

**PERSONNEL COMMITTEE
ROOM 318
OF THE
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512
Members: Chair Nacerino, Legislators Castellano and Wright**

Monday

April 13, 2015

The meeting was called to order at 6:30p.m. by Chairwoman Nacerino who requested Legislator Wright lead in the Pledge of Allegiance. Upon roll call, Chairwoman Nacerino and Legislators Castellano and Legislator Wright were present.

Item #3) Approval/Personnel Meeting Minutes/Feb. 17, 2015

Chairwoman Nacerino stated that the minutes were accepted as submitted.

Item #4) Approval/Retitle of Assistant District Attorney Position Budget #116510105/

To: Executive Assistant District Attorney & Chief of Appeals/District Attorney Office

a.)Related Correspondence:

- (1) Fr: Personnel Director Eldridge To: Personnel Chair Nacerino D: April 7, 2015**
- (2) Fr: Chair Nacerino To: Cnty Exec Odell CC: Personnel Director Eldridge District Attorney Levy D: April 6, 2015**
- (3) E-Mail Fr: P. Eldridge To: D. Schonfeld & D. Trabulsy CC: A. Levy, W. Carlin et.al D:April 6, 2015 Subj: New Title In DA's Office**
- (4) Proposed Resolution Tabled at March 4, 2015 Full Legislature Mtg.**
- (5) Fr: Personnel Director Eldridge To: Clerk of Leg. & Chair of Personnel Comm. D: February 26, 2015**
- (6) Fr: District Attorney Levy To: Clerk of the Leg., Chair of Personnel Comm., Chair of Legislature & Legislative Counsel D: March 10, 2015**

Chair Nacerino stated that there are several correspondence attached that speak to this item that are attached as backup.

Personnel Director Eldridge stated that this matter has been discussed at the February and March Personnel Committee meetings. He stated the initial request came from the District Attorney to retitle an Assistant District Attorney position to Counsel to the District Attorney. He stated during his research of that request he found that title could be problematic. He stated at the March Personnel Committee meeting both he and District Attorney Levy were present. He stated at that time they said they would reevaluate the request and come back to this Committee with a unified recommendation. He stated the new title Executive Assistant District Attorney and Chief of Appeals is acceptable to District Attorney Levy and to the Personnel Department.

Chair Nacerino made a motion to approve Retitling of the Assistant District Attorney (position Budget #116510105) to Executive Assistant District Attorney & Chief of Appeals; Seconded by Legislator Wright. All in favor.

Item#5) Approval/Confirming Re-Appointment Sarah A. Johnson, Putnam County Historian/Term April 2015-December 31, 2018

Chair Nacerino made a motion to approve Confirmation of the Re- Appointment of Sarah A. Johnson, Putnam County Historian/Term April 2015-December 31, 2018; Seconded by Legislator Castellano. All in favor.

Item#6) Approval/Confirming Re-Appointment Alessandro Mazzotta, Putnam County Director of Purchasing/Term April 2015 – December 31, 2018

Chair Nacerino made a motion to approve Confirmation of the Re- Appointment of Alessandro Mazzotta, Putnam County Director of Purchasing /Term April 2015-December 31, 2018; Seconded by Legislator Castellano. All in favor.

Item #7) Approval/Confirming Re-Appointment Jennifer S. Bumgarner, Esq., Putnam County Attorney/Term April 2015 – December 31, 2018

Chair Nacerino made a motion to approve Confirmation of the Re- Appointment of Jennifer S. Bumgarner, Esq., Putnam County Attorney /Term April 2015-December 31, 2018; Seconded by Legislator Castellano. All in favor.

Item #8) Approval/Confirming Re-Appointment William L. Carlin, Jr., Putnam County Commissioner of Finance/Term April 2015 – December 31, 2018

Chair Nacerino made a motion to approve Confirmation of the Re- Appointment of William L. Carlin, Jr., Putnam County Commissioner of Finance/Term April 2015-December 31, 2018; Seconded by Legislator Castellano. All in favor.

Item #9) Approval/Confirming Re-Appointment Fred Pena, Putnam County Commissioner of the Department of Highways & Facilities/Term April 2015 – December 31, 2018

Chair Nacerino made a motion to approve Confirmation of the Re- Appointment of Fred Pena, Putnam County Commissioner of the Department of Highways & Facilities /Term April 2015-December 31, 2018; Seconded by Legislator Castellano. All in favor.

Item #10) Approval/Confirming Re-Appointment Patricia T. Sheehy, Putnam County Director of the Office for Senior Resources/Term April 2015 – December 31, 2018

Chair Nacerino made a motion to approve Confirmation of the Re- Appointment of Patricia T. Sheehy, Putnam County Director of the Office for Senior Resources /Term April 2015-December 31, 2018; Seconded by Legislator Wright. All in favor.

Item #11) Approval/Confirming Appointment Anthony W. Sutton, Putnam County Commissioner of Bureau of Emergency Services/Term April 2015 – December 31, 2018

Chair Nacerino stated that this is a new appointment and consideration for the Legislature. She stated that some members who were a part of the selection process are present this evening. She stated that the selection and interview process was extremely comprehensive. She stated that Personnel Director Eldridge is present this evening to speak to that process.

Personnel Director Eldridge stated the process began in January 2015 when member of the Administration met with the emergency service organizations in Putnam County. He stated at that meeting there were recommendations given from the members of that community and the

emergency responders. He stated some of the recommendations were taken into consideration and implemented in the review and selection process for the Commissioner of Bureau of Emergency Services position. He stated the Selection Committee consisted of nine (9) members from different emergency organizations. He stated that ads were put in the newspaper and via other media services. He stated that there were 37 applicants. He stated after reviewing the 37 applicants all of the members of the Selection Committee came together and evaluated each of the applicants. He stated that 18 applicants were selected after that review. He stated next the County Personnel Department reviewed the 18 applicants and narrowed the number down to 12 applicants. He stated the Selection Committee then had four (4) meetings, at which time each of the 12 applicants were interviewed. He stated after those meetings five (5) applicants were selected and recommended to the County Executive. He took a moment to introduce the Selection Committee members that were in the audience. He stated that he would like to thank them publicly for their time and effort put forth in this process. He stated after the top five (5) names were submitted to the County Executive, she, Deputy County Executive Walker and he met with each of the five (5) candidates. He stated that Anthony Sutton was their top pick.

Chair Nacerino invited Mr. Sutton to sit at the front table. She stated she invited him to this Committee meeting, because she believed it was important that the Legislature have an opportunity to meet him and vice a verse. She stated she would like to invite the Legislators to ask Mr. Sutton any questions they may have.

Chair Nacerino stated she will begin. She stated that she read that Mr. Sutton has a wealth of knowledge and experience gathered in positions he held in Westchester County. She questioned what challenges does he see for Putnam County.

Mr. Sutton stated that he believes the strains on volunteerism and the increase in the workload. He stated that there may be less actual working fires, but there are more automatic alarms, the aging of the population puts an increasing load on the EMS services, the new installations of assisted living, nursing homes and adult facilities all put a heavy work load on emergency services. He stated that the economic situation that people are facing today make it so that the typical volunteer model that was followed years ago no longer works. He stated some innovative ways are needed to nurture this situation.

Chair Nacerino stated that she agrees with the comments shared by Mr. Sutton. She stated that years ago there were a lot of Dad's who volunteered in the Fire Departments. She stated that the Dads of today are hands on with their families. She stated that the Moms are going in opposite direction. She stated that there are a lot of demands on family life that does not allow for the same amount of volunteerism that took place years ago.

Mr. Sutton stated the requirements to be a volunteer today have changed and are demanding. He stated years ago when he first volunteered to ride in an ambulance he was given a pager and a jacket and was told when this pager goes off put this jacket on and drive in the ambulance. He stated those days are long gone. He stated that the level of requirement and demand on time can eat away at the enthusiasm of volunteerism.

Legislator Gouldman stated that he believes the County Executive and all of the people involved in the process made a great choice in their selection of Mr. Sutton.

Legislator Gross stated that Mr. Sutton's qualifications are wonderful, the process was wonderful and he is impressed with his background. He stated however, there is litigation that is going on that involves this position. He stated that he would like to refer to Legislative Counsel VanRoss on this. He stated that he does not want the Legislature to take action that could get them in the middle of the ongoing litigation. He stated he believes Mr. Sutton is a great candidate. He stated he wanted to clarify for the record that his concern is in no way a reflection on Mr. Sutton.

Legislative Counsel VanRoss stated that he does not recommend that the Legislature take any action until the pending case is resolved.

Chair Nacerino questioned wouldn't the wording that is included in the proposed resolution, the last Resolved clause: *that the Legislature hereby confirms the appointment of Anthony W. Sutton as the Commissioner of the Bureau of Emergency Services for the County of Putnam, Pursuant to Article 12, Section 12.20 of the Putnam County Charter, subject to the successful resolution of the above referenced Supreme Court matter provide defense to the County.*

Legislative Counsel VanRoss stated that he is not comfortable with that wording.

Legislator LoBue stated she will not be able to support the appointment of Mr. Sutton. She stated the County is in litigation. She stated that these are unusual circumstances. She stated that she was not in favor of having the announcement made at the State of the County, because she believed it was not fair to Mr. Sutton, due to the fact that the County is in litigation. She stated that she agrees with Legislative Counsel VanRoss.

Legislator Scuccimarra stated that the position of Commissioner of Bureau of Emergency Services is a vital position to the County. She stated that Acting Commissioner Robert Lipton has done an excellent job.

Legislator Wright stated Putnam County is very fortunate to have such a well-qualified individual as Anthony Sutton to fill this position. He stated that Mr. Sutton comes very highly recommended on both paper and from the people he has worked with in his field over the years. He stated that he also is uncomfortable with the wording of the proposed resolution. He stated in his opinion the Legislature should not be approving a resolution that includes wording and reference that is subject to Court actions. He stated that he would like to recommend that he be appointed as the Acting Director, and appoint him to the full confirmation in the future when it is appropriate. He stated that he believes that is the prudent thing to do. He stated that he believes that the language in the resolution is a little tenuous.

Chair Nacerino stated that she believes the language was incorporated into the resolution because it is something on everyone's mind. She confirmed with Mr. Sutton that he is aware that if the decision by the Court is that that the previous Commissioner return to his position with the County then Mr. Sutton would no longer have the job.

Mr. Sutton stated that he is aware of that.

Legislator Albano stated that he is in favor of appointing Mr. Sutton. He stated that he is confident in the way that the court decision will go. He stated if the Legislature needs to make a change, then the County will do that. He stated currently there is a highly qualified candidate who is ready to go.

Legislator LoBue stated that there is a residency clause for the Commissioner of Bureau of Emergency Services. She questioned where Mr. Sutton lives.

Mr. Sutton stated that he just paid his first month's rent at a location on Route 6 in Carmel.

Legislator LoBue stated that when the Legislature was notified that Mr. Stiebeling was removed from his position, via an e-mail, the Legislature was asked to appoint an acting Commissioner. She stated that was done and Robert Lipton was appointed to the acting Commissioner position. She stated she does not see the rush for the Legislature to have someone appointed to that position. She stated in her opinion this is messy. She stated that she would like to vote in favor of Mr. Sutton, and she looks forward to working with him, in the future. She stated that she believes a unanimous vote from the Legislature in the appointment of Mr. Sutton, would be much more respectful to him. She stated she believes anything short of a unanimous vote would demonstrate as a disservice to Mr. Sutton and his qualifications as a professional and gentleman. She stated that she is embarrassed that Mr. Sutton had to come here tonight and be questioned. She stated that this is very unusual for someone to be presented at the State of The County prior to the approval of the Legislature. She stated that the County is in the middle of litigation. She stated she would like to vote in favor of Mr. Sutton, but at this time she cannot vote in favor of Mr. Sutton's appointment.

Legislator Gross stated that he agrees with Legislator Wright's recommendation to appoint Mr. Sutton in the status of "Acting". He stated he agrees that this matter has not been handled well. He stated according to litigation the Legislature should have been involved and the Legislature was not involved in removing the previous Commissioner. He stated that this matter is putting Mr. Sutton in an unfair situation, which he believes is unfair. He stated he supports Legislator Wright's comments and recommendation. He stated that Legislator Wright is an attorney and has access and understanding of matters like this. He stated that he is concerned about the Legislature. He stated that he does not want the Legislature to end up in the middle of a messy litigation. He stated that he would support the recommendation to appoint Mr. Sutton in the classification of "Acting".

County Attorney Bumgarner stated that with all due respect to Legislator Gross his comments are incorrect in respect to the litigation. She stated what he cited was the petitioners opinion on the litigation, that is not the County's opinion on the litigation. She stated the Legislature's involvement is at the confirmation stage in this instance, which is what is being discussed this evening. She stated the Legislature was not required to be involved in the first instance because his term had expired and he simply was not re-appointed. She stated that is the County's argument in the litigation and she believes it is going to be a successful one.

Legislator Gross stated with all due respect the litigation does include a statement that references the Charter and that is what he is referencing not just hearsay.

Legislator LoBue stated the matter and terms of the litigation is not what is in question here tonight. She stated, in her opinion, it is highly unusual for the Legislature to take an action on a matter that has pending litigation. She stated also the legal opinion of the Legislature's Counsel was not to take action.

Legislator Nacerino questioned if there is a target date of when the litigation matter will be summed up.

County Attorney Bumgarner stated that the matter is before Judge Grossman and it was fully submitted on March 6, 2015. She stated that on average she has seen that motion decisions on these types of cases occur in approximately 60 days. She stated of course there is no guarantee there are many factors that come into play.

Chairwoman Nacerino stated that she respects her colleagues' opinions and comments. She questioned if it would be fair to move this matter to the May Full Meeting. She stated if it is not resolved at that time the matter can be tabled back to Committee. She stated she will make that motion.

Legislator Castellano stated that he will second that motion. He stated in his opinion this is a vital position. He stated that currently there is an employee working out of title. He stated the position needs to be filled.

By Poll Vote:

2 Ayes: Chair Nacerino and Legislator Castellano

1 Nay: Legislator Wright

Motion Carries.

Chair Nacerino made a motion to waive the Rules and Accept the Additional; Seconded by Legislator Castellano. All in favor.

Item #12) Update/Putnam County Vacancies/Personnel Director Eldridge

Chair Nacerino stated that the information was received late today from Director Eldridge. She stated she is thankful to receive the information. She stated that the information provides insight to the Legislators as they are presented with budget transfers due to vacancies. She stated it provides information that gives the Legislators a clearer perspective.

Item #13) FYI/Putnam County Automobile Accident Reports

- **Accident Report: January 2014 – March 2015**

- **Accident Report: April 2015**

Chair Nacerino stated that she would like to thank her colleague, Legislator LoBue, for suggesting that this practice be brought back. She stated that in past years the County's Automobile Accident Report was submitted to the Personnel Committee. She stated that again it provides a good perspective to the Legislature.

Item #14) Update/County Executive's 2015 Monthly Department Head Meeting/Memo Fr: Chair of Personnel Comm. Nacerino To: Fellow Legislators D: March 19th, 2015

Chair Nacerino stated that last year, 2014, the Legislature approached the County Executive and requested permission to attend her monthly Department Head Meeting. She stated County Executive Odell graciously agreed to allowing a Legislator to attend her monthly meeting. She stated that it provided the Legislature with a clearer perspective of what is going on in the different departments of the County. She stated that she encourages each Legislator to select a meeting to attend. She stated for clarification that it is completely voluntary. She stated that she believes it is a great source of information as Legislators to gather information. She stated that Legislator Gross has signed up to attend the June 2015 meeting. She stated that the meetings are usually held on the second Tuesday of each month. She stated if anyone is interested in attending, please contact the Legislative Staff. She stated that they will notify the Administration and confirm the date and time of the meeting.

Item #15) Other Business -None

Item #16) Adjournment

There being no further business, at 7:25P.M. Chair Nacerino made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Diane Trabulsy, Deputy Clerk of the Legislature.