

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

Members: Chairwoman Addonizio and Legislators Ellner & Nacerino

Tuesday

6:00pm

October 8, 2024

The meeting was called to order at 6:03pm by Chairwoman Addonizio who requested Legislator Nacerino lead in the Pledge of Allegiance. Upon roll call Legislators Ellner and Nacerino and Chairwoman Addonizio were present.

Item #3 – Approval/ Local Law Strengthening the Term Limit Provisions for the Office of Putnam County Legislator

Chairwoman Addonizio stated Local Law #8 of 2013 enacted by the Legislature set forth term limits for the office of County Legislator, which currently may be amended by a 2/3 vote of all members of the County Legislature. She stated the system of governmental term limits engenders transparency in government, promotes the accountability of public officials, increases public trust, and provides the opportunity for new voices and ideas to be heard. She stated to in order to engender transparency in government, promote accountability, and increase public trust, this County Legislature is desirous of requiring a unanimous vote of the County Legislature to amend, modify, or repeal term limits for the office of County Legislator.

Legislator Nacerino stated this resolution has been modified since it was first presented and she believes this is a good structure for the coming years.

Legislator Montgomery requested a member of the Committee table this item until 2025. She stated this is a self-serving piece of legislation and she is confused why this is being proposed and pushed through at the end of the year. She stated there are many people in attendance for the budget meetings this evening. She stated this is complex and takes a lot of time to dive into. She stated she has many questions that she is sure cannot be answered this evening.

Legislator Nacerino stated her support for this local law and believes there is no reason to delay it. She stated the language is clear and concise. She reviewed the staggered terms of the nine (9) legislator positions. She stated New York State Governor Hochul put forward initiatives that would require elections to be held on even years, which precipitated this consideration. She stated the three (3) year terms of the County Legislators will remain and there is a maximum of 12 years of service.

Legislator Crowley stated this afternoon a judge ruled that the even year election initiative put forward violates the New York State constitution. She stated the ruling stated that it conflicted with county charters. She stated requiring a unanimous vote to

change term limit provisions within the County will prohibit future Legislatures from doing their jobs. She does not believe this is lawful.

Legislator Nacerino stated she fundamentally disagrees. She stated the three (3) year terms are remaining with a maximum of 12 years.

Legislator Jonke stated the key to this legislation is the term limit provision. He stated as it currently stands, it would only take six (6) votes to overturn term limits. He stated every group he has spoken with unanimously supports term limits. He stated strengthening this legislation is in the best interest of the public. He stated his support for this local law.

Legislator Ellner thanked Legislator Crowley for providing that information. He stated this local law is simply ensuring that term limits will remain. He stated a vote of 2/3 of the Legislature is not enough to ensure that there will always be term limits. He stated he is a strong proponent of term limits and he is in favor of this.

Chairwoman Addonizio agreed and stated she has also spoken to many people about this. She stated she believes a problem on the Federal level is the lack of term limits.

Legislator Castellano agreed with Chairwoman Addonizio. He stated he voted for the term limit legislation in 2013. He questioned Section 2D where it states "In no instance may a Legislator serve more than four terms or 12 years, whichever is less." He stated if a legislator is appointed mid-term and therefore serves a partial term from that point forward, he believes that partial term should not count toward the 12 year maximum. He requested this wording be amended.

Legislator Nacerino agreed with Legislator Castellano. She stated she agrees with term limits wholeheartedly. She stated in the past there were legislators serving for 20 years. She stated when an individual serves too long it is possible to become complacent and comfortable. She stated it is good to have new people in these positions and new people throughout the community seeking public office. She stated we do not want career politicians in Putnam County and she believes the community feels the same way.

Legislator Crowley stated she is in agreement with term limits and wholeheartedly agrees with the 12 year maximum for legislators. She stated in order to pass this proposed local law a supermajority vote should be required.

Legislator Castellano stated a supermajority vote is required for a local law; 2/3 of the Legislature is a supermajority.

Legislator Gouldman stated perhaps this should need to be passed by a unanimous vote because that is what it would be requiring.

Legislator Crowley stated she would be in favor of that. She stated requiring a unanimous vote is a stringent requirement and questioned if it is lawful to do so. She stated this could be constraining future legislatures.

Chairwoman Addonizio requested clarification on how a unanimous vote would be constraining future legislators.

Legislator Crowley stated any change to be made, even to the length of a term would require a unanimous vote. She stated it could be problematic.

Legislator Ellner agreed with Legislator Castellano's request relating to the partial term not being included in the total 12 years. He stated if he does anything to leave his mark on this Legislature, he would like it to be that term limits have been strengthened and no one will serve more than 12 years.

Legislator Castellano stated the wording should be fixed to allow for someone who may have filled an unexpired term and went on to be elected to four (4) terms. He stated that person should not have to step down after 12 years, which may be in the middle of their last term. He suggested "no legislator should serve more than four (4) three (3) year terms, not including any partial term."

Daniel Birmingham, Southeast resident, stated in both this proposed local law pertaining to the Legislature and the next item on the agenda pertaining to the County Executive, the only change being made in the Charter is to require a unanimous vote in order to modify, amend, or change term limits. He stated the original version of the proposal included a way to accommodate the State election cycle, which is not affecting us right now. He stated in order to address the concerns raised by Legislator Castellano, paragraph C could be stricken and paragraph B could be amended to "With the exception of any partial term the County Legislators shall serve a maximum of four terms."

Legislator Castellano agreed with Mr. Birmingham's suggested amendments.

Mr. Birmingham provided a recap of the proposed changes. He stated his thoughts behind requiring a unanimous vote is to raise the minimum threshold to amend, modify, or repeal term limits because term limits are such an important issue. He stated this will prevent possible mischief that could happen at the end of a politician's term. He stated the changes to Charter Sections 3.04, Executive Action on Local Laws and 15.01, Amendment of the Charter, are to keep the language in the Charter consistent with the changes being made in Section 2.02 with regard to the unanimous vote.

Legislator Crowley stated her concern that this could stifle a future Legislature from changing the length of the term.

Mr. Birmingham stated in section 2.02 paragraph E begins by stating "Except in the instance where a general or special state law would otherwise necessitate..." He stated

this insulates the Legislature from having to fall victim to a State Legislative movement requiring elections be held on certain years.

Legislator Crowley stated her concern was more specifically about a future Legislature possibly wanting to change the length of their terms, still within the 12-year maximum. She stated she does not believe it would be fair to require such a change by a unanimous vote. She stated this is a complicated matter and to do this during the Legislature's budget review may not be the best time. She stated she appreciates the work Mr. Birmingham put into this.

Legislator Jonke stated in relation to the amendments suggested earlier in Section 2.02 paragraph B and the removal of paragraph C, he believes paragraph D should also be removed as it would then be in conflict with the intention of the amendment.

Mr. Birmingham suggested beginning paragraph D with the same suggested wording for paragraph B: "With the exception of any partial term..."

Legislator Nacerino stated this is an important Charter change and the purpose of these changes is to solidify term limits; politics should not play into it. She stated this provides structure and consistency moving forward. She stated requiring a unanimous vote ensures changes are not made arbitrarily.

Legislator Gouldman stated he agrees with much of what Mr. Birmingham has stated this evening, including the unanimous vote requirement. He stated multiple changes to this proposal have been suggested this evening and he suggested tabling it at this time to have all amendments included before putting it to a vote. He stated otherwise, if it is passed and further changes are made, it would then need a unanimous vote.

Legislator Montgomery stated she hopes that this is not moved forward to the Full Legislative Meeting as there is still a lot to discuss. She requested clarification on the suggested change to paragraph D.

Mr. Birmingham stated he had suggested beginning paragraph B in section 2.02 with "With the exception of any partial term the County Legislators shall serve a maximum of four terms." He stated Legislator Jonke suggested making a similar change to paragraph D for it to begin "With the exception of any partial term..." He stated there have been legislators in the recent past who were appointed to a partial term and went on to serve elected terms.

Legislator Montgomery questioned if the terms of legislators up for election in 2026 would be affected by this. She stated Mr. Birmingham is a former legislator and she questioned if this would affect Mr. Birmingham's ability to serve in the future.

Mr. Birmingham stated the original term limit law was approved in 2013 and questioned if that law would be retroactive to apply to previous legislators. He stated the changes to the years was just to bring them up to date.

Legislator Montgomery stated her appreciation for Mr. Birmingham's work on this and she is hopeful that this will continue to be discussed at a future Rules Committee Meeting.

Legislator Castellano stated he believes the current law would be applicable to any legislator, current or former. He stated Mr. Birmingham would be the first person this law would apply to.

Mr. Birmingham stated he believes Legislator Castellano's point is reasonable.

Legislator Crowley questioned if a response from the Law Department could be obtained about how this would affect Mr. Birmingham as the first former Legislator running for another term since the law was enacted. She stated she would like to see a response before casting a vote.

Legislator Nacerino stated she does not believe that affects what is being considered this evening.

Legislator Sayegh stated a super majority vote of the Legislature could abolish term limits all together right now. She stated the purpose of requiring a unanimous vote to change term limits in the future protects those limits in place. She stated otherwise, as Legislator Jonke stated previously, that choice could be in the hands of six (6) individuals in Putnam County. She stated she firmly supports this proposal.

Chairwoman Addonizio reviewed the amendments suggested this evening:

- Section 2 paragraph B: "With the exception of any partial term the County Legislators shall serve a maximum of four (4) terms."
- Remove Section 2, Paragraph C
- Section 2, Paragraph D: "With the exception of any partial term in no instance may a Legislator serve more than four terms or 12 years, whichever is less."

Chairwoman Addonizio made a motion to accept the above suggested changes; Seconded by Legislator Ellner. All in favor.

Legislator Montgomery questioned if these revisions will be made and resubmitted to the Rules Committee to be discussed further next month. She stated there is still a lot to discuss and she would like to see the revisions.

Lynne Eckardt, Southeast resident, stated she is hoping this is not moved to the Full Legislative Meeting this evening. She stated she respects Mr. Birmingham but does not believe it is appropriate for him to be making this presentation as he is running unopposed for Legislator. She stated Legislator Castellano made good suggestions. She questioned if Mr. Birmingham would be able to serve if this is moved forward and passed by the Full Legislature.

Mr. Birmingham stated yes, he has served nine (9) years previously.

Ms. Eckardt questioned if this would be the only Charter change that would require a unanimous vote. She questioned if this is a precedent the Legislature wants to set. She stated there are many outstanding questions.

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

Item #4 – Approval/ Local Law Strengthening the Term Limit Provisions for the Office of Putnam County Executive

Legislator Castellano suggested a similar amendment to this local law where a partial term would not count toward the total number of terms served.

Legislator Nacerino stated this situation just happened with former County Executive MaryEllen Odell who filled an unexpired term and then served two (2) full terms.

Mr. Birmingham stated the amendments proposed in Paragraph A of Section 3.01 could be removed, which would allow for a partial term without being counted.

Legislator Castellano stated he would not want to see a future County Executive be short termed because of a partial term.

Legislator Nacerino agreed.

Mr. Birmingham clarified that no amendment would be necessary to Paragraph A in Section 3.01 and the only change to this section would be to add Paragraph B, requiring a unanimous vote to amend, modify, or repeal the provision. He stated he spoke with Legislator Castellano about this and he has an amended version for the Committee and Legislators.

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

Legislator Montgomery stated multiple legislators and a member of the public have requested that these items not be moved forward this evening. She questioned if this item can be tabled to the next Committee meeting. She stated there are budget meetings following this meeting and she believes that should be their main focus at this time.

Chairwoman Addonizio stated the Committee voted to move the previous item out of Committee.

Legislator Montgomery requested that this item not be moved forward as requested by the public.

Legislator Nacerino stated there was one (1) comment from the public, which is not reflective of the entire public body.

Chairwoman Addonizio requested that Legislator Castellano reiterate his request.

Legislator Castellano stated a partial term should not be counted in the two (2) term limit for the office of County Executive.

Legislator Nacerino stated the language can be mirrored from the amendment in the previous local law pertaining to the office of County Legislator.

Legislator Crowley questioned why the original change was included in the local law proposal.

Mr. Birmingham stated it was presented as a stronger local law with the intention of preserving term limits.

Legislator Crowley thanked Mr. Birmingham. She stated she believes this is being rushed and she would like to see it go through the County Law Department.

Mr. Birmingham reviewed the changes to the additional material provided to the Committee.

Legislator Nacerino made a motion to amend and insert Section 2; seconded by Chairwoman Addonizio. All in favor.

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

Ms. Eckardt stated she has served on three (3) different boards on the Town level and she believes it is demeaning to say her comment was the voice of only one person. She stated when she served she took any public input very seriously.

Legislator Nacerino stated she did not intend to insult Ms. Eckardt. She stated her point was that the comment made was not reflective of everyone in the room or the County as a whole. She stated she too respectfully considers various opinions. She stated Ms. Eckardt's comment was received and considered.

Item #5 – Approval/ Litigation Settlement/ Krivak v. County of Putnam et al.

First Deputy County Attorney John Cherico stated he, outside counsel Lewis Silverman, and Risk Manager Mat Bruno are present to address any questions the Committee or Legislators may have.

Chairwoman Addonizio stated this was discussed at last month's Committee Meeting. She questioned if there were any questions from the Committee.

Legislator Nacerino stated she is satisfied with the discussion had last month and she supports the resolution in front of the Committee this evening.

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

Item #6 – Other Business – None

Item #7 – Adjournment

There being no further business at 6:59pm, Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Nacerino. All in favor.

Respectfully submitted by Administrative Assistant Beth Robinson.