

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE**  
**Held In Room 318**  
**PUTNAM COUNTY OFFICE BUILDING**  
**CARMEL, NEW YORK 10512**

**Members: Chairman Othmer, Legislators Albano & Gross**

**Thursday** **November 15, 2012**  
**(Immediately following the Health Mtg @ 6:30 P.M.)**

The meeting was called to order at 7:23 P.M. by Chairman Othmer who requested that Legislator Albano lead the Pledge of Allegiance. Upon roll call, Legislator Albano and Chairman Othmer were present. Legislator Gross was absent.

**3) Approval of Minutes – September 24, 2012**

The minutes were approved as submitted.

**4) Discussion/Develop a Putnam County Property Sale Reserve Fund**

Chairman Othmer stated that Legislator DiCarlo is hoping to set up a Putnam County Property Sale Reserve Fund. Chairman Othmer stated that Commissioner of Finance Bill Carlin could not be present and as a result sent a memorandum in regards to this fund. Chairman Othmer read Commissioner Carlin's memorandum:

Please accept this memorandum in response to your memorandum regarding the development of a Putnam County Property Sale Reserve Fund.

As you are aware, the administration has advanced the concept of using the proceeds obtained from the sale of County owned properties (not tax acquired properties subject to Chapter 31 of the Putnam County code) to rehabilitate other County owned properties, rather than borrow to fund these costs.

Recall that we mentioned, as an example, the possible sale of 34 Gleneida Avenue. Rather than set up a capital reserve fund per se, it is my opinion that the specific capital project set up for this purpose as a result of the adoption of the 2013 Capital Budget achieves this purpose. \$ 800,000 was adopted in a sub contingency capital projects account which can't be spent without Legislative approval. Further, NO funds can be spent from this line until proceeds from the sale of County owned properties are actually received.

Therefore, the necessary accounting and reporting mechanisms are in place. The Legislature and the County Executive now need to decide what properties will be sold to fund this line.

If I can be of further assistance in this matter, please contact me.

Deputy County Executive Bruce Walker stated that it was included during the budget process to offset future bonding requirements.

County Executive MaryEllen Odell stated that these properties are ancillary and sometimes their maintenance and/or repairs are costly. This way we are managing our assets and optimizing our resources.

Chairman Othmer asked Legislator DiCarlo if this satisfied his request.

Legislator DiCarlo stated that it did but we also discussed another fund when the outside auditor was here. Is the fund we talked about that night the fund we are discussing tonight? Legislator DiCarlo stated that the outside auditor and Commissioner Carlin both stated that any overages that we do not use in the budget could be put into another line. Is that what this fund is referring to?

County Executive Odell stated that we should pull the minutes because she does not want to speak for Commissioner Carlin.

Legislator DiCarlo stated that we should pull the minutes.

Chairman Othmer stated that we will and then if we do not have to do anything, fine, and if something is not covered under the item tonight than we will discuss it again.

Legislator Oliverio stated that he believes the way Commissioner Carlin stated this in the memorandum is fine.

Legislator DiCarlo stated they are two different subjects and the fund explained in memorandum is fine. Legislator DiCarlo stated the other fund discussed with the outside auditor is a fund for capital projects from budget overages, instead of putting it into the general fund.

The Committee and attendees further discussed this item.

Legislator Albano asked if the tax acquired properties fell under this fund.

County Executive Odell stated that they do not.

Deputy County Executive Walker stated that was another line. Sale of County owned property falls under this line. Tax acquired properties does not. One is a revenue provider the other is a bonding avoidance. We need to keep in mind that there is value in carrying debt.

Legislator DiCarlo stated that we would pull the minutes from the Audit & Administration meeting with the outside auditor.

**5) Approval/Local Law to Amend Chapter 55 of the Putnam County Code Entitled "Board of Ethics"**

Chairman Othmer stated that we have the Board of Ethics on the County level and the towns and villages within the County have a Code of Ethics but not a Board of Ethics. At some points the towns may need to bring a case to the County Board of Ethics and the County needs to amend the law surrounding the County Board of Ethics to allow towns and villages to bring cases to the County Board.

Putnam County Board of Ethics Chairman Robert Bickford stated that is correct. The General Municipal Law says that the County Board of Ethics can hear referrals from the local Boards of Ethics and the County Board of Ethics can also serve as judicator if the town or village has a code of ethics but not a board of ethics. Our County Code of Ethics states that they can only act with respect to County employees, which is in contradiction to that. They would like to change the County Code so that they can follow the state law.

Legislator Tamagna stated that there was an issue in the Village of Cold Spring, that a number of trustees wanted the County Ethics Board to rule over. They should have been able to but they could not.

County Attorney Jennifer Bumgarner stated Deputy County Attorney Jonathan Engel and herself have been working on the law with Board of Ethics Chairman Bickford.

Deputy County Attorney Engel stated that the changes are to put the County Code in line with the General Municipal Law.

Chairman Othmer stated they are on board with this.

County Executive Odell thanked Board of Ethics Chairman Bickford for his work for the County and for the new member of our team Deputy County Attorney Jonathan Engel who briefed her on this item.

Chairman Othmer made a motion to pre-file the necessary resolution, seconded by Legislator Albano. All in favor.

## **6) Update/Community Foundation Litigation**

At 7:35 PM, Chairman Othmer made a motion to go into Executive Session, seconded by Legislator Albano. All in favor.

At 7:45 PM, Chairman Othmer made a motion to come out of Executive Session, seconded by Legislator Albano. All in favor.

No action was taken in Executive Session.

There being no further business, at 7:45 P.M., Chairman Othmer made a motion to adjourn, seconded by Legislator Albano. All in favor.

Respectfully submitted by Krista M. Butler, Administrative Assistant.