Resiliency, Economic Sustainability and Technology (CREST) Grant Funds for the Design and Installation of a Small Solar Carport to be located at the Donald B. Smith Campus (Also reviewed in Physical)**

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

**c. Approval/ Budgetary Amendment 24A036/ BES/ Fire Training Center  
(Also reviewed in Protective)**

Chairman Castellano stated it was explained that there were additional costs discovered that were not accounted for. He stated fortunately additional Federal and State aid funding has been located to assist in funding this project. He stated it will be great for Putnam County and the Bureau of Emergency Services.

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

**d. Approval/ Budgetary Amendment 24A038/ Dept. of Public Works /  
Amend the 2024 CHIPS County Capital Project Budget to Equal the  
Adopted NYS Budget (Also reviewed in Physical)**

Commissioner of Finance Michael Lewis stated Deputy Commissioner of Department of Public Works stated he accompanied the County Executive to Albany to advocate for the restoring of Putnam County's CHIPS (Consolidated Local Street and Highway Improvement Program) funding to the same amount as past years. He stated fortunately for Putnam County, they were successful.

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

**e. Approval/ Budgetary Amendment 24A039/ Sheriff's Youth and  
Community Svcs Div./ Purchase of one Project Lifesaver Bracelet for  
"Project Lifesaver" (Also reviewed in Protective)**

Chairman Castellano stated a generous donation has been made by an attorney in Westchester, Howard Stern, who believes and supports the "Project Lifesaver" program. He stated he has donated enough funding to purchase one (1) Lifesaver Bracelet. He expressed his appreciation for this thoughtful and generous donation.

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

**f. Approval/ Budgetary Amendment 24A040/ Dept. of Public Works/  
Guardrail Damage Compensation/ Three (3) Separate Accidents  
which Resulted in Guardrail Damage on County Roads (Also  
reviewed in Physical)**

Chairman Castellano stated Risk Manager Mat Bruno is doing a great job securing funds to assist in the costs to do the repairs caused by drivers along County Roads.

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

**g. Approval/ Budgetary Amendment 24A041/ Historian Office/ Outside Donation – G. Whipple via the Society for the Preservation of P.C. Antiquities & Greenways Inc. (Also reviewed in Health)**

Chairman Castellano stated this is a donation for a Civil War Memorial Plaque to be placed at the Putnam County’s Veteran’s Memorial Park. He expressed his appreciation for this donation.

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

**h. Approval/ Budgetary Amendment 24A042/ Sheriff’s Dept./ NYS Stop-DWI Foundation Inc. Reimbursement (Also reviewed in Protective)**

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

**i. Approval/ Budgetary Amendment 24A044/ Finance Dept./ ARPA Administrative Costs**

Commissioner of Finance Lewis stated the County’s ARPA consultant has informed the County that the U.S. Treasury guidelines allow up to 10% of total ARPA allocations to go towards administrative costs. He stated from now until the end of this year the focus is to make sure that everyone is in compliance with the ARPA guidelines to meet the deadline of December 31, 2024. He stated he and the Administration believe this to be appropriate to keep the process moving forward.

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

**j. Approval/ Budgetary Amendment 24A045/ Sheriff’s Dept./ Use of T-Commission Funds for Laptops for Correctional Facility (Also reviewed in Protective)**

Legislator Crowley questioned why these computers were not budgeted for and how often are new computers purchased for use by the inmates.

Commissioner of Finance Lewis stated the use of the T Commission funds results in no impact to the taxpayers, this is an approved use of these funds.

Sheriff McConville stated computers are purchased for the inmates as a computer no longer works, one is purchased to replace one that no longer works.

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

**k. Approval/ Budgetary Amendment 24A046/ Sheriff's Dept./ Use of T-Commission Funds for Two (2) Network Video Recorders (NVRs) (Also reviewed in Protective)**

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

**Item #6 – Approval/ Budgetary Transfer 24T090/ District Attorney/ Compensation for the District Attorneys in New York State (Also Reviewed in Personnel)**

Commissioner of Finance Mike Lewis addressed the inquiries submitted to him regarding what is the calculation that is used to arrive at the increase amount of the District Attorney's salary. He stated the salary and increases for the County District Attorneys throughout New York State are set by the State and are based on the salary of the County Court Judge.

Chairman Castellano stated the County Court Judge and the District Attorney have to have the same salary.

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

**Item #7 – Approval/ Budgetary Transfer – 24T092/ Dept. of Public Works/ Close Out Various Capital Projects and Transfer to the Capital Projects Reserve for Future Projects (Also reviewed in Physical)**

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

**Item #8 – Approval/ Fund Transfer 24T120/ IT/GIS/ Permanent Status of an IT Systems Specialist (Also Reviewed in Personnel)**

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

**Item #9 – Approval/ Fund Transfer 24T127/ IT/GIS/ Establish a GIS Tech part-time position and assist in funding GIS Aid full-time position (Also Reviewed in Personnel)**

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

**Item #10 – FYI/ 2024 Guardrail & Property Damage Table – Duly Noted**

## **Item #11 – Other Business**

### **a. Approval/ Discussion/ Bureau of Emergency Svcs./ Creation of Rescue Task Force (Moved from Protective)**

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

Legislator Nacerino explained that this was discussed in Protective Services, and there was a resolution that was submitted by Commissioner Lipton, which needs some revisions and updating before the Legislature is ready to consider it. She stated this is a process for consideration, which distinguishes it very differently from the Emergency Response Team, which was never approved by the Legislature. She spoke to the function and mission of this proposed Rescue Task Force. She stated she is very much in support of this endeavor. She stated there were comments made that there was money already encumbered for this task force and that is not correct.

Commissioner of Finance Mike Lewis stated if this task force will involve volunteers, then it will be deferred to Risk Manager Mat Bruno. He listed some questions that he has that would need to be answered by Commissioner of Bureau of Emergency Services Lipton.

Legislator Nacerino stated that Commissioner Lipton is out of Town. She stated she acknowledges this is very vague at this point. She stated she is not even clear on who wrote the resolution.

First Deputy County Attorney John Cherico stated there were questions sent to the County Attorney's office from Chair of Audit Castellano: 1. Was the resolution reviewed and approved by the County Law Department? 2. Is a Municipal Agreement needed to form the Rescue Task Force proposed by Commissioner Lipton? 3. Legislator Ellner asked if events have to take place in a certain sequential fashion in the facilitation and creation of this proposed Task Force. He stated the Law Department did review the resolution. He stated Deputy County Attorney Ravo will address the questions.

Deputy County Attorney Dan Ravo stated regarding the procedures required to form this type of a team they are found in the General Municipal Law (GML) Section 209-bb. He stated the GML does permit the Legislature to form this specialized team. He stated outside of creating a resolution, subsequent to a public hearing, there are no other parameters for the Legislature to create this team. He stated per his review of the State Law and Putnam County Code there is no requirement for a Intermunicipal Agreement. He stated there is no procedure in the creation of this Task Force. He stated once the Task Force is created the GML permits the municipalities that are providing the volunteers to extend their insurance to include those members who are part of the specialized team. He stated that does not require the Legislature in the resolution to include that, that is the responsibility of the municipality providing the volunteers.

Legislator Ellner questioned if the municipalities involved, would they have to list the County as an additional insurer on their policy.

Risk Manager Mat Bruno stated the County would request that on the Certificate of Insurance of the volunteer's municipality that it would include the County as an additional insurer for protective measures. He stated most volunteers will be covered under GML 207A the Firefighter equivalent to Workers Compensation. He stated police officers or Sheriff's officers would be covered under 207C. He continued to speak to the potential challenges of that request of the municipalities, which would be addressed appropriately.

Legislative Counsel Rob Firriolo stated this particular team would be created under a pretty unique provision of a section of the municipal law that includes a provision that requires the members of the team have to indemnify and hold harmless the County (municipality) that uses them, as long as they are under contract. He stated if Town and County were to contract with this team for services then the members of that team would be required to indemnify and hold harmless. He stated while insurance is great, and the members of the team are going to want insurance, he would defer to the Risk Manager for confirmation, but he believes from the County's Risk Management perspective, as long as the contract is in place it leaves the County off the hook.

Risk Manager Mat Bruno stated a Hold Harmless would be appropriate and presented. He stated it would be like a double protection.

Legislative Counsel Rob Firriolo stated it would not just be the need for a written Hold Harmless would be required, it is statutory as long as the contract is in place. He stated in terms of sequence after the team is in place and formed, he believes it would behoove the County and municipalities using this to enter into these written contracts with the team so they can revoke that liability protection.

Risk Manager Mat Bruno stated that does make sense.

Legislator Nacerino requested this matter be tabled back to the Protective Services Committee. She stated that will allow Commissioner Lipton to provide his input and work with the Law Department to amend the proposed resolution. She stated she is not sure that the resolution was reviewed by the Law Department.

First Deputy County Attorney John Cherico stated the resolution was reviewed by the Law Department, but based on the concerns expressed this evening he concurred that Commissioner Lipton should work with the Law Department further on this matter.

Legislator Crowley thanked Legislator Nacerino for the recommendation to table this item for further review. She stated she spoke to the grant and available funding that would be used. She stated the County still owes two (2) other entities money from this grant. She stated before money is taken from this grant to support the creation of this new team, she would like Carmel and Kent to be paid.

Commissioner of Finance Mike Lewis stated Carmel and Kent were paid through December 31, 2023.

Legislator Crowley stated they were not paid for the first quarter of 2024.

Commissioner of Finance Mike Lewis stated the team was dissolved in December 2023, therefore the County does not owe them money for the first quarter of 2024.

Legislator Crowley stated she can provide a copy of a document that shows money is owed for the first quarter 2024.

Sheriff McConville stated there are two (2) different grants being discussed. He stated the grant for the Rescue Task Forces comes from a grant in the Bureau of Emergency Services. He stated the money utilized for the previously constructed Emergency Response Team is a different grant. He stated there are two different funding sources. He stated Commissioner Lewis stated Carmel was paid for the month of December is 2023. He stated per the County Executive's memorandum of December 4, 2023, the ERT was disbanded. He stated there are no funds to reimburse any of the other agencies.

Legislator Ellner requested the members of the County Law Department speak to the sequence of events that need to take place and in what order, to form the Rescue Task Force.

Deputy County Attorney Dan Ravo stated he would recommend the Rescue Task Force be created, and then reach out to the municipalities. He stated they could then use the fully approved County Resolution as the basis of their resolutions. He stated those municipalities who are willing to extend their insurance, so long as the Risk Department approves, then the County could enter into agreements with the municipalities as the County sees appropriate.

Legislator Ellner questioned if the resolution prepared by the Law Department for the Legislature to consider for approval could include verbiage that would state, "deployment of the Rescue Task Force would not take place until such time all of the other items have been satisfied".

Deputy County Attorney Dan Ravo stated yes that could be done.

Legislator Nacerino stated this is the first step in the process, and until the Legislature approves of it, we cannot move forward with engaging with the other towns to get this up and running. She stated that if there are any moneys to be expended, she believed that would come before the Legislature as well. She stated that this just enables us by creation to move forward.

Chairman Castellano stated there were comments made at Protective referencing "zones", do we have any information on those details.

Legislator Nacerino stated she is not knowledgeable enough to speak to that. She stated that Commissioner of Bureau of Emergency Services Robert Lipton will provide that information at the next Protective Services meeting.

Legislative Counsel Firriolo questioned the Law Department Members regarding the need for a "Public Hearing". He stated the wording in 209-BB is unusual in how it speaks to the "Public Hearing". He stated that it was mentioned that there needs to be a "Public Hearing" before the resolution. He stated typically the Legislature does not hold the "Public Hearing" before passing a resolution unless it is specifically worded that way, such as with Agricultural District inclusion approvals and budget hearings. He stated typically in the case of a local law, the resolution is first passed by the Legislature and then the County Executive holds a "Public Hearing" before he signs it. He stated he is mentioning this because he believes it would be useful for the Law Department to notify the Legislature their view whether a "Public Hearing" needs to be held before the consideration/approval of the resolution or after the Legislature assumably passes it, when in that case it will be the County Executive who would hold the "Public Hearing".

Deputy County Attorney Dan Ravo stated he will look into that and provide clarification to the Legislature and Legislative Counsel Firriolo.

Chairman Castellano made a motion to Table the Creation of Rescue Task Force back to the Protective Services Committee; Seconded by Legislator Ellner. All in favor.

**b. Approval/ Budgetary Amendment 24A047/ Dept. of Public Works/  
Amend Capital Projects: Putnam County Sheriff's Office (PCSO)  
Correction Facility Boiler Replacement and PCSO Correctional  
Facility Gate Improvements (County ARPA)**

Chairman Castellano made a motion to Waive the Rules and Accept the Other Business; Seconded by Legislator Ellner. All in favor.

Commissioner of Finance Michael Lewis stated he met with DPW Commissioner Feighery and Deputy Commission Bellucci who reported that additional funds are required to replace the PCSO Correction Facilities Boiler and Improve the PCSO Correctional Facility Gate. He stated the original budget amounts were not enough. He spoke about the transfer of funds.

Chairman Castellano questioned why the transfer of \$125,000 is coming from the Sheriff's Office School Safety ARPA budget line. He questioned is that an indication that it is no longer needed.

Commissioner of Finance Lewis stated he will defer to the Sheriff to address that but would like to state the Sheriff's Office has been reaching out to the schools and unfortunately there have been no responses. He stated it is a small amount of the \$2



million. He has stated the County needs to demonstrate the use of the ARPA funds, and this is an appropriate use of the funding.

Sheriff McConville stated he is working with Commissioner of Finance Lewis and Purchasing Director Tully to identify technology-based programs that will be utilized for school safety. He continued to speak to some of the plans they have to spend the ARPA – School Safety funds on. He concluded that he would continue to work closely with the Commissioner of Finance during this process.

Legislator Crowley stated she sent a memo to Chair of Protective Legislator Nacerino requesting an update on the Sheriff's ARPA School Safety funds be an agenda item in June.

Legislator Nacerino responded by stating the Sheriff was speaking to that topic right now and it is being discussed.

Legislator Crowley stated she would like to hear a little bit more about what the rest of the \$2 million dollars are allocated for.

Chairman Castellano stated he wanted to return to the discussion of this agenda item. He confirmed there was no further discussion.

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

### **Item #12 – Adjournment**

There being no further business at 7:25pm, Chairman Castellano made a motion to adjourn; Seconded by Legislator Ellner. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.