

- Will there be any matching funds from Camp Herrlich?
- How does this project tie into school safety?

She stated she would like to ask Sheriff McConville if some of this allocation could still go to school safety projects in the public school system. She stated it has become common practice over the past few months to swap funding sources for projects originally funded through ARPA. She stated she would like to table this item so outstanding questions can be addressed.

Legislator Ellner questioned what the building will be used for and what the total cost will be.

Director of Compliance and Intergovernmental Relations Caruso stated she is happy to answer any questions on this project.

Legislator Nacerino stated as the sitting Legislator who represents the Town of Patterson she would have thought she would have knowledge about this before it was submitted to the Legislature for consideration. She stated she was taken aback that she was not included in any discussion or given any information on this before a proposal was developed.

Director Caruso stated there was no ill will, the Administration was working to get their ducks in a row before presenting it to the Legislature.

Commissioner of the Department of General Services (DGS) John Tully stated he would be happy to provide a brief overview of the process thus far. He stated the current building, Schwieger Hall, is a main building on the Camp Herrlich campus that houses the cafeteria area and other programs. He stated the condition of this building was brought to the attention of the previous Administration. He stated at that time he was working in the former Highways & Facilities Department (now DPW). He stated in late 2021 or early 2022 a roof repair for this building was brought to the Legislature and 50% of the project cost was appropriated. He stated the roof repair was put out to bid and the bids came in considerably high so it went back out to bid and there were no acceptable bids. He stated a consultant was then brought in to do an evaluation based on some feedback from bidders and it was estimated that the proper repair and replacement of the roof would be close to \$500,000. He stated at that time, they began brainstorming how to partner with Camp Herrlich to get this repair done. He stated since that time, the new Administration has come in and he himself has switched roles, now serving as the Commissioner of DGS. He stated Executive Director of Camp Herrlich Stichbury brought this issue to the current Administration. He stated it is something that is needed for the long-term vitality of Camp Herrlich. He stated the lease agreement the County currently has with Camp Herrlich is such that the responsibility of the infrastructure falls on the County. He stated Camp Herrlich, recognizing the extensive cost, at one point was willing to pay 50% of the repair costs. He stated with the \$500,000 estimate for the roof repair, they began looking at the cost benefit of putting that much money into a building with other issues as well.

Legislator Nacerino questioned if this is the same building that was previously repaired, she believes in 2016, at which time the lease was renegotiated. She requested the opportunity to take a site walk of the area before taking action.

Commissioner Tully stated that was a separate project. He clarified that the roof replacement was never done, and the funds were never spent. He stated a patchwork repair was done.

Dean Stichbury, Executive Director of Camp Herrlich stated the building built in 2016 was at Camp Herrlich's expense. He confirmed that the lease was renegotiated at that time. He stated that building houses administrative offices and housing for their weekend retreats. He stated the building in question, Schwieger Hall, has been there since 1968 and serves as the primary dining hall, kitchen, and is the home base for the before and after school program. He stated the students are from the Carmel Central School District, the before-school program begins at 6:30am and the after-school program ends at 6:30pm. He stated the roof is beyond the point of repair or patching.

Legislator Nacerino stated she means no disrespect; she is trying to collect information in order to make an informed decision. She reiterated her respect for Camp Herrlich and stated her children attended camp there and returned as counselors. She stated it is disheartening that this was submitted to the Legislature for approval without sufficient background information. She stated she needs her outstanding questions answered before she can vote on this.

Legislator Ellner questioned:

- What is the overall project cost?
- What is the design of the building?
- What will the square footage be?

He stated there are many details missing. He stated the resolution states that the \$1 million will partially fund a new building, meaning this project will cost more than \$1 million and before voting on this he would like a clearer picture of what the County's responsibility will be above and beyond \$1 million.

Director Caruso stated that is correct, the \$1 million coming from the County will partially fund phase 1 of the new building. She stated the final cost of the project is unknown at this time, they have estimates. She stated the County executed a letter of intent with Camp Herrlich to state initial details. She stated Camp Herrlich is responsible for the design phase of the project; they are currently working on plans and cost estimates.

Commissioner Tully stated the consultant provided a cost estimate for the roof replacement and included an estimated cost of a replacement building. He stated the estimated cost of a new building was \$130-\$150 per square foot. He stated the building is about 6,000 square feet, bringing the cost to right around \$1 million. He stated the estimate is for a relatively generic building and that was provided in late 2023. He stated Camp Herrlich has agreed to cover the cost over \$1 million, including

the design. He stated Camp Herrlich would like the results of the bid. He stated the County would be responsible for the laying of the project to ensure compliance with ARPA regulations and because it is a County building.

Chairwoman Addonizio stated it was mentioned the \$1 million would partially fund phase 1; she questioned how many phases there will be.

Commissioner Tully stated it could be completed at phase 1. He stated if this is approved by the Legislature, phase 1 would be to build the new building. He stated before that begins, they need to determine if permission is needed from the New York City Department of Environmental Protection to build a new building before removing the existing building because of the impervious surface. He stated there is more work to be done.

Legislator Nacerino questioned what the primary function of the new building will be.

Executive Director Stichbury stated it will serve the same purpose of the current building, Schwieger Hall.

Legislator Crowley stated on May 22, 2024 she wrote to Legislator Nacerino as Chairwoman of the Protective Services Committee requesting an update be provided on the \$2 million in ARPA funding allocated to the Sheriff's Department for school safety. She stated it was briefly discussed with Sheriff McConville at the May 23, 2024 Audit & Administration Committee Meeting. She stated an additional request was made on May 28, 2024 and Legislator Nacerino responded stating it would not be placed on the June Protective Services Committee agenda because she believed it was adequately addressed during the May Audit Meeting. She stated to say it was surprising to see this on an agenda under a time constraint when these requests were rejected is ridiculous.

Legislator Nacerino stated school safety is painted with a broad brush. She stated this evening when she stated she was surprised to see this on the agenda she was referring to specifically the project at Camp Herrlich. She questioned if Sheriff McConville had any plans for this funding, in full or partial, for public school children. She questioned how this project can be funded with funding allocated for school safety when it is a camp.

Director Caruso stated the funding is appropriate because Camp Herrlich is a safe place for school children to go.

Legislator Nacerino questioned how many Putnam County students attend the before and after school programs.

Executive Director Stichbury stated there are 120 children in the program on a daily basis.

Legislator Ellner questioned if there is a cost for the before and after school program.

Executive Director Stichbury stated yes, there is.

Legislator Ellner stated he would like more details before he can make an informed decision. He posed the following questions:

- What is the overall square footage?
- What is the design?
- What is the environmental impact?
- Is a SEQRA needed?
- What is the timetable on this project?
- Is it a direct replacement?
- Will any of the existing equipment from the kitchen be repurposed?

He stated he is not against this proposal, he believes there is not enough information at this time to make an informed decision.

Sheriff McConville stated in response to Legislator Nacerino's question, the Sheriff's Department has an allocation of \$1 million. He stated he has been working with Commissioner Tully on the items they are looking to purchase for the schools. He stated this allocation is enough to cover these purchases.

Legislator Nacerino questioned if it is satisfactory to Sheriff McConville that the other \$1 million be reallocated elsewhere.

Sheriff McConville stated yes. He stated in April he spoke with Commissioner Tully about urgent projects that are needed. He stated those projects were funded by swapping funding sources.

Commissioner Tully stated those projects are underway.

Legislator Nacerino questioned if there are any private donors contributing to this project, since Camp Herrlich is a not-for-profit organization.

Executive Director Stichbury stated their starting point is to make sure the ARPA money can be secured. He stated Camp Herrlich has money for capital projects budgeted as well, which is why they can commit to a certain amount beyond the \$1 million. He stated in response to Legislator Ellner, it is their intent to utilize current kitchen equipment in the new building.

Legislator Ellner stated this is a time sensitive project and questioned if an architect or engineer has been hired to do the design.

Executive Director Stichbury stated they began the process of having an architect provide a rendering so a cost could be estimated. He stated right now, it looks like the building could be done for the \$1 million.

Legislator Ellner stated the ARPA funds need to be encumbered and spent within a time period. He stated before going forward with this, he wants to make sure that the process is far enough along that there will not be any surprises and the timetable will be met. He stated conceptually, it sounds great but he does not currently have enough information to move forward on it.

Director Caruso stated the timetable is such that the funds must be encumbered by the end of this year and the project must be completed by the end of 2026. She stated there is a time crunch in getting a contract with Camp Herrlich to encumber the funds.

Legislator Nacerino questioned how the Legislature can move to encumber \$1 million without knowing what the remaining expenses are. She stated there is nothing in writing stating what Camp Herrlich's responsibility will be. She stated there is nothing binding; no comprehensive plan saying where the responsibilities lie.

Director Caruso stated approval is needed to draft such a contract. She stated the letter of intent states that the County's contribution is limited to the \$1 million in ARPA funding and Camp Herrlich will be responsible for anything above that.

Commissioner Tully stated in the number of meetings they have had with Camp Herrlich, they have made it clear that if the Legislature approved it, the maximum amount the County will contribute is \$1 million.

Legislator Ellner stated that is only for phase 1.

Commissioner Tully stated if the term "phase 1" is troubling it can be removed. He stated at the time, they looked at the project in phases as they were considering demolition of the existing structure. He stated phase 1 is really constructing the new building and phase 2 would be the demolition and sitework needed. He stated Camp Herrlich has committed to a certain amount above the \$1 million, which is articulated in the letter of intent. He stated the second phase would be initiated by Camp Herrlich and be their sole responsibility.

Legislator Nacerino stated there is nothing set in stone and the Legislature cannot blindly approve this. She stated there are many outstanding questions.

Commissioner Tully stated once approved, they can go out to bid and when the bids come in they can either be accepted or not accepted. He stated if it is not approved, the repair would need to be considered because it is the County's responsibility to repair the building. He stated one way or another some level of investment would need to be made to the structure.

Legislator Ellner questioned if permission has been requested from NYCDEP to build the new building prior to demolition of the existing building.

Commissioner Tully stated the request has not yet been made, but it can be done relatively quick.

Legislator Ellner disagreed that the NYCDEP would move quickly upon receipt of the request.

Commissioner Tully stated the NYCDEP has always been a good partner with the County where there is a contractual relationship.

Chairwoman Addonizio questioned what happens to the funding if the NYCDEP does not approve the request. She stated this could be months from now, at which point the ARPA funding could not be reallocated to another project.

Commissioner Tully stated the request would not be if the County can build a new building; it would be if it can be built before removing the existing building.

Legislator Nacerino stated she would like to give this more consideration.

Legislator Ellner stated the Administration has been excellent in moving around ARPA funds to ensure no funding is lost. He questioned if there is a possibility of swapping the funding here so this project can be done without the time constraints.

Director Caruso stated the intent behind applying the ARPA funding to this project was to keep it in the same vein as it was originally allocated for; school safety.

Legislator Nacerino made a motion to table this item.

Chairwoman Addonizio stated there were still some outstanding questions from Legislators.

Legislator Sayegh requested clarification on what exactly “encumbered” means in this situation where the \$1 million needs to be encumbered by the end of the year.

Director Caruso stated in this instance the money would be encumbered with a contract.

Legislator Sayegh stated she believes this is a good project. She stated she is playing devil’s advocate and stated specific plans are not needed to create a contract. She stated it is important not to lose this ARPA funding.

Chairwoman Addonizio clarified that she is not against this project; she would like more information on it.

Director Caruso stated once the process can move forward more information will become available.

Legislator Ellner stated any successful construction project follows Critical Path Management (CPM). He stated the first thing needed is a conceptual design of the building which includes square footage, HVAC, power demands, etc. He stated once that is ready, potential designers can be sought to get an estimate of what the conceptual design would cost. He stated before he approves this project he would like more details. He stated the final prices of construction projects right now are coming in higher than estimated, sometimes 40% higher.

Executive Director Stichbury stated there is a decent expense to the investigative process and he wants to make sure on his end that there is a fair chance that the County's contribution will be available before spending Camp Herrlich's money. He stated he is happy to schedule a walk through of the property to go over the details.

Legislator Nacerino stated she is supportive, there are just many outstanding questions. She questioned if the funding source for this project could be swapped to allocate the ARPA funds to another project and utilize the general fund here if the project slows down.

Legislator Ellner stated protecting the money is paramount.

Commissioner Lewis stated they provided the ARPA consultant with the County's capital project plan and they went over which projects would be ARPA eligible. He stated the funding could be swapped if necessary.

Legislator Ellner stated he is in favor of making this as easy as possible as long as all the i's are dotted and the t's are crossed.

Legislator Nacerino stated she would like to remove the mention of phases.

Legislator Nacerino made a motion to table Item Approval/ Sheriff's Office/ ARPA Funding Reallocation/ Fund New Building at 101 Deacon Smith Hill Rd. (Camp Herrlich); Seconded by Legislator Ellner. All in favor.

Item #5 – Approval/ Budgetary Amendment 24A073/ Sheriff's Dept./ ARPA Reallocation/ School Safety/ Fund New Building at 101 Deacon Smith Hill Rd. (Camp Herrlich)

Chairwoman Addonizio made a motion to table Budgetary Amendment 24A073; Seconded by Legislator Nacerino. All in favor.

Item #6 – Approval/ Dept. of Motor Vehicles/ ARPA Funding Reallocation/ DMV Mobile Equipment

Putnam County Clerk Michael Bartolotti stated it has been a vision and priority of his to create opportunities where the Department of Motor Vehicles (DMV) footprint could be expanded. He stated today there are so many options for mobility and automation that

there is no reason why the DMV services cannot be brought to the community. He stated DMV offers a mobile solution that is not tethered to anything; it is a program run on a laptop that has the same ability as the station in the office. He stated he brought this idea to the Administration and inquired if there might be available ARPA funding and then secured an estimate for two (2) workstations. He stated he is making this request now for two (2) reasons, one being the ARPA funding needs to be encumbered by the end of the year and the other being that there is a 6-12 month time period to get the equipment. He stated he has had preliminary conversations with the State DMV regarding where this equipment can be used. He stated the security details still need to be figured out with the State DMV. He stated NYS DMV opens a booth at the NYS Fair in Syracuse, which gave him the idea to do the same at the Putnam County 4H Fair at Veterans Memorial Park. He stated this is a completely mobile solution; the equipment can only be purchased through NYS DMV and the quote is in the backup material on this evening's agenda. He stated he believes this is a great opportunity for the Putnam County DMV and it is a win/win to be able to utilize ARPA funding for it.

Chairwoman Addonizio questioned if the equipment would allow DMV employees to do home visits for residents who are unable to leave their home.

County Clerk Bartolotti stated it would be difficult to set up for a home visit without it being tethered to anything, such as a vehicle. He stated what would be more practical is to go to nursing facilities throughout the year. He stated just having the opportunity to bring DMV service on the road is going to be fantastic customer service for the residents of Putnam County.

Legislator Ellner questioned if the County received a share of the revenue if transactions are done online.

County Clerk Bartolotti stated beginning this year there is now a flat revenue retention rate across the board. He stated they are now able to be better partners with NYS DMV to get work done. He stated there are still a great number of transactions that cannot be done online, such as Real ID or enhanced drivers licenses. He stated it is his hope that eventually all transactions can be done via this mobile equipment.

Legislator Ellner questioned when a Real ID will become a requirement to travel.

County Clerk Bartolotti stated the requirement will begin in May 2025.

Legislator Ellner stated the mobile DMV is a great idea.

Legislator Nacerino stated this is a great initiative and service to the residents of Putnam County.

Legislator Jonke thanked County Clerk Bartolotti for bringing this forward and serving our population well. He questioned if the mobile DMV unit would be on the road once a week.

County Clerk Bartolotti stated his intention is to keep the financial impact as small as possible, especially in the beginning. He stated a good place to start is to have a couple of employees go on the road one day a week. He stated he is assuming all locations will need to be approved by NYS DMV first.

Legislator Jonke suggested doing outreach to the residents, especially the seniors, to make sure the community is aware this service will be available to them.

County Clerk Bartolotti agreed.

Legislator Sayegh stated the \$31,000 in ARPA funding is coming from highway infrastructure studies and being reallocated to the DMV. She stated she appreciates the detailed quote that was submitted with this request.

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

Item #7 – Approval/ Budgetary Amendment 24A077/ Finance/ ARPA Funding/ DMV Mobile Equipment

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

Item #8 – Approval/ Local Law to Amend the Charter of Putnam County by Amending Article 8, Section 8.01 Entitled “Department of Law – County Attorney”

Chairwoman Addonizio stated she does not believe this proposed Charter change necessarily presents a conflict, but because discussion of this item could include a matter currently before the Board of Ethics, she will recuse herself to avoid even the appearance of impropriety.

Chairwoman Addonizio appointed Legislator Jonke as Chair pro tem for the duration of agenda item #8. By poll vote: All in favor.

Legislator Jonke stated he requested this amendment. He stated the County Attorney has a unique relationship with the Legislature. He stated there is a long history of the question of which branch of government the County Attorney is loyal to. He stated in the event of a conflict with the County Executive and Legislature, the County Attorney defaults to being the representative of the Legislature. He stated there is a delicate balance of the powers between the Legislative and Executive branches. He stated it makes perfect sense that the Legislature, who approves the appointment of the County Attorney, should have the authority to remove the County Attorney with a 2/3 vote. He stated as far as the County Attorney’s outside employment, the County Attorney position is a full time job and requires 100% attention to the business of the County. He

stated the deputy county attorneys are not permitted to work outside of the job, so it makes sense to memorialize the same for the County Attorney in the Charter.

Legislator Nacerino stated it is fair to say that this amendment is merely a safeguard; there is no intent to implement anything at this time. She stated this gives the Legislature a voice. She stated the deputies are not allowed to work in private practice and it is only fair for that rule to apply to the County Attorney as well. She stated that being said, she would like to amend this resolution to exempt the current County Attorney from this rule and have it implemented moving forward.

Legislator Jonke stated for the record, as an ex officio member of this Committee he will not be making any motions, seconding, or voting this evening.

Legislator Nacerino made a motion to amend the resolution to exempt the current County Attorney from the provision that they shall not participate in private practice, but moving forward it will be implemented for future County Attorneys; Seconded by Legislator Ellner. All in favor.

Legislator Crowley read into the record an August 26, 2024 memorandum from herself, Legislator Montgomery, and Legislator Gouldman regarding this proposed change to the Putnam County Charter.

Legislator Gouldman questioned why this is being rushed through Committee right now. He stated this was put on the agenda with short notice. He stated he made a request for items to be considered by this Committee in May and July (the same items were requested by County Executive Byrne in October 2023 and January 2024) and the response was that the Committee is not yet ready to address his request. He questioned why his colleagues are afraid to debate issues for the betterment of Putnam County. He stated the County Attorney has a pending ethics complaint on which a decision has not yet been made by the Ethics Board. He stated it appears that the proposed change is being rushed before the Ethics Board can respond. He stated this appears to be a political retaliation. He urged the Committee to table this item until a decision from the Ethics Board has been received.

Legislator Jonke stated Legislator Gouldman mentioned wanting to debate issues, but he does not want to debate this one. He stated this proposal was not submitted with short notice, the Legislators have had it for 2.5 weeks. He stated this is the first time since becoming a Legislator that he has seen fellow legislators run away from a debate or discussion. He stated he has not heard anything of substance in regard to the Charter change. He stated this proposal has nothing to do with the Ethics Board, therefore waiting for their decision on the complaint is nonsensical.

Legislator Gouldman questioned why a redlined copy of this proposal was not provided.

Legislator Jonke questioned if Legislator Gouldman had a copy of the Charter.

Legislator Nacerino stated nobody is saying anything about firing anybody; the memorandum Legislator Crowley read into the record is based on speculation and conjecture. She stated it is the discretion of the Chair of each Committee to either accept or reject items for the agenda. She stated now there are legislators lobbying against the decision of the Committee Chair. She stated sending such a memorandum is unprecedented; the business is done in Committee and decisions are made at the Full Legislative Meeting. She stated the complaint before the Board of Ethics is being comingled with these proposed changes. She stated the proposal on the agenda this evening is a safeguard that would give the Legislature a voice in the removal of the County Attorney for very egregious reasons. She stated comingling this with other issues is shameful.

Legislator Crowley questioned who wrote the proposed resolution.

Legislator Jonke stated he submitted this proposal.

Legislator Crowley questioned if the Law Department reviewed this proposed resolution.

Legislator Jonke stated no, it has been in the public domain for 2.5 weeks.

Legislator Crowley stated neither the Law Department nor County Executive reviewed or commented on this proposal. She stated currently, the Legislature can only fire the County Attorney for certain justified reasons; this takes away needing a reason to fire the County Attorney. She stated the County Executive can only remove the County Attorney with Legislative confirmation by a 2/3 vote. She stated this proposed change makes the County Attorney serve at the pleasure of the Legislature rather than the County Executive. She questioned if there are other counties where this structure exists. She stated this was brought forward in 2008 and then-County Executive Bondi provided a comprehensive memorandum explaining why he believed changing this section of the Charter was not a good idea. She questioned if Legislator Jonke reviewed that memorandum.

Legislator Jonke stated yes, he read former County Executive Bondi's veto message; the veto was overridden.

Legislator Crowley stated this is a proposal to change the balance of power in our government as far as the authority to fire a county officer. She stated the officer is a legal advisor to our entire County. She stated the Charter Review Committee met in 2010 and 2020 and did not seek this change. She questioned why this is being pushed through now. She stated the proposal has not been vetted through any legal means.

Legislator Jonke stated he submitted the proposal and Legislative Counsel reviewed it.

Legislator Crowley stated she is uncomfortable with this proposal, the manner it was rushed onto the agenda, and that it did not go through the proper channels of review. She stated she believes it is being presented in a sloppy form without transparency

about the language being changed. She stated in its current form she does not believe it is actionable. She stated she objects to proceeding with this in its current form and she believes it should be tabled pending it being provided to the County Executive and County Law Department. She stated she would like a motion to be made to discharge this item from Committee and present it to the Full Legislative body.

Legislator Nacerino questioned why the Legislature would present a proposed resolution to the County Executive or seek his permission.

Legislator Ellner stated this proposal relates to the office of the County Attorney, no individuals.

Legislator Gouldman stated the Committee should wait until the Ethics Board provides a decision.

Legislator Nacerino stated one has nothing to do with the other.

Legislator Jonke stated this is unrelated to what is before the Ethics Board.

Legislator Sayegh stated this proposal has been amended to exclude the current County Attorney.

Legislator Jonke clarified that the current County Attorney is exempt from the provision relating to outside work.

Legislator Nacerino stated she proposed that amendment because the current County Attorney is in the middle of a term, and she did not believe it should be applicable at this time. She stated moving forward, the same rules that apply to the deputy attorneys should apply to the County Attorney.

Legislator Sayegh stated it is important to note that changes are made to the Charter throughout the year and the Legislature has the right to do so.

Legislator Crowley stated this looks like an oligarchy and she does not believe this serves the best interests of Putnam County.

County Executive Kevin Byrne requested clarification on the amendment made for the exclusion of the current County Attorney related to earning outside income. He requested the specific wording that will be included.

Legislator Jonke stated the existing language will remain with the exemption of the current County Attorney included.

County Executive Byrne stated he understands there was discussion about engaging with him about this item. He stated the County Executive is part of the law-making process, including changing the Charter. He stated the Legislature, being the peoples'

body, crafts policy which requires the Executive's approval or veto. He stated had he been asked, he would have suggested that this take effect at the beginning of the next term of the County Executive. He questioned if there have been inquiries to find if other counties have similar provisions in their charter.

Legislator Jonke stated he did not look into what other counties have in their charters because Putnam is unique. He stated this language does not seem to be such a big change. He stated how other counties operate is irrelevant; he is focused on what is best for Putnam County.

County Executive Byrne stated he believes this is a major change. He stated the language currently in the Charter was approved by the voters in 2008 when then-County Executive Bondi's veto was overridden and the local law went to referendum. He stated he agrees with former County Executive Bondi's veto message that it shifts the power more to the Legislature. He stated as a former legislator, maybe he would have taken a different position but as County Executive, he is against it. He questioned if this change has ever been recommended by the Charter Review Commission.

Legislator Jonke stated no, not that he is aware of. He stated Charter changes are made often. He stated there have been quite a few since County Executive Byrne has been in office.

County Executive Byrne acknowledged that changes are made to the Charter. He stated the Charter is a very important document, it is the County's governing document. He stated a change related to how a public officer can be removed is a significant change. He stated he understands this was originally on the agenda for the Rules Committee Meeting that was scheduled earlier in the month, and then cancelled. He stated it was unknown to the public if this was going to be put back on the agenda once the meeting was rescheduled, allowing just a short time to review it. He questioned if this passes out of Committee this evening, if it is the intention to consider it at the September 3, 2024 Full Legislative Meeting next week.

Legislator Jonke stated yes.

County Executive Byrne stated that is shocking. He stated he was previously criticized for passing laws at record speed under a declared emergency. He stated this is trying to change the County Charter in less than a week and a half. He stated it was insinuated that so much has had to do with the County Attorney when there is a conflict between the Executive and Legislature. He stated he understands that, but what has not been stated is that the Legislature currently has the independent authority to remove the County Attorney if there is a perceived conflict between the Executive and Legislature. He stated there is a section of law that delineates the justifications for the Legislature, independently of the Executive, by 2/3 vote can remove the County Attorney. He stated this proposed Charter change removes that justification entirely. He read section 8.05 of the Putnam County Charter entitled Department of Law – Conflicts:

§ 8.05. Conflicts.

[Amended 6-23-2008 by L.L. No. 20-2008]

Whenever the interests of the County Executive and the Legislature are inconsistent, the County Attorney shall represent the interests of the Legislature. In such event, nothing herein shall be construed to deny the County Executive access to obtaining legal counsel at County expense. The County Attorney shall comply with any and all lawful and permissible resolutions which may be adopted by the Legislature. If said resolution is vetoed by the County Executive, the County Attorney shall represent the Legislature only where the veto is overridden. If the override fails, the County Attorney shall represent the will of the County Executive.

He stated this is an important justification. He stated removing this justification, essentially making the County Attorney at-will does a few things. He stated it fundamentally changes the checks and balances in a major way. He stated the County Attorney, as other department heads are, is appointed by the County Executive and affirmed by a vote of the County Legislature. He stated the County Executive has the authority and responsibility to administer County departments. He stated the County Attorney is the sole legal advisor for the County. He stated changing this will hamstring the County Executive because if he wanted to remove the County Attorney based on them serving at the pleasure of, he could do so with a 2/3 approval of the County Legislature. He stated this proposed change flips that so the Legislature can remove the County Attorney by a 2/3 vote for any reason. He stated he does not know of any other County that has his provision and he believes for good reason. He stated he believes this completely upends checks and balances. He stated other counties that may have a similar model may have it because they do not have a County Executive, but rather a County Administrator. He stated it is also concerning to him that this does not have a referendum requirement for voter approval. He questioned if that has been reviewed by the Law Department or anyone.

Legislator Jonke stated he reviewed the proposal with Legislative Counsel.

County Executive Byrne stated we have a Law Department for a reason and he finds it troubling that this was not brought to the Law Department. He stated he believes this change should go to a mandatory referendum.

Legislator Nacerino questioned if County Executive Byrne is suggesting that the intent of this change is being proposed for arbitrary and capricious reasons; that this Legislative body would act in that manner.

County Executive Byrne stated the proposed law removes the justification that is required for the removal of the County Attorney by 2/3 vote. He stated without that a Legislature, not necessarily the current Legislature, but future ones as well, could vote to remove a County Attorney. He stated this amendment is something that will change the structure of our Charter and County government for years to come, unless a future Legislature changes it back. He stated clearly there is a disagreement here. He stated

this was not shared with the Executive branch prior to submission to Committee, nor does it have to be, but to limit unnecessary back and forth from both bodies engagement is important from both branches. He stated this is being rushed through, it should require a referendum, it upends checks and balances, and it creates a conflict between the Executive and Legislature.

James Maxwell, resident, stated perception is reality, perception is observation plus judgement. He stated his judgement on what he just saw is that the Legislature is a circular firing squad and the County Executive is in the middle of it; fire away.

Legislator Nacerino made a motion to pre-file the necessary resolution with the requested amendment; Seconded by Legislator Ellner. All in favor.

Item #9 – FYI/ Litigation Report – Duly Noted

Item #10 – Other Business – None

Item #11 – Adjournment

There being no further business at 7:30pm, Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Ellner. All in favor.

Respectfully submitted by Administrative Assistant Beth Robinson.