

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

Members: Chairman Sullivan and Legislators Albano & Castellano

Thursday September 16, 2021

Immediately following Protective Meeting beginning at 6:00pm

The meeting was called to order at 7:33pm by Chairman Sullivan who requested Legislator Castellano lead in the Pledge of Allegiance. Upon roll call Committee Members Albano, Castellano, & Chairman Sullivan were present.

Item #3 – Approval of Minutes – August 19, 2021

The minutes were approved as submitted.

Item #4 – Approval/ Budgetary Amendment 21A082/ Veterans Peer to Peer Program Funding

Director of the Veterans Service Agency Karl Rohde stated each year, the Peer-to-Peer Program depends on the State funding they receive. He stated the Director of the Peer-to-Peer Program, John Bourges, has retired. He stated the interview process for a new director has begun. He stated the Veterans Chowdown will be held in November, the weekend after Election Day, and this year it will again be set up as a drive-through.

Chairman Sullivan stated the Peer-to-Peer program is a great program. He stated Director Bourges will be missed.

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

Item #5 – Approval/ Revocable License for Use Agreement Allowing White Plains Vet Center to Establish an Outstation in Putnam County to Provide Counseling Services

Director Rohde stated the Vet Center was established after the Vietnam War for combat Veterans who did not trust the VA. He stated the Vet Center is part of the VA, but they operate separately and the records are not shared. He stated there are many Veterans seeking extra help and this is an opportunity to bring this service into Putnam County. He stated for the past six (6) months a clinical social worker has been coming to Putnam one (1) day per week to meet with Veterans. He stated Veterans wanting to go to the Vet Center would have to travel to White Plains, Middletown, or Danbury, Connecticut. He stated this agreement would allow the clinical social worker to come in

one day a week in a permanent setting and will provide Veterans a more convenient location to access the help they need. He stated this is a very valuable service.

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

Item #6 – Approval/ Authorizing Inter-Municipal Agreement for Shared Electrical Inspection with Local Municipalities (Carmel, Kent, Patterson, Philipstown, & Southeast)/ Consumer Affairs

Director of Consumer Affairs Michael Budzinski stated this Inter-Municipal Agreement (IMA) is a renewal of an existing document that recently expired. He stated the IMA is a six (6) year agreement. He stated the County is under contract with two (2) electrical inspection agencies. He stated electrical contractors come into Consumer Affairs and file a permit and then the contractor takes it to the building inspector and the work gets inspected by one of the agencies and a certificate is provided. He stated this is for any electrical work done in the County.

Legislator Albano stated this works quite well.

Chairman Sullivan questioned if this is an assistance provided to the towns.

Director Budzinski stated yes, it is easier for contractors as they only have to go to one (1) office. He stated the only town that opted out was Putnam Valley, they are doing this on their own. He stated when the last bid went out for the inspection agencies the contract included a percentage going to the County as well.

Legislator Albano stated this streamlines the whole process.

Director Budzinski stated this was sent to the town supervisors as well and they will review it with the town board.

Chairman Sullivan made a motion to prefile the necessary resolution; Seconded by Legislator Castellano. All in favor.

Item #7 – Amendments to Trades Board Laws/ Fees/Civil Penalty Schedules (Home Improvement, Electrical, & Plumbing)

Senior Deputy County Attorney Conrad Pasquale stated these are collective changes from each of the three (3) trades boards. He stated the numbering is being changed in all three (3) laws. He stated the organization that compiles the local laws has a preferred method for numbering and there were a few local laws within the Code that were numbered differently. For example, where the Code numbers as “10-a” it will now be numbered as “10.1”. He stated the other big change across all three (3) laws is for clarification purposes and definitions. He stated there is a procedure whenever someone is cited by Consumer Affairs for violating one of these laws. He stated the

individual is given an appearance ticket and notification of the charges against them. He stated the problem was that not everything was clearly defined within the Code itself. He stated the definitions of "appearance ticket" and "notice of charges" have been added to all three (3) laws. He stated this clarifies what the accused is entitled to receive. He stated the other change was to the content of each of these items. He stated in general the actual changes to each of the respective laws are uniform. He stated each respective Civil Penalty/Fee Schedules are being amended and updated as well. He stated each trades board reviewed, discussed, and voted on all of these proposed changes. He stated the Plumbing & Mechanical Trades Board Civil Penalty/Fee Schedule was missing language that the other trades boards already had included; at the very end of the Civil Penalty/Fee Schedule language was added to allow the Board to deviate from the schedule. He stated the Board is required to state their reasoning for doing so and it must be reported to the Legislature when this is done. He stated after everything was complete and submitted, there were changes requested by the Home Improvement Board. The Home Improvement Board wanted to keep the terms of members at two (2) years. He stated the amendment was included to make this board consistent with the term lengths of the other two (2) boards, but the Home Improvement Board did not want to make this change. He stated the other change is as a result of a recent incident. He explained that there is one type of Home Improvement license, but there is a subcategory that covers lawn care, which has different requirements. He stated there was a case recently where an individual who was registered for lawn care was putting a roof on a house, which requires a different type of insurance coverage. He stated currently, the way the law is worded it does not make a distinction, and since this situation arose, the Board requested that this is distinguished within the law. He stated this request was just received and he has not yet had a chance to draft the amendment. He stated he could provide the Committee with a written final draft once it is ready. He stated the Committee can decide to hold off on items #7a-#7f until that draft is ready and move everything at once, or items #7a & #7b can be tabled until that draft is ready.

Legislator Castellano questioned if there is a time frame this needs to be completed in.

Senior Deputy County Attorney Pasquale stated none of these changes are urgent.

Director Budzinski stated in reference to the change that will be made to the liability, right now the law says a contractor needs \$1 million liability insurance. He stated they are looking to make this more specific and require the \$1 million liability insurance that includes all types of work that will be done. He stated without that specification, they cannot be cited for doing work outside of their license.

Chairman Sullivan stated that makes sense.

Senior Deputy County Attorney Pasquale stated this is a situation that has not come up until recently. He stated that will be worked on and a draft will be provided to the Committee.

Legislative Counsel Robert Firriolo stated because some of the following items are local laws, he suggested having Senior Deputy County Attorney Pasquale provide a concise statement of what the changes are. He stated Senior Deputy County Attorney Pasquale provided a great overview of the changes as a group, but because there are multiple Legislators who are not here this evening, they will rely on the minutes to highlight these changes.

Item #7e & #7f were addressed before items #7a, #7b, #7c, & #7d.

e. Approval/ Local Law to Amend the Code of the County of Putnam Chapter 190, Entitled “Plumbing & Mechanical Trades”

Senior Deputy County Attorney Pasquale stated two (2) additions were made to the definitions section, adding *Appearance Ticket* and *Notice of Charges*. He stated there are some numbering changes made throughout, as described earlier. He stated in section 190-21(B)(1), Powers and Duties, the order of (a) and (b) was switched the keep it in chronological order, with appearance tickets being first (a) and subpoenas being second (b). He stated these are the substantial changes made within this section.

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

f. Approval/ Plumbing Fees/ Civil Penalty Schedule/ Pursuant to Sections 190-7(I) & 190-7(K) of the Putnam County Code

Senior Deputy County Attorney Pasquale stated in the Civil Penalties schedule, the *Contractor Found in Violation of Worker’s Compensation Waiver* is being removed because it falls under *Prohibited Acts*, and any prohibited act has a designated maximum fine and the Board assigns the appropriate penalty. He stated another change made was to the Civil Penalties schedule, *Working Without a Putnam County License*. He stated this did not distinguish between Master and Journeyman, it did not speak to helpers working unsupervised, and no distinction was included about working without a license or working while the license is suspended or revoked. He stated the Board believes it is a more serious infraction if a tradesman is working with a suspended or revoked license, therefore it was made into a category with its own penalty schedule. He stated a reduced penalty was also included for those who pay prior to their hearing date. He stated also, the paragraph at the end was added that allows the Board to deviate from the Fees and Civil Penalty Schedule.

Legislator Montgomery stated she would like to read an email into the record, which she received from a constituent who is a contractor. She stated the email details the constituent’s concerns regarding obtaining insurance as a general contractor which covers the hiring of subcontractors to do the hands-on work. The email states that the general contractor is required to maintain detailed records of each subcontractor and ensure they each have liability and worker’s compensation insurance, with limits equal to or exceeding the general contractor. The email explains that the general contractor

policy is much more expensive than those carried by subcontractors. The email states the client signs a contract with only the general contractor, who must have extensive knowledge of all aspects of building a home and it is their responsibility to coordinate, schedule, supervise and ultimately provide quality control for all subcontractors to get the job done on time, on budget, and correctly. The email goes on to state that the general contractor takes full responsibility, financially and personally, for completing the project and should be able to hire any subcontractor who they trust within the requirements of their insurance.

Chairman Sullivan questioned how this is related to the item being discussed.

Legislator Montgomery stated this is an email from a general contractor.

Legislative Counsel Firriolo stated the item currently being discussed is related to Plumbing & Mechanical Trades.

Legislator Montgomery stated she was not given the opportunity to speak to the Contractor law. She stated this constituent has a business in Putnam County and would like their concerns to be heard. She continued to read the constituent's email; this contractor works in nearby counties and has found good subcontractors from other locations, and he would prefer to use them based on his past experience with them. She stated the constituent believes it should not be a requirement to go through the Putnam County licensing process in order to do a job of any size; they believe this is government overreach. She questioned if the agendas from the trades boards meetings are provided to the Legislature before their meetings.

Chairman Sullivan stated they are not provided as it is not required.

Legislator Montgomery questioned if the public has an opportunity to attend the board meetings to express their opinion on the changes.

Legislator Albano stated these changes are listed on the Legislative Committee Meeting agenda and anyone could attend the meeting to express any questions or concerns they have.

Legislator Montgomery stated her question was if the public could address the board directly before they vote on any changes to be then sent to the Legislature. She stated if the Legislature suggested further changes to be made, it would go back to the Board for review and a vote.

Legislator Nacerino stated the members of the boards will sometimes attend the Legislative Committee Meeting for that reason.

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

a. Approval/ Local Law to Amend the Code of the County of Putnam Chapter 135, Entitled “Contractors”

Chairman Sullivan made a motion to table item #7a; Seconded by Legislator Albano. All in favor.

b. Approval/ Home Improvement Fees/ Civil Penalty Schedule/ Pursuant to Sections 135-13(A) & 135-31(B) of the Putnam County Code

Chairman Sullivan made a motion to table item #7b; Seconded by Legislator Albano. All in favor.

c. Approval/ Local Law to Amend the Code of the County of Putnam Chapter 145, Entitled “Electricians”

Senior Deputy County Attorney Pasquale stated the changes made to the Electrical law are identical in form and substance to those made in the Plumbing law. He stated the definitions for *Appearance Ticket* and *Notice of Charges* were added, the numbering scheme was changed to remain consistent, and the same changes were made under Powers and Duties.

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

d. Approval/ Electrical Fees/ Civil Penalty Schedule/ Pursuant to Sections 145-7(I) & 145-7(G) of the Putnam County Code

Senior Deputy County Attorney Pasquale stated on the Fee Schedule, the *Reciprocal Master Electrical License Fee (per year)* was moved up on the list. He stated under Civil Penalties, a reduced penalty was added if payment is made prior to the hearing date. He stated also, a distinction was added between working without a license and working with a suspended or revoked license, similar to what was done in the Plumbing Law.

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

Item #8 – Discussion/ Local Law Authorizing County of Putnam to Enter into an Inter-Municipal Agreement to Effectuate a Mutual Aid & Rapid Response Plan for the Police Departments of Participating Municipalities and to Delegate to the Sheriff the Powers Granted to the Chief Executive Officer to Request and Grant Police Assistance (Westchester County)

Chairman Sullivan stated an extensive proposed inter-municipal agreement (IMA) was provided to the Committee that would allow the County to enter into an agreement with

various municipalities in Westchester County that have established a mutual aid and rapid response plan for their police departments. He stated the purpose is to establish operational procedures for law enforcement assistance between participating municipalities. He stated this would only be used in instances when police response necessitated by the event is beyond the capability of the requested municipality.

Senior Deputy County Attorney Pasquale stated this IMA exists within Westchester County and they are expanding out of County and have allowed Putnam County to enter into this agreement. He stated it is his understanding the substance of the IMA was negotiated between the Putnam County Sheriff's Department and Westchester County. He stated this proposed local law is nearly identical to the one approved by Westchester County.

Chairman Sullivan stated any time the County can enter into an IMA with local municipalities to help protect constituents and provide better service, it is a good opportunity, and he believes this IMA achieves that. He stated he does not see any issue with it at this point and it can be put on a future agenda for approval once everyone has had a chance to go through it.

Legislator Montgomery questioned if this IMA involved coverage along the Hudson River in Westchester and Putnam counties.

Senior Deputy County Attorney Pasquale stated he does not have the specific details. He stated he believes Undersheriff Cheverko was part of the negotiations.

Legislator Montgomery stated she requested mutual aid agreements a few months ago. She stated it has been almost a year since the marine patrol was defunded.

Senior Deputy County Attorney Pasquale stated as far as whether that patrol is covered by the rapid response plan, he would leave that to the Sheriff's Department to go into more detail.

Item #9 – Discussion/ Pursuit Policy (Tabled from 8/19/2021 Rules Mtg.)

At 8:24pm Chairman Sullivan made a motion to go into executive session to discuss confidential matters concerning pending criminal investigations and actual/potential litigation; Seconded by Legislator Castellano. All in favor.

At 9:18pm Chairman Sullivan made a motion to come out of executive session; Seconded by Legislator Albano. All in favor.

No action was taken.

Item #10 – Discussion/ Pending & Potential Litigation/ Sheriff’s Department

At 9:18pm Chairman Sullivan made a motion to go into executive session to discuss confidential matters concerning pending litigation; Seconded by Legislator Albano. All in favor.

At 9:37pm Chairman Sullivan made a motion to come out of executive session; Seconded by Legislator Castellano. All in favor.

No action was taken.

Item #11 – Update/ Veterans’ Service Medal Advisory Panel

Legislator Castellano stated the Veterans’ Service Medal Advisory Panel met last month after their hiatus due to COVID. He stated the panel had plans for events in the spring, but they remained cautious and did not want to gather a large group of people. He stated they have 150 medals to present and they have about 100 approved applications that have been submitted. He stated upon reaching out to those who submitted applications, they found many Veterans were interested in coming to the County Office Building to be presented with their medal by County Clerk Michael Bartolotti, who is a member of the Panel as well. He stated there were a few recipients who were interested in attending a larger ceremony outside of the Historic Courthouse, as was done in 2019, which they are planning for November of this year. He stated some recipients have also requested that the medals be presented at their home. He stated any interested Veterans can contact the Legislative Office or County Clerk’s Office for an application. He stated they are looking into fundraising for next year to purchase more medals.

Item #12 – FYI/ Litigation Report – Duly Noted

Item #13 – FYI/ Board of Elections/ Technology Innovation & Election Resource Grant Program – Duly Noted

Item #14 – Other Business – None

Item #15 – Adjournment

There being no further business at 9:38pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.