

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

Members: Chairman Sullivan and Legislators Addonizio & Albano

Tuesday

6:00pm

July 18, 2017

The meeting was called to order at 6:03pm by Chairman Sullivan who requested Legislator Albano lead in the Pledge of Allegiance. Upon roll call, Legislator Albano and Chairman Sullivan were present. Legislator Addonizio was absent. Chairman Sullivan stated Legislator Scuccimarra would sit on the Committee in Legislator Addonizio's absence.

Item #3 - Approval of Minutes – June 22, 2017

The minutes were approved as submitted.

Item #4 - Approval/ Budgetary Amendment 17A038/ County Clerk/ Grant Award – Local Government Records Management Improvement Fund (LGRMIF)

Chairman Sullivan stated this funding is for a shared services project between Putnam County and the Town of Carmel related to digitizing paper records.

Legislator Scuccimarra stated the Town of Philipstown has been working on digitizing their records for the past few months. She stated through this process, they will be able to clear out some storage space.

Legislator LoBue stated this will increase efficiency.

Chairman Sullivan stated County Clerk Michael Bartolotti has previously discussed the need to reduce the amount of physical storage. He stated through this grant, both the County and Town can accomplish this goal.

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

Item #5 - Approval/ Designate the Putnam County Legislature as the Sole Authority to Appoint Arbitrators and Mediators in Labor Negotiations and Disputes – Pursuant to County Charter Section 2.04 (p)

Item #9 - Other Business

- a. **Conduct Collective Bargaining with all County's Unions/ By "County Negotiating Team"**

Other Business #9a related to item #5, therefore the two items were discussed at the same time.

Chairman Sullivan stated this resolution (item #5) will clarify the role that the Legislature has when appointing an arbitrator and/or mediator in labor negotiations and disputes.

Legislator Nacerino stated a letter and proposed resolution was sent by County Executive MaryEllen Odell in relation to this topic.

Legislator Scuccimarra made a motion to waive the rules and accept the other business; Seconded by Legislator Albano. All in favor.

Chairman Sullivan stated the letter from County Executive Odell expresses her support, in concept, with the mission of the Legislature through this resolution. He stated the letter also includes another proposed resolution. He stated because this letter was just recently received, he would like to discuss the letter and proposed resolution further.

Legislator Nacerino stated she believes the resolution on the agenda tonight and the proposed resolution sent by the County Executive each have their own objective. She stated she believes County Executive Odell is proposing that the two resolutions are in concert with one another. She suggested addressing the resolution included on the agenda (item #5) tonight and considering the resolution proposed by County Executive Odell at a later date or holding both resolutions for consideration.

Legislator Albano stated the resolution included on the agenda can be considered tonight and can be amended in the future if need be.

Legislator Nacerino requested that Legislative Counsel weigh in.

Legislative Counsel Robert Firriolo stated the resolution regarding the appointment of arbitrators and mediators is a delegation of powers issue, which is stand-alone. He stated in regards to the resolution proposed by County Executive Odell, the participation of the Legislature in negotiations is also a potential delegation of powers issue, but is a separate issue that may involve determining whether there is a conflict in the Legislature's role as approving expenditures and also negotiating contracts. He stated this should be studied before action is taken on it. He stated the resolution currently before the Legislature to delegate the authority of appointing arbitrators and mediators is stand-alone and is not dependent on the resolution proposed by County Executive Odell.

Legislator Nacerino stated in regards to the resolution proposed by the County Executive, the role and function of the Legislature is not to have a seat at the table. She stated seeking communication and collaboration is a positive thing and should be practiced moving forward; however it is not the function of the Legislature to be a part of the actual negotiations. She stated she would not support the proposed resolution.

Chairman Sullivan agreed that the Legislature should not be involved in the negotiation itself.

Legislator Albano made a motion to approve the resolution Designating the Putnam County Legislature as the Sole Authority to Appoint Arbitrators and Mediators in Labor Negotiations and Disputes – Pursuant to County Charter Section 2.04 (p); Seconded by Legislator Scuccimarra. All in favor. **(Item #5 revisited after item #7 and the motion was amended)**

Chairman Sullivan stated the proposed resolution accepted as Other Business will not be voted on this evening.

Item #6 - Discussion/ Proposed Changes to Chapter 145 of the Code of Putnam County/ Electrical

Chairman Sullivan requested background information on the work done to make changes to Chapter 145, Electrical, of the Putnam County Code.

Mike Budzinski, Director of Consumer Affairs, stated the law has been reviewed for years.

Gloria Tressler, Deputy County Attorney stated she started working in the County Law Department a little over a year ago and since then a concentrated effort has been put in through a small committee to get the changes done at a faster pace.

Director Budzinski stated when he became Director of Consumer Affairs about a year ago working on these changes was a priority.

Deputy County Attorney Tressler stated their main goal was to update a lot of the language. She stated a goal was to have continuity between the chapters pertaining to the three (3) consumer affairs boards (*Home Improvement, Plumbing & Mechanical Trades, & Electrical Examiners*). She stated for example, specific sections of each chapter will cover the same material as it relates to that specific trade.

Director Budzinski stated a lot of work was put into formatting.

Deputy County Attorney Tressler stated a lot of professional input was provided by the members of the Electrical Examiners Board, therefore keeping the laws as current as possible while making the language as clear as possible. She stated some major changes were related to the composition of the boards themselves. She stated the language in the Code limited who could serve on the board by mandating certain categories of people. She stated this was rewritten to be a “wish list” rather than mandatory. She stated when composing the board, they strive to fill these positions; however they did not want the mandates to interfere with the board continuing its work. She stated for example, suppose there were two (2) building inspectors on the board; that would now be okay.

Director Budzinski stated the current law limits the pool of individuals to choose from. He stated with the revision, the law will state that the board can include individuals with certain experience, rather than needing to include those individuals.

Deputy County Attorney Tressler stated there was an unusual situation where a citizen had experience in one of the trades and was interested in being on the board; however the only vacant spot was for someone with no experience. She stated that seemed illogical so it was changed. She stated another major change is the removal of the e-verify as it is not required in New York State for private trades. She stated a lot of updates were also made within the compliance enforcement and in the way hearings are done. She stated some of the language was changed to read "may" rather than "shall" so the board can have as much discretion as possible in each situation.

Director Budzinski stated he would like to expand on the way hearings are handled. He stated there is a compliance officer who goes around looking for unlicensed or unregistered contractors and issues violations. He stated currently, the law allows 60 days to bring a violation to the Board. He stated that became problematic, because if a hearing was cancelled and the days ran out the violation would be thrown out, therefore it was increased to 100 days in the proposed revisions. He stated the law was reworded to help everyone.

Deputy County Attorney Tressler also stated a section relating to obtaining a license without testing was removed because it seemed to conflict with a reciprocity section in the law.

Director Budzinski stated the fee schedule has also been updated.

Deputy County Attorney Tressler stated the collection of fees is sometimes an issue. She stated there is a threshold of \$1,500 that must be reached before the case can be taken to court, which is why the penalties have been increased. She stated the Board is anxious for the fee schedule and the civil penalty schedule to move forward because new licenses are going out within the next few months.

Director Budzinski added that the 2018 budget is being prepared based on the new fee and civil penalty schedules.

Chairman Sullivan questioned what the changes to the fee schedule were.

Deputy County Attorney Tressler stated anything underlined in the fee schedule provided to the Committee is new language and anything crossed out is old language. She stated some amendments were made to update the formatting of the schedule. She stated the application fee and Master license fee has changed. She stated the secretary of the Board is in attendance and could address these changes.

Secretary of the Putnam County Electrical Examiners Board Athena Arvan stated the Master licenses are renewed on a yearly basis and are done in October. She stated the Board would like to have the fee schedules approved in time for the renewal. She

stated currently, the electricians are due to renew their license by the end of the year and there is a 30 day grace period, allowing through January 31st. She stated the grace period has been removed and after December 31st, the renewal fee will be increased by \$100 per month (\$100 in January, \$200 in February; \$300 in March). She stated this change was made with the goal of encouraging on time renewal. She stated the Helper license fee has been \$20 for a long time and has been raised to \$40. She stated these renewals will go out in August and it is a two (2) year program.

Director Budzinski stated the electrical permits are \$30 each time a job is done and needs to be inspected. He stated in researching other electrical boards, he found that \$30 was low and has therefore been raised to \$50.

Deputy County Attorney Tressler stated a continuing education requirement has been added to the law, which members of the Board feel very strongly about. She stated although the law was written to state the requirement would take effect in 2019, this would be time sensitive because beginning with the next licensing period, the electricians would need to obtain their continuing education credits in 2018. She stated Westchester County has this requirement as well.

Legislator Gouldman questioned if the Electrical Board is in agreement with the proposed changes.

Deputy County Attorney Tressler stated the members of the Board are in agreement.

Director Budzinski stated subcommittees were formed to go through the law word-for-word and he met with the Board throughout the process multiple times.

Legislator Albano stated there are many changes to review and therefore suggested placing the proposed changes on next month's agenda.

Deputy County Attorney Tressler stated much of what is crossed out has not been eliminated, but moved to another section.

Legislator Nacerino stated the fee schedule seems ambitious and questioned how the changes were decided upon. She stated some fees have doubled.

Deputy County Attorney Tressler deferred Legislator Nacerino's question to the members of the Board.

Ms. Arvan questioned which fees Legislator Nacerino was referring to.

Legislator Nacerino stated the *Failure to Affix Decal on Vehicle* was raised from \$50.00 to \$100.00.

Ms. Arvan stated that is under the Civil Penalty Schedule.

Legislator Nacerino stated the *Master Allowing Work under him/her by an Unlicensed Journeyman or by an Unregistered Helper* penalty was raised from \$1,000 to \$1,500.

Legislator Scuccimarra stated that is a strong violation.

Member of the Putnam County Electrical Examiners Board John Morrison stated those are not fees, they are penalties.

Legislator Nacerino questioned why the penalties were raised so much.

Mr. Morrison stated the penalties that are low do not have the same effect and it makes it difficult for the enforcement officer. He stated in the case where someone does not have a decal on their vehicle, the enforcement officer would need to wait for the individual to leave the place they are working to issue a summons.

Member of the Putnam County Electrical Examiners Board Art Bolduc stated many times a summons is issued and the Board has no recourse. He stated the Board can send it to legal, but they will not address anything under \$1,500. He stated at the lower penalty amounts, fines are being issued that are not enforceable.

Legislator Nacerino thanked the Board Members for their explanation. She stated she is not opposed to the increase, but wanted to understand the rationale.

Legislator LoBue stated the decal and license number are very important as this is what consumers look for. She stated through this requirement, the public is being protected.

Mr. Morrison stated electricians are not in favor of putting their license number on the vehicle or advertisement because there have been cases where someone has taken the license number from an advertisement and falsely represented themselves as a licensed electrician.

Legislator Gouldman stated these requirements ensure that everyone is playing by the same rules.

Mr. Morrison stated exactly, each person must be held responsible for their payments. He stated it is not fair for one person to refuse to pay a fine while another person pays what they owe.

Mr. Bolduc stated in some cases when the penalty is low, the person will pay the fine without addressing what the fine was issued for.

County Attorney Jennifer Bumgarner stated it is the difference between the cost of doing business and a deterrent.

Legislator Jonke stated he read through the proposed changes to the law and it is clear that a lot of work went into it. He thanked those who worked on these changes.

Legislator Albano questioned if a Journeyman working without a Putnam license is referring to a Helper working without a card.

Mr. Morrison stated a Journeyman and Helper both have documentation, but are separate positions.

Legislator Albano requested clarification of the difference between a Journeyman and a Helper.

Director Budzinski stated the workers begin as a Helper, then become Journeymen, then Master.

Mr. Morrison stated a Journeyman is a worker who has 5½ years' experience in the trade and has been tested.

Legislator Albano clarified that the hours worked are documented so they can eventually obtain the license.

Mr. Morrison stated that is correct. He stated Journeymen begin as Helpers. He stated with the continuing education, Journeymen who are working with a Master are up to date on the code.

Legislator LoBue stated she supports the continuing education.

Legislator Albano stated these proposed changes should be reviewed and placed on the agenda again next month.

Legislator Scuccimarra questioned if holding this until next month allows enough time to enact the changes made on the fee schedule.

Ms. Arvan stated the increase in the Helper Registration Fee would not be able to be applied this year if the changes are not approved until the September Full Legislative Meeting. She stated the other changes would not be affected. **(Fee and Civil Penalty Schedules discussed again during item #7)**

Item #7 - Discussion/ Proposed Changes to Chapter 190 of the Code of Putnam County/ Plumbing & Mechanical Trades

Deputy County Attorney Tressler stated the changes made to Chapter 190 of the Putnam County Code, Plumbing & Mechanical Trades, are similar to those made in Chapter 145 of the Putnam County Code, Electrical. She stated a difference is that Plumbing & Mechanical Trades Journeyman are not licensed; they are registered. She stated there are also a lot of different tradesmen licenses.

Director Budzinski stated the proposed law includes a breakdown of all the requirements for each trade.

Member of the Plumbing & Mechanical Trades Board Russell Bleakly stated currently, the law states that a Chairman should be voted upon each year and may serve for a maximum of two (2) years. He stated about 10 years ago the Legislature placed the two (2) year maximum requirement in the law because at that time the Chairperson of the Board had held the position for about 15 years. He stated if a Chairperson is being elected each year, the two (2) year maximum may not be necessary. He stated this rule is on page 7 of the backup material.

Deputy County Attorney Tressler questioned if the two (2) year maximum requirement should stay.

Mr. Bleakly stated yes, it gives everyone on the Board a chance to rotate.

Deputy County Attorney Tressler clarified that the second sentence, letter F, on page 7 should be restored.

Mr. Bleakly stated he believes it would be a good idea to restore it.

Legislator LoBue questioned if two (2) years is enough time.

Mr. Bleakly stated the Board does not change very often and usually the Vice Chair will move into the position of Chair when the time comes.

Legislative Clerk Diane Schonfeld stated the changes to both Chapters 145 and 190 of the Putnam County Code will be done through local law, which will not become effective until 45 days after they are approved.

County Attorney Bumgarner stated approval at the September Full Legislative Meeting would bring the effective date into October. She suggested that Director Budzinski prepare the budget utilizing the revenues to be collected from the proposed fee and civil penalty schedules.

Legislative Clerk Schonfeld explained that the fee and civil penalty schedules resolutions reference the proposed new sections of the law. If the proposed law is not in effect, the sections referenced in the resolution updating the fee and civil penalty schedules would not be correct.

Deputy County Attorney Tressler questioned if the fee and civil penalty schedules for both Chapters should be submitted separately from the changes in the law itself utilizing the existing sections.

County Attorney Bumgarner clarified that the separation of the schedules would occur in order to accomplish a change to the fee and civil penalty schedules, separate from the overall local law changes, because the schedules would not be subject to the 45 day period.

Deputy County Attorney Tressler stated yes, she could have this prepared for the August Meeting.

Member of the Plumbing & Mechanical Trades Board Henry Boyd referenced the Geothermal section on page 19. He stated this section included wording to regulate against a type of geothermal drilling; "DX." He stated normally, a plastic pipe is placed in the well, however the DX model utilizes copper piping, which is full of Freon, a poisonous solvent. He stated this was removed and he would like to see it put back in.

Legislator Gouldman questioned if the DX model is currently being utilized.

Mr. Boyd stated it has happened in Putnam County.

Deputy County Attorney Tressler stated the reason it was removed was that they were unsure if it was the role of the Board to write safety law for the County.

Legislator LoBue suggested forwarding this topic to the Health, Social, Educational, & Environmental Committee.

Legislator Scuccimarra stated as Chairwoman of the Health, Social, Educational, & Environmental Committee she would be glad to address this topic. She requested that information pertaining to the DX model of geothermal drilling be sent to the Legislature.

Item #5 - Approval/ Designate the Putnam County Legislature as the Sole Authority to Appoint Arbitrators and Mediators in Labor Negotiations and Disputes – Pursuant to County Charter Section 2.04 (p) (Continued)

Legislator Nacerino requested that item #5 be revisited at this time.

Legislative Counsel Robert Firriolo stated in a discussion with the Personnel Dept., it was thought that it would be better to slightly narrow the resolution to limit it to collective bargaining only. He stated this would be done by the insertion of "collective bargaining" into the two (2) resolved clauses. He stated it was also determined that it would be better passed as a local law amending the Charter rather than a resolution. He stated the subject would remain the same. He also stated this matter will go before the Personnel Committee prior to being addressed at the Full Legislative Meeting. He stated the original motion was to forward this matter to the Full Legislative Meeting, but needs to be properly forwarded to the Personnel Committee.

County Attorney Bumgarner stated in her opinion, if this was done through a local law it would be subject to mandatory referendum. She stated currently, the opinion of PERB (Public Employment Relations Board) is that it is the County Executive's appointment power and if the powers of an Elected Official are limited or curtailed, it is subject to mandatory referendum and cannot be done solely by local law.

Legislative Counsel Firriolo stated the opinion of PERB is not binding.

County Attorney Bumgarner stated no, it is not, but there is no case law on it.

Legislative Counsel Firriolo stated the Charter does not explicitly delegate the power to the County Executive.

County Attorney Bumgarner stated it is implied through it stating that the Personnel Director should assist the County Executive in negotiations. She stated there are certainly arguments on both sides and she agrees that it is not spelled out clearly anywhere.

Legislative Counsel Firriolo stated he would be willing to work with the Law Department to determine whether the local law would be subject to mandatory referendum.

Legislator Scuccimarra questioned if the proposed resolution submitted by County Executive Odell would be forwarded to the Personnel Committee as well.

Chairman Sullivan stated the proposed resolution submitted by the County Executive will not be acted on at this time.

Legislative Counsel Firriolo stated the new motion should be to amend the original motion to include the limitation on collective bargaining and also to reformulate it as a local law.

Chairman Sullivan made a motion to approve, in concept, the proposed resolution, including the amendments, in a local law format for review by the Personnel Committee; Seconded by Legislator Albano. All in favor.

Item #8 - Discussion/ Mid-Year Full Litigation Report

At 6:46pm Chairman Sullivan made a motion to go into executive session to discuss pending litigation; Seconded by Legislator Albano. All in favor.

At 7:45 Chairman Sullivan made a motion to come out of executive session; Seconded by Legislator Scuccimarra. All in favor.

No action was taken.

Item #9 - Other Business

- a. Conduct Collective Bargaining with all County's Unions/ By "County Negotiating Team"** (Addressed above with item #5)

Item #10 - Adjournment

There being no further business at 7:46pm Chairman Sullivan made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.