

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue

Carmel, New York 10512

(845) 808-1020 Fax (845) 808-1933

Paul E. Jonke *Chairman*  
Amy E. Sayegh *Deputy Chair*  
Diane Schonfeld *Clerk*  
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

**AGENDA**

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

**Members: Chairwoman Addonizio and Legislators Ellner & Nacerino**

**Thursday** September 12, 2024  
**(Immediately following Protective Mtg. beginning at 6:00pm)**

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval/ Fund Transfer 24A267/ County Attorney/ Outstanding Legal Services Invoices & Invoices Not Yet Received for Remainder of Year**
- 4. Approval/ Litigation Settlement/ Krivak v. County of Putnam**
- 5. Approval/ Local Law to Amend the Charter of Putnam County by Amending Article 8, Section 8.01 Entitled "Department of Law – County Attorney"**
- 6. Approval/ Local Law Granting Voters of Putnam County the Authority to Amend, Modify or Repeal County Legislative Term Limits and Providing for the Increase of the Term of County Legislator from Three (3) to Four (4) Years**
- 7. Approval/ Local Law Granting Voters of Putnam County the Authority to Amend, Modify or Repeal County Executive Term Limits**
- 8. Other Business**
- 9. Adjournment**

cc all  
Reles  
A+A  
#3  
Reso

### COUNTY OF PUTNAM FUND TRANSFER REQUEST

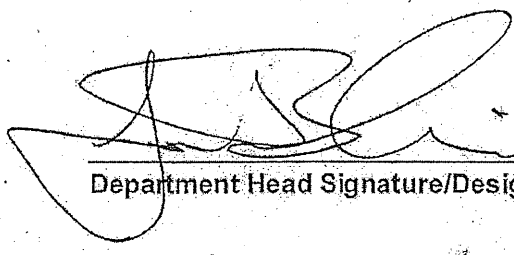
TO: Commissioner of Finance  
FROM: C. Compton Spain  
County Attorney  
DEPT: Law  
DATE: August 29, 2024

2024 SEP -4 PM 3:00  
LEGISLATURE  
PUTNAM COUNTY  
CARNEL, NY

I hereby request approval for the following transfer of funds:

<u>FROM ACCOUNT# / NAME</u>	<u>TO ACCOUNT# / NAME</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
10199000 54980 Contingency	10142000 54125 Legal Services	\$150,000.00	To cover outstanding legal services invoices (attached) and invoices Not yet received for The remainder of 2024

2024 Fiscal Impact \$ 150,000  
2025 Fiscal Impact \$ 0

  
8/29/24  
Department Head Signature/Designee Date

AUTHORIZATION: (Electronic signatures)

24T

- Date \_\_\_\_\_ Commissioner of Finance/Designee: Initiated by: \$0 - \$5,000.00
- Date \_\_\_\_\_ County Executive/Designee: Authorized for Legislative Consideration: \$5,000.01 - \$10,000.00
- Date \_\_\_\_\_ Chairperson Audit /Designee: \$0 - \$10,000.00
- Date \_\_\_\_\_ Audit & Administration Committee: \$10,000.01 - \$25,000.00

24T267

**JOHN B. CHERICO**  
*First Deputy County Attorney*

**ANNA M. DIAZ**  
*Senior Deputy County Attorney*

**CONRAD J. PASQUALE**  
*Senior Deputy County Attorney*



**HEATHER M. ABISSI**  
*Senior Deputy County Attorney*

**MAT C. BRUNO, SR.**  
*Risk Manager*

**C. COMPTON SPAIN**  
*County Attorney*

**DEPARTMENT OF LAW**

MEMORANDUM

To: Michael Lewis, Commissioner of Finance

From: C. Compton Spain, County Attorney *(CS)*

Date: August 29, 2024

Re: *Fund Transfer Request for Legal Services*

---

We respectfully request a fund transfer in the amount of \$150,000.00 to cover outstanding legal services through the remainder of calendar year 2024.

This request is necessitated by the fact that over the past year, there have been a number of litigation matters that have required the Law Department to retain experienced and competent outside counsel to represent the County's interests in connection with a number of contractual, employee disciplinary and miscellaneous personnel matters, many of which are still being actively litigated. The total amount billed to date on these particular matters, primarily by the Roemer Wallens firm and the Girvin & Ferlazzo firm, which includes administrative support expenses (i.e., stenographers, transcripts, arbitrator's fees, etc.) is \$136,872.13. Indicative of the amounts billed for such legal services is the most recent invoice received from the Givin & Ferlazzo firm for June/July 2024. This firm, who has handled several of the more contentious personnel matters as of late and through their efforts ensured favorable outcomes for the County, was \$5,250.00.

Most importantly however, the instant request is being generated at this juncture due to the ongoing Arben v. Putnam County litigation. As detailed in our monthly litigation table report provided to the Legislature, this involves a high-stakes complex construction litigation that while it has been pending since 2023 is still in its relative infancy. The Harris Beach firm the County retained as outside counsel has already devoted billable hours approximating \$27,000.00 per month. This particular litigation alone is expected to continue to generate billable hours in a comparable amount for the foreseeable future as they report that electronic discovery is still being conducted and extensive depositions of multiple parties with knowledge of the matters at issue are expected to follow. The Harris Beach firm recently presented an invoice for payment for legal services in the

**48 GLENEIDA AVENUE, CARMEL, NEW YORK 10512**

Tel. (845) 808-1150 / Fax (845) 808-1903\*

*\*This office will not accept service via facsimile*

Page 2

Micheal Lewis, Comm. of Finance

Re: *Fund Transfer Request for Legal Services*

August 29, 2024

month of June 2024 in the amount of \$62,026.24 with the total amount Harris Beach having billed the County to date listed at \$112,320.00. In addition, Harris Beach previously retained a service to assist with discovery and monitoring the database associated therewith totaling \$10,553.90 with an additional \$7,000.00 in billing expected in this regard before the end of the year.

Accordingly, based on the foregoing, we respectfully request a fund transfer in the amount of \$150,000.00 for legal services already incurred and expected before the end of 2024. Thank you.

/jbc

Enc.

#4

**September 12, 2024  
Rules Meeting**

**#4**

**Approval/ Litigation Settlement/ Krivak v. County of Putnam**

#5

As amended by Rules Committee 8/26/2024 and as further proposed by Chairman Jonke at the 9/3/2024 Full Mtg:

**APPROVAL - LOCAL LAW TO AMEND THE CHARTER OF PUTNAM COUNTY BY AMENDING ARTICLE 8, SECTION 8.01 ENTITLED "DEPARTMENT OF LAW – COUNTY ATTORNEY"**

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

**Section 1.**

Section 8.01 of the Charter of the County of Putnam is hereby amended to read as follows:

**§ 8.01 – Department of Law – County Attorney**

There shall be a Department of Law under the direction of a County Attorney who shall be appointed by the County Executive, subject to confirmation by the County Legislature. At the time of his or her appointment, and throughout his or her term of office, the County Attorney shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of his or her office. The County Attorney may be removed by the County Executive, subject to a two-thirds vote of concurrence by the County Legislature. The County Attorney may also be removed by the County Legislature by a two-thirds vote of the Legislature. The County Attorney shall not engage in any private practice nor be employed by any private law firm or other governmental entity in his or her field of expertise of employment. **This restriction on employment by the County Attorney shall not be applicable to the County Attorney serving at the time this law takes effect.**

**Section 2.**

**This Local Law shall take effect on January 1, 2027 and is subject to permissive referendum.**

Redlined copy of current Charter Section 8.01 with all proposed changes:

§ 8.01. Department of Law — County Attorney

There shall be a Department of Law under the direction of a County Attorney who shall be appointed by the County Executive, subject to confirmation by the County Legislature. At the time of his or her appointment, and throughout his or her term of office, the County Attorney shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of his or her office. The County Attorney may be removed by the County Executive, subject to a two-thirds vote of concurrence by the County Legislature. The County Attorney may also be removed by the County Legislature by a two-thirds vote by the Legislature. ~~if he or she refuses to comply with § 8.05 of this article.~~ The County Attorney shall not engage in any private practice nor be employed by any private law firm or other governmental entity in his or her field of expertise of employment. This restriction on employment by the County Attorney shall not be applicable to the County Attorney serving at the time this law takes effect.

Section 2.

This Local Law shall take effect on January 1, 2027 and is subject to permissive referendum.

**A LOCAL LAW REQUIRING A MANDATORY REFERENDUM IN ORDER TO AMEND, MODIFY OR REPEAL COUNTY LEGISLATIVE TERM LIMITS AND PROVIDING FOR THE INCREASE OF THE TERM OF COUNTY LEGISLATOR FROM THREE (3) TO FOUR (4) YEARS.**

**Section 1.** The Legislature of the County of Putnam, New York hereby makes the following findings and determinations:

- (a) That in 2023, the New York State Legislature passed bills A.4282B/S.3505B and such bills were signed into law by Governor Hochul on December 22, 2023 as Chapter 741 of the Laws of 2023 (“Chapter 741”); and
- (b) that Chapter 741 transitions certain New York State local elections to even-numbered years, requiring that certain town and county elections be conducted in even-numbered years; and
- (c) that there are currently several bills before the New York State Legislature (e.g.: A4282, A10538, S9826) which would amend the State Constitution to require that certain other New York State local elections take place in even-numbered years for certain municipal and judicial officials outside of the City of New York (the “Pending Bills” together with Chapter 741, the “Even-Year Legislation”); and
- (d) that the term of a Putnam County Legislator is three (3) years and elections of Putnam County Legislators periodically and necessarily occur in odd-numbered years; and
- (e) that, due to vagueness in both Chapter 741 and the Pending Bills, it is unclear whether either Chapter 741 or the Pending Bills require elections for the office Putnam County Legislator be conducted in even-numbered years; and
- (f) that in the event that it is determined that the Even-Year Legislation *would not* apply to the election of the office of Putnam County Legislator, ballots in odd-numbered year elections for Putnam County Legislator could be barren and devoid of any offices other than that of Putnam County Legislator; and
- (g) that in the event that it is determined that the Even-Year Legislation *would* apply to the election of the office of Putnam County Legislator, the current County Legislative term of three (3) years is mathematically incompatible with even-numbered year election cycles; and
- (h) that in order to remove doubt as to whether either Chapter 741 or the Pending Bills would apply to the election of the office of Putnam County Legislator, and in order to avoid the consequences of conducting elections for the office of Putnam County Legislator where such office is “orphaned” on the face of a ballot in elections conducted in an odd-numbered year, and in order to better align terms for the office of Putnam County Legislator with the terms of town elected officials in the County of Putnam, it is necessary to alter the length of the term of the office of Putnam County Legislator and have elections for the office of Putnam County Legislator conducted in even-numbered years; and



(i) that Local Law No. 8 of 2013 (“Local Law No. 8”), enacted by the County Legislature on July 2, 2013, sets forth a term limits regime for the office of County Legislator which currently may be amended merely by the favorable vote of two-thirds of all the members of the County Legislature, subject to permissive referendum; and

(j) that transparency in County government promotes the accountability of public officials, provides information to citizens about what their County government is doing and increases public trust by providing the public with access to information about government activities, policies, and decision-making processes; and

(k) that in order to promote accountability, provide information to citizens about what their County government is doing, and to increase public trust, this County Legislature is desirous of requiring a mandatory referendum in order to amend, modify or repeal term limits for the office of County Legislator; and

(l) that this County Legislature hereby finds and determines that this Local Law curtails its power relative to the amending, modifying and repealing of the term limits procedures of the Putnam County Legislature absent an affirmative vote of the qualified voters of the County; and

(m) that this County Legislature hereby finds and determines that this Local Law embraces only one subject: that of the amendment of Article 2, Section 2.02 of the County Charter entitled “Term”,

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM AS FOLLOWS:

**Section 2.** Article 2, Section 2.02(A) of the Putnam County Charter is hereby amended to read as follows:

A. Except as set forth below, the County Legislators shall be elected for terms of four (4) years at the general elections hereinafter provided and every four (4) years thereafter as set forth below.

(1) At the general election held in November of 2026, County Legislators from Legislative Districts Two, Three and Eight shall be elected for a transition term of two (2) years. Thereafter, County Legislators from Legislative Districts Two, Three and Eight shall be elected for a term of four (4) years. No service by any person elected as County Legislator from Legislative Districts Two, Three and Eight to said two (2) year transition term shall be taken into account for purposes of calculating term limits pursuant to Putnam County Charter Section 2.02(B) or (C).

(2) At the general election held in November of 2027, County Legislators from Legislative Districts One, Four and Seven shall be elected for a transition term of three (3) years. Thereafter, County Legislators from Legislative Districts One, Four and Seven shall be elected for a term of four (4) years. No service by any person elected as County Legislator from Legislative Districts One, Four and Seven to said three (3) year transition term shall be taken into account for purposes of calculating term limits pursuant to Putnam County Charter Section 2.02(B) or (C).

(3) At the general election held in November of 2028, County Legislators from Legislative Districts Five, Six and Nine shall be elected for a transition term of two (2) years. Thereafter,

County Legislators from Legislative Districts Five, Six and Nine shall be elected for a term of four (4) years. No service by any person elected as County Legislator from Legislative Districts Five, Six and Nine to said two (2) year transition term shall be taken into account for purposes of calculating term limits pursuant to Putnam County Charter Section 2.02(B) or (C).

**Section 3.** Article 2, Section 2.02(B) of the Putnam County Charter is hereby amended to read as follows:

B. The County Legislators shall serve a maximum of three (3) terms, regardless of the fact that a "term" may not have been four (4) years, and whether or not consecutive, in his/her lifetime.

**Section 4.** Article 2, Section 2.02(D) of the Putnam County Charter is hereby amended to read as follows:

D. Notwithstanding anything in this Section 2.02 to the contrary, to the extent that service during a transition term may increase the total lifetime service of any person, such person shall be permitted serve as a County Legislator not more than fifteen (15) years, whether or not consecutive, in his/her lifetime.

**Section 5.** Article 2, Section 2.02(E) of the Putnam County Charter is hereby amended to read as follows:

E. The term limit provisions as set forth in this Section 2.02 may only be amended, modified repealed by the passage of a local law adopted by a two-thirds (2/3) vote of the County Legislature and said local law being thereafter approved as a proposition by a majority vote of the qualified voters of the County present and voting at a general or special election called for such purpose.

**Section 6.** If any provision of this Local Law is held to be illegal or invalid for any reason, such illegality or invalidity shall not affect the remaining provisions hereof, but such provision shall be fully severable and this Local Law shall be construed and enforced as if such illegal or invalid provision had never been included.

**Section 7.** This local law must be approved by a majority of the qualified voters of the County. A proposition for the approval or disapproval of this Local Law shall be submitted to the qualified voters of the County present and voting at the general election to be conducted in the County on November 4, 2025. The Clerk of the Legislature is hereby authorized to take all actions necessary to lawfully submit said proposition to said qualified voters at said general election. This Local Law shall take effect immediately upon its filing in the office of the Secretary of State following the approval of said proposition by said qualified voters at said general election, in conformity with the provisions of Section 34 of the New York Municipal Home Rule Law. Following the approval by the electorate, this Local Law, as well as any other Local Law converted into a mandatory referendum pursuant to Section 34(5) of the New York Municipal Home Rule Law, by a vote of the County Legislature may only be amended, modified or repealed by enactment of any appropriate Charter law subject to mandatory referendum in accordance with prevailing law.

**Section 8.** The form of such proposition shall be in substantially the following form:

In order to increase transparency in County government and promote the accountability of public officials and in order to better align County Legislative terms with even-year voting requirements for other local governments, shall the local law of the Putnam County Legislature entitled *“A LOCAL LAW REQUIRING A MANDATORY REFERENDUM IN ORDER TO AMEND, MODIFY OR REPEAL COUNTY LEGISLATIVE TERM LIMITS AND PROVIDING FOR THE INCREASE OF THE TERM OF COUNTY LEGISLATOR FROM THREE (3) TO FOUR (4) YEARS,”* be approved?

§ 2.02 Term.

A. ~~The~~ Except as set forth below, the County Legislators shall be elected for terms of ~~three~~four (34) years at the general elections hereinafter provided and every ~~three~~four (34) years thereafter as follows: set forth below.

(1) At the general election held in November of ~~2002~~2026, County Legislators from Legislative Districts Two, Three and Eight shall be elected for ~~said term of three years.~~ a transition term of two (2) years. Thereafter, County Legislators from Legislative Districts Two, Three and Eight shall be elected for a term of four (4) years. No service by any person elected as County Legislator from Legislative Districts Two, Three and Eight to said two (2) year transition term shall be taken into account for purposes of calculating term limits pursuant to Putnam County Charter Section 2.02(B) or (C).

(2) At the general election held in November of ~~2003~~2027, County Legislators from Legislative Districts One, Four and Seven shall be elected for ~~said~~ a transition term of three (3) years. Thereafter, County Legislators from Legislative Districts One, Four and Seven shall be elected for a term of four (4) years. No service by any person elected as County Legislator from Legislative Districts One, Four and Seven to said three (3) year transition term shall be taken into account for purposes of calculating term limits pursuant to Putnam County Charter Section 2.02(B) or (C).

(3) At the general election held in November of ~~2004~~2028, County Legislators from Legislative Districts Five, Six and Nine shall be elected for ~~said term of three years.~~ a transition term of two (2) years. Thereafter, County Legislators from Legislative Districts Five, Six and Nine shall be elected for a term of four (4) years. No service by any person elected as County Legislator from Legislative Districts Five, Six and Nine to said two (2) year transition term shall be taken into account for purposes of calculating term limits pursuant to Putnam County Charter Section 2.02(B) or (C).

B. The County Legislators shall serve a maximum of ~~four~~three (43) terms, regardless of the fact that a "term" may not have been ~~three~~four (34) years, and whether or not consecutive, in his/her lifetime.

C. For the purposes of this Section, the service of any portion of a term, no matter how small, shall be considered a full term.

D. Notwithstanding anything in this Section 2.02 to the contrary, to the extent that service during a transition term may increase the total lifetime service of any person, such person shall be permitted serve as a County Legislator not more than fifteen (15) years, whether or not consecutive, in his/her lifetime.

E. The term limit provisions as set forth in this Section 2.02 may only be amended, modified repealed by the passage of a local law adopted by a two-thirds (2/3) vote of the County Legislature and said local law being thereafter approved as a proposition by a majority vote of

the qualified voters of the County present and voting at a general or special election called for such purpose.

~~D. In no instance may a Legislator serve more than four terms or 12 years, whichever is less.~~

~~E. Any person serving more than four (4) terms or twelve (12) years as a Legislator at the time of the adoption of this local law, shall be permitted to run for one (1) additional three (3) year term.~~

**A LOCAL LAW REQUIRING A MANDATORY REFERENDUM IN ORDER TO AMEND, MODIFY OR REPEAL COUNTY EXECUTIVE TERM LIMITS.**

**Section 1.** The Legislature of the County of Putnam, New York hereby makes the following findings and determinations:

(a) that Local Law No. 8 of 2011 (“Local Law No. 8”), enacted by the County Legislature on January 4, 2011, sets forth a term limits regime for the office of the County Executive which currently may be amended merely by the favorable vote of two-thirds of all the members of the County Legislature, subject to permissive referendum; and

(b) that transparency in County government promotes the accountability of public officials, provides information to citizens about what their County government is doing and increases public trust by providing the public with access to information about government activities, policies, and decision-making processes; and

(c) that in order to promote accountability, provide information to citizens about what their County government is doing, and to increase public trust, this County Legislature is desirous of requiring a mandatory referendum in order to amend, modify or repeal term limits for the office of County Executive; and

(d) that this County Legislature finds and determines that this Local Law curtails its power relative to the amending, modifying or repealing of the term limits procedures of the Putnam County Executive absent an affirmative vote of the qualified voters of the County, and

(e) that this County Legislature finds and determines that this Local Law embraces only one subject: that of the amendment of Article 3, Section 3.01 of the County Charter entitled “Chief Executive Officer: election; term; qualifications”,

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM AS FOLLOWS:

**Section 2.** Article 3, Section 3.01 of the Putnam County Charter is hereby amended to read as follows:

(A) The County Executive shall be elected from the County at large in an even numbered year for a term of four (4) years commencing on the first day of January immediately following his or her election. His or her service as County Executive shall be limited to a maximum of two (2) terms, whether partial or full, and whether consecutive or not. At the time of nomination and election, the County Executive shall be, and he or she shall remain, a qualified elector of Putnam County. He or she shall hold no other elected public or elected political office during his or her term and shall devote his or her full working time to the duties of the office. He or she shall be the highest paid salaried County employee with the exception of those County employees required to be duly licensed to practice medicine in the State of New York as a qualification of employment, the District Attorney or any other employee whose salary is partially or fully set by state law. The compensation of the County Executive shall not be decreased during his or her term of office.

(B). The term limit provisions as set forth in this Section 3.01 may only be amended, modified or repealed by the enactment of a local law adopted by a two-thirds (2/3) vote of the County Legislature and said local law being thereafter approved as a proposition by a majority vote of the qualified voters of the County present and voting at a general or special election called for such purpose.

**Section 3.** If any provision of this Local Law is held to be illegal or invalid for any reason, such illegality or invalidity shall not affect the remaining provisions hereof, but such provision shall be fully severable and this Local Law shall be construed and enforced as if such illegal or invalid provision had never been included.

**Section 4.** This local law must be approved by a majority of the qualified voters of the County. A proposition for the approval or disapproval of this Local Law shall be submitted to the qualified voters of the County present and voting at the general election to be conducted in the County on November 4, 2025. The Clerk of the Legislature is hereby authorized to take all actions necessary to lawfully submit said proposition to said qualified voters at said general election. This Local Law shall take effect immediately upon its filing in the office of the Secretary of State following the approval of said proposition by said qualified voters at said general election, in conformity with the provisions of Section 34 of the New York Municipal Home Rule Law. Following the approval by the electorate, this Local Law, as well as any other Local Law converted into a mandatory referendum pursuant to Section 34(5) of the New York Municipal Home Rule Law, by a vote of the County Legislature may only be amended, modified or repealed by enactment of any appropriate Charter law subject to mandatory referendum in accordance with prevailing law.

**Section 5.** The form of such proposition shall be in substantially the following form:

In order to increase transparency in County government and promote the accountability of public officials, shall the local law of the Putnam County Legislature entitled "*A LOCAL LAW REQUIRING A MANDATORY REFERENDUM IN ORDER TO AMEND, MODIFY OR REPEAL COUNTY EXECUTIVE TERM LIMITS,*" be approved?

§ 3.01 Chief Executive Officer: election; term; qualifications.

(A) The County Executive shall be elected from the County at large in an even numbered year for a term of four (4) years commencing on the first day of January immediately following his or her election. ~~He or she shall serve~~ His or her service as County Executive shall be limited to a maximum of two (2) consecutive full terms, whether partial or full, and whether consecutive or not. At the time of nomination and election, the County Executive shall be, and he or she shall remain, a qualified elector of Putnam County. He or she shall hold no other elected public or elected political office during his or her term and shall devote his or her full working time to the duties of the office. He or she shall be the highest paid salaried County employee with the exception of those County employees required to be duly licensed to practice medicine in the State of New York as a qualification of employment, the District Attorney or any other employee whose salary is partially or fully set by state law. The compensation of the County Executive shall not be decreased during his or her term of office.

(B). The term limit provisions as set forth in this Section 3.01 may only be amended, modified or repealed by the enactment of a local law adopted by a two-thirds (2/3) vote of the County Legislature and said local law being thereafter approved as a proposition by a majority vote of the qualified voters of the County present and voting at a general or special election called for such purpose.