



Deputy County Attorney Sandra Fusco stated she would like to have Mr. Edward Cooke, the Council Representative for the Northeast Regional Council of Carpenters speak to this item.

Mr. Cooke stated he is also present for Mr. Edward Doyle of the Building and Construction Trades Council of Westchester and Putnam Counties.

Chairwoman LoBue stated a letter was received from the County Executive asking for this law to be changed.

Legislator Tartaro questioned if apprentices may be utilized on County projects below \$1 million.

Mr. Cooke stated a municipal job would have an apprenticeship component if the contractor was with a New York State Sponsored Apprenticeship program.

Chairwoman LoBue stated the threshold is low. She stated there was a construction project that took place for sidewalks that cost \$1.7 million. She stated her concern was the cost for utilizing apprentices.

Mr. Cooke stated he was familiar with the sidewalk project. He stated the project was done by a Union Signatory Contractor who has apprenticeship capability through the unions he is signatory with. He stated due to the State's insurance laws, a union contractor has the ability of cost savings on his insurance because under the prevailing rate there is pension, health care, and annuity. He stated a contractor who participates in these funds can offset their cost per 1,000 in insurance, a 26% savings. A contractor who does not meet these standards must pay the cost per 1,000 on the full prevailing rate. He stated therefore a union contractor has a competitive edge.

Chairwoman LoBue questioned if the company utilized an apprenticeship program.

Mr. Cooke stated they have the ability.

Legislator Oliverio stated the cost savings comes with the use of the apprentice.

Mr. Cooke stated in his organization a first year apprentice is 50% of the prevailing rate. He stated the cost savings is also relevant in the unemployment rate, State tax, worker's compensation, and general liability.

Legislator Oliverio stated this is a benefit.

Mr. Cooke stated it is absolutely an added value.

Legislator Wright stated in addition to fostering apprenticeship programs, those who go through the program are suited for a contracting job.

Mr. Cooke stated in New York State there are about 700 legitimate apprenticeship programs, with 100 being union programs. He stated by using the Project Labor Agreement (PLA), it allows a small business owner to sign on to an additional trade union to use the apprentices. He stated many municipalities in Westchester have participation tag along policies on their Project Labor Agreements where they require 20-30% of their workforce to come from a municipality. He stated he is currently working with the City of Yonkers on a program where he is putting city kids through the apprenticeship program and providing them with the experience and training to have a future in this line of work.

Legislator LoBue questioned how many Counties in the State are utilizing this program.

Mr. Cooke stated this has mainly been done on PLA's. He stated he does not see public PLA's being a problem because it is non-exclusionary.

Legislator Wright made a motion to move the amendment to the Full Legislative Meeting; Seconded by Legislator Wright. All in favor.

**Item #6 - Discussion/ Resolution in Support of Reforms to New York Labor Law §240 and §241/ "Scaffold Law"**

Chairwoman LoBue made a motion to accept the additional; Seconded by Legislator Tartaro. All in favor.

Senior Deputy County Attorney for Risk and Compliance Adrienne Spadaccini stated Chairwoman LoBue had requested her opinion on whether or not the Legislature should pass a resolution in favor of the State's change in the legislation regarding the Scaffold Law. She stated she provided more clear information on the matter. She stated New York State is one of the only States that has a strict liability statute, meaning the municipality holds 100% liability in the case of an incident. She provided an example of if a worker in Putnam County went to lunch and had a few cocktails. Upon returning to the job, the worker falls and is injured. She stated regardless of the conduct the worker participated in, the County would be strictly liable. She stated the State Legislation is proposing a comparative negligent standard. She stated this means the liability is proportional. She stated it would be in the Legislature's best interest to consider a resolution supporting the changes.

Legislator Albano stated New York is different than other States.

Chairwoman LoBue questioned if Connecticut had a Scaffold Law.

Legislator Albano stated he was unsure, however the laws in Connecticut are different than in New York.

Chairwoman LoBue stated in States that do not have the strict liability statute, the cost of the project is lower as the liability is lower.

Legislator Wright made a motion to move the resolution to the Full Legislative Meeting; Seconded by Legislator Tartaro. All in favor.

**Item #8 - Discussion/ Enacting a Local Law for Putnam County/ Regulating the Use of Polystyrene Foam Disposable Food Service Ware by Chain Food Service Establishments**  
**a) Email Correspondence**

Chairwoman LoBue stated a letter was received from Amanda O'Shaughnessy from the Carmel Central School District stating her support for this effort.

Chairwoman LoBue stated she would like to contact the Schools in the area. She stated a discussion must be had on whether this should be implemented throughout the County or just in the governmental municipalities. She stated the cardboard cups being used at some chain restaurants are lined in plastic, which is also a recycling hazard.

Legislator Scuccimarra stated many restaurants are moving toward better options. She stated the Bill going through the Assembly is strictly for municipalities while the one in Albany County is County-wide. She stated the Legislature will have to decide which route they'd like to take.

Chairwoman LoBue stated if the Legislature were to decide to make this County-wide, Schools and Hospitals would need to be contacted and notified as they must come up with different vendors. She stated a date needs to be set so the public can voice their opinion prior to it being enacted.

Legislator Scuccimarra stated she has spoken to some people who have contacted her and are in favor of the regulation, many of whom would like the Legislature to take this a step further and discuss the ban of plastic bags as well. She stated this needs to be out in the open, along with a target date of January 1, 2015.

Legislator Oliverio stated his agreement with a delay in implementation. He stated a date of January 1, 2015 should be enough time for notification. He stated people can be asked to come in prior to the budget season to discuss the matter. He stated the word should be put out to all Superintendents and Hospitals. He questioned if President of Carmel-Kent Chambers of Commerce Bill Nulk had any more ideas of places to be notified.

President Nulk stated nursing homes is another entity with a large food service component. He stated business in general should be involved. He stated they are happy to go with the flow if it is reasonable and proven.

Legislator Albano stated the start date of January 1, 2015 would be plenty of time to switch over to other materials. He stated if on January 1, 2015 it is implemented in

governmental municipalities, perhaps the following year it could be implemented County-wide.

Legislator Wright stated last year, something similar to this was done and the Legislature needed to then repeal the legislation.

Legislator Oliverio stated that is why he would like to put the word out beforehand. He stated the item that Legislator Wright was referring to was the Item Pricing.

Chairwoman LoBue stated the first thing that should be done is contact Superintendents informing them of this consideration and request their feedback. She stated she would like to table this item for next month so a public hearing can be held.

Legislator Oliverio questioned if the Hospital can get a letter as well.

Chairwoman LoBue stated anywhere that has a cafeteria should receive the letter.

Legislator Tartaro stated in the supermarket, meats come packaged on Styrofoam trays that are brought in to the County from elsewhere. He stated this may be difficult to regulate.

Legislator Scuccimarra stated the legislation is addressing only food service.

Legislator Albano stated if this was implemented on a County-wide level the increased cost would need to be addressed.

Chairwoman LoBue stated when she was in school, the food was served on a plastic tray that was then washed and reused. She stated now, Styrofoam trays are used because they are the cheaper option. She stated there was a shift from cardboard to plastic and this now must be reversed.

Legislator Wright stated the County should lead by example and implement this first in County facilities. He stated prior to the Legislature passing this; a full fiscal impact analysis should be obtained. He stated then, the Legislature can present the legislation in a way that shows the many benefits, along with the increased costs.

Legislator Oliverio agreed with Legislator Wright. He stated he would still like the schools to be contacted so information can be gathered.

Legislator Tartaro stated this is a guaranteed significant cost for larger food service providers such as hospitals. He stated perhaps this can be phased in.

Chairwoman LoBue stated the feelers should be put out to the community, while doing a trial first in County facilities.

Legislator Albano stated County facilities should be notified as well, such as the Office for the Aging.

President Nulk stated as long as people are aware that this is coming, there will be innovative people that come up with other resources at a reasonable price.

Legislator Scuccimarra stated the tendency for "Going Green" is all over. She stated the Assembly includes all municipalities, which include Counties as well as Towns. She stated the Legislature will need to work out the details.

#### **Item #9 - Discussion/ County Seal**

Chairwoman LoBue stated a political advertisement was run using the seal and according to correspondence received from First Deputy County Attorney Andrew Negro it is acceptable to use the seal in public advertisements.

Legislator Oliverio questioned if Legislative Counsel Clem Van Ross's agreed with First Deputy County Attorney Negro's response.

Legislative Counsel Van Ross stated the County Attorney's Office stated what was used was not a seal, but an emblem.

Chairwoman LoBue stated it was her understanding that any Elected Official could not use the County Seal in any political advertisement.

#### **Item #10 - Other Business - None**

#### **Item # 11 – Adjournment**

There being no further business at 8:06 P.M. Legislator Tartaro made a motion to adjourn; Seconded by Legislator Wright. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.