

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE**  
**Held In Room 318**  
**PUTNAM COUNTY OFFICE BUILDING**  
**CARMEL, NEW YORK 10512**

**Members: Chairwoman LoBue and Legislators Albano & Scuccimarra**

**Thursday** **6:30pm** **April 21, 2016**

---

The meeting was called to order at 6:38p.m. by Chairwoman LoBue who requested Legislator Castellano lead in the Pledge of Allegiance. Upon roll call Legislator Albano and Chairwoman LoBue were present. Legislator Scuccimarra was absent. Chairwoman LoBue requested that Legislator Castellano sit on the Committee in Legislator Scuccimarra's absence.

**Item #3 – Approval of Minutes – March 14, 2016**

The minutes were approved as submitted.

At 6:39, Chairwoman LoBue made a motion to go into executive session to discuss Item #4 – Approval/ Litigation Settlement and Item #5 – Approval/ Litigation Settlement; Seconded by Legislator Albano. All in favor.

At 7:03, Chairwoman LoBue made a motion to come out of executive session; Seconded by Legislator Castellano. All in favor.

Chairwoman LoBue stated no action was taken in executive session.

**Item #4 – Approval/ Litigation Settlement**

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

**Item #5 – Approval/ Litigation Settlement**

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

**Item #6 – Discussion/ Legislative Manual Rule #20 - Motion to Reconsider**

Chairwoman LoBue read rule #20 of the Legislative Manual.

Legislator Nacerino stated by sending a memorandum stating she would not likely support a reconsideration of a vote, she was voicing her personal opinion, not reflecting herself as Chair of the Legislature. She stated in her opinion, the reconsideration of a vote should not become practice that the Legislature comes to rely on. She stated as

Chair, she is obligated to entertain a motion to reconsider, however she is unlikely to support it. She stated at the March 22, 2016 Special Full Meeting she was taken aback by the request to reconsider and quickly agreed to do so. She stated upon reflecting on that reconsideration, she feels that votes should not be reconsidered when a Legislator mistakenly votes 'yes' or 'no' on a certain item. She stated in her opinion, she feels the Legislature runs the risk of comprising their integrity if they are flippant. She suggested that each Legislator should take their time and ask questions in order to make an informed decision. She stated Legislative Counsel Clement Van Ross made the motion to reconsider the vote and after reading rule #20 of the Legislative Manual, she questioned whether or not he was authorized to do so. She stated she checked with the Law Department and found that they are of the opinion that only a Legislator could make a motion to reconsider a vote. She stated because of this, she would conclude that the motion made to reconsider at the March 22, 2016 Special Meeting is null and void in accordance with the Legislative Manual.

Legislative Counsel Van Ross stated he suggested that a motion to reconsider the vote be made, however he did not make the motion.

Legislator Nacerino stated it was brought forth by Legislative Counsel Van Ross.

Legislative Counsel Van Ross stated he brought it forth by suggesting it, but he did not make the motion.

Legislator Nacerino stated who made the motion will not have a direct impact, however it was the catalyst for this discussion and for the memorandum she sent out. She stated if there is a complex item to be voted on, time should be taken to consider each vote. She stated she would like to confirm who made the motion to reconsider the vote.

Legislative Counsel Van Ross stated the ability to reconsider a vote has been a rule since the formation of the Legislative Manual. He stated it has been used many times since its creation.

Legislator Nacerino stated she is not suggesting abolishing the rule; however she will not arbitrarily support a reconsideration of a vote. She stated there are ways to be more proactive about each vote and it dilutes the Legislature's authority when items are reconsidered. She stated it is her personal opinion that she is not in favor of reconsideration.

Chairwoman LoBue stated she respects Legislator Nacerino's opinion. She stated the ability to reconsider a vote is a rule in the Legislative Manual.

Legislator Nacerino stated as Chair, she would be obligated to entertain any motion made to reconsider a vote. She stated a supermajority vote is needed to reconsider a vote, which speaks to the importance of the action.

Chairwoman LoBue stated she recognizes and respects Legislator Nacerino's opinion. She stated there are times where there is confusion surrounding a vote. She stated sometimes a "yes" really means a "no," which can be confusing.

Legislator Nacerino stated there is no rush on any vote and questions can be asked beforehand.

Legislator Albano agreed with Legislator Nacerino. He stated there have been many times where he questioned what exactly his vote means. He stated as a general rule, there would be chaos if each vote was reconsidered.

Chairwoman LoBue stated she has been on the Legislature for eight (8) years and she has experienced the reconsideration of two (2) votes.

At the end of the meeting, Legislative Counsel Van Ross stated he would like to correct the record by clarifying that the motion to reconsider the vote at the March 22, 2016 Special Full Meeting was made by Legislator Castellano and seconded by Chairwoman Nacerino. He stated this is shown in the minutes.

#### **Item #7 – Discussion/ Not-for-Profits/ Acknowledgement of Compliance**

County Attorney Jennifer Bumgarner stated she was told that in previous instances it has been said that the Law Department is looking into this issue. She stated the Law Department has not been requested to look into this matter, therefore they have not been. She stated however, the Finance Department initiated some questions and has talked about this matter in connection with the budget process. She stated most of the outside agencies that submit for funding through the budget process are not-for-profits and it was suggested that these organizations submit certain documentation along with their request for funding. She stated the idea was to follow a list of documentation that the Attorney General's Office had requested of the Visitor's Bureau. She stated with this documentation, the County will know if the organizations are in full compliance before they are included in the County budget. She stated the list of documentation to be submitted is quite comprehensive.

Legislator Nacerino stated it is smart to be proactive in light of recent issues that the County has faced.

Legislator Albano stated requesting this documentation is a positive thing for both the County as well as the organization. He stated the Legislature can review the documentation and make a decision moving forward.

Chairwoman LoBue questioned what would happen if the documentation is not provided.

Legislator Wright stated the appropriation line should not be included in the executive budget until all of the proper documentation has been received. He stated if the

documentation is not received, it would not be in the budget and therefore would not be before the Legislature for consideration.

County Attorney Bumgarner stated what Legislator Wright just stated is what the Finance Department has been discussing as well. She stated waiting until there is a line item included in the budget would be too late. She stated the documentation will need to be submitted with the outside agency's budget request and if they do not comply by the time the budget is submitted, the organization will not be included in the budget.

Legislator Wright stated the budget process is not far away. He suggested sending an informative correspondence to the not-for-profit organizations notifying them that this documentation will be requested along with their budget request.

Chairwoman LoBue stated sending notification is a good idea, especially so the organizations have time to compile the documentation.

County Attorney Bumgarner stated that could be done. She stated most of the not-for-profits are bigger, therefore they have counsel and accountants so the organization should have most of the documentation. She stated a notification is a good idea so they are aware that the documentation will be a requirement this year.

Legislative Counsel Van Ross stated this matter should be referred to the Budget & Finance Committee.

Chairwoman LoBue made a motion to refer this matter to the Budget & Finance Committee; Seconded by Legislator Castellano. All in favor.

**Item #8 – Discussion/ Section 7.05 of the Putnam County Charter/ Capital Program and Capital Budget Section B (3) Capital Projects Committee Members**

Chairwoman LoBue stated as per the Charter, the Capital Projects Committee is to have three (3) Legislative representatives (Chair of the Legislature, a designee of the Budget & Finance Committee, and a member representing the minority political party). She stated because the Legislature does not currently have a member of a minority political party, an additional member must be included in the Charter. She suggested voting on who would be the third legislative representative to sit on the Capital Projects Committee each year. She stated at the last Rules meeting, it was suggested that the Chair of Physical Services be the third representative on the Capital Projects Committee. She stated this could cause an issue if the Chair of Physical Services is also the Chair of the Legislature.

Legislator Gouldman stated it makes sense to have the Chair of Physical Services on the Capital Projects Committee.

Legislator Nacerino agreed that the Chair of Physical Services should sit on the Committee. She stated in the past, the Chair of Physical Services was also the Chair of the Legislature, but there was also a member of a minority political party.

Legislator Wright stated in 2015 there was no minority member and Legislator Albano was Chairman of the Legislature and Chairman of the Physical Services Committee.

Legislator Albano stated the items discussed at the Capital Project Committee Meetings are brought to the Legislature for approval.

Legislator Wright suggested having the alternative member be voted on by the Legislature.

Legislator Addonizio questioned if different Legislators should sit on the Committee each year.

Chairwoman LoBue stated she would like to vote on a member each year.

Legislator Nacerino stated having the Chair of Physical Services on the Capital Projects Committee makes sense because they are the most familiar with the matters being discussed.

Legislative Counsel Van Ross stated from 2013 – 2015 the Chair of the Legislature was also Chair of the Physical Services Committee.

Legislator Castellano suggested putting the third Legislative representative to a vote at the Organizational Meeting. He stated he is in favor of having the Chair of Physical Services on the Capital Projects Committee. He stated if the Chair of Physical happens to also be the Chair of the Legislature and there is no minority representative, they shall sit on the Capital Projects Committee as Chair of the Legislature.

Legislative Counsel Van Ross stated if there is no minority member and the Chair of Physical Services is also the Chair of the Legislature, there is still a third seat to be filled.

Legislator Albano suggested having the option to select the third member of the Legislature to sit on the Capital Projects Committee if there is no minority member.

Legislative Counsel Van Ross stated as it is written in the Charter, the Legislative representatives that sit on the Capital Projects Committee are the Chair of the Legislature, a member of the Budget & Finance Committee, and a member of the minority political party. He stated currently, there is no minority member of the Legislature; therefore another member must be selected.

Legislator Addonizio questioned if a different Legislator could attend each Capital Projects meeting.

Legislative Counsel Van Ross stated the Capital Projects Committee starts meeting in June and their budget is submitted to the County Executive by October 1<sup>st</sup>, which then is submitted to the Legislature. He stated this is a small window of time to have different Legislators attend the meetings.

Legislator Nacerino questioned who designates the member from the Budget & Finance Committee.

Legislative Counsel Van Ross stated the Budget & Finance Committee designates the member.

Chairwoman LoBue stated she would like to have language prepared to be voted on at the May Rules meeting.

**Item #9 – Update/ Animal Cruelty Registry**

**a) Correspondence/ District Attorney**

**b) Correspondence/ Law Department/ Revised Proposed Local Law**

Putnam County District Attorney Robert Tendy stated in reviewing the law drafted by the Putnam County Society for the Prevention of Cruelty to Animals (PCSPCA) he found that it may make enforcement very difficult as it is too broad. He stated specifically, in his opinion, the definition of an “animal abuse crime” is extremely broad and includes things that are unenforceable. He also stated the law defines “animal” as “every living creature except a human being,” which he believes to be too general. He stated under this definition, a pet such as guppies could not be given or sold to anyone without first checking the registry. He stated he believes “breeders” should be limited to pet dealers, SPCAs, humane societies, and pounds. He stated the term “animal” should include only mammals, amphibians, reptiles, vertebrates, and fish. He stated the SPCA law attempts to link sections of the New York State Penal Law to the animal abuse registry law; however some of the links do not make much sense. He stated he believes the animal abuse registry should be taken seriously. He stated if someone abuses an animal, or animals, they should be on the registry. He stated including any crime involving an animal would make the registry meaningless.

Legislator Wright stated there was a double murder many years ago at Dinro Kennels in the Town of Kent involving a burglary of a dog. He stated some people do enter premises with intent to steal an animal.

District Attorney Tendy stated depending on what is done to the animal would decide whether or not the person should go on the registry. He stated if an animal is stolen it would be a larceny or burglary, but it may not automatically be abuse of an animal. He stated he looked into animal abuse registry laws in surrounding counties and found that Orange County has an Animal Abuse Registry Law that was passed in 2015. He stated the Orange County Law is shorter, more specific, and deals with sections of the NYS Penal Laws and NYS Agriculture Laws that are appropriate. He stated with some

changes, he would like to have a law similar to the Orange County Law passed within Putnam County.

Chairwoman LoBue requested that District Attorney Tandy work with Deputy County Attorney Diaz to revise the law. She stated the revised law will then be addressed at the next meeting of the Rules Committee. She suggested reviewing the law, once adopted, after a year to get an idea of how it is working.

Legislator Gouldman questioned if the Orange County Law would stand up to any challenges.

District Attorney Tandy stated from what he can see, it would.

Legislator Gouldman stated he would be in favor or mirroring Orange County's Law.

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

**Item #10 – FYI/ Fund Transfer 16T061/ Board of Elections/ Purchase Election Worker Supply Bags**

Legislator Wright questioned what the bags are used for.

Chairwoman LoBue stated an explanation will be requested to be reviewed at the Audit meeting.

Legislative Counsel Van Ross stated when the polls are closed, the election workers collect their supplies and the unused ballots and they deliver it to the Board of Elections that night.

County Attorney Bumgarner questioned if the bags are secured.

Legislative Counsel Van Ross stated yes, they are secured.

Legislator Wright questioned what the cost of each bag is.

Chairwoman LoBue stated the bags are \$121.50 each.

Chairwoman LoBue made a motion to move Fund Transfer 16T061 to the Audit & Administration Committee; Seconded by Legislator Castellano. All in favor.

**Item #11 – FYI/ Requiring Fire Sprinklers in Newly Constructed Homes/ Correspondence from Commissioner Sutton**

Chairwoman LoBue stated after the discussion of this matter at last month's meeting Commissioner of Emergency Services Anthony Sutton forwarded more information.

Legislator Gouldman stated he believes having a requirement for fire sprinklers in newly constructed homes is a great idea. He stated he would like to send supportive information to the Towns and suggest that they adopt this requirement.

Chairwoman LoBue stated the article references a price of \$1.50 per square foot.

Undersheriff Convery stated the effectiveness of the sprinklers would depend on if the home had town water or well water. He stated the sprinklers could only get the volume of water it would need from town or city water.

Legislator Albano stated the house would also need the proper piping to handle such volume of water. He stated a major part of the population in Putnam County would not see much benefit from this requirement. He stated it can also be very expensive.

Legislator Castellano stated the requirement would only be for new construction. He stated it is a good idea for new construction.

Legislator Albano stated if a home has a well, the system will not work because the sprinklers need a large volume of water. He stated tanks can be put in, however the cost will go up tremendously.

Legislator Wright stated if the County were to urge the Towns to adopt such a requirement, it would change their fire codes. He stated if a major renovation was being done to part of a house, the sprinklers may be required in the whole house because it would need to be brought up to code.

Legislator Albano stated the sprinklers are mandatory in a three (3) story frame house.

**Item #12 – FYI/ Litigation Report – Duly Noted**

**Item #13 – Other Business – None**

**Item #6 – Discussion/ Legislative Manual Rule #20 - Motion to Reconsider (Continued)**

Legislative Counsel Van Ross stated he would like to correct the record by clarifying that the motion to reconsider the vote at the March 22, 2016 Special Full Meeting was made by Legislator Castellano and seconded by Chairwoman Nacerino. He stated this is shown in the minutes.

**Item #14 – Adjournment**

There being no further business at 7:36p.m. Chairwoman LoBue made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.