

**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**

Monday

November 25, 2024

6:15 P.M.

The meeting was called to order at 6:15 P.M. by Chairman Jonke who requested that Legislator Sayegh lead in the Pledge of Allegiance and Legislator Nacerino lead in the Legislative Prayer. Upon roll call, Legislators Montgomery, Gouldman, Addonizio, Nacerino, Ellner, Castellano, Sayegh, Crowley and Chairman Jonke were present. Also present was Legislative Counsel Firriolo.

Item #4 – Reconsideration – Vetoed Resolution #215 of 2024 – Local Law to Amend the Charter of Putnam County by Amending Article 8, Section 8.01 Entitled “Department of Law – County Attorney” was next. Chairman Jonke introduced the following:

Legislator Gouldman believed this was a bad law. He believed that it would change the balance of power in the County. He stated that it weakens the Law Department and undermines the authority of the County Executive. He believed the law was flawed because it conflicts with the New York State Municipal Home Rule Law. He stated that the law would allow the Legislature to remove the County Attorney for any reason. He stated that with the current system there are checks and balances between the Legislative and Executive branches. He stated that the law takes effect on January 1, 2027. He stated that it is 27 months from today. He questioned why this was rushed through and questioned why we were doing this now.

Legislator Ellner respectfully disagreed with his colleague, Legislator Gouldman. He stated that this in no way, shape or form, diminishes the authority of the County Executive. He stated that it adds authority to the County Legislature. He believed that the law Legislator Gouldman referenced was not correct. He stated that it was legal for a County to do this.

Legislator Nacerino believed that a lot of the County Executive’s veto message was based on conjecture. It states, “the implementation of this Local Law would allow the Legislature to fire the County Attorney at will.” She believed that it was insulting to challenge the integrity of the Legislature to say that we would act in a nefarious way having six (6) Legislators arbitrarily choose to remove the County Attorney. She stated that it was not the intent. She stated that it was speculation to say that was the reason for approving this law. She echoed Legislator Ellner and stated that this Local Law gives a voice to the Legislature because the County Attorney represents this body. Legislator Nacerino read the following quote from the County Executive’s veto message: “a Legislator who was the primary subject of the pending ethics complaint, and, who repeatedly recused herself from votes, and at times, discussions related to this legislation, inexplicably did not recuse herself from the vote on October 1, 2024, and, in fact, cast the deciding vote on this Local Law without explanation.” Legislator Nacerino stated that, number one (1), the Legislator was the first vote, therefore she did not casting the deciding vote. She stated that, secondly, the Local Law takes effect in 2027

when the current County Attorney would be term limited out, therefore, the Legislator had no reason not to vote. She stated that the County Executive is actually the one who has the authority to fire someone at will. She did not believe that would be the direction the Legislature would ever plan to take.

Legislator Crowley questioned why we were making Local Laws for a future Legislature.

Legislator Montgomery questioned the purpose of proposing this in the midst of a challenging budget process. She believed that the Legislature created this chaos during a time when we should be serving the people. She stated that she will be voting no on this override resolution.

Legislator Sayegh stated that she will be supporting this. She believed the Legislature should have the ability to decide on outside counsel if our counsel does not represent us properly. She stated to Legislator Crowley's point, all local laws effect future Legislators.

Legislator Castellano stated that he will be supporting this as well. He stated that anything we do can be undone by a future Legislature as well. He believed it was a fair compromise to have the Local Law change become effective in 2027.

Legislator Montgomery questioned how we defined Executive power. She questioned if we should push the Federal government to do the same and just eliminate Executive power. She stated that maybe we should eliminate Executive and Legislative power. She believed it would save a lot of money.

Chairman Jonke stated that we are not eliminating or taking away any authority from the County Executive. He stated that we are giving the Legislature more authority. He stated that we are the Legislative branch of Putnam County Government. He believed that we should have the right to hire and fire the County Attorney. He works directly for us as he does for the County. He defaults to the Legislature in the event of a conflict with the County Executive. He stated in the veto message that this was retaliatory. He stated that the Local Law does not take effect until what might be the County Executive's next term. He stated that there is nothing retaliatory about this, that is why we pushed it off for two (2) years.

Chairman Jonke called for a Roll Call Vote on the resolution.

RESOLUTION #312

RECONSIDERATION – VETOED RESOLUTION #215 OF 2024 – LOCAL LAW TO AMEND THE CHARTER OF PUTNAM COUNTY BY AMENDING ARTICLE 8, SECTION 8.01 ENTITLED “DEPARTMENT OF LAW – COUNTY ATTORNEY”

RESOLVED, that the County Executive's veto of Resolution #215 of 2024, Local Law to Amend the Charter of Putnam County by Amending Article 8, Section 8.01 Entitled “Department of Law – County Attorney”, after Legislative reconsideration, is hereby overridden.

BY ROLL CALL VOTE: SIX AYES. THREE NAYS – LEGISLATORS CROWLEY, GOULDMAN & MONTGOMERY. MOTION CARRIES.

Item #5 – Reconsideration – Vetoed Resolution #216 of 2024 – Appointment of Outside Counsel for the Legislature was next. Chairman Jonke introduced the following:

Legislator Gouldman believed this was flawed in many ways. He questioned who picked the firm to represent the Legislature. He questioned if it was discussed with all the Legislators and stated that it was not. He stated that we are leaving the amount open that could be spent on outside counsel. He stated that there is nothing in this legislation that limits the amount. He stated that recently we lowered the Ethics Board’s request for funding outside counsel from \$25,000 to \$10,000. He stated that the argument was that they could come back to the Legislature if they need more funding. He stated that we limited the Ethics Board but are allowing counsel for the Legislature with no oversight to spend whatever they want. He did not support this.

Legislator Nacerino stated that she was confused by Legislator Gouldman’s comments. She stated that we are looking to see if we can choose our own outside counsel. The veto message states, “where the Legislature believes that a conflict exists between the County Attorney and the Legislature, it is incumbent upon the County Attorney to appoint outside counsel to represent the Legislature. That has already been done.” She stated that this whole toboggan has not been created by the Legislature. She believed it was hard to believe that the County Attorney could be objective in his selection of an outside attorney for the Legislature. She believed that the Legislature should be able to choose their own attorney since the County Attorney is directly involved and created this whole issue. She believed that it was a conflict of interest for the County Attorney to appoint counsel to the Legislature when he is the reason why we need outside counsel because of the claim that was filed by him.

Legislator Ellner stated that Legislator Gouldman mentioned that we cut the Ethics Board outside counsel funding from \$25,000 to \$10,000. He questioned how a Board could have the right to choose their own counsel when an elected Legislative Body cannot do not seem appropriate to him.

Legislator Sayegh believed that if there is a conflict with the County Attorney, the Legislature should have unobstructed representation. She stated that the reason we are looking to obtain outside counsel is due to a possible conflict.

Legislator Crowley stated that some members of the Legislature stated that there is a conflict with the County Attorney. She questioned if that was reflective of what we just passed. She believed that came across as being retaliatory. She believed that limiting the funding for the Ethics Board makes it harder for them to do their job. She believed that all these things that are being done are because of something that was filed with the Ethics Board. She did not understand why we cannot work together as a body in resolving an issue.

Legislator Nacerino believed it was a difficult position for the Legislature and the County Attorney. She stated that the County Attorney is supposed to represent the Legislature. She stated that we have not even seen him since May of this year. She stated the he did not attend our budget meetings or attend our Committee meeting regarding the County’s biggest litigation settlement. She stated that now we are expected to believe in good faith that he is going to choose an objective law firm to represent our best interest. She

believed that it was skeptical and believed that we should have the right to choose a firm that is unbiased and unaffiliated.

Legislator Crowley stated that Legislator Nacerino said, “we.” Legislator Crowley explained that this was not a decision made by the entire Legislature. She believed that the Legislature should be able to vote on the law firm that is chosen.

Legislator Montgomery believed that the law allows for the Chairman of the Legislature to choose the outside counsel. She stated that while we have the power to approve outside counsel on a per case basis, the approval must be obtained by both the Chairperson and the County Attorney. She questioned once again why we are doing this. She questioned why we were spending time on this instead of serving the people in the community.

Chairman Jonke stated that he would stay here until midnight if he had to. He believed that the Legislature demonstrated during the budget process that we are committed to spending time here. He stated that the public is not being cheated out of our time and attention.

Legislator Ellner corrected for the record that this was discussed by the entire Legislative body and the choice of the firm approved by a vote of six (6) ayes and three (3) nays. He stated that Legislator Crowley voted against this at a Full Legislative meeting held on October 1, 2024, which is included on the last page of our packet for this item.

Legislator Crowley stated that it was proposed that this would be the firm, but an RFP was not done. She explained that there was no discussion on potential law firms, before the Chair decided on the firm.

Legislator Nacerino stated that the County Attorney is working against us in this situation. She stated that it makes it difficult to have him amicably pick someone along with the Chair. She stated that we did not start this fire.

Legislator Sayegh stated that she has heard over and over again that this is retaliatory. She stated that this could not be further from the truth. She stated decisions made by the Legislature are not retaliatory in nature. She stated that we have a record in the County for hiring outside counsel from our Law Department. She stated that we are farming out a lot of work and maybe we need to hire more attorneys. She stated that the issue we are voting on tonight is, can the Legislature hire outside counsel, and the Chairman has the ability to choose.

Legislator Montgomery stated that we keep hearing that we did not start this fire. She believed that we did, or a member of this Legislature did, which she believed was an assault on the people of this County. She stated that one member of this Legislature started this and was not forthright in the information provided during the potential sale of a County property.

Legislator Nacerino believed that it was harsh to say something so emphatic about something that has yet to be considered. She stated that judgement is being passed when it should be reserved for the Ethics Board. She stated that was why we needed representation.

Chairman Jonke stated that someone said we cut the Ethics Board funding. He stated that we have funded \$10,000 to the Ethics Board for their investigation. He believed that was a reasonable amount. He stated that if they need additional funding they could come back to the Legislature, which he believed would be amenable to giving them more money. He stated, to be clear, it was the County Attorney who declared that there was a conflict and that was why he appointed us outside counsel. Chairman Jonke stated that he believed it should be the Legislature that determined who outside counsel should be, not the County Attorney who is conflicted. He stated that when it comes to spending money on outside counsel, no one on this Legislature had a problem with the multiple times fund transfer requests from the County Attorney came to the Legislature for over \$50,000. He stated that now we are worried about how much the Legislature might spend on outside counsel when the Law Department is racking up bills that we have never seen before. He stated that Legislator Montgomery stated that we started this fire, however, the match that started this fire was the day the Legislature received a decision from a Judge regarding a lawsuit that we were unaware was ever filed. It was filed in December 2023 and the decision came down in May of 2024. He stated that the lawsuit was never on any of the litigation reports or was the Legislature ever apprised of it. He stated that we had the “audacity” to ask the County Attorney to come to a Rules meeting to explain this. He stated that was when the fire started. He stated that we are an equal branch of government and should have every right to determine who represents us.

Legislator Ellner stated that the County Attorney filed the lawsuit without permission.

Chairman Jonke stated that it was without the authorization or consent of this Legislature. He stated that they claim they received the consent from the County Executive.

Chairman Jonke called for a Roll Call Vote.

RESOLUTION #313

RECONSIDERATION – VETOED RESOLUTION #216 OF 2024 – APPOINTMENT OF OUTSIDE COUNSEL FOR THE LEGISLATURE

RESOLVED, that the County Executive’s veto of Resolution #216 of 2024, Appointment of Outside Counsel for the Legislature, after Legislative reconsideration, is hereby overridden.

BY ROLL CALL VOTE: SIX AYES. THREE NAYS – LEGISLATORS CROWLEY, GOULDMAN & MONTGOMERY. MOTION CARRIES.

There being no further business, at 6:43 P.M., Chairman Jonke made a motion to adjourn; seconded by Legislator Sayegh. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.