

**SPECIAL MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
Rescheduled Regular Meeting of
August 4, 2020 which was canceled
Due to State of Emergency/ Tropical Storm Isaias**

HELD VIA AUDIO WEBINAR PURSUANT TO TEMPORARY EMERGENCY ORDERS

Friday August 7, 2020 7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairwoman Addonizio who led in the Pledge of Allegiance and Legislative Prayer. Upon roll call, Legislators Montgomery, Gouldman, Nacerino, Albano, Jonke, Castellano, Sayegh, Sullivan and Chairwoman Addonizio were present. Also present was Legislative Counsel Firriolo.

Item #4 – Approval of Minutes – Regular Meeting – June 2, 2020
Public Hearing Agr. District – July 1, 2020
Regular Meeting – July 7, 2020

Legislator Montgomery stated that she made comments during the Agricultural District Public Hearing which were not included.

Chairwoman Addonizio stated that the Clerk would review the audio for that meeting.

The Regular Meeting minutes of June 2, 2020 and July 7, 2020 were approved as submitted.

Item #5 – Correspondence
a) County Auditor

There was no activity during this reporting period.

Item #6 – Pre-filed resolutions:

**PROTECTIVE SERVICES COMMITTEE
(Chairman Jonke, Legislators Nacerino & Sullivan)**

Item #6a – Approval/ Grant Application/ Bureau of Emergency Services/ FY2020 Emergency Management Performance Grant COVID-19 Supplemental (EMPG-S) Program was next. Chairwoman Addonizio recognized Legislator Jonke, Chairman of Protective Services Committee. On behalf of the members of the Committee, Legislators Nacerino & Sullivan, Legislator Jonke moved the following:

Legislator Montgomery believed that the priorities of the grant funds and what the County is using them for have nothing to do with the salaries. She stated that the priorities of the grant are preparedness, planning, data collection analysis and stockpile capacity. She did not see how the grant related to what we are using it for. She stated that she was told during Committee that it is going to be added to a salary of an existing

employee who gets paid in Emergency Management. She stated that she has not seen any new plans or policies related to COVID-19 which she believed it should be used for.

Legislator Jonke clarified that the funds are not added to someone's salary; it is to pick up a portion of someone's salary.

Legislator Montgomery questioned what we would be doing with the money that we are not paying him that is already approved in the 2020 budget.

Legislator Jonke stated that it is reimbursing him for a portion of his salary. He stated that it is saving the taxpayers money.

Legislator Montgomery questioned where the money was going that was already approved for salary.

Legislator Sayegh stated that it was her understanding that this is a 50/50 grant. The County's portion of the match is through a salary. She stated that we receive 50% grant funding to be used for the purposes stated in the grant.

Legislator Nacerino stated that the grant parameters are very specific in how the funding is allocated. She stated that this lies within the appropriateness of the money that is being granted to us. She stated that it is discretionary with a very stringent threshold of how monies are appropriated.

Legislator Castellano stated that Putnam County has done a great job in finding additional grant monies; saving our taxpayers some money in the process.

RESOLUTION #129

APPROVAL/ GRANT APPLICATION/ BUREAU OF EMERGENCY SERVICES/ FY2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT COVID-19 SUPPLEMENTAL (EMPG-S) PROGRAM

WHEREAS, Section 5-1(D)(1) of the Putnam County Code requires Legislative approval of all grant applications and renewals that require County matching funds; and

WHEREAS, the Bureau of Emergency Services requested permission to apply for the FY2020 Emergency Management Performance Grant COVID-19 Supplemental (EMPG-S) Program funding awarded to Putnam County in the amount of \$21,798; and

WHEREAS, the funding is provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA); and

WHEREAS, the New York State Division of Homeland Security and Emergency Services (DHSES) will administer this funding on behalf of FEMA; and

WHEREAS, the performance period for this grant is January 27, 2020 through July 31, 2021; and

WHEREAS, the grant application deadline is July 16, 2020; and

WHEREAS, this grant requires a 50% match by the County; and

WHEREAS, the matching portion of this grant is more than covered by a portion of the salary of Deputy Commissioner Lipton; and

WHEREAS, the Protective Services Committee has reviewed and approved of this request; now therefore be it

RESOLVED, that the Bureau of Emergency Services is authorized to apply for a \$21,798 grant from the NYS Homeland Security and Emergency Services under the FY2020 Emergency Management Performance Grant COVID-19 Supplemental (EMPG-S) Program.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6b – Approval/ Support for Legislation Allowing Shared Local Control of County Correctional Facilities’ Staffing Ratios was next. On behalf of the members of the Protective Committee, Legislators Nacerino & Sullivan, Legislator Jonke moved the following:

Legislator Jonke explained that he spoke to the Sheriff about this resolution and the Sheriff provided his opinion. He stated that he does not want to speak for the Sheriff, therefore he asked the Sheriff to put his opinion in writing and he has declined.

Legislator Nacerino stated that she supported this resolution. She believed it was logical to grant the local authority to appropriate staffing ratios, especially during this difficult fiscal climate.

Legislator Castellano stated that this is a home rule issue. He believed it was a bonus that the County gets to control it rather than the State.

RESOLUTION #130

APPROVAL/SUPPORT FOR LEGISLATION ALLOWING SHARED LOCAL CONTROL OF COUNTY CORRECTIONAL FACILITIES’ STAFFING RATIOS

WHEREAS, according to the Division of Criminal Justice services, county jail populations across New York State have been reduced by 44 percent from this time last year, representing a decline of 11,566 inmates; and

WHEREAS, according to the New York State Association of Counties (“NYSAC”), as this trend continues, due in part to several new state policy reforms and local diversion practices, New York counties request additional local flexibility to reduce jail staffing accordingly; and

WHEREAS, under current state law (Correction Law Article 3, Section 45, subsection 6) the New York State Commission on Correction (the “Commission”) is granted the authority to promulgate rules and regulations establishing minimum standards for the review of the construction or improvement of correctional facilities and the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in correctional facilities; and

WHEREAS, the same provision of law also grants the Commission on Correction the authority to annually establish appropriate staffing ratios in county correctional facilities; and

WHEREAS, under New York Codes, Rules and Regulations (NYCRR) Title 9, Part 7041.1, each local correctional facility is required to employ at least the minimum facility staffing requirement as determined by the Commission; and

WHEREAS, according to NYSAC, New York counties ask that state Correction Law and the NYCRR be amended to grant local authority to establish appropriate staffing ratios in county correctional facilities; and

WHEREAS, by letter dated June 8, 2020, NYSAC President John F. Marren raised this issue with Governor Andrew M. Cuomo and attached draft model legislation to effectuate this change in law; and

WHEREAS, the proposed legislation would grant local jail administrators, county chief elected or appointed officials, and county sheriffs shared authority with the State to promulgate rules and regulations for correctional facilities, and allow counties flexibility in establishing minimum staffing ratios for correctional facilities; and

WHEREAS, the expertise, experience and judgment of each county's officials are vitally important to evaluate the operational needs of that county's correctional facility, and thus county officials should have shared authority with the Commission in regulation of their county's correctional facilities; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature hereby call upon the New York State Legislature and Governor Cuomo to enact the model legislation proposed by NYSAC to allow shared local control of county correctional facilities; and be it further

RESOLVED, that the Clerk of the Putnam County Legislature is hereby directed to forward a copy of this Resolution to Putnam County's representatives in the State Legislature as well as to the Governor and leadership of our State Legislature.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairman Sullivan, Legislators Albano & Castellano)**

Item #6c(1) – Approval/ Establishment of Putnam County Human Rights Commission was next. Chairwoman Addonizio recognized Legislator Sullivan, Chairman of the Rules, Enactments & Intergovernmental Relations Committee.

APPROVAL/ ESTABLISHMENT OF PUTNAM COUNTY HUMAN RIGHTS COMMISSION

WHEREAS, the County Executive and the Putnam County Legislature have a common interest in the formation of a new Commission with county-wide membership and jurisdiction in order to enhance the quality of life in Putnam County; and

WHEREAS, the County Executive and the Putnam County Legislature finds and declares that Putnam County has the responsibility to act to assure that every individual within this county is afforded an equal opportunity to enjoy a full and productive life; and

WHEREAS, by Article 12-D, Sections 239-o through 239-t, of the New York State General Municipal Law, the Legislature of this State authorizes the creation of a Commission by this County; and

WHEREAS, it is the intent of the Legislature that this Commission shall function as an Advisory Board only, which is defined as a body that provides non-bonding strategic advice to the management of an organization, and shall possess no authority to legally bind the County in any way whatsoever; now therefore be it

RESOLVED that the Putnam County Legislature hereby establishes the Putnam County Commission on Human Rights as follows:

Article 1. Membership, Appointments and Terms.

- (a) The Commission shall have a minimum of nine (9) members, with a minimum of one (1) member from each of the nine Legislative districts within the County of Putnam.**
- (b) Member applications shall be submitted to the Legislature and County Executive's Office, and shall then be appointed by the County Executive subject to confirmation by the County Legislature.**
- (c) The Chairperson shall be selected by a majority of its members.**
- (d) Membership selection shall take into consideration and shall attempt to achieve diversity based upon religion, race, nationality, political affiliation, veteran's status, sexual orientation, gender identification and affiliation with other groups and organizations.**
- (e) The term of office for Commission members shall be three (3) years, except that the members first appointed to such Board shall be appointed as follows: three (3) shall be appointed for a term of one year, three (3) for a term of two years, and three (3) for a term of three years to be determined randomly at the organizational meeting. A member shall serve no more than two full three-year terms.**
- (f) The Commission shall be empowered to adopt its own procedures and by-laws consistent with this resolution.**
- (g) The members of the Commission shall serve without compensation.**
- (h) The County Executive and the Chairman of the Legislature, or their designees, shall be ex-officio members of the Commission.**

Article 2. Volunteer Outside Services.

The Commission shall have the power and authority to utilize the services of a secretary and such attorneys, experts and other individuals as it may deem necessary, providing same does not involve the expenditure of County funds.

Article 3-A. General Duties.

It shall be the duty of the Commission:

- (a) To foster mutual respect and understanding among all racial, religious, nationality and other groups in the County.**
- (b) To make such studies in any field of inter-personal human relationships in the County as in the judgment of the Commission will aid in effectuating its general purposes and where desirable, to make results of such studies public.**

- (c) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to make such recommendations as may be designed to alleviate such tensions and conflict.
- (d) To conduct and recommend such educational programs as, in the judgment of the commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants, provided that such educational programs do not result in the expenditure of County funds.

Article 3-B. In addition to all other powers, the Commission, where and to the extent authorized by local law or ordinances, shall have the power:

- (a) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article 15 of the New York State Executive Law.
- (b) To refer any complaint or issue to such appropriate local, state or federal agency or department or any other such division of a government agency.
- (c) To accept and utilize such goods and services as are necessary to accomplish the goals and objective of the Commission.

Article 4. General Obligations.

The Commission shall discharge the following obligations:

- (a) To receive complaints of alleged discrimination on the basis of race, creed, color, national origin, veteran's status, sexual orientation, and gender identification, and to seek the active assistance of the Division of Human Rights of the State of New York in the solution of complaints which fall within the jurisdiction of the Division with a view toward reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.
- (b) To hold conferences and other public meetings in the interest of the constructive resolution of racial, religious, nationality and other group tensions and the prejudice and discrimination occasioned thereby.
- (c) To issue such publications and reports of investigation as in its judgment will tend to effectuate its purposes.
- (d) To enlist the cooperation and participation of various racial, religious and nationality groups, community organizations, industries and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the County mutual esteem, justice and equity.
- (e) To encourage and stimulate agencies under the jurisdiction of the County to take such action as will fulfill the purposes of this Resolution.

- (f) To submit an annual report to the County Legislature and to furnish a copy thereof to the Division of Human Rights of the State of New York detailing all of the above actions taken during such annual period.

Article 5. Funding. The Commission shall be strictly volunteer and shall discharge its duties and obligations without the expenditure of any County funds.

And be it further

RESOLVED, that the Clerk of the Putnam County Legislature is directed to send a certified copy of this resolution to the Division of Human Rights of the State of New York within five day after its adoption, pursuant to § 239-t of the General Municipal Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Item #6c(2)

REVISED RESOLUTION PER RULES MTG DISCUSSIONS (changes are underlined)

APPROVAL/ ESTABLISHMENT OF PUTNAM COUNTY HUMAN RIGHTS COMMISSION

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WHEREAS, the County Executive and the Putnam County Legislature finds and declares that Putnam County has the responsibility to act to assure that every individual within this county is afforded an equal opportunity to enjoy a full and productive life; and

WHEREAS, by Article 12-D, Sections 239-o through 239-t, of the New York State General Municipal Law, the Legislature of this State authorizes the creation of a Commission by this County; and

WHEREAS, it is the intent of the Legislature that this Commission shall function as an Advisory Board only, which is defined as a body that provides non-bonding strategic advice to the management of an organization, and shall possess no authority to legally bind the County in any way whatsoever; now therefore be it

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- (b) Member applications shall be submitted to the Legislature and County Executive's Office and shall then be appointed by the County Executive subject to confirmation by the County Legislature.
- (c) The Chairperson shall be selected by a majority of its members.
- (d) Membership selection shall take into consideration and shall attempt to achieve diversity based upon religion, race, nationality, age, political affiliation,

veteran's status, sexual orientation, gender identification and affiliation with other groups and organizations.

- (e) The term of office for Commission members shall be three (3) years, except that the members first appointed to such Board shall be appointed as follows: Three (3) shall be appointed for a term of one year, three (3) for a term of two years, and three (3) for a term of three years to be determined randomly at the organizational meeting. A member shall serve no more than two full three-year terms.
- (f) The Commission shall be empowered to adopt its own procedures and by-laws consistent with this resolution.
- (g) The members of the Commission shall serve without compensation.
- (h) The County Executive and the Chairman of the Legislature, or their designees, shall be ex-officio members of the Commission.

Article 2. Volunteer Outside Services.

The Commission shall have the power and authority to utilize the services of a secretary and such attorneys, experts and other individuals as it may deem necessary, providing same does not involve the expenditure of County funds.

Article 3-A. General Duties.

It shall be the duty of the Commission:

- (a) To foster mutual respect and understanding among all racial, religious, nationality and other groups in the County.
- (b) To make such studies in any field of inter-personal human relationships in the County as in the judgment of the Commission will aid in effectuating its general purposes and where desirable, to make results of such studies public.
- (c) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to make such recommendations as may be designed to alleviate such tensions and conflict.
- (d) To conduct and recommend such educational programs as, in the judgment of the commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants, provided that such educational programs do not result in the expenditure of County funds.

Article 3-B. In addition to all other powers, the Commission, where and to the extent authorized by local law or ordinances, shall have the power:

- (a) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article 15 of the New York State Executive Law.
- (b) To refer any complaint or issue to such appropriate local, state or federal agency or department or any other such division of a government agency.
- (c) To accept and utilize such goods and services as are necessary to accomplish the goals and objective of the Commission.

Article 4. General Obligations.

The Commission shall discharge the following obligations:

- (a) To receive complaints of alleged discrimination on the basis of race, creed, color, national origin, veteran's status, sexual orientation, and gender identification, and to seek the active assistance of the Division of Human Rights of the State of New York in the solution of complaints which fall within the jurisdiction of the Division with a view toward reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.
- (b) To hold conferences and other public meetings in the interest of the constructive resolution of racial, religious, nationality and other group tensions and the prejudice and discrimination occasioned thereby.
- (c) To issue such publications and reports of investigation as in its judgment will tend to effectuate its purposes.
- (d) To enlist the cooperation and participation of various racial, religious and nationality groups, community organizations, industries and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the County mutual esteem, justice and equity.
- (e) To encourage and stimulate agencies under the jurisdiction of the County to take such action as will fulfill the purposes of this Resolution.
- (f) To submit an annual report to the County Legislature and to furnish a copy thereof to both the Legislature and the Division of Human Rights of the State of New York detailing all of the above actions taken during such annual period. Such report shall also include a detailed statement of all goods and services accepted by the Commission pursuant to Article 3-B(c), and a detailed explanation of how such goods and services were utilized.

Article 5. Funding.

The Commission shall be strictly volunteer and shall discharge its duties and obligations without the expenditure of any County funds.

And be it further

RESOLVED, that the Clerk of the Putnam County Legislature is directed to send a certified copy of this resolution to the Division of Human Rights of the State of New York within five days after its adoption, pursuant to § 239-t of the General Municipal Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Item #6c(3) - Revised per Legislator Sullivan (same resolution as #6c(2) plus added change which is underlined)

Legislator Sullivan made a motion to accept the third version of the resolution submitted to the meeting, Item #6c(3); seconded by Legislator Castellano. All in favor.

Legislator Sullivan explained that this is a proposal to establish a Human Rights Commission in Putnam County that would assist our residents by providing educational and informational opportunities pertaining to human rights issues. He explained that this would be an advisory board.

Legislator Montgomery stated that we received a lot of input between the last Rules Committee meeting and now. Legislator Montgomery proceeded to quote some of the heartfelt comments from the in-depth letters which the Legislature received from individuals who would like to see the establishment of this Human Rights Commission. Many of the quotes were made by individuals who have experienced racism in our community. She stated that an important quote, which she reflects on quite often in the comments that she hears is, "you must consider how many incidents are not being reported because residents may not know where to go." She believed, from her experience with friends who have been assaulted, they just do not want to tell their story. She stated that from the July 16, 2020 Rules Committee meeting, she was hopeful that her colleagues will be in favor of this as Legislator Sullivan stated, "establishing a Commission is great. The Legislature and the Administration has worked diligently to establish a Human Rights Commission that we can all be proud of." She stated that Legislator Albano stated, "I know issues do exist and that he would look at it with an open mind." She stated that Legislator Castellano stated, "I do think it is the right time to do this in Putnam County in the format in front of us tonight. It's a good way to start. I like that idea and I'd like to see it evolve." She stated that we received a letter from the County Executive which stated that she was in favor of this and looked forward to signing it once we pass the resolution.

Legislator Albano stated that he did say he would think about this and he has. He stated that he mentioned at the last meeting that he has been a Putnam County resident for the last 50 years. He stated that, in all honesty, he has not seen issues that would warrant having a Human Rights Commission. He explained that if he saw issues come up, they were addressed immediately. He stated that we have a beautiful community. He stated, at this time, he did not see how this would improve the quality of life in Putnam County. He stated that there is a New York State Human Rights Commission and he did not want to see more government if it was not necessary. He explained that Mr. Hyer (who submitted a proposal for a Putnam County Human Rights Commission for review at the

January Rules mtg) (section 20:09 on recording) attended the February Rules Committee meeting. During a discussion about Putnam County not having a Taxi and Limousine Commission (TLC), under Item #7 - Discussion/ Green Light Law & Accessibility to Class E Driver's License, Mr. Hyer expressed that he found it troubling that the TLC was being spoken about in the context of the Green Light Law and believed that it gave the impression that the concern is centered around who is driving the taxis. Legislator Albano stated that the whole reason for that meeting was to protect the public. He stated that members of the public had asked the Legislature to look into a TLC. He was concerned that someone could try to turn what the real reason for the meeting was into something else. He stated at this point he will be voting no for this because he believed it would not make a major difference. He stated that maybe in the future we will look into this again if things should arise.

Legislator Castellano stated that this is a difficult time to be proposing this, although he does think it is the right thing to do. He stated that he is supportive of this, however he was not sure if he wanted to see it evolve in the fashion that Legislator Montgomery said he stated. He did not believe that was what he said. He stated that his concern is with the way Westchester County operates their Human Rights Commission, which he spoke about all along. He stated that Putnam County's would not be the same. He stated that he gave credit to the Law Department and our attorneys for creating an advisory board that will help people. He believed education was important. He stated that there are many people that do not know where to turn to at times. He believed there was a fine line with a duplication of services, which has always been his concern. He did not believe Putnam County could afford to have a Human Rights Commission like Westchester County. However, he believed the time was right to start a commission; an advisory board to help people in need. He explained that he understood how difficult it could be for people to get along with one another in the United States. He stated that this is the best Country in the world. He stated that he does not have an objection to volunteerism. He stated that he had a few constituents that have reached out to him that said they would like to be part of this. He stated that he was hoping at some point that we can open the door to get nine (9) good volunteers. He stated that as presented today he liked this resolution, which was drafted by the Law Department and attorneys. However, he stated that he was very concerned where it could evolve to, but he believed that knowledge and reaching out for help was good. He stated, as constructed tonight, he was in favor of this.

Legislator Sullivan echoed what Legislator Castellano has said. He stated that this is here to facilitate a dialogue. He stated that we did not really know whether it is or is not needed; and we will not know until we have something in place to see if it is utilized.

Legislator Jonke stated that we have received emails, both in favor and against the Commission. He stated that there has been a lot of distortion to the truth on both sides of this issue. He explained that, on social media, he and fellow Legislators have been called racists, privileged and pigs among other things. He stated that for the first time, to his knowledge, he has been referred to as "the white guy." He stated that it strikes him that many of the people that are for this commission fill social media with some of the most angry, hateful speech he has seen. He stated that, along with most people from his generation, he learned how to treat people with kindness at the kitchen table. He stated that our parents taught us right from wrong. He stated that it seems like there is not enough of that going on any longer and maybe we should all think about teaching our children to act with a little more kindness and not look to the government to do that job.

He stated that in looking at some of the emails received, he believed that some of us needed to look in the mirror and remind ourselves to treat our neighbors with a little more kindness. He stated that the New York State Division of Human Rights is an \$18 million dollar a year agency employing 164 full time workers. He could not envision why anyone who feels aggrieved would go to a Putnam County Human Rights Commission, a nonfunded agency with no investigative authority, instead of filing that complaint with NYS Division of Human Rights. He stated that the Division of Human Rights of NYS prosecutes unlawful discriminatory practices, they investigate and resolve individual complaints of illegal discrimination, which the Putnam County Commission would not, and it advances the policies and legislation that protect the civil rights of New Yorkers. He stated that Putnam County does not need its own untrained, unfunded, volunteer commission to handle these serious allegations. He stated that you can still be in favor of human rights and be opposed to the Human Rights Commission.

Legislator Nacerino stated that she firmly believed that everyone should be treated with respect, dignity and equality. She stated that she denounced discrimination based on race, creed, color, age, national origin, veteran's status, sexual orientation and gender identification. She stated that she supports and embraces our growing diversity in Putnam County and believes everyone is entitled to life, liberty and the pursuit of happiness. She explained that Putnam County is not exempt from biases that exists, even if it is on a smaller scale comparatively speaking. She stated that it has not gone unnoticed as some may believe. She stated that our schools have implemented zero tolerance policies. Dignity for All Students Act (DASA) coordinators are trained professionals seeking to protect our children. She stated that anti-bullying campaigns are in every school and children are encouraged to report mistreatment to their teachers and/or the administration. She stated that our District Attorney fights for victims of injustice every day. She stated that realtors abide by anti-discrimination laws to insure fair housing for all. She stated that our Police Policy Review Panel will comply with the State to review and implement new policies to improve relations between law enforcement and the public. She explained that more needed to be done to alleviate bigotry, prejudice, tension and discrimination, however, she was not convinced that a Putnam County Human Rights Commission will ultimately achieve these objectives. She stated that to support freedom of speech means that we may not like or agree with everything everyone says. We cannot be tolerant if we are intolerant of other's opinions or beliefs. She stated that we cannot preach respect and dignity if we ridicule or shame others for opposing values. She quoted a Human Rights expert, Paul Hunt, and explained that real change starts with understanding. She stated that to implement a commission that seeks to involve consequences on grown adults is not going to effectuate change. She explained that researchers have cited and advocated for positive behavior programs in our schools, in lieu of consequences, to instill behavioral changes in our children. She explained that there is a New York State Human Rights Commission that is available to all New Yorkers which can also be accessed online. She listed the many questions she had with regards to a Putnam County Human Rights Commission, and whether nine (9) appointed volunteers would have the skillset to counsel and mediate sensitive issues. She believed that we all support basic human rights for everyone, and she believed that aspiration can be achieved through different approaches and channels and not necessarily through a Human Rights Commission.

Legislator Sayegh believed that all of the Legislators are in favor of human rights and the ability to live a free life to be who and what you wish. She stated that we are guaranteed that pursuit of happiness just by being American citizens. She stated that the question is

whether or not we need a Human Rights Commission in our small County of approximately 98,000 residents. She stated that, contrary to what people may believe, not every county in the State of New York has a Human Rights Commission, and it is not necessary or mandated. She explained that the State of New York Division of Human Rights protects the rights of all New Yorkers and operates from its main office in New York City, and from seven (7) regional offices in Albany, Brooklyn, Buffalo, Hempstead, Manhattan, Rochester and White Plains. She stated that they also have three (3) satellite offices; Binghamton, Hauppauge and Syracuse. They have a professional workforce of 165 full time employees and a 2020 budget of \$18 million. She explained that to protect our children in school, the State of New York approved the Dignity for All Students Act (DASA) which prohibits harassment by employees or students on school property or at school functions. It also prevents discrimination against a student based on his or her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students. Among the provisions of the law, DASA requires all public schools to adopt policies and prohibit harassment and discrimination, provide copies of the policy to students and parents and to incorporate discrimination and harassment awareness and sensitivity training into instructional and counseling programs. She stated that the schools are required to report incidents of discrimination and harassment on an annual basis. She encouraged parents, who have children being harassed, to contact their school district to find out what policies they have in place; as they need to be held accountable. She stated that we also have law enforcement to investigate reported hate crimes and bring them to justice. She stated that simply calling someone a name is not considered a crime; it is considered freedom of speech which is protected by our constitution. She explained that, according to the New York Police Department (NYPD), everyone has the right to express their likes, dislikes and opinions no matter how offensive these expressions may be to others. She explained that a hate crime is a criminal act motivated in whole or substantial part by the perceived identity of the victim. She explained that if someone calls a person a hateful name and also assaults them; the assault is a crime and the motivation makes the act a hate crime as well. She explained that we already have the resources in place, the laws in place, the commission in place for education and protection and law enforcement. She questioned if we needed more intervention. She stated that we already pay for a Human Rights Commission with our State tax dollars. She did not believe we needed a volunteer organization of untrained citizens in Putnam County when there are already professionals in the State tasked for that function. She explained that this may start out as a volunteer commission, however, she believed funding would be requested moving forward. She explained that in this time of fiscal uncertainty for State and local government, she believed that we did not need a duplication of services.

Legislator Montgomery explained that some of the State Divisions of Human Rights do not do education and outreach in Putnam County. She stated that the proposed Putnam County Commission is not going to handle complaints. It would be a local Commission made up of volunteers. She provided examples of what other government agencies with a Human Rights Commission have done to get information out to the public such as; hosting events and panel discussions on a variety of topics. She questioned whether any of the Legislators reached out to Mr. James Hyer to discuss or clarify any questions they may have had with the proposal. She stated that she wanted to make sure everyone understood the proposal. She stated that it was her understanding the Legislator Jonke did have a conversation with James Hyer, the author of the proposal. She further expressed the conversation that took place between Mr. Hyer and Legislator Jonke. She

explained that Mr. Hyer came to her because she has a track record for standing up for human rights issues and because he knows that she does the people's work in public. She believed that we she should work for the public where they can see us. She explained that the people that will be hurt in declining a Human Rights Commission will be: woman who face workplace harassment or intimidation, fellow workers who are immigrants who seek to build better lives for their families, neighbors of color who have lived with racism, people seeking fair housing, and possibly someone they know who would benefit from a Human Rights Commission in our County.

Legislator Jonke clarified that what Legislator Montgomery mentioned about a conversation he had with Mr. Hyer was untrue.

Legislator Albano stated that he attended an event in Mahopac and he believed it was Mr. Hyer who he met at the event and spoke to him about a Human Rights Commission. He explained that he was very receptive and informed Mr. Hyer that he would be glad to bring this to the Legislature to hear more about it. He believed that was way before it came to the Legislature.

Legislator Nacerino stated this is about how we can best serve our constituents. She stated that we do what is best to serve our constituency, which is reflected in some of the letters that came forth. She stated that no one on this Legislature has stated that they were against basic human rights, or that they were not supportive of looking to promote educational programs. She explained that some Legislators may not be in favor of a Human Rights Commission that has nine (9) untrained, uneducated volunteers who are at the mercy of the people that come forth to them. She explained that they would not know how to handle or mediate it. She asked Legislator Montgomery not to paint everything with a broad brush like the Legislature is opposing fostering diversity, tolerance, peace and harmony in our County. She stated that it was a false accusation.

Legislator Castellano explained that he has known Mr. Hyer for quite some time and has dealt with him in Westchester County. He believed that he spoke with Mr. Hyer about a Human Rights Commission approximately three (3) years ago and shared his concerns with him at that time. He stated that after discussing this in Committee, he believed that what was before us this evening was more palatable and a good thing for Putnam County. He stated that he is supportive of this. He stated that it did evolve a lot to get to this point and he believed that we needed to be careful of this going forward. He stated that knowledge is important. He believed that we will find some great volunteers in Putnam County.

Chairwoman Addonizio stated that her constituents have voiced their opinion on creating a Human Rights Commission and she has been overwhelmed by their responses through letters and telephone calls. She stated that there is a common thread in all of the letters that are in favor of a Human Rights Commission; the belief that there is no help for anyone seeking to report discrimination. She stated that New York State has 62 counties and not every county has a Human Rights Commission, however, every county is protected, just as we are here in Putnam County, through direct access to the State's Division of Human Rights. She stated that there is a toll-free number and you can email or fax any complaint. She stated that their central headquarters is located in the Bronx and on their website, there is a directory of all the New York State Division offices. She stated that there is a White Plains office that serves Dutchess, Orange, Putnam, Rockland and Westchester counties. She stated that the New York State Division of

Human Rights is a regulated agency with a \$18,153,000 budget for 2020. She proceeded to read a quote from a letter received by the Legislature. The person voiced their concerns about why they were against the formation of a Human Rights Commission in Putnam County. She explained that there was a concern that the nine (9) volunteers would not be bound by rules or confidentiality. She explained that they also voiced their concern that this would be a duplication of services since everyone already has direct access to the New York State Division of Human Rights. She stated that she represents her constituents. She stated that they voted for her to be their voice and they are imploring her to vote no.

Chairwoman Addonizio called for a Roll Call Vote.

By Roll Call Vote: Three Ayes – Legislators Castellano, Montgomery and Sullivan. Six Nays – Legislators Albano, Gouldman, Jonke, Nacerino, Sayegh and Chairwoman Addonizio. Motion Fails.

APPROVAL/ ESTABLISHMENT OF PUTNAM COUNTY HUMAN RIGHTS COMMISSION

WHEREAS, the County Executive and the Putnam County Legislature have a common interest in the formation of a new Commission with county-wide membership and jurisdiction in order to enhance the quality of life in Putnam County; and

WHEREAS, the County Executive and the Putnam County Legislature finds and declares that Putnam County has the responsibility to act to assure that every individual within this county is afforded an equal opportunity to enjoy a full and productive life; and

WHEREAS, by Article 12-D, Sections 239-o through 239-t, of the New York State General Municipal Law, the Legislature of this State authorizes the creation of a Commission by this County; and

WHEREAS, it is the intent of the Legislature that this Commission shall function as an Advisory Board only, which is defined as a body that provides non-bonding strategic advice to the management of an organization, and shall possess no authority to legally bind the County in any way whatsoever; now therefore be it

RESOLVED that the Putnam County Legislature hereby establishes the Putnam County Commission on Human Rights as follows:

Article 1. Membership, Appointments and Terms.

- (i) The Commission shall have a minimum of nine (9) members, with a minimum of one (1) member from each of the nine Legislative districts within the County of Putnam.
- (j) Member applications shall be submitted to the Legislature and County Executive's Office and shall then be appointed by the County Executive subject to confirmation by the County Legislature.
- (k) The Chairperson shall be selected by a majority of its members.
- (l) Membership selection shall take into consideration and shall attempt to achieve diversity based upon religion, race, nationality, age, political affiliation, veteran's status, sexual orientation, gender identification and affiliation with other groups and organizations.

- (m) The term of office for Commission members shall be three (3) years, except that the members first appointed to such Board shall be appointed as follows: Three (3) shall be appointed for a term of one year, three (3) for a term of two years, and three (3) for a term of three years to be determined randomly at the organizational meeting. A member shall serve no more than two full three-year terms.**
- (n) The Commission shall be empowered to adopt its own procedures and by-laws consistent with this resolution.**
- (o) The members of the Commission shall serve without compensation.**
- (p) The County Executive and the Chairman of the Legislature, or their designees, shall be ex-officio members of the Commission.**

Article 2. Volunteer Outside Services.

The Commission shall have the power and authority to utilize the services of a secretary and such attorneys, experts and other individuals as it may deem necessary, providing same does not involve the expenditure of County funds.

Article 3-A. General Duties.

It shall be the duty of the Commission:

- (e) To foster mutual respect and understanding among all racial, religious, nationality and other groups in the County.**
- (f) To make such studies in any field of inter-personal human relationships in the County as in the judgment of the Commission will aid in effectuating its general purposes and where desirable, to make results of such studies public.**
- (g) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to make such recommendations as may be designed to alleviate such tensions and conflict.**
- (h) To conduct and recommend such educational programs as, in the judgment of the commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants, provided that such educational programs do not result in the expenditure of County funds.**

Article 3-B. In addition to all other powers, the Commission, where and to the extent authorized by local law or ordinances, shall have the power:

- (d) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article 15 of the New York State Executive Law.
- (e) To refer any complaint or issue to such appropriate local, state or federal agency or department or any other such division of a government agency.
- (f) To accept and utilize such goods and services as are necessary to accomplish the goals and objective of the Commission.

Notwithstanding any other provision contained herein, the Commission shall have no authority or power to: 1) enforce any civil, criminal, or administrative law, rule, regulation, or ordinance; 2) impose any fine, penalty, sanction, violation, or obligation; or 3) initiate or participate in any litigation or legal proceeding of any kind.

Article 4. General Obligations.

The Commission shall discharge the following obligations:

- (g) To receive complaints of alleged discrimination on the basis of race, creed, color, national origin, veteran's status, sexual orientation, and gender identification, and to seek the active assistance of the Division of Human Rights of the State of New York in the solution of complaints which fall within the jurisdiction of the Division with a view toward reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.
- (h) To hold conferences and other public meetings in the interest of the constructive resolution of racial, religious, nationality and other group tensions and the prejudice and discrimination occasioned thereby.
- (i) To issue such publications and reports of investigation as in its judgment will tend to effectuate its purposes.
- (j) To enlist the cooperation and participation of various racial, religious and nationality groups, community organizations, industries and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the County mutual esteem, justice and equity.
- (k) To encourage and stimulate agencies under the jurisdiction of the County to take such action as will fulfill the purposes of this Resolution.
- (l) To submit an annual report to the County Legislature and to furnish a copy thereof to both the Legislature and the Division of Human Rights of the State of New York detailing all of the above actions taken during such annual period. Such report shall also include a detailed statement of all goods and services

accepted by the Commission pursuant to Article 3-B(c), and a detailed explanation of how such goods and services were utilized.

Article 5. Funding.

The Commission shall be strictly volunteer and shall discharge its duties and obligations without the expenditure of any County funds.

And be it further

RESOLVED, that the Clerk of the Putnam County Legislature is directed to send a certified copy of this resolution to the Division of Human Rights of the State of New York within five days after its adoption, pursuant to § 239-t of the General Municipal Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Item #6d – Approval/ Confirmation / Appointment/ Putnam County Board of Ethics was next. On behalf of the members of the Rules, Enactments & Intergovernmental Relations Committee, Legislators Albano and Castellano, Legislator Sullivan moved the following:

RESOLUTION #131

APPROVAL/ CONFIRMATION/ APPOINTMENT/ PUTNAM COUNTY BOARD OF ETHICS

RESOLVED, that upon the recommendation of the County Executive, the Putnam County Legislature confirms the following appointment to the Putnam County Board of Ethics:

Jackie Boissonnault, for a three (3) year term, said term to expire December 31, 2022.

And be it further

RESOLVED, that this appointee comply with any requirements to file an Oath of Office pursuant to the New York State Public Officers Law.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**PHYSICAL SERVICES COMMITTEE
(Chairman Albano, Legislators Gouldman & Nacerino)**

Item #6e – Approval/ Offer County Property for Sale Utilizing Real Estate Broker & MLS Pursuant to Chapter 31 of the Putnam County Code/ 20 Fair Street, Town of Carmel (White house) was next. Chairwoman Addonizio recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

Legislator Nacerino stated that she supports the sale of this property. She stated that we have been incurring costs for operation and maintenance for years.

RESOLUTION #132

APPROVAL/ OFFER COUNTY PROPERTY FOR SALE UTILIZING REAL ESTATE BROKER & MLS PURSUANT TO CHAPTER 31 OF THE PUTNAM COUNTY CODE/20 FAIR STREET, TOWN OF CARMEL (White house)

WHEREAS, the County is the fee owner of a certain improved parcel of real property identified as 20 Fair Street, Carmel, New York (Carmel Tax Map Number 44.18-1-17), and which is further identified as Parcel B on the proposed subdivision plat which is attached hereto and made a part hereof as Exhibit "A" (hereinafter the "Property"); and

WHEREAS, the Property is no longer needed for use by the County; and

WHEREAS, the County will continue to incur additional operation and maintenance costs associated with the Property; and

WHEREAS, the Putnam County Legislature has reviewed this matter and has determined that it would be most financially advantageous to the County to offer the Property for sale through the applicable Multiple Listing Service utilizing the services of a licensed real estate broker under contract with the County; now therefore be it

RESOLVED, that it is the determination of the Putnam County Legislature that the Property is no longer needed for use by the County; and be it further

RESOLVED, that pursuant to the authority vested in the Putnam County Legislature in Section 31-4 of the Putnam County Code, it is the further determination of the Putnam County Legislature that it would be most financially advantageous to the County to offer the Property for sale through the applicable Multiple Listing Service utilizing the services of a licensed real estate broker under contract with the County; and be it further

RESOLVED, that the Putnam County Legislature approves the proposed subdivision plat which is attached hereto and made a part hereof as Exhibit "A", and authorizes the County Executive to sign same, which is thereafter to be filed in the Office of the Putnam County Clerk; and be it further

RESOLVED, that the County Executive is further authorized to offer the Property for sale through the applicable Multiple Listing Service utilizing the services of a licensed real estate broker under contract with the County, pursuant to an exclusive right to sell agreement as shall be approved by the County Attorney; and be it further

RESOLVED, that pursuant to Section 31-4 of the Putnam County Code the initial offer amount of the Property shall be hereinafter determined by the Putnam County Executive, based upon a comparative market analysis, and with the advice and recommendation of the Legislature and the licensed real estate broker; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6f – Approval/ Lease Agreement/ Building #2 Tilly Foster Farm was next. On behalf of the members of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

Legislator Albano stated that the person leasing this also works at Tilly's Table next door. He stated that this is one (1) of several buildings on the farm and he believed it was a good idea to have it rented and occupied. He believed it was a good idea to have someone on the property 24 hours a day.

Legislator Montgomery stated that she was going to vote no on this. She stated that it was nothing personal towards the potential tenant/chef. She stated it is because it was

not advertised, however, she knows that we are not required to do so. She stated that it does not sit well with her and seems to be unfair to the taxpayer who may need housing. She stated that she did not want to be a residential landlord. She questioned if the person leasing the property was going to be the chef or oversee the property. She believed this situation was too messy.

Legislator Albano believed it made sense to have someone there that had a connection with the farm.

Legislator Sullivan believed it was nice to have a family occupy the farm and keep an eye on it when people are not there. He believed it was a benefit for this resident and the County's farm.

Legislator Montgomery questioned if it was the intention of the lease agreement and questioned if we needed someone to watch over the farm.

Legislator Albano stated that it was not the intention, it was just an added benefit.

RESOLUTION #133

APPROVAL /LEASE AGREEMENT/ BUILDING # 2 TILLY FOSTER FARM

WHEREAS, the County of Putnam is the owner of certain real property located at 100 Route 312, Brewster, New York 10509, including the numerous buildings located thereon, which is commonly known as the Tilly Foster Farm; and

WHEREAS, one of residential buildings located on the Tilly Foster Farm, known as Building # 2 is presently not needed for the County's use; and

WHEREAS, Jorge Reyes and Rocelia Reyes are desirous of leasing Building # 2 at the Tilly Foster Farm; and

WHEREAS, the County is desirous of leasing Building # 2 at the Tilly Foster Farm to Jorge Reyes and Rocelia Reyes; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with Jorge Reyes and Rocelia Reyes for the lease of Building # 2 at the Tilly Foster Farm; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve such Lease Agreement; now therefore be it

RESOLVED, that Building # 2 at the Tilly Foster Farm constitutes surplus space owned by the County; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and Jorge Reyes and Rocelia Reyes for Building # 2 at the Tilly Foster Farm, which shall be in substantial conformance with the form attached hereto and made a part hereof as Schedule "A", and that the Putnam County Executive is authorized to execute said Lease Agreement; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Lease Agreement between the County of Putnam and Jorge Reyes and Rocelia Reyes in the manner approved herein.

BY ROLL CALL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR MONTGOMERY. MOTION CARRIES.

Item #6g – Approval/ Inclusion of Certain Parcels in Putnam County Agricultural District was next. On behalf of the members of the Physical Services Committee, Legislators Gouldman and Nacerino, Legislator Albano moved the following:

Legislator Albano stated that this is the resolution which was tabled from the Full Legislature meeting of July 7, 2020. Legislator Albano stated that at the last meeting he was prepared to vote in favor of this based on the information that was in front of him at that time. He stated that he did not see any violations in writing, and it would fit the criteria. He stated that it is a small farm and he wonders in the future if we should have other conditions attached to small parcels because they can grow and turn into something different. However, at this time he is aware of violations which do not meet the criteria. He stated for those reasons he will be voting no. He hoped they will be able to resolve the issues with the town and he believed they had a lot of potential.

Legislator Jonke stated that this is a home rule issue. He stated that we have a bipartisan letter from a bipartisan town board. He stated that they have asked the Legislature not to approve this. He explained that there is a violation on the property which therefore the property does not meet our guidelines for inclusion in the Agricultural District. He questioned whether we should include any farm that is on 1.39 acres, especially on a shared driveway as it is in this case.

Legislator Sayegh stated that she will be voting in favor of adding Pro Brothers Farm into the Agricultural District. She stated that according to Agricultural District law the size of the operation is of no consequence. She stated that small farms are just as important as large commercial operations. She explained that small local farms are becoming more important, and are in demand, as we try to buy our produce locally. She believed it was a benefit to the town to have local produce available to its residents. She stated that when Pro Brothers Farm applied to be included in the Agricultural District, they did everything they were asked. They completed the application in good faith. It was investigated by the members of the Agricultural & Farmland Protection Board. The Board then notified the town that Pro Brothers Farm had applied to be included in the Agricultural District. She stated that the town responded and there were no issues or violations. She stated that the Agricultural & Farmland Protection Board members, appointed by the Legislature, voted in good faith based on the information before them to include Pro Brothers Farm in the Agricultural District. She stated that Pro Brothers Farm must still obey the town laws and operate within those laws and obtain any required permits. She stated that Agricultural law does not supersede town zoning. She stated that the Agricultural & Farmland Protection Board had already inquired about violations and had voted to include Pro Brothers Farm in the Agricultural District, and at the time of our Legislative Committee meeting the Town of Southeast still had not issued any violations. She stated that she must vote in favor of the recommendation of our Agriculture & Farmland Protection Board and Pro Brothers Farm. She stated that the violations issued after the fact, for her, are not being considered. She stated that we must vote based on the integrity of our Agriculture & Farmland Protection Board and not get caught up in the politics.

Legislator Nacerino read a prepared written statement. She addressed Town of Southeast Supervisor Hay's letter dated, July 30, 2020. She stated that she found it unfortunate that he took her criticism personal, questioning where the animosity and distain for him came from. She explained that nothing could be further from the truth.

She explained that she was taken back when the Legislature received letters on June 30, 2020 and July 1, 2020 from both the current Supervisor and the former Supervisor, who is the next-door neighbor to the property in question. She stated that the Legislature was also informed 10 minutes prior to the Public Hearing on July 1, 2020 that violations were being issued to Pro Brothers Farm. She stated that submitting the letter at the eleventh hour inhibited the Legislature's ability to discuss this in the Physical Services Committee meeting in an open and transparent manner. She stated that she met Mr. & Mrs. Provetto for the first time the day she went to site walk the property. She stated that the consideration for inclusion into the Agricultural District for this farm was addressed at the June Physical Services Committee meeting. She explained that during said meeting there was no feedback from the Town of Southeast or Legislator Jonke, therefore, it was unanimously approved, a public hearing was held and then went to the Full Legislative meeting for consideration. She explained the procedure that was taken by the Agricultural Board before making a recommendation to the Legislature for inclusion of said property. She stated that the Pro Brothers Farm property was tabled at the Full Legislative meeting held on July 7, 2020. She stated that subsequently she sent a memorandum to Legislator Albano, Chairman of the Physical Services Committee, requesting that this matter be placed back on the agenda for the meeting scheduled on July 21, 2020. She cited an "unwritten rule" Supervisor Hay referenced in his letter which she never heard of. She believed that the onus was on the town for not acting in a timely manner. She stated that the Agricultural District approval is not a town board decision. She stated that while the town board may offer an opinion, it remains a County Legislative decision. She stated that while home rule applies to zoning issues, it does not apply to properties located in the Agricultural District. She stated that New York State has vested that power to the counties. She explained that she supported small farming and agriculture. She stated that we are embarking on a new generation of people investing in consuming produce free of chemicals and pesticides. She stated that Community Supported Agriculture (CSA) are very much in demand. She stated that to insinuate that the motivation of a farmer to seek inclusion in the Agricultural District is merely to circumvent zoning laws is an insult to the work these people do and the Agricultural Board as well. She stated that her interest is giving people a fair shake while promoting good government. She explained that speaking out against what she believed to be an unfair and arbitrary series of events which unfolded was what she was elected to do. She stated that she is proud to stand up for the people who we represent regardless of the Legislative District in which they reside. She explained how she was disheartened that Supervisor Hay wrote a personal letter from his home address and not on the Town of Southeast letterhead which she believed attempted to challenge her integrity. She continued by explaining her opinion of the situation and the manner which was carried out by the town. She also stated that if Pro Brothers Farm was not approved this evening, she was concerned that the Town of Southeast would seek to impose restrictions for farming on small parcels, thereby prohibiting Pro Brothers Farm from applying for inclusion into the Agricultural District in the future. She stated that Supervisor Hay's most recent letter essentially states that he does not support farming on small parcels, asking the Legislature to restrict farming parcels to a minimum of five (5) to 10 acres in size. She stated that this clearly conflicts with the recommendation of the farming experts such as the Agricultural & Farmland Protection Board and Cornell Cooperative Extension, who supports small farms such as Pro Brothers Farm.

Legislator Montgomery thanked everyone for all the information the Legislature has received. She stated that she originally expressed her concerns with the way the Public Hearing was held. She stated that after reading all the letters and hearing everyone's

statements, she believed that we need to take a step back. She stated that she supports farming and how it is evolving. She stated after spending 12 years on a town board, she explained that most items that came before them were land use controversies and problems with neighbors. She suggested asking the PACE Law Center to do a workshop with the Agricultural District and Cornell Cooperative Extension, asking them to assist in coming up with a new plan on how we will see this in the future. She stated that she has a lot of respect for the town boards because she understands what they are up against. She believed that we need everyone to work through this and come to better terms on the process. She understands and explained the difficulty when dealing with neighbors who have issues with each other. She stated that this is a difficult vote for her because she does support where farming is going, however she believed that we needed to bring the towns in on the conversation with the Agricultural & Farmland Protection Board and some legal expertise from perhaps a land use law center.

Legislator Castellano stated that at the Public Hearing on July 1, 2020 the Town of Southeast unanimously voted against what the Legislature was proposing. She stated that there was also a former Town Board member, currently on the Planning Board, who was also against it. He stated that the most important thing to local government is zoning. He stated that as Legislator Montgomery expressed this is a home rule issue. He stated that they are elected by the residents of that town to make the zoning laws. He stated that this residential property was purchased in 2013, it is 1.39 acres, it has a shared driveway and has a well and septic. He appreciated what Pro Brothers Farm has accomplished on 1/10 of an acre of farming. He stated that the property is not commercial or zoned for farming; it is residential. He stated that the State considers farms seven (7) acres or more in order to get the tax exemption. He believed that the smallest parcel which was approved for inclusion was approximately 5.5 acres. He believed that it was not appropriate for the Legislature to intervene when a Town Board unanimously agrees that they do not believe this parcel should be zoned as a farm. He believed that we needed to respect home rule. He stated that he understands why the Agricultural & Farmland Protection Board is in place, however, he believed that it appears that this is trying to skirt the zoning regulations. He stated that although it was said over and over again that they must comply with zoning regulations, he stated that they are in a residential zone, they are not in a farming or commercial area, so he believed that they were not respecting the zone. He believed this was a town issue and should be resolved by the town.

Legislator Albano explained that he voted no to table this item and was going to vote yes to include the parcel in the Agricultural District. He stated that the violations did actually exist although they were not documented at that time. He explained that now that they are documented. The parcel does not meet the requirement. He stated that he would not go by the size of the property because that is not part of the criteria, however, he believed in the future we needed to address this. He stated at this time he would be voting no.

Legislator Nacerino asked Legislative Counsel Firriolo to speak about home rule.

Legislative Counsel Firriolo stated that the term "home rule" is traditionally used to refer to areas of the law which are preserved for a local government entity to have jurisdiction over. He stated that it is also used colloquially to mean an issue of concern to a locality. He stated that in this case, under the technical use of the term home rule, the decision as to whether a parcel is included in the Agricultural District is left to the counties; not the

towns. He stated that the towns still retain home rule jurisdiction on zoning. He stated that there is a split of home rule control over these types of parcels. He stated that the decision of whether something is or is not in the Agricultural District is not a decision made by the town. He stated that the town can have input into it; which they certainly have. He explained that having building violations at the time of application for inclusion in the Agricultural District, under the Legislature's criteria, would be considered disqualified. He believed what Legislator Nacerino was referring to was that it would not be a town home rule jurisdictional issue as to whether or not a parcel is included in the Agricultural District. He stated that it would strictly be the purview of the County Legislature.

Legislator Castellano believed that the most important thing was zoning by the municipality. He stated that there is bipartisan support by the entire Town Board, a former Town Board member, who is a current member of the Planning Board who are all saying this is inappropriate for their town. He stated that there is a split between the County and Town issue. He believed if you were the neighbor, regardless of whether you were a past elected official or not, you still have the right to say something about it. He believed it was not the right thing when it is a residential property. He hoped that they would resolve the issue with the Town and move forward next year by putting their application in again. He stated that he is going with what the State says where you do not receive the tax exemption unless it is seven (7) acres. He stated that this is also the smallest parcel, to his knowledge, that has ever been included in the Agricultural District.

Legislator Jonke stated that he was using home rule in the colloquial sense and the spirit of having the Town Board weigh in on this item. He stated that he was going along with duly elected officials representing the Town and listening to their opinion.

Legislator Albano stated that if Pro Brothers Farm addresses the two (2) violations they have, under the current criteria, they would be eligible next year. He stated that if we are concerned about the size of the parcels then we should address our criteria, so this issue does not come up in the future.

Legislator Nacerino wanted to clarify that being included in the Agricultural District is not necessarily a tax exemption.

Legislator Castellano concurred. He stated that he was concerned they were evading certain zoning laws.

Legislator Nacerino stated that her greatest fear was that the Town of Southeast would seek to impose restrictions for the upcoming year and make it impossible for Mr. Provetto to apply again.

Chairwoman Addonizio read a letter received from Senior Resource Educator, Jennifer Lerner, of Cornell Cooperative Extension of Putnam County which was received by the Legislature. Ms. Lerner explained how the face of farming is changing across the United States; starting out with small acreage or leased land. She explained how small farms have been shown to create a 2.12 economic multiplier for their local economies in New York State. She believed if we supported our Putnam farms, we were making an investment not only in our food system, but in the economic development of our County. She stated that small farms account for 58% of all direct-to consumer sales of fresh produce and farm products in the U.S. via CSAs, farmer's markets, and roadside stands.

She stated that local farms employ a local workforce who spend their money in local economies (2.12 multiplier), build resilient local food systems that experience less disruption during emergencies, and contribute to local food banks by donating excess produce. She urged the Legislators to consider the changing face of farming, thinking of small farms as part of a resilient local food system and economy.

Chairwoman Addonizio called for a vote on the resolution.

By Roll Call Vote: Three Ayes – Legislators Nacerino, Sayegh and Chairwoman Addonizio. Six Nays – Legislators Albano, Castellano, Gouldman, Jonke, Montgomery and Sullivan. Motion Fails.

APPROVAL / INCLUSION OF A CERTAIN PARCEL IN PUTNAM COUNTY AGRICULTURAL DISTRICT

WHEREAS, by Resolution #81 of 2003, the Putnam County Legislature created an Agricultural District in the County of Putnam; and

WHEREAS, by Resolution #193 of 2011, after the 8th year anniversary of the formation of the district, the Putnam County Legislature modified said Putnam County Agricultural District #1, and

WHEREAS, by Resolution #244 of 2003, the Putnam County Legislature established the month of November in which a landowner may request inclusion in the Putnam County Agricultural District; and

WHEREAS, by Resolution #154 of 2015, the Putnam County Legislature changed the annual thirty-day inclusion request period, from the month of November to April 1st through April 30th, commencing in the year 2016 and each year thereafter; and

WHEREAS, November 19, 2019 marked the second 8-Year Anniversary of the formation of this district requiring the Putnam County Legislature to review this district and either continue, terminate or modify the district created; and

WHEREAS, by Resolution #204 of 2019 the Putnam County Legislature determined that the Putnam County Agricultural District No. 1 remained the same in accordance with the recommendations of the Putnam County Agriculture and Farmland Protection Board to consist of 157 parcels with a total acreage of 5,113.9 acres; and

WHEREAS, requests were presented to the Putnam County Legislature to modify the existing Agricultural District in the County of Putnam by including the following parcels in the District:

Town of Philipstown:

Horsemen's Trail Farm (David Vickery) – Tax Map #16.12.-1-5.2 (6.77 acres) Tax Map #16.12.-1-5.3 (4.8 acres) Total Acreage: 11.57

Town of Putnam Valley:

Valley View Farm – Cimarron Ranch (Alexander Kaspar) – Tax Map #72.-1-47 (25.18 acres) Tax Map #72.-1-50 (113.10 Acres) Total Acreage: 138.28

Town of Southeast:

**Pro Brothers Farm (Christian Provetto & Kirsten Banga) – Tax Map #47.-3-27 (1.3 acres)
Total Acreage: 1.3**

Total acreage in petitions: 151.15

WHEREAS, the Putnam County Agriculture and Farmland Protection Board considered the requests for inclusion and reported that the parcels for inclusion located within the Town of Philipstown and the Town of Southeast would serve the public interest by assisting in maintaining a viable agricultural industry within the District and recommended the inclusion of said parcels in the Putnam County Agricultural District; and

WHEREAS, the Physical Services Committee of the Putnam County Legislature reviewed and approved the recommendations made by the Putnam County Agriculture & Farmland Protection Board; and

WHEREAS, pursuant to Article 25 AA of the Agriculture and Market Law, section 303-b, a public hearing on the requests was conducted by the Putnam County Legislature on July 1, 2020; and

WHEREAS, by Resolution #117 of 2020, the Putnam County Legislature did approve inclusion within the Agricultural District of the above-named parcels located in the Town of Philipstown and rejected inclusion of the above-named parcels located within the Town of Putnam Valley; and

WHEREAS, the Putnam County Legislature has considered the comments of the speakers at the public hearing, the recommendations of the Putnam County Agricultural and Farmland Protection Board, the various letters and comments received in support of and in opposition to the inclusion of these parcels in the Agricultural District; now therefore be it

RESOLVED, that the Putnam County Legislature accepts and adopts the findings provided by the Putnam County Agriculture and Farmland Protection Board with respect to the above-described parcel located in the Town of Southeast; and be it further

RESOLVED, that the Putnam County Legislature hereby includes in the Putnam County Agricultural District the following Tax Map identified parcel:

Town of Southeast:

**Pro Brothers Farm (Christian Provetto & Kirsten Banga) – Tax Map #47.-3-27 (1.3 acres)
Total Acreage: 1.3**

For a Total of 1.3 acres.

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE
(Chairwoman Sayegh, Legislators Addonizio & Albano)**

Item #6h – Approval/ Budgetary Amendment (20A037)/ Social Services/ Crime Victims Board was next. Chairwoman Addonizio recognized Legislator Sayegh, Chairwoman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators Addonizio and Albano, Legislator Sayegh moved the following:

RESOLUTION #134

APPROVAL/ BUDGETARY AMENDMENT / SOCIAL SERVICES/ CRIME VICTIM SERVICES

WHEREAS, the Commissioner of Social Services has requested a budgetary amendment (20A037) to reflect grant budget modifications in accordance with spending adjustment request approved by the NYS Office of Victim Services for the period of 10/1/19 through 9/30/20; and

WHEREAS, the grant amendment approved the use of unspent grant funds resulting from an unfilled grant budget position and cell phone savings for the period 10/1/19 through 12/31/19, as well as COVID 19 travel/training restrictions and supplies for the purpose of renovating space at the Child Advocacy Center (CAC); and

WHEREAS, the renovations will create a handicap accessible medical room for sexual assault examinations, a therapy room and relocate the CAC forensic interview room; and

WHEREAS, the amount of grant savings to be allocated for this project is \$29,076.91; and

WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approved said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Revenues:

22071000 446131	OEOP Crime Victim – Crime Victims Board	21,904.27
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Increase Appropriations:

22071000	OEOP Crime Victim	
54710	Maintenance & Repairs	29,076.91

Decrease Appropriations:

22071000	OEOP Crime Victim	
54640	Education & Travel	5,640.00
54675	Travel	299.64
54310	Office Supplies	550.00
54410	Supplies & Materials	683.00
		<u>7,172.64</u>

2020 Fiscal Impact – 0 –

2021 Fiscal Impact – 0 –

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6i – Approval/ Appointment/ Putnam County Mental Health Community Services Board was next. On behalf of the members of the Health, Social, Educational & Environmental Committee, Legislators Addonizio and Albano, Legislator Sayegh moved the following:

RESOLUTION #135

APPROVAL/ APPOINTMENT/ PUTNAM COUNTY MENTAL HEALTH COMMUNITY SERVICES BOARD

RESOLVED, that the following be appointed to the Putnam County Mental Health Community Services Board:

Jessica Baumann, Town of Patterson, to fill an unexpired four (4) year term; said term to expire December 31, 2020.

And be it further

RESOLVED, that this appointment comply with any requirements to file an Oath of Office pursuant to the New York State Public Officers Law.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

**AUDIT & ADMINISTRATION COMMITTEE
(Chairman Castellano, Legislators Gouldman & Sayegh)**

Item #6j – Approval/ Budgetary Amendment (20A036)/ Commissioner of Finance/ Vacancy Control Factor April through June 2020 was next. Chairwoman Addonizio recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Gouldman and Sayegh, Legislator Castellano moved the following:

RESOLUTION #136

APPROVAL/ BUDGETARY AMENDMENT / COMMISSIONER OF FINANCE/ VACANCY CONTROL FACTOR APRIL THROUGH JUNE 2020

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (20A036) to provide for the Vacancy Control Factor for April through June 2020; and

WHEREAS, the Audit & Administration Committee has reviewed and approved said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

GENERAL FUND:

Decrease Estimated Appropriations:

SEE ATTACHED SHEET	Personal Services	331,407
SEE ATTACHED SHEET	FICA	25,352
SEE ATTACHED SHEET	Dental	2,512
SEE ATTACHED SHEET	Life Insurance	854
SEE ATTACHED SHEET	Health Insurance	42,618
SEE ATTACHED SHEET	Vision	61
SEE ATTACHED SHEET	Flex Plan	<u>3,801</u>
		406,605

Increase Estimated Appropriations:

10199000 54980	Contingency	406,605
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2020 Fiscal Impact - (406,605)
2021 Fiscal Impact – 0 –

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6k – Approval/ Budgetary Amendment (20A039)/ Health Department/
Reorganization was next. On behalf of the members of the Audit & Administration
Committee, Legislators Gouldman and Sayegh, Legislator Castellano moved the
following:

RESOLUTION #137

APPROVAL/ BUDGETARY AMENDMENT / HEALTH DEPARTMENT/ REORGANIZATION

WHEREAS, at the Personnel Committee meeting held on July 14, 2020, the
Committee reviewed and approved the Reorganizational proposal submitted by the
Health Department; and

WHEREAS, the Commissioner of Finance has provided budgetary amendment
(20A039) in order to implement said approved Health Department Reorganization; and

WHEREAS, the Audit & Administration Committee has reviewed and approved
said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10401000 51000 (110)	Personnel Services (Office Asst)	15,145
10296000 51000 (102)	Personnel Services (Assoc Act Clk)	1,339
10296000 58002	Fica	102
10405900 51000 (111)	Personnel Services (Sr Clerk)	25,778
10405900 51000 (103)	Personnel Services (EI Serv Coord)	1,351
10405900 51000 (105)	Personnel Services (EI Serv Coord)	1,351
10405900 51000 (107)	Personnel Services (EI Serv Coord)	1,351
10405900 51000 (108)	Personnel Services (EI Serv Coord)	<u>1,351</u>
		47,768

Decrease Estimated Appropriations:

10401000 51000 (101)	Principal Typist	36,470
10401000 51094	Temporary	2,664
10405900 51000 (101)	Personnel Serv (Adm EI/ Pre K)	93,947
10401000 58002	Fica	1,835
10401000 58008	Health Insurance	11,733
10405900 58002	Fica	4,802
10405900 58008	Health Insurance	<u>30,416</u>
		181,867

Decrease Estimated Revenues:

10401000 434011	State Aid – Public Health	8,636
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Increase Estimated Appropriations:

10199000 54980	Contingency	125,463
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2020 Fiscal Impact (125,463)
2021 Fiscal Impact – 0 –

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Other Business

Legislator Jonke made a motion to accept the other business item, “Approval/ Litigation Settlement” for placement and potential approval on the agenda; seconded by Legislators Albano and Sullivan.

By Roll Call Vote: All Ayes. Carried Unanimously.

Item #7a – Approval/ Litigation Settlement was next.

At 8:42 P.M., Chairwoman Addonizio made a motion to go into executive session; seconded by Legislators Albano and Castellano. All in favor.

At 10:08 P.M., Legislator Jonke made a motion to come out of executive session; seconded by Legislator Albano. All in favor.

Chairwoman Addonizio stated that no action was taken.

Chairwoman Addonizio asked if there was a second on the motion to move the resolution.

There was no second on the resolution. Motion fails.

APPROVAL/ LITIGATION SETTLEMENT

WHEREAS, on or about October 16, 2017, the Plaintiff, Anthony DiPippo, commenced a federal civil rights action against the County of Putnam, the Putnam County Sheriff’s Department, Sheriff Robert Thoubboron, Daniel Stephens, Patrick Castaldo, William Quick and Victor Nestor alleging malicious prosecution and a violation of his constitutional right to due process stemming from the rape and murder of Josette Wright in 1994; and

WHEREAS, Plaintiff sought recovery for compensatory, consequential and punitive damages as a result of this claim; and

WHEREAS, Plaintiff has proposed a settlement with the County, subject to the Legislature’s approval, in which the County would pay Plaintiff the sum of twelve million (\$12,000,000.00) dollars; and

WHEREAS, the County Attorney and the County’s insurance coverage counsel, John J. Walsh, II, both recommend the settlement as an alternative to trial; and

WHEREAS, NYMIR has not yet agreed to the proposed settlement, but is convening a claims panel meeting for Wednesday, August 5, 2020 to discuss the potential for settlement in the amount of twelve million (\$12,000,000.00) dollars; and

WHEREAS, the County of Putnam strongly urges NYMIR to approve the settlement as an alternative to trial so as to minimize the County’s exposure and risk of an exorbitant verdict; and

WHEREAS, the settlement is in the public interest and would avoid the costs of further litigation, of liability for an enormous counsel fee award and the risk of an extremely high jury verdict; now therefore be it

RESOLVED, that the County of Putnam approves the settlement of this matter for the sum of twelve million (\$12,000,000.00) dollars.

Item #8 – Recognition of Legislators

Legislator Sullivan explained that due to the effect of this week's Tropical Storm Isais, he wanted to thank the Administration, all the County employees and first responders who have been working tirelessly around the clock coordinating efforts to clear the roads and restore power to our residents.

Chairwoman Addonizio agreed that everyone has been working very hard. She stated that she went to the Paladin Center today and the National Guard was there helping with the dry ice distribution. She stated that there was a shortage of dry ice and the County was very happy to receive that today to distribute it to the towns. She too helped deliver some to the seniors who contacted her.

There being no further business, at 10:13 P.M., Chairwoman Addonizio made a motion to adjourn; seconded by Legislator Albano. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.