

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

Members: Chairwoman Addonizio and Legislators Nacerino & Sayegh

Wednesday

6:30pm

March 9, 2022

The meeting was called to order at 6:34pm by Chairwoman Addonizio who requested Legislator Sayegh lead in the Pledge of Allegiance. Upon roll call Legislators Nacerino & Sayegh and Chairwoman Addonizio were present.

Item #3 – Approval of Minutes – February 9, 2022

The minutes were approved as submitted.

Item #4 – Approval/ Funding Recommendations for 2022 Arts Link Community Regrant Program/ Putnam Arts Council

Chairwoman Addonizio stated the County contribution to the Putnam Arts Council was increased by 4% for 2022 and she cannot stress enough the benefits of art education.

President & Executive Director of the Putnam Arts Council Joyce Picone stated this year the Arts Council was able to give out 14 grant awards using the \$13,520 provided by the County to art programs. She stated the grants were awarded to art organizations representing different disciplines such as sculpting, dance, theater, music, visual arts, and literature. She stated most of the applications they receive are for theater and music programs while dance and literature are somewhat underserved, so they try to provide funding to those programs specifically. She stated the grant awards are determined by an independent panel. She stated New York State provided \$30,800 in funding, making their total grant fund \$44,320. She stated the State also provided an additional \$14,000 for a second initiative to support live arts, which really struggled during the COVID pandemic.

Legislator Sayegh requested clarification on the total grant requests, which were \$53,818 and the total grant allocation which was \$44,320.

President & Executive Director Picone stated the Putnam Arts Council received more in requests than funding they can provide. She stated there were 20 applications and all were provided funding; 14 of which received County funds. He stated they usually receive about \$50,000-\$60,000 in requests, which is more than they are able to provide therefore she really appreciates the 4% increase the County provided this year. She stated many of these organizations are managed by volunteers and the public funding is critical to keep them going.

Legislator Nacerino stated the Putnam Arts Council did a great job spreading the available funding throughout the County and to various disciplines. She stated the arts are such an important piece of our community. She thanked President & Executive Director Picone for her hard work.

President & Executive Director Picone stated the arts provide a form of self-expression for those of all ages.

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

Item #5 – Charter Review Commission/ Recommended Changes

a. Approval/ Local Law/ Amend Section 4.01 of the Putnam County Charter Entitled “Department of Finance; Commissioner” (Tabled from 2/9/22 Rules Mtg.)

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

Personnel Director Paul Eldridge stated there is no State Civil Service standard relative to the Commissioner of Finance. He stated the vast majority of Commissioners of Finance in counties with an executive form of government like Putnam County are categorized in the unclassified service. He stated within the Putnam County Charter there are a few positions designated as unclassified, the Commissioner of Finance being one of them. He stated as such, there are no qualifications unless set by the County Executive or included in the Charter. He stated this is such an important position in County government and he believes the qualifications should be in the Charter. He stated he sent the Legislature information showing surrounding counties and their qualifications for Commissioner of Finance. He stated the minimum qualifications set forth by Dutchess County are noted as recommended only. He stated Orange County lists any combination of training and experience deemed acceptable by the County Executive; Rockland has similar qualifications and adds that it must be pursuant to their Charter and Administrative Code. He stated Westchester County labels the qualifications as “desired”. He stated his recommendation for Putnam County is that in addition to the qualifications found in the Charter, that either a Master’s degree in accounting and two (2) years of responsible experience in finance or accounting including at least six (6) months experience in governmental finance or accounting; or a bachelor’s degree in accounting and one (1) year in governmental finance or accounting. He stated this does not mean a CPA (Certified Public Accountant) or CPFO (Certified Public Financial Officer) could not come in and learn the aspects of government accounting, however he would defer to Commissioner Carlin to speak to that.

Commissioner of Finance William Carlin stated in a county like Putnam, someone with a combination of education and experience is necessary. He stated in some of the other larger counties, a Commissioner of Finance could come in as a supervisory role

because there are many other employees handling the workload. He stated other counties also have a separate budget office, but in Putnam the Finance Department handles that work because we are a smaller county. He stated in Putnam County, the Commissioner of Finance not only supervises the work done within the department, but also does the work. He stated many times this position will be advertised on the State Government Finance Officers Association (GFOA) website to target technical employees who have previous government experience.

Personnel Director Eldridge stated most other counties have multiple accountants who have the necessary experience to run a financial office in government. He stated Putnam County has three (3) employees that fit this description, while larger counties can have 10-15. He stated it is more critical to have something in the Charter that spells that out. He stated it is also important to have the requirements broad enough that the County Executive would have enough candidates to choose from.

Commissioner Carlin stated the County Executive's ability to choose an individual that they feel would suit their needs in running the department is key, and that choice would then be confirmed by the Legislature.

Legislator Nacerino stated the Commissioner of Finance wears many hats. She stated no matter who the candidate may be, there is still a big learning curve so to have the education and experience would be a benefit.

Personnel Director Eldridge stated although he has not made a specific recommendation, he could provide one if the Committee wanted. He stated to respond to the original question of if there is a standard set at the State level for this position, the answer is no because it is an unclassified position.

Legislator Sullivan stated it is critically important that this position have professional credentials as well as an experience requirement. He stated Commissioner Carlin mentioned Putnam is a small county, however we are a \$170 million enterprise with 700 employees. He stated in the private sector, if a Chief Financial Officer was being hired, the requirement would be quite extensive. He stated the individual in this position must be highly qualified as it is a hands-on position.

Commissioner Carlin stated Legislator Sullivan is correct; when he said Putnam is a small county, he meant it is small in comparison to surrounding counties such as Westchester or Orange counties.

Legislator Sayegh questioned how the qualifications on the chart provided by Personnel Director Eldridge relates to the proposed amendment to the Charter to remove the requirement of an MBA (Master's in Business Administration).

Personnel Director Eldridge stated the qualifications on the chart are an expansion of the current qualifications and a recommendation that the County Executive consider an

individual along those lines. He stated the Charter lists the requirements and he believes having the Master's Degree in accounting is closer to the desired qualification.

Commissioner Carlin stated the education should be in combination with experience.

Legislator Sayegh questioned if it would be prudent to add that into the Charter; or if it is better to leave the Charter broader with the requirement for the individual to be a CPA.

Personnel Director Eldridge stated the requirement for experience could be added on to the requirement of being a CPA.

Legislator Sullivan stated Personnel Director Eldridge stated earlier that these qualifications should be listed in the Charter.

Personnel Director Eldridge stated that is correct. He stated Putnam County is economically strong and it is important not to lose that.

Legislator Sayegh suggested adding more specific verbiage to the Charter that speaks to both the education and experience.

Personnel Director Eldridge stated he would be willing to draft a revised proposed local law incorporating those changes to be considered.

Legislator Nacerino stated the proposed local law in front of the Committee eliminates the requirement of an MBA.

Commissioner Carlin stated Personnel Director Eldridge can re-work the whole law to include the requirement of experience and more professional qualifications.

Personnel Director Eldridge stated the experience requirement definitely needs to be included.

Chairwoman Addonizio requested clarification on the type of experience that would be required.

Personnel Director Eldridge stated experience in government accounting would be ideal.

Legislative Counsel Robert Firriolo stated at the last meeting the question posed was what additional qualifications in addition to the CPA and CPFO should be explicit in the Charter. He stated Personnel Director Eldridge explained there is nothing codified in State law or in County Civil Service requirements. He stated now, the question is what additional requirements to make explicit. He stated in addition to explicit requirements, catch all phrases could be added such as "Any such other conditions that the County Executive may require." He believes this is the type of drafting Personnel Director

Eldridge is suggesting and he would be happy to work with him on it. He suggested making these discussed changes and bringing it back to Committee next month.

Legislator Sullivan suggested tabling this item tonight to be brought back to the Charter Review Commission for review and finalization of the amendments and then sent back to the Rules Committee for approval.

Chairwoman Addonizio agreed.

Legislator Jonke agreed that putting the requirements in the Charter is the correct thing to do. He stated he would just like to be careful not to ask for too much without being able to properly compensate the individual.

Legislator Nacerino clarified that Personnel Director Eldridge is suggesting that the MBA be put back into the requirement in the Charter.

Personnel Director Eldridge stated he does not see why it cannot be included as long as the experience is in there as well.

Legislator Nacerino agreed with putting it back in.

Commissioner Carlin agreed and stated it is important to find the balance between experience and education. He stated the Charter and the specs that come out of the Personnel Department should be more closely related.

Legislator Sayegh stated it is important to specify the MBA degree to be in accounting. She stated an MBA could be obtained in an unrelated field, which was the concern raised last month.

Legislative Counsel Firriolo stated it is important not to lose focus on the next sentence in the Charter that states "The Commissioner of Finance shall be appointed on the basis of his or her knowledge of accounting and financial matters and his or her experience in financial administration." He stated there is already a requirement in the Charter for after an individual passes the threshold of the initial requirements, it is still required that they must be hired based on what is stated above.

Chairwoman Addonizio made a motion to table Approval/ Local Law/ Amend Section 4.01 of the Putnam County Charter Entitled "Department of Finance; Commissioner" and recommit it to the Charter Review Commission; Seconded by Legislator Nacerino. All in favor.

b. Approval/ Local Law/ Amend Section 4.02 of the Putnam County Charter Entitled “Commissioner of Finance; Powers and Duties” (Discussed at 2/9/22 Rules Mtg.)

Chairwoman Addonizio stated this item was discussed last month. She explained that the requirement for the Commissioner of Finance to submit an unaudited annual report to the County Legislature on or before March 1st each year was being removed. Also, the date of submitting an Annual Update Document to the Office of the New York State Comptroller is revised to May 1st of each year.

Commissioner Carlin stated Putnam is currently the only County in the State with the requirement to file an incomplete report, which takes away from the time needed to complete the official financial report. He stated this amendment eliminates the requirement to hand that report in by March 1st.

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

Item #6 – Approval/ Local Law/ Amend the Code of Putnam County by Adding a New Article II to Chapter 95 Entitled “Granting and Requesting Aid”

Senior Deputy County Attorney Conrad Pasquale stated this local law was originally companion to a separate mutual aid agreement that has been approved by the Legislature. He stated this law relates to the authority to grant and request aid in certain emergency situations. He stated currently the County Executive has that authority and this will allow that authority to be delegated to the Chief of Police, who would be the Sheriff. He stated when this was last discussed there was a question raised about who would have the authority if the Sheriff was unavailable. He stated this is answered within the General Municipal Law, that the authority would go to the person next in line after the Sheriff and follows that progression of authority. He stated last month this item was inadvertently marked confidential, which is why it was tabled to this month to be included on the agenda in its final form.

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

Item #7 – Approval/ Local Law/ Amend the Code of the County of Putnam by Adding a New Chapter 201, Entitled “School Bus Camera Demonstration Program”

Senior Deputy County Attorney Pasquale stated this matter was before the Protective Services Committee last month. He stated there was a proposed law that was previously submitted in early 2020 which was based on a model law promulgated by the New York State Association of Counties (NYSAC). He stated in addition, after the presentation last month by BusPatrol, there was renewed interest in moving forward with this sooner rather than later. He stated that being said, the real issue was what the

Putnam County law should look like. He stated the proposed law submitted to the Committee is based on the model law and reflects the changes made by Dutchess County. He stated Dutchess County is already contracted with and is using BusPatrol therefore the changes they incorporated will likely reflect changes Putnam will be interested in implementing as well. He stated he will go over the changes between the versions of the law.

1. Section 201-3 E

He explained that the first “E.” is what was included in the model law and the second “E. Cost of Program and Reports Relating Thereto” is what Dutchess County included in their law. He stated the primary difference is that the model code does not contemplate a service that is at \$0 cost to the County where the vendor does all of the legwork. He stated his impression after the discussion on this last month during Protective Services was to simplify this as much as possible. He stated by mimicking what was included in the Dutchess County law, it would cover the necessary financial aspects of this. He stated the subdivisions within Section 201-3 E speak to obligations the school may have to provide certain reports, but these are going to be reports that go to the State and this would be understood when the County enters into an agreement between the County and the school district. He stated while he does believe the second version of “E” is appropriate to what Putnam County would need, which version of “E” to use is up to the Legislature.

Legislator Sayegh stated when this was discussed last month, it was brought up that as more people become educated about the law there will be fewer violations, which is the goal. She stated however, the less violations there are, the less financial covering there would be and the County could wind up paying for the program.

Senior Deputy County Attorney Pasquale stated the second version of “E” speaks to that. He stated the business model of BusPatrol expects that people will continue to break the law, and therefore they would continue making money. He stated if it gets to a point where the program is not viable and there is significant out of pocket expense from the County, the Legislature can revisit this at that time. He stated the initial draw was that having BusPatrol as the vendor would not cost the County anything.

Legislator Sayegh questioned if a request for proposal (RFP) process was done for this.

Senior Deputy County Attorney Pasquale stated this question was asked previously and although he does not have the response on him at the moment, he will forward what was sent to the Legislature at that time.

Legislative Counsel Firriolo stated any concern about what would happen if BusPatrol went away can be alleviated by the way the local law is worded. He stated the law does not create a requirement for the County to have such a program; it empowers the County to employ such a program.

Senior Deputy County Attorney Pasquale stated that is correct and whether there would be a continuing obligation to provide that service would depend on the agreement with the individual school districts.

Legislator Nacerino thanked Senior Deputy County Attorney Pasquale for the work he did on this. She stated the presentation given at the Protective Services Committee Meeting was instrumental to the Legislature's decision making because there were so many outstanding questions that were addressed. She stated she believes this version of the law speaks to what is applicable for Putnam County at this time. She stated as BusPatrol indicated, there is no cost to the County and time is not of the essence as they will install the equipment to the buses over the summer months. She stated moving this forward is the best thing to do for the safety of the children in Putnam County. She stated in addition to this law, there are more moving parts before this comes to fruition.

Senior Deputy County Attorney Pasquale stated that is correct, there will be many steps along the way. He stated he would move onto reviewing the second change.

2. Section 201-3 F

He stated this section was in the model local law, and Dutchess County removed it in its entirety. He stated after looking over why they likely removed it, he saw two possible reasons. He stated one is that it focuses the camera technology strictly to what it catches outside and would prevent any images captured by the photo monitoring system within the school bus from being used in a disciplinary hearing against an employee or student. He stated the other is that the law also states that any school bus photo violation monitoring device mounted on a school bus shall be directed outwardly. He stated the presentation given at the Protective Services Committee Meeting touched on this and from what he understood was that BusPatrol allows for expansion beyond just monitoring outside of the bus and they have other types of cameras and technology to monitor other areas of the bus. He stated should this relationship evolve and we wanted to add these expanded services as well, having this language in the law would pose a problem. He stated he believes this may be why Dutchess County removed this section.

Legislator Nacerino stated Legislator Montgomery questioned this at the Protective Services Committee Meeting and the response was that the use of the technology was limited to traffic laws and the data stored on the recording device within the school bus is locked. She requested Senior Deputy County Attorney Pasquale speak to this and the State data retention law.

Senior Deputy County Attorney Pasquale stated his understanding is that it speaks more to the administrative process in general that the cameras are intended to be used for. He stated his reading of this is the administrative proceedings that it is not intended to be used for, such as a student fight or if a monitor or bus driver is alleged to have done something inappropriate and it is caught on the camera. He stated there could be a disciplinary proceeding as a result of that and this requires language in the contract

between the County and School District that those images may not be used in any such proceeding. He stated this is a matter of opinion for the Legislature to decide on.

Legislator Nacerino questioned in the case where an incident takes place and evidence is captured by the camera, why they would not want it to be used.

Senior Deputy County Attorney Pasquale stated he believes that is why Dutchess County removed this entire section. He stated if what was captured was to be used in a disciplinary hearing against an employee, their union may be involved, but that is beyond his expertise.

Legislative Counsel Firriolo stated his understanding of this section is that it would not apply to cameras inside the bus. He stated this refers to the school bus photo violation monitoring system, which is installed on and works in conjunction with the school bus stop arm. He stated the school buses have their own internal school bus cameras. He stated even if BusPatrol were to maintain an interior camera system he believes it would have to be covered under a separate agreement. He stated he believes the concern of capturing something inside the bus is a discreet issue and the larger concern is if something outside the bus is captured.

Senior Deputy County Attorney Pasquale stated the part of this section that speaks to the cameras facing outwardly is directly related to what Legislative Counsel Firriolo is referring to. He stated it is possible that while in use, the outward facing camera could capture an incident happening outside of the bus, in which case Legislator Nacerino's point of why wouldn't you want to use the footage is well taken. He stated this section is not necessary to keep in the law, but it is for the Committee to decide.

Legislator Nacerino thanked Senior Deputy County Attorney Pasquale for the clarification. She clarified that any recording within the bus is separate from what is being recorded on the device installed on the stop arm of the bus.

Senior Deputy County Attorney Pasquale stated that is correct. He stated what BusPatrol mentioned was that they also offer the service of providing interior cameras. He stated although this is not included at this time, it could be something that comes up in the future. He stated there could be a separate agreement to handle that depending on the storage of the data.

Legislator Albano stated he is in favor of removing Section F as it seems to be limiting and has no benefit.

Legislator Sayegh stated because the camera is going to be mounted on the exterior of the bus and facing outward, it is possible it could capture things going on outside of the bus.

Legislator Albano stated in that case, the footage should be able to be used.

Legislator Nacerino questioned if another agreement would be needed if a school district should choose to expand the services they receive to have interior bus cameras through BusPatrol as well as the stop arm camera.

Senior Deputy County Attorney Pasquale stated it is possible that the separate agreement would be between BusPatrol and the school district.

Legislative Counsel Firriolo stated the purpose of this local law is to allow ticketing of vehicles; it is not needed to set up the internal camera system. He agreed that if an interior camera was needed by a school district, it would be an agreement directly between BusPatrol and the school district.

Legislator Sayegh questioned if this data would be able to be requested under the Freedom of Information Law (FOIL) if this section was removed.

Senior Deputy County Attorney Pasquale stated the General Municipal Law itself speaks to data retention rules. He stated this language would not affect FOIL one way or the other because the State law trumps the local law.

Chairwoman Addonizio questioned if Senior Deputy County Attorney Pasquale believes section F should be removed.

Senior Deputy County Attorney Pasquale stated even if this is removed at this point, there is nothing stopping the County or the school district from adding it back in if they so choose.

Legislator Albano stated he does not see an advantage of leaving Section F in and believes it should be stricken.

Chairwoman Addonizio questioned if this law could be approved out of Committee this evening even though changes will be made.

Legislative Counsel Firriolo stated a motion can be made to approve the law with any changes the Committee wishes. He stated going back to Section E iii, there is a blank that he assumes gives the Committee the chance to determine who to include. His recommendation is to have the County Executive in the blank, that way it can be delegated to the appropriate party.

Legislator Castellano questioned if the County Executive could delegate to the Sheriff's Department.

Legislative Counsel Firriolo stated he believes the County Executive could request this of the Sheriff but cannot direct the Sheriff.

Legislator Nacerino questioned if one of the considerations was to have this program in conjunction with the Stop DWI program run through Probation.

Senior Deputy County Attorney Pasquale stated yes, Dutchess County has an effective Stop DWI Program and their Probation department is involved with various traffic and enforcement related criminal matters. He stated this being along the same vein as it is related to traffic safety, it works well in Dutchess for the programs to work closely. He stated he does not know if this would be the same case for Putnam County because he is not sure how it works in Putnam well enough to give any particular insight.

Legislative Counsel Firriolo stated the reference to the Department of Public Works (DPW) in Section 201-3 J would need to be changed to Highways & Facilities for Putnam County.

Senior Deputy County Attorney Pasquale stated that is the next section he was going to discuss.

3. Section 201-3 J

He stated this section is directly from the Dutchess County law and is not in the model law. He stated when NYSAC prepared this law originally, they did not find it necessary to go into the minute details of determining who is going to take care of the signage. He stated DPW handles the signage in Dutchess County, and it is possible the Highways & Facilities does the signage in Putnam County. He stated this section is not necessary to be included because if the signage is required, it will be installed by whichever department is responsible.

Legislative Counsel Firriolo stated he believes he knows why Dutchess County may have included this section and it may be a good idea for the Committee to consider leaving it in. He stated a common basis for challenging an enforcement statute is the motorist not being given sufficient notice that particular technology was being used and clever lawyers have used this as a defense that it is unfair that the motorist was unaware. He stated with the signage, anyone coming into the County understands that this stop arm technology is being used and lack of notification cannot be used as a defense.

Legislator Sayegh stated she believed BusPatrol stated that they would install the necessary signage.

Legislative Counsel Firriolo stated even though the company offered to do it, having this language in the local law requires that the signage be posted.

Senior Deputy County Attorney Pasquale stated this could be kept in but made more general if the Committee would like that instead. He stated the onus could be put on the County rather than a specific department within the County.

4. Section 201-5 D

He stated this section was not in the model law, but was in the Dutchess County law. He stated in his experience in handling violations for the trades boards, notice is very important to getting to the respondent. He stated this is a notice requirement added by Dutchess County that allows discretion of what is put into the notice that will ultimately

be sent by BusPatrol. He stated this section broadens the notice and adds to the due process, which seems appropriate. He stated he would like to clarify which version of Section 201-3 E the Committee wanted to use in the law.

Legislator Sayegh stated she is in favor of using the second version of Section 201-3 E and adding County Executive into the blank.

Chairwoman Addonizio agreed.

Legislator Nacerino requested clarification on how long the data would be retained for.

Senior Deputy County Attorney Pasquale stated he believes any data retention periods would be consistent with what is in the State law. He stated he believes it is 90 days, but he will double check that.

Legislator Nacerino made a motion to pre-file the necessary resolution based on the discussed changes; Seconded by Legislator Sayegh. All in favor.

Item #8 – FYI/ Litigation Report – Duly Noted

Item #9 – Other Business – None

Item #10 – Adjournment

There being no further business, at 7:45pm Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Sayegh. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.