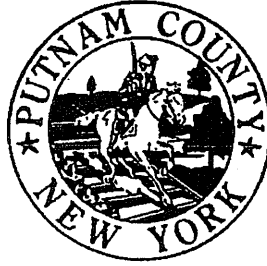


THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

Paul E. Jonke *Chairman*
Amy E. Sayegh *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery Dist. 1
William Gouldman Dist. 2
Toni E. Addonizio Dist. 3
Ginny Nacerino Dist. 4
Greg E. Ellner Dist. 5
Paul E. Jonke Dist. 6
Joseph Castellano Dist. 7
Amy E. Sayegh Dist. 8
Erin L. Crowley Dist. 9

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

Monday November 25, 2024 6:15 P.M.

- 1. Pledge of Allegiance**
- 2. Legislative Prayer**
- 3. Roll Call**
- 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”**
- 5. Reconsideration – Vetoed Resolution #216 of 2024 – Appointment of Outside Counsel for the Legislature**
- 6. Adjournment**

#4

Committee Mtg _____ Resolution # _____
Introduced By _____ Regular Mtg _____
Seconded By _____ Special Mtg _____

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.

Legislator Addonizio _____
Legislator Castellano _____
Legislator Crowley _____
Legislator Ellner _____
Legislator Gouldman _____
Legislator Montgomery _____
Legislator Nacerino _____
Legislator Sayegh _____
Chairman Jonke _____



*Entered into
the record Spec Full
10/29/24*

*Other Business
#5a*

PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE

October 25, 2024

Ms. Diane Schonfeld, Clerk
Putnam County Legislature
40 Gleneida Avenue
Carmel, NY 10512

2024 OCT 25 PM 3:04
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

Re: Local Law #215

Dear Ms. Schonfeld:

A public hearing was held at Room 300 of the County Office Building, 40 Gleneida Avenue, Carmel, New York 10512 on the 23rd day of October 2024, at 3:30 pm and 5:00 pm concerning:

LOCAL LAW:

LOCAL LAW TO AMEND THE CHARTER OF PUTNAM COUNTY BY AMENDING ARTICLE 8, SECTION 8.01 ENTITLED "DEPARTMENT OF LAW - COUNTY ATTORNEY" R#215

Enclosed, please find a vetoed copy of the law, along with the attached veto message, minutes, and sign-in sheet from the hearings.

Respectfully,

A handwritten signature in cursive script that reads "Kevin M. Byrne".

Kevin M. Byrne
County Executive

KMB:lr
Enc.



PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE

MEMORANDUM

TO: Diane Schonfeld, Clerk
Putnam County Legislature

CC: The Putnam County Legislature

FROM: Kevin M. Byrne
County Executive

DATE: October 25, 2024

RE: **Veto of Local Law # 215 of 2024 which proports to Amend the Charter of Putnam County By Amending Article 8, Section 8.01 Entitled "Department of Law-County Attorney"**

Please be advised that I am vetoing Local Law number 215 of 2024 ("Local Law") which seeks to weaken the County Attorney, the Law Department, and to undermine the authority of the County Executive.

This Local Law is fatally flawed because it contravenes the New York State Municipal Home Rule Law. This Local Law would allow the County Legislature to remove the County Attorney for any reason, or no reason at all without the consent or concurrence of the County Executive. This Local Law would divest the authority of the County Executive who is the only elected official presently with the authority to initiate the removal of a County Attorney without specific justification. That power is conferred upon the Executive by the Putnam County Charter. The implementation of this Local Law would allow the Legislature to fire the County Attorney at will. The required Mandatory Referendum providing the citizens of Putnam County the opportunity to vote on this change is absent from this Local Law.

This Local Law was born of retaliation and is the ill-advised response to the County Attorney's lawful reporting of a Legislator's conflict of interest to the County Ethics Board. When this Local Law was passed, 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.

For all the reasons stated above, I hereby VETO Local Law number 215 of 2024.

PUTNAM COUNTY LEGISLATURE

Resolution #215

Introduced by Legislator: Toni Addonizio on behalf of the Rules, Enactments & Intergovernmental Relations Committee at a Regular Meeting held on October 1, 2024.

page 1

APPROVAL - LOCAL LAW TO AMEND THE CHARTER OF PUTNAM COUNTY BY AMENDING ARTICLE 8, SECTION 8.01 ENTITLED "DEPARTMENT OF LAW – COUNTY ATTORNEY"

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Section 8.01 of the Charter of the County of Putnam is hereby amended to read as follows:

§ 8.01 – Department of Law – County Attorney

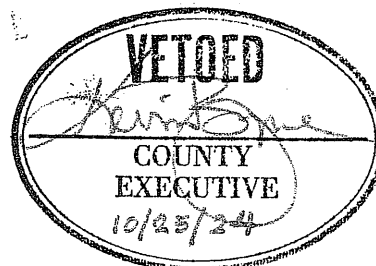
There shall be a Department of Law under the direction of a County Attorney who shall be appointed by the County Executive, subject to confirmation by the County Legislature. At the time of his or her appointment, and throughout his or her term of office, the County Attorney shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of his or her office. The County Attorney may be removed by the County Executive, subject to a two-thirds vote of concurrence by the County Legislature. The County Attorney may also be removed by the County Legislature by a two-thirds vote of the Legislature, however, this provision shall not be applicable to the County Attorney serving at the time this law takes effect. The County Attorney shall not engage in any private practice nor be employed by any private law firm or other governmental entity in his or her field of expertise of employment. This restriction on employment by the County Attorney shall not be applicable to the County Attorney serving at the time this law takes effect.

Section 2.

This Local Law shall take effect on January 1, 2027 and is subject to permissive referendum.

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

State of New York
ss:
County of Putnam

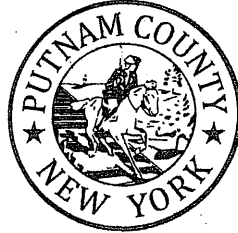


I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on October 1, 2024.

Dated: October 4, 2024

Signed: Diane Schonfeld

Diane Schonfeld
Clerk of the Legislature of Putnam County



**PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE**

MINUTES

**PUBLIC HEARING
Putnam County Office Building
40 Gleneida Avenue, Room 300, Carmel, NY 10512
Wednesday, October 23, 2024, at 3:30pm**

Public Hearing on Local Law:

**LOCAL LAW TO AMEND THE CHARTER OF PUTNAM COUNTY BY AMENDING ARTICLE 8,
SECTION 8.01 ENTITLED "DEPARTMENT OF LAW -COUNTY ATTORNEY"R#215**

County Representatives Present: County Executive Kevin Byrne
Deputy County Executive Jim Burpoe
Chief of Staff Matt Covucci
Confidential Secretary Lisa Ranghelli

The first meeting was called to order at 3:30pm by County Executive Kevin Byrne.

Deputy County Executive Jim Burpoe led the Pledge of Allegiance.

Matt Covucci read the public notice.

The floor was opened for public comments.

No public comments were made, and no written comments were submitted.

The first hearing was adjourned at 3:37pm.



**PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE**

MINUTES

**PUBLIC HEARING
Putnam County Office Building
40 Gleneida Avenue, Room 300, Carmel, NY 10512
Wednesday, October 23, 2024, at 5:00pm**

Public Hearing on Local Law:

**LOCAL LAW TO AMEND THE CHARTER OF PUTNAM COUNTY BY AMENDING ARTICLE 8,
SECTION 8.01 ENTITLED "DEPARTMENT OF LAW -COUNTY ATTORNEY" R#215**

County Representatives Present: County Executive Kevin Byrne
Deputy County Executive Jim Burpoe
Chief of Staff Matt Covucci
Confidential Secretary Lisa Ranghelli

The second meeting was called to order at 5:00pm by County Executive Kevin Byrne.

Deputy County Executive Jim Burpoe led the Pledge of Allegiance.

Matt Covucci read the public notice.

The floor was opened for public comments.

No public comments were made, and no written comments were submitted.

County Executive Kevin Byrne provided a statement.

The second hearing was adjourned at 5:19 pm.



Byrne Administration Local Law Public Hearing
Date: October 23, 2024

Public Hearing on Local Law: R#215

Name	Address	Email/Phone
1. James Maxwell	McLover NY	max2589@opt.com 347 922 8215
2. Peggy Burns	85 Slater Rd Patterson NY	845 629 9355
3. David Brothers	89 Slater Rd Patterson NY	347-847-0668
4. Laura Russo	89 Slater Rd Patterson	914-841-9113
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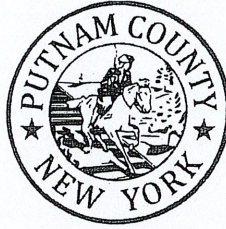
#5

Committee Mtg _____ Resolution # _____
Introduced By _____ Regular Mtg _____
Seconded By _____ Special Mtg _____

**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.**

Legislator Addonizio _____
Legislator Castellano _____
Legislator Crowley _____
Legislator Ellner _____
Legislator Gouldman _____
Legislator Montgomery _____
Legislator Nacerino _____
Legislator Sayegh _____
Chairman Jonke _____



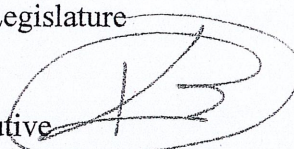
Entered into the record
Spec. Mtg
10/29/24

PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE

MEMORANDUM

To: Diane Schonfeld, Clerk
Putnam County Legislature

Cc: The Putnam County Legislature

FROM: Kevin M. Byrne
Putnam County Executive 

DATE: October 11, 2024

RE: Veto of Resolution #216 of 2024 which proports to Approve the Appointment of Outside Counsel for the Legislature.

2024 OCT 11 PM 2:49
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

Pursuant to § 3.04-A of the Putnam Charter, “every resolution adopted by the County Legislature, except resolutions establishing the rules and regulations of the Legislature and other matters pertaining solely to the conduct of its own procedures, shall be submitted to the County Executive for his or her action within five (5) days after passage. Within (10) days after receipt of the original enactment as passed by the County Legislature, he or she shall take action approving or vetoing the same.”

Resolution #216 was received on October 4, 2024 and is hereby **VETOED**. Please find attached the corresponding VETO message in addition to the vetoed resolution itself.

Message from County Executive Kevin M. Byrne

Resolution #216 of 2024

VETO/ Resolution Proports to Approve the Appointment of ~~Outside Counsel~~ for the Legislature

Please be advised that I am vetoing Resolution number 216 of 2024 (“Resolution”) which directly relates to the representation of the County Legislature by the County Attorney, and the County Attorney’s obligation to select and/or approve outside counsel for the Legislature.

The Resolution presented is unlawful and is based upon the purported need to appoint outside counsel due to “actual or potential conflicts involving the Law Department and Legislative Council.” The Putnam County Code section 140-3.5 authorizes the County Legislature to approve procurement for a contract for the services of legal counsel, which shall be approved by the Chairperson of the Legislature and the County Attorney. This Resolution attempts to circumvent the statutory requirement that the County Attorney is required to approve such an appointment before that appointment becomes effective. Here, no such approval was given.

The Resolution is fatally flawed as the reason stated for engaging outside counsel due to “potential conflicts with the County Attorney” does not comport with the allowable reasons as set forth in the Putnam County Charter. There are no identifiable provisions in the Putnam County Charter that allow the Legislature to ignore the statutes that mandate the County Attorney’s appointment of counsel for the Legislature nor are there provisions that allow the Legislature to appoint counsel based upon speculative, possible future conflicts.

Putnam County Charter section 8.05 deals with actual conflicts between the Legislature and the County Executive. Pursuant to that section, the County Attorney is duty bound to represent the Legislature. Here, where the Legislature believes that a conflict actually 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.

The Resolution further attempts to circumvent the law and allow the Legislature to appoint any firm it chooses absent a specific rationale and absent approval by the County Attorney as required under the Charter and Code. The Charter section cited in the Resolution, section 2.04(q) states that the Legislature has the authority “to appoint, as deemed necessary and proper, by resolution duly adopted, outside counsel on a per case basis.” The Resolution presupposes, erroneously, and contrary to law, that the Legislature can appoint, at will, counsel of its own choosing without stating a reason, without stating that a case or controversy exists, and without the required imprimatur of the County Attorney.

Lastly, the resolution identifies no matter in controversy currently pending for which outside counsel for the Legislature has not already been appointed. Therefore, my office will send a copy of this veto message to the law firm of Keane & Beane, so that the members of that firm are on notice that the Resolution purportedly appointing the firm was unlawful and thereby unenforceable.

For all of the reasons stated above, I hereby **VETO** Resolution number 216 of 2024.

PUTNAM COUNTY LEGISLATURE

Resolution #216

Introduced by Legislator: Toni Addonizio on behalf of the Rules, Enactments & Intergovernmental Relations Committee at a Regular Meeting held on October 1, 2024.

page 1

APPROVAL/ APPOINTMENT OF OUTSIDE COUNSEL FOR THE LEGISLATURE

WHEREAS, by memorandum dated September 11, 2024, the Chair of the Legislature informed the County Attorney that, due to actual or potential conflicts involving the Law Department and Legislative Counsel, the Legislature finds itself in the position of being without counsel on several different matters; and

WHEREAS, in said memorandum, the Chair of the Legislature requested that, pursuant to Putnam County Code Section 140-3.5 ("Contracting for legal services"), the County Attorney appoint Keane & Beane, P.C., Attorneys at Law, as counsel to the Legislature; and

WHEREAS, Putnam County Code Section 140-3.5 authorizes the County Legislature to approve its own procurement for a contract for the services of legal counsel, which shall be approved by the Chairperson of the Legislature and the County Attorney; and

WHEREAS, pursuant to Putnam County Charter Section 8.02(f), the County Attorney shall have all the powers and perform all the duties conferred or imposed by law on a County Attorney, and perform such other and related nonconflicting duties required by the County Executive or the County Legislature; and

WHEREAS, it is a conflicting duty for the County Attorney to approve or deny approval of the Legislature's choice of counsel to deal with matters where the County Attorney has a conflict; and

WHEREAS, pursuant to Putnam County Charter 2.04(q), the County Legislature shall have the power to appoint, as deemed necessary and proper, by resolution duly adopted, outside counsel on a per case basis; now therefore be it

RESOLVED, that, pursuant to Putnam County Code Section 140-3.5, the Putnam County Legislature approves the procurement for a contract for the services of legal counsel with Keane & Beane, P.C., Attorneys at Law, as counsel to the Legislature, as previously approved by the Chair of the Legislature; and be it further

RESOLVED, that in the event that there is any impediment to the procurement of such a contract pursuant to Putnam County Code Section 140-3.5, the Legislature invokes its authority pursuant to Putnam County Charter 2.04(q) to directly appoint outside counsel for the purpose of dealing with matters where there is a conflict involving the County Attorney or the Department of Law; and be it further

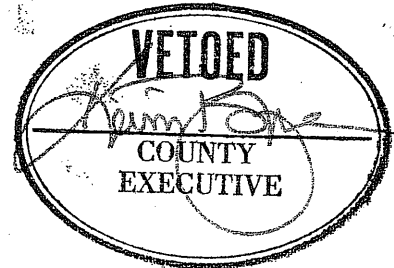
RESOLVED, that in the event the firm of Keane & Beane is unable or unwilling to accept the appointment for any reason, or to continue as counsel to the Legislature after being engaged, the Chair of the Legislature shall approve and be authorized to appoint alternate counsel for the Legislature.

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

State of New York

ss:

County of Putnam



I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on October 1, 2024.

Dated: October 4, 2024

Signed: Diane Schonfeld

Diane Schonfeld
Clerk of the Legislature of Putnam County