

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

Members: Chairwoman LoBue and Legislators Albano & Scuccimarra

Tuesday February 9, 2016
(Immediately Following the Economic Development Meeting beginning at 6:30pm)

The meeting was called to order at 7:43pm by Chairwoman LoBue who requested Legislator Scuccimarra lead in the Pledge of Allegiance. Upon roll call, Legislators Albano & Scuccimarra and Chairwoman LoBue were present.

A. Procedure Overview/ 7 Day Rule

Chairwoman LoBue reviewed procedures that will assist the Rules, Enactments, & Intergovernmental Relations Committee in conducting its affairs in an orderly manner. She stated the seven (7) day rule for submission of material to be included on an agenda by a legislator, county official, county department head, or the public will be strictly adhered to. She stated any proposal that does not meet the seven (7) day rule must be accompanied by a letter of necessity.

Item #3 - Approval of Minutes – November 12, 2015
Special Rules Meeting - December 21, 2015

The minutes were approved as submitted.

Item #4 - Approval/ Appointments/ Putnam County Board of Electrical Examiners/
Massaro & McCarthy

Legislator Scuccimarra made a motion to approve the appointments; Seconded by Legislator Albano. All in favor.

Item #5 - Approval/ Reappointments/ Putnam County Board of Electrical
Examiners/ Morrison, Ricci, Butler, Counihan, Pidala

Legislative Counsel Clement Van Ross stated the positions of Chairman and Vice Chairman of the Electrical Examiners Board are appointed by the Board.

Legislator Albano made a motion to approve the appointments; Seconded by Legislator Scuccimarra. All in favor.

Item #6 - Approval/ Reappointments/ Putnam County Plumbing & Mechanical Trades Board/ Boyd, Losee, Raab

Legislator Scuccimarra made a motion to approve the appointments; Seconded by Legislator Albano. All in favor.

Item #7 - Approval/ Discussion/ Continuation of the Fiscal Vision & Accountability Commission

Legislator Scuccimarra stated the Fiscal Vision & Accountability Commission is made up of members with great expertise. She stated the discontinuation of the police consolidation study set the Commission back, however they would like to move forward and tackle more issues in 2016.

Chairwoman LoBue stated if continued, this Commission would expire on December 31, 2016. She questioned what the Commission is currently tasked with.

Legislator Nacerino stated this Commission is made up of “the best of the best.” She stated the members are representatives from different towns and their backgrounds are varied. She stated she is grateful to have such a blend of talent and expertise. She stated different subject matters were explored and the police consolidation became the main focus of the Commission. She stated she would like to have the opportunity for the Commission to regroup and review other issues to possibly explore. She stated the Fiscal Vision & Accountability Commission is an advisory board and the members would like to continue working to assist the County.

Legislator Albano made a motion to continue the Fiscal Vision & Accountability Commission; Seconded by Legislator Scuccimarra. All in favor.

Legislator Scuccimarra stated all Fiscal Vision & Accountability Commission meetings are open to the public.

Item #8 - Discussion/ Amendment/ Chapter 5 of the Putnam County Code Entitled “Appropriations”/ Article I, Section 5-1 D (1) (2): Grant Applications and Renewals

Legislator Albano stated he was interested in amending this section of the Putnam County Code in order to streamline the grant application process. He stated when a grant requires matching funds from the County, the application must be approved by the Legislature. He stated in any case, the Legislature must approve the acceptance of a grant reward. He stated he would like to amend the Code so Department Heads may apply for grants without Legislative approval; however he would like a letter to be sent from the Department Head notifying the Legislature of the application.

Legislative Counsel Van Ross stated the way the Code is currently written, any grant that requires matching funds from the County requires Legislative approval for

application. He stated if there are no matching funds, the Legislature does not need to be involved in the application process.

Legislator Albano stated he believed the procedure was for the Department Head to come before the Legislature for approval of application for the grant.

Legislative Counsel Van Ross stated in the past Department Heads have come to the Legislature for approval whether there is a matching fund component or not.

Chairwoman LoBue stated it is important for the Legislature to be aware if there is a matching funds component to a grant because it could affect the budget. She also stated that some grants require a program to be set up, which could then affect policy, which is created by the Legislature. She stated she believes the Department Head should come to the Legislature before the application process begins, whether the grant requires matching funds or not because grant applications require a lot of time and effort from the Department. She stated a lot of work may be done and the application may not be approved once it gets to the Legislature.

Legislator Albano stated the Department Heads know which grants are worth applying for. He stated he has not experienced an issue where a grant application was not approved. He stated he is comfortable with the Code the way it is, now that it has been explained. He restated that the Legislature always has the final say on all grants.

Legislator Nacerino stated it is important to note that not all grants are cost effective, as sometimes there are costs associated after the grant is rewarded.

Chairwoman LoBue stated additional personnel are sometimes needed as well. She stated grants are not "free money," they are State and Federal tax dollars.

Legislator Albano agreed that grants are not "free money" however, the money is going to go somewhere and if it deserves to go to Putnam County, he wants to make sure Putnam is on the list.

Legislator Scuccimarra stated it is important to be cognizant that every grant has different facets and may go to different areas of the Departments.

Item #9 - Discussion/ Agendas Identifying the Source of Items Listed

Chairwoman LoBue stated this item would be discussed under agenda item #12, as they are related.

Item #10 - Discussion/ County IT Use Policy (Tabled from 12/21/15 Special Rules Mtg.)

- a) Current Putnam County IT Policy**
- b) Proposed Putnam County IT Use Policy**
- c) Westchester County Security & Technology Use Policy**

- d) Dutchess County IT Policy**
- e) Rockland County Guidelines for Use of Technology Resources**
- f) Ulster County IT Security Policy**
- g) Cattaraugus County Electronic Mail Policy**
- h) Tompkins County Use of County IT Resources**

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

Chairwoman LoBue stated the current Putnam County IT Policy, the proposed Putnam County IT policy, and the IT policies of surrounding Counties are included on the agenda. She requested that everyone review this material before next month's Rules Committee meeting. Chairwoman LoBue then read an email that Legislator Wright sent because he was unable to attend tonight's meeting.

Legislator Nacerino stated much of the discussion that took place at the December 21, 2015 Special Rules meeting was regarding who has the right to look at employees' emails. She stated she read through the policies of the other counties and found that each one has wording to the effect of "the County" having the ability to look into IT use. She stated that the policies in the other counties also make it clear that nothing done on a County owned device or system is private and everything may be monitored by that County.

Chairwoman LoBue stated at the December 21, 2015 Special Rules meeting when this was discussed, she believed the biggest issue that the Legislators in attendance had was the language in the proposed policy, especially where it states "... the County can periodically access messages or communications created or stored on County owned systems or devices without notice." She stated she has an issue with the language throughout the proposed policy because in some places it is quite vague, while in others it is very specific.

Legislator Nacerino stated the essence of the policies from the surrounding counties is that any emails that go through the County system are not personal or private and are owned by the County. She stated the other counties do not list a specific person or department as the party responsible for this oversight.

Chairwoman LoBue stated the Administration and the Law Department reviewed this policy for a year before the Legislature saw it. She stated the Legislature must take a proper look at this proposed policy. She stated the Legislature was also told there was no IT policy in place and therefore the approval of such a policy seemed to be time sensitive; however, there is currently an IT policy.

Legislator Nacerino stated the current IT policy is from 1999 and technology has changed drastically since then. She stated the policies from the surrounding counties made it clear that anything done on a County system or device is the property of the County and not the employee.

Legislator Albano stated the County has the right to look into any emails or messages related to the County. He stated having notice or not having notice does not matter because the material belongs to the County. He stated this is done to protect the County.

Legislator Gross questioned who “the County” is, as mentioned in the proposed policy. He stated government has a “checks and balances” between the Administration and the Legislature. He questioned if the Administration as well as the Legislature would have the authority to check into these matters, or if possibly the IT Department would be the entity with that responsibility.

Chairwoman LoBue stated this was not handled properly. She stated the Law Department has been reviewing this for a year and the Union reviewed it for four (4) months. She stated the Legislature was given the proposed policy and was told it needed to be acted on quickly. She stated the Legislature is responsible for creating the policy for the County and she believes it was disrespectful to be put in a rushed position. She stated there is now time for each Legislator to properly review this proposal as well as the policies that are in place in the surrounding Counties. She stated this will be reviewed again next month.

Legislator Addonizio stated at the December 21, 2015 Special Rules Meeting, concerns regarding the definition of “Elected Official” and “county employee” were raised.

Legislator Nacerino stated she believed every Elected Official should be held to the same standard as everyone else.

Legislator Albano agreed and stated Elected Officials are employees.

Legislator Nacerino stated she likes how the policy in Cattaraugus County is structured. She stated this policy makes it clear that email messages are not personal and private and it lists reasons as to why emails may be looked into by the County. She stated having this in the policy safeguards that people are not arbitrarily peeking into employees’ emails. She stated none of the policies specify who would be looking into the messages.

Chairwoman LoBue stated she would like her colleagues to review the policies from the surrounding counties and continue with this discussion next month.

Deputy County Executive Bruce Walker stated where “County” is stated in the document, it intended to incorporate the Legislature as well as the Executive Branch. He stated Westchester County’s policy is very similar to the proposed policy, and refers to the “County” throughout. He stated it was meant to mean the County as a whole because both the Legislative Branch and the Executive Branch must collectively protect the assets and resources of the County. He stated with regard to the statement made that there was no current IT policy; the existing policy is not an IT policy. He stated it is

an Internet policy, which is vastly different than an IT policy. He stated an IT policy is information system that incorporates things that did not exist in 1999. He stated the policy must be modified. He stated nobody in the County, whether an Elected Official or county employee, should have any expectation of any privacy for anything owned by the County. He stated a search can be initiated by things such as FOIL (Freedom of Information Law) requests for emails or investigations by the Board of Ethics. He stated if the Audit Committee wanted to audit something, they could. He stated it was mentioned that it would be thought that people would understand what these devices and systems would not be used for personal use. He stated it is shocking what people put through the systems, where there should be no expectation of privacy. He stated when it becomes most readily available is through FOIL requests. He stated there was a very specific reason that the proposed policy was put forth in December. He stated there was a sequence of four (4) events in this County that lead to a review of those events. He stated one (1) involved a compromise of the IT system that is in place. He stated what the revelation was as to why it was compromised initiated the attempt to get an IT policy on the books so rapidly because it was right on the heels of the event that took place in San Bernadino. He stated the four (4) sequence of events had significant similarities to a number of the things that were involved in that case. He stated that is why the policy was proposed in December, so the policy could close some of the gaps in our IT policy to prevent what was eventually was thwarted, but was and remains a significant problem.

Chairwoman LoBue thanked Deputy County Executive Walker for the information provided.

Legislator Albano stated there is a sense of urgency and he would not like to take more time than is necessary on this. He stated the policy can always be amended once in place.

Chairwoman LoBue stated the Legislature must do their due diligence while reviewing this policy. She stated the Legislature was brought into Executive Session over the matter of urgency. She stated what she does not understand is how the Law Department worked on this policy for a year and that the Union was privy to this for four (4) months, however the Legislature was not involved until December. She stated if the Legislature was made aware of this policy six (6) months ago, it might have already been approved.

Deputy County Executive Walker stated the establishment of policy and procedure is a Legislative function, therefore, arguably, the policy should have been written by the Legislature. He stated notwithstanding, the fact of the matter is that the policy needs to be changed. He stated the Administration and the Legislature work collectively for the benefit of the taxpayer and if there is a gap anywhere, regardless of whose responsibility it is, it is incumbent upon everyone to solve the problem. He stated this proposed policy is an effort to solve the problem. He stated they have been speaking with the Unions because under the existing law, the County has an obligation, he believes, to negotiate it into the CBA (Collective Bargaining Agreement). He stated they

have been negotiating with the unions throughout the year and this is one (1) of the issues that must be involved with the CBA. He stated they believed it was vital to move forward in light of the events taking place.

Chairwoman LoBue stated she does not agree with the timeline.

Item #11 - FYI/ Update/ Animal Cruelty Registry

Chairwoman LoBue stated a letter was sent to District Attorney Robert Tandy updating him and asking for his professional input on this matter. She stated once an answer is received from the District Attorney's Office, this item can move forward. She stated funding was dedicated for the PCSPCA (Putnam County Society for the Prevention of Cruelty to Animals). She questioned if a contract was needed in addition to the registry.

Deputy County Executive Walker stated he believes the contract is being worked on and that the County is waiting on filings from the PCSPCA.

Chairwoman LoBue stated in order for the funding to be released, there must be a contract between the County and the PCSPCA. She stated this contract must be finalized prior to the establishment of an Animal Cruelty Registry.

Deputy County Executive Walker stated the funding was approved in the budget and the contracts still need to be executed.

Chairwoman LoBue questioned if a copy of the contract could be sent to the Legislature.

Deputy County Executive Walker stated the copy would come from the Law Department and the contract has not yet been executed.

Chairwoman LoBue stated she understands that it is not yet executed and that she was unaware that a contract was formulated.

Deputy County Executive Walker stated he has not read through the contract, but he has had conversations with County Attorney Jennifer Bumgarner about it.

Legislator Nacerino questioned what the County was waiting for from the PCSPCA.

Deputy County Executive Walker stated they are waiting for documentation from the PCSPCA.

Legislator Nacerino suggested perhaps sending Chief Kenneth Ross a letter reminding him to send the required documentation.

Chairwoman LoBue stated she would like to wait until an opinion is received from the District Attorney's Office on this matter.

Item #12 - FYI/ Taxi & Limousine Commission

Chairwoman LoBue stated the Legislative Office received a letter from the Town of Patterson which stated at this time they will not be supporting a County-wide Taxi & Limousine Commission, however they would be willing to participate in discussions moving forward. She stated a letter also came from the Village of Cold Spring stating the Village Board of Trustees are in favor of a County-wide Taxi & Limousine Commission. She stated the Town of Southeast sent a resolution that was voted on at a Town Board Meeting. She stated the vote resulted in a tie, therefore the resolution failed. She stated to date, no other Towns or Villages have sent feedback on this matter. She stated unanimous support from all Towns and Villages is needed to move forward.

Putnam County Chambers of Commerce President Bill Nulk stated most of the Towns and Villages are interested in seeing a specific plan of what is to be done with this County-wide Commission. He stated a letter was sent by the Transportation Advisory Council in early 2014 was misunderstood, as it outlined what would not be done, rather than what would be done. He requested that this Committee continue to pursue this matter. He stated transportation is changing with services such as Uber and it is a possibility that those kinds of services could come into Putnam County with no regulation. He stated in speaking with the Towns and Villages, he found that they are in favor of some type of regulation, however they are not willing to give up their benefits.

Chairwoman LoBue stated the Towns and Villages are not in favor of relinquishing any revenue. She stated the implementation of the plan, oversight, and enforcement are large issues that are going to be costly. She questioned why the County would take on the responsibility of the administration and enforcement of the Commission if no revenue would be received by doing so. She referenced the minutes from the Rules Meeting on November 12, 2015 where Legislative Counsel Van Ross stated as it stands now, under State Law, the power to regulate taxi and limousine services is with the Towns and Villages. He stated in order to have the County regulate, the State Law would need to be changed. He stated on the agenda is a proposed letter to the Towns and Villages asking if they are in favor of a County-level Taxi & Limousine Commission, which is the first step. She stated the conversations she has had with some Towns have made it clear that they are not in favor of a County-wide Commission. She stated a letter was sent out by the Transportation Advisory Council as well.

Mr. Nulk stated the Transportation Advisory Council sent a letter out in the beginning of 2014. He stated he admits that letter was improperly worded because it presented a sequence of things that they did not want to do. He stated the Towns are looking for a more specific outline, especially as it refers to the collection of revenue.

Chairwoman LoBue questioned who would be responsible for the enforcement and regulation.

Mr. Nulk stated that would need to be written into the legislation. He stated the possibility of the Department of Consumer Affairs, the County Clerk, and the Sheriff's Department being involved was discussed.

Chairwoman LoBue stated utilizing those departments will cost money and the County may not generate revenue with this Commission. She restated that letters have been received from Towns stating they are not in favor. She questioned why a letter was sent from the Transportation Advisory Council without first approaching the Legislature.

Mr. Nulk stated in 2014 the Transportation Advisory Council sent out letters under the auspices of the Putnam County Chambers of Commerce with the recommendation that there should be some sort of regulation for taxis and limousines. He stated at that point, the Chambers of Commerce sent a letter to the Towns and Villages stating that the regulation is needed and in order for it to be achieved; each Town and Village must notify the Legislature that they are willing to have the County take over this regulation.

Chairwoman LoBue stated the Legislature should have been notified prior to that letter being sent out. She stated she was asked by some of the Towns why the Chambers of Commerce was involved. She stated it is clear that the Towns are not in favor of this Commission. She stated the Legislature sent a letter to the ten (10) Towns and Villages in the County and received three (3) responses.

Legislative Counsel Van Ross stated many years ago, the Legislature passed a resolution that was sent to the State Senators and Assemblymen. He stated the State Senate and Assembly passed a law allowing Putnam County to have a Taxi & Limousine Commission. He stated this law was then vetoed by the Governor. He stated in order for this to be done again, support will be needed from the Towns and Villages. He stated if there is no support, it should not be done. He stated so far, the County is not getting the support.

Chairwoman LoBue stated there is one (1) Village in particular that is bringing in close to \$25,000 in revenue. She stated they are not going to relinquish that revenue and the authority to collect it.

Legislator Scuccimarra stated the Traffic Safety Commission is tasked with coming up with issues around the County that refer to traffic safety. She stated the regulation of taxis and limousines is a very real concern.

Legislator Nacerino stated the letter received from the Town of Patterson was sent December 21, 2015 from former Supervisor Michael Griffin. She stated she believes the reason why the Town Board was not in favor of the County-wide Commission at this time was because it was not very clear. She stated it is noted in the letter that the Town of Patterson is willing to participate in discussion moving forward. She stated she has spoken with Mr. Nulk and intends to work with him to go before the Patterson Town Board to do a dual presentation to address some concerns that the Town Board had. She stated her husband owns a private car service and he is very much in favor of a

County-wide Taxi & Limousine Commission. She stated for her husband to drive into Westchester he must pay fees to Westchester County. She stated he would prefer to pay a fee to the County where his business is. She stated transportation services based in Westchester County are coming into Putnam County without having to pay a fee. She stated Putnam County could collect fees just as Westchester County does. She stated this is a matter that should really be looked into. She suggested having each Legislator go to their Town Boards with Mr. Nulk to explain what the plan is and how the County and Towns can work together.

Chairwoman LoBue stated she would like to see the plan from Mr. Nulk and then make a decision about approaching the Towns. She stated it is difficult to compare Putnam and Westchester Counties because the demographics are so different. She stated most of the taxi and limousine activity is in a certain area. She stated the reason why these services are registered in Westchester is because that is where the business is.

Legislator Nacerino stated most of the taxi services are in a certain area, not limousine services. She stated the services are mandated to register in Westchester so they can drive on their roads. She stated Putnam County could have a reciprocal registration and therefore collect funds by the same token. She stated there are services in Westchester that are driving people home to Putnam County and they are not required to be licensed to do so or pay any fees.

Chairwoman LoBue stated Putnam County does not have the demographics to take this on. She stated Westchester has a much higher population than Putnam County. She also stated the Villages and Towns are not going to give up the revenue they collect.

Legislator Nacerino questioned if the support from the Towns and Villages had to be unanimous for the County to move forward.

Legislative Counsel Van Ross stated Putnam County would need its State Senators and State Assemblypeople to introduce the matter. He stated if the Towns and Villages are not behind it, they are not going to introduce it. He stated if there is unanimous support, they will consider it, however if there is not unanimous support they may not consider it. He stated when this was introduced the first time around, it was a coalition of Putnam, Rockland, and Westchester. He stated Westchester then made a deal with New York City and the other Counties fell by the wayside.

Legislator Addonizio stated perhaps sending letters was premature because it is not yet known how a Commission would be structured. She stated Putnam cannot afford to have this become a department, as they have in Westchester where the Commissioner makes \$100,000 per year. She questioned if there is something Putnam can do on a smaller scale. She suggested having stickers obtained through the DMV to be displayed on the vehicle so customers are aware that they are getting into a regulated taxi.

Mr. Nulk stated the Department of Consumer Affairs would become the negotiator with other Counties to have reciprocity. He stated those who are paying fees to Westchester would also be paying fees to Putnam.

Chairwoman LoBue stated the Towns and Villages were asked for their input. She stated before any Legislator approaches their Town on this matter there must be a plan.

Legislator Nacerino agreed that there must be a plan prior to going to the Towns and Villages.

Legislator Albano stated the Towns would probably be agreeable if they were not going to lose their revenue. He stated perhaps the Towns and Villages could continue to operate as they have been, but the County could take care of the agreement with Westchester County.

Mr. Nulk stated he will go back to the Transportation Advisory Council to put together a plan.

Deputy County Executive Walker questioned if the County has the right to regulate County roads.

Legislative Counsel Van Ross stated yes, the County has that right.

Deputy County Executive Walker stated technically, the County could regulate its County roads and require licenses and the things that have been suggested throughout this process.

Legislative Counsel Van Ross stated the County is preempted by the State regulations as far as the administration and use of the roads.

Deputy County Executive Walker stated there are very broad powers within the County with regards to the use of county highways.

Legislative Counsel Van Ross the Towns and Villages have the right to regulate taxis and limousines under State Law. He stated that is what must be overcome in order to have a County-wide Commission.

Mr. Nulk stated he will go to the Transportation Advisory Council and try to formulate a viable plan to present to the Legislature. He stated from there, the Towns and Villages can be notified again.

Item #13 - FYI/ Drone Regulations

Chairwoman LoBue stated a letter was received from First Deputy County Attorney Andrew Negro who found that Federal Law preempts County Law and therefore the County should not regulate drones at this point in time.

Item #14 - FYI/ Board of Elections Annual Report – Duly Noted

Item #15 - FYI/ County Clerk Annual Report

Chairwoman LoBue stated she spoke to Deputy County Clerk James McConnell regarding the sales tax collected by the Department of Motor Vehicles. She stated in 2015, the Putnam County Department of Motor Vehicles collected a total of \$43,744,620.71 in fees, however Putnam County only kept \$2,127,505.24 while the other \$41,617,115.44 went to New York State.

Item #16 - FYI/ Litigation Report – Duly Noted

Item #17 - Other Business - None

Item #18 – Adjournment

There being no further business at 8:54pm Chairwoman LoBue made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.