

**SPECIAL MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
CALLED BY THE CLERK AT THE REQUEST OF THE CHAIRMAN
HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Tuesday

November 12, 2024

6:00 P.M.

The meeting was called to order at 6:00 P.M. by Chairman Jonke who requested that Legislator Sayegh lead in the Pledge of Allegiance and the Legislative Prayer. Upon roll call, Legislators Montgomery, Gouldman, Addonizio, Nacerino, Ellner, Castellano, Sayegh and Chairman Jonke were present. Legislator Crowley was absent. Also present was Legislative Counsel Firriolo.

Item #4 – Approval – Local Law Strengthening the Term Limit Provisions for the Office of Putnam County Legislator was next.

Chairman Jonke stated that this was something he brought forward to strengthen term limits here in Putnam County for the Legislature. He stated that right now it only takes six (6) members of the Legislature to overturn the term limits. He believed term limits were important as it limits a person's ability to make careers out of these jobs. He believed that was part of the problem with members in the United States Congress who are there for 30 or 40 years. He believed that the longer they stayed, there was less democracy.

Legislator Gouldman explained that many individuals were frustrated with the current American political system. He stated that this has generated an interest in setting term limits for lawmakers throughout the Country. He stated that this Legislature had the foresight in 2013 when term limits were set for the County Executive and County Legislature. He explained that the nine (9) Legislators have staggering terms. Each year there are three (3) Legislators that are up for re-election, and each member is only allowed 12 years of service. He believed it made sense to refresh the people who serve in this position. He stated that this proposed law will strengthen term limits as mentioned by Chairman Jonke. He stated that he would support this legislation.

Legislator Montgomery did not know how a law could be passed requiring a unanimous vote without a unanimous vote. She explained that she was in favor of term limits, however, she believed the term limits we currently have were working. She did not believe this was vetted through the Law Department and she questioned the legality of it. She would rather see it go to public referendum. She believed it hamstrung future Legislators because we do not know if the State will approve legislation regarding even years for terms.

Legislator Nacerino stated that she will be supporting this. She firmly believed that term limits were good and she did not want people to become career politicians in Putnam County; we see too much of that in Albany. She believed there has been ample time to vet this, and we had Legislative Counsel weigh in on this.

Legislator Sayegh stated that she also supports term limits and supports this change. She stated that currently six (6) Legislators could do away with term limits. She stated that this should not be taken lightly. She believed if all nine (9) Legislators vote in tandem it gives an opportunity to work together to have a good reason for a change.

Legislator Montgomery clarified that she supports term limits. She believed that the system we have now works. She stated that she would be voting against it because she believed it was not vetted properly.

RESOLUTION #309

A LOCAL LAW STRENGTHENING THE TERM LIMIT PROVISIONS FOR THE OFFICE OF PUTNAM COUNTY LEGISLATOR

Section 1. The Legislature of the County of Putnam, New York hereby makes the following findings and determinations:

(a) that Local Law No. 8 of 2013 (“Local Law No. 8”), enacted by the County Legislature on July 2, 2013, sets forth a term limits regime for the office of County Legislator which currently may be amended merely by the favorable vote of two-thirds of all the members of the County Legislature, subject to permissive referendum; and

(b) that a system of governmental term limits engenders transparency in government, promotes the accountability of public officials, and increases public trust, as well as provides for the opportunity for new voices and new ideas to be heard; and

(c) that in order to engender transparency in government, promote accountability, and to increase public trust, this County Legislature is desirous of requiring a unanimous vote of the County Legislature in order to amend, modify or repeal term limits for the office of County Legislator; and

(d) that this County Legislature finds and determines that this Local Law changes its voting power and curtails its power relative to the amending, modifying or repealing of the term limits procedures of the County Legislature by increasing the number of affirmative votes necessary of the County Legislature in order to amend, modify or repeal the term limits procedures of the office of County Legislator, and

(e) that this County Legislature hereby finds and determines that this Local Law embraces only one subject: that of the term of the office of County Legislator,

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM AS FOLLOWS:

Section 2. Article 2, Section 2.02 of the Putnam County Charter is hereby amended to read as follows:

A. The County Legislators shall be elected for terms of three (3) years at the general elections hereinafter provided and every three (3) years thereafter as follows:

(1) At the general election held in November of 2026, County Legislators from Legislative Districts Two, Three and Eight shall be elected for said term of three years.

(2) At the general election held in November of 2027, County Legislators from Legislative Districts One, Four and Seven shall be elected for said term of three years.

(3) At the general election held in November of 2025, County Legislators from Legislative Districts Five, Six and Nine shall be elected for said term of three years.

B. With the exception of a partial term, the County Legislators shall serve a maximum of four (4) terms.

C. With the exception of a partial term, in no instance may a Legislator serve more than four terms or 12 years, whichever is less.

D. Except in the instance where a general or special state law would otherwise necessitate, amending, modifying or repealing the term limit provisions as set forth in this Section 2.02 may only be accomplished by the enactment of a local law adopted by the County Legislature by a unanimous vote of the whole of its number, subject to referendum on petition as provided in the Municipal Home Rule Law.

Section 3. Article 3, Section 3.04-B(d) of the Putnam County Charter is hereby amended by adding the following paragraphs:

(d) Reconsideration.

Except as otherwise set forth in this Section 3.04-B, a vetoed enactment shall be resubmitted to the County Legislature together with the veto message at its next regular or special meeting, and such message shall be entered into its Book of Proceedings. Within thirty (30) days after such receipt and entry, the County Legislature may reconsider the vetoed enactment and pass the same over the County Executive's objections by a favorable vote of two-thirds (2/3) of the whole of its number on a roll-call vote. Only one such reconsideration vote shall be taken on any single vetoed enactment.

Other than the veto of an enactment necessitated by the passage of a general or special state law, a vetoed enactment amending, modifying or repealing the term limit provisions as set forth in Section 2.02 of the County Charter shall be resubmitted to the County Legislature together with the veto message at its next regular or special meeting, and such message shall be entered into its Book of Proceedings. Within thirty (30) days after such receipt and entry, the County Legislature may reconsider the vetoed enactment and pass the same over the County Executive's objections by a unanimous vote of the whole of its number on a roll-call vote. Only one such reconsideration vote shall be taken on any single vetoed enactment.

Section 4. Article 15, Section 15.01 of the Putnam County Charter is hereby amended by adding the following paragraphs:

Except as otherwise set forth in this Section 15.01, a Charter amendment may be proposed by a member of the County Legislature, the County Executive or the Legislative bodies of any of the towns or villages of the County. The proposal must then be enacted by a local law passed by a two-thirds (2/3) vote of the County Legislature subject to referendum on petition as provided in the Municipal Home Rule Law. Any proposed amendment which would have the effect of transferring a function or duty of the County or of a town, village, district or other unit of local government of the County shall not become operative unless

it is approved by mandatory referendum. Any amendment which would create or abolish an elected office; change the power of an elected County officer during his or her term of office; abolish, curtail or transfer to another County officer or agency any power of an elected County officer, or change the method of election of the County Legislature, but not including decennial reapportionment, shall be subject to a permissive referendum.

Except in the instance where a general or special state law would necessitate such, a Charter amendment amending, modifying or repealing the term limit provisions as set forth in Section 2.02 of the County Charter may only be enacted by a local law passed by a unanimous vote of the County Legislature, subject to referendum on petition as provided in the Municipal Home Rule Law.

Section 5. If any provision of this Local Law is held to be illegal or invalid for any reason, such illegality or invalidity shall not affect the remaining provisions hereof, but such provision shall be fully severable and this Local Law shall be construed and enforced as if such illegal or invalid provision had never been included.

Section 6. Pursuant to Section 34(5) of the Municipal Home Rule Law, this Local Law shall take effect sixty (60) days after its final enactment and is subject to permissive referendum.

BY ROLL CALL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR MONTGOMERY. LEGISLATOR CROWLEY WAS ABSENT. MOTION CARRIES.

Item #5 – Approval – Local Law Strengthening the Term Limit Provisions for the Office of Putnam County Executive was next.

Chairman Jonke moved the following. He stated that this is the same rationale for the term limits of County Executive. He explained that all we are doing is strengthening the term limits requiring nine (9) votes instead of six (6) votes to make a change.

Legislator Gouldman stated that for the same reasons he previously mentioned, he would be supporting this.

RESOLUTION #310

A LOCAL LAW STRENGTHENING THE TERM LIMIT PROVISIONS FOR THE OFFICE OF PUTNAM COUNTY EXECUTIVE

Section 1. The Legislature of the County of Putnam, New York hereby makes the following findings and determinations:

(a) that Local Law No. 8 of 2011 (“Local Law No. 8”), enacted by the County Legislature on January 4, 2011, sets forth a term limits regime for the office of County Executive which currently may be amended merely by the favorable vote of two-thirds of all the members of the County Legislature, subject to permissive referendum; and

(b) that a system of governmental term limits engenders transparency in government, promotes the accountability of public officials, and increases public trust, as well as provides for the opportunity for new voices and new ideas to be heard; and

(c) that in order to engender transparency in government, promote accountability, and to increase public trust, this County Legislature is desirous of requiring a unanimous vote of the County Legislature in order to amend, modify or repeal term limits for the office of County Executive; and

(d) that this County Legislature finds and determines that this Local Law changes its voting power and curtails its power relative to the amending, modifying or repealing of the term limits procedures of the County Executive by increasing the number of affirmative votes necessary of the County Legislature in order to amend, modify or repeal the term limits procedures of the office of County Executive, and

(e) that this County Legislature hereby finds and determines that this Local Law embraces only one subject: that of the term of the office of County Executive,

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM AS FOLLOWS:

Section 2. Article 3, Section 3.01 of the Putnam County Charter is hereby amended by adding a second paragraph to such Section:

Except in the instance where a general or special state law would otherwise necessitate, amending, modifying or repealing the term limit provisions as set forth in this Section 3.01 may only be accomplished by the enactment of a local law adopted by the County Legislature by a unanimous vote of the whole of its number, subject to referendum on petition as provided in the Municipal Home Rule Law.

Section 3. Article 3, Section 3.04-B(d) of the Putnam County Charter is hereby amended by adding the following paragraphs:

(d) Reconsideration.

Except as otherwise set forth in this Section 3.04-B, a vetoed enactment shall be resubmitted to the County Legislature together with the veto message at its next regular or special meeting, and such message shall be entered into its Book of Proceedings. Within thirty (30) days after such receipt and entry, the County Legislature may reconsider the vetoed enactment and pass the same over the County Executive's objections by a favorable vote of two-thirds (2/3) of the whole of its number on a roll-call vote. Only one such reconsideration vote shall be taken on any single vetoed enactment.

Other than the veto of an enactment necessitated by the passage of a general or special state law, a vetoed enactment amending, modifying or repealing the term limit provisions as set forth in Section 3.01 of the County Charter shall be resubmitted to the County Legislature together with the veto message at its next regular or special meeting, and such message shall be entered into its Book of Proceedings. Within thirty (30) days after such receipt and entry, the County Legislature may reconsider the vetoed enactment and pass the same over the County Executive's objections by a unanimous vote of the whole of its number on a roll-call vote. Only one such reconsideration vote shall be taken on any single vetoed enactment.

Section 4. Article 15, Section 15.01 of the Putnam County Charter is hereby amended by adding the following paragraphs:

Except as otherwise set forth in this Section 15.01, a Charter amendment may be proposed by a member of the County Legislature, the County Executive or the Legislative bodies of any of the towns or villages of the County. The proposal must then be enacted by a local law passed by a two-thirds (2/3) vote of the County Legislature subject to referendum on petition as provided in the Municipal Home Rule Law. Any proposed amendment which would have the effect of transferring a function or duty of the County or of a town, village, district or other unit of local government of the County shall not become operative unless it is approved by mandatory referendum. Any amendment which would create or abolish an elected office; change the power of an elected County officer during his or her term of office; abolish, curtail or transfer to another County officer or agency any power of an elected County officer, or change the method of election of the County Legislature, but not including decennial reapportionment, shall be subject to a permissive referendum.

Except in the instance where a general or special state law would necessitate such, a Charter amendment amending, modifying or repealing the term limit provisions as set forth in Section 3.01 of the County Charter may only be enacted by a local law passed by a unanimous vote of the County Legislature, subject to referendum on petition as provided in the Municipal Home Rule Law.

Section 5. If any provision of this Local Law is held to be illegal or invalid for any reason, such illegality or invalidity shall not affect the remaining provisions hereof, but such provision shall be fully severable and this Local Law shall be construed and enforced as if such illegal or invalid provision had never been included.

Section 6. Pursuant to Section 34(5) of the Municipal Home Rule Law, this Local Law shall take effect sixty (60) days after its final enactment and is subject to permissive referendum.

BY ROLL CALL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR MONTGOMERY. LEGISLATOR CROWLEY WAS ABSENT. MOTION CARRIES.

Item #6 – Other Business

Item #6a – Reconsideration - 2025 Budget Resolution #266 of 2024 – Law Department – Remove Salary Adjustment for Senior Deputy County Attorney - Vetoed by County Executive was next.

Legislator Gouldman stated that this is not illegal, but it should be. The Legislature should be giving proper notice for items like this. He believed it should be on the agenda to give enough time so residents and Legislators can decide how they want to vote. He stated that we are asked to override a veto by the County Executive with four (4) hours and seven (7) minutes notice through an email we received at 1:53 P.M. He stated that we have given everyone a raise in the County, but we are singling out one (1) individual by removing a \$5,000 salary adjustment for the Senior Deputy County Attorney. He questioned why we were doing this. He believed it was wrong and stated that he would not support this.

Legislator Montgomery questioned if the Legislative Manual referred to procedure for holding a Special Meeting and having something added to the agenda.

Chairman Jonke explained that because it is a budget related veto there is a strict timeline. He stated that because we were meeting this evening, he believed it was wise to include it under other business.

Legislative Counsel Firriolo explained that the time frame we are working under is that the Charter requires the Chairman of the Legislature to convene a meeting of the Legislature on or before November 15th to consider a veto. He stated that given the time frame, it falls outside the calling of a Special Full meeting because there is no opportunity for the full notice period that there would be for a normal Special. The Charter said it needs to be done before November 15th. He stated that once the veto came to the Legislature on November 8th and there was a holiday on Monday the 11th, that only leaves Tuesday through Friday hold a meeting. He stated that you would not be able to notice the meeting as you would a Special meeting in any event.

Legislator Nacerino stated for the record, the veto did not come to the Legislature until close to 5:00 P.M. There was no ample time, other than the time we've had to really read and digest it. She stated that this is a stipend/merit raise. It is not the denial of a COLA raise or that we are "singling" someone out. She stated that it was her understanding that this is a part-time employee and has not been with the County that long. She stated that we felt it was prudent not to give these merit raises arbitrarily. She stated that it was in her opinion that the COLA increase should be implemented but not a stipend for a part-time employee who has been here less than one (1) year.

Legislator Gouldman explained that the person in this position previously worked for the County in another department.

Legislator Montgomery stated that she understood the time frame needed to consider this veto by November 15th. She believed that another meeting could be scheduled and that the public needed to have this information. She stated that it clearly states in our Legislative Manual, Rule 27 – "Only business specified in the notice thereof may be transacted at a special meeting." She stated that this was not noticed properly. She believed this position was backfilling a vacant position, and in essence saving the County money. She questioned if there was a vacant position in the Law Department that we did not fill. She stated that this is the only raise that we are denying throughout the County. She stated that we gave stipends and raises to other employees. She proceeded to read the County Executive's veto message. She stated that based on this veto message, she believed at least one (1) of the members of this Legislature should not be voting on this at all. She believed that it appears that we are singling out an employee and a department. She believed it was retaliation against the County Attorney.

Chairman Jonke stated to Legislator Gouldman's point, this is not an illegal meeting. He believed that the Charter overrides the Legislative Manual when it pertains to this Special meeting.

Legislative Counsel Firriolo stated that it does. He stated that Rule 27 cannot apply because Rule 27 requires that a Special meeting be called by the Chair and four (4) other Legislators, or written request by a majority. He stated that the Charter states that it has to be called. He stated that Rule 27 does not apply to budget override meetings.

Chairman Jonke stated to Legislator Gouldman that this less than full-time employee who receives health benefits, is still getting a cost-of-living adjustment. She is still

receiving that raise. We are not cutting her compensation. He stated that we all received an email early today from someone he respects very much. He stated that he was led to believe that this employee was taking a pay cut, which is not true. He stated that the employee started working in the Law Department on January 1st of this year. He stated that with less than one (1) year of service they are already putting in for a merit raise. He stated that during the budget process, there was never anyone here from the Law Department to go to bat for this employee and support or explain the increase. He stated that when we asked the Deputy County Executive why this was being done, the answer we received was, "I don't know." He stated that on May 16th of 2024, this attorney sat in this room and told this Legislature that a lawsuit that was filed in December of 2023 was authorized by the County Executive. He stated that this lawsuit was filed in December of 2023 and never showed up on the litigation report for six (6) months. He stated that it was hidden for six (6) months, and we received a determination in early May of 2024 that we had succeeded in this lawsuit. He stated that this attorney stated that we did not have authority. He stated that it is very clear in the Charter that the Legislature is the only authority that can approve a lawsuit. He stated that the County Attorney's office sued a resident of this County without the Legislature's authorization. He stated that the attorney stated that she received the authorization from the County Executive, which turned out to be untrue. He stated that he called the Deputy County Executive the following day and questioned if he asked for a copy of the request and the approval, what would he receive. The Deputy County Executive said that the Law Department never asked. He stated that in the County Executive's veto message it states that the attorney's compensation is being cut. He stated that her compensation is not getting cut. She is receiving the cost-of-living adjustment just like everyone else in the County. She is just not receiving a merit raise.

Legislator Nacerino explained that the Legislature was lied to during that meeting. She stated that she found it ironic that the County Executive stipulated that we are singling out a salary adjustment. Legislator Nacerino stated that she did not even know this employee in any shape or form to have a personal opinion. She stated that there was no retaliation going on. She found it ironic that the County Executive stated that we were "singling out" when he singled out the Sheriff, Coroners and County Clerk again in this budget process with no explanation other than we should wait until after contract negotiations. She stated that the County Clerk or Coroners have no interaction pertaining to contract negotiations.

Legislator Ellner stated that two (2) times in the veto message the County Executive, who he believed created this type of position, indicated that this employee is part-time. He stated that a part-time employee is not entitled to health benefits. He stated that at a previous Committee meeting when the Legislature questioned the position, it was stated that the employee was designated as less than full-time which is why they receive health benefits. He questioned why the County Executive is stating that the position is part-time.

Personnel Officer Paul Eldridge stated that he went through the explanation when the question came up at the Committee meeting. He stated that the only definition of part-time is half-time or less. He stated that this employee works more than that. He stated that the reference to part-time would be technically incorrect. He stated that the person works six (6) out of seven (7) hours. He explained that the employee works 30 hours per week; six (6) hours per day times five (5) days per week equals 30 hours. He stated that

there are certain benefits that accrue with that. He stated that the Affordable Care Act requires that we offer health insurance.

Legislator Montgomery explained that the County Clerk, County Coroner, and the Sheriff, as referenced by Legislator Nacerino, are all elected positions and that was the reason for holding back the COLA. She explained that Chairman Jonke stated that this employee has only been here one (1) year, and the salary is being adjusted. She believed that we did the same for the Sheriff's command staff in a very short time, bringing them up to a deserving salary even though they were all new employees.

Chairman Jonke stated that it was factually untrue.

Legislator Nacerino believed that we were going to agree to disagree and go around and around. She asked that we move to a roll call vote.

Chairman Jonke stated that he wanted to make sure that everyone had a chance to speak.

There being no further comment, Chairman Jonke called for a Roll Call Vote.

RESOLUTION #311

RECONSIDERATION - 2025 BUDGET RESOLUTION #266 OF 2024 – LAW DEPARTMENT – REMOVE SALARY ADJUSTMENT FOR SENIOR DEPUTY COUNTY ATTORNEY - VETOED BY COUNTY EXECUTIVE

RESOLVED, that the County Executive's veto of Budget Resolution #266 of 2024, removing the \$5,000 Salary Adjustment for the Senior Deputy County Attorney in the Law Department, after Legislative reconsideration, is hereby overridden.

BY ROLL CALL VOTE: SIX AYES. TWO NAYS – LEGISLATORS GOULDMAN & MONTGOMERY. LEGISLATOR CROWLEY WAS ABSENT. MOTION CARRIES.

There being no other business, at 6:28 P.M., Chairman Jonke made a motion to adjourn; seconded by Legislator Sayegh. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.