

**PHYSICAL SERVICES COMMITTEE MEETING  
40 Gleneida Avenue Room #318  
Carmel, NY 10512**

**Committee Members: Chairman Gouldman, Legislators Castellano & Montgomery**

**Tuesday**

**July 18, 2023**

The meeting was called to order at 6:04p.m. by Chairman Gouldman and he led in the Pledge of Allegiance. Upon roll call, Legislators Castellano, Montgomery, and Chairman Gouldman were present.

**Item #3 - Acceptance/ Physical Services Meeting Minutes/ June 12, 2023**

Chairman Gouldman stated the minutes were accepted as submitted.

Susan Kotzur, Chairperson of the Commission of the Kent Recycling Center claimed there was an incorrect statement made and it was included in the June 12<sup>th</sup> minutes. She requested that it be corrected.

Legislative Counsel Firriolo explained that the Legislature's committee meeting minutes are to be a record of what was said. He stated the clerk cannot include a statement/ information that was not said.

**Item #4 - Approval/ Town of Kent with Sunberry Properties LLC Tax Map Section 22, Block 1, Lot 23.2, Town of Kent – County Approval to Grant Easement/ Sr. Deputy County Attorney Conor McKiernan**

**a. Correspondence from Attorney Jamie Spillane of Hogan, Rossi & Liguori Law Firm**

Chairman Gouldman made a motion to waive the rules and accept the additional; Seconded by Legislator Castellano. All in favor.

Chairman Gouldman stated the additional material was dropped of at the Legislative Office today. He stated it is from the members of the Town of Kent Recycling Commission.

Sr. Deputy County Attorney Conor McKiernan stated this matter involves an easement over a property that was provided to the Town of Kent by the County. He stated in order to effectuate the easement the Town of Kent needs to receive County approval. He explained the County Law Department worked with all of the parties involved and negotiated terms that the County Law

Department is comfortable with. He stated the Law Department believes what is being proposed is fair along with the consideration that the property owner is going to be providing for the easement. He stated in closing the Law Department has no objections.

Chairman Gouldman questioned if the Town of Kent is in agreement with this.

Attorney Jamie Spillane, from Hogan, Rossi & Liguori Law Firm, stated she is representing the Town of Kent. She stated they are in agreement with this easement and in favor of moving this project forward. She explained this reversionary matter needs to be addressed and then the matter of the easement will need to come before the Town of Kent to be voted on.

Legislator Montgomery stated she would have liked to have had a correspondence from the Town of Kent stating their support.

Legislator Ellner stated he has constituents in the Town of Kent who vehemently oppose this. He stated that his recent conversations with the Town of Kent Board Members on this topic have not been evident that they are in favor of this.

Legislator Addonizio stated she agrees with Legislator Ellner.

Legislator Ellner stated he agrees with Legislator Montgomery, in that the Legislature should have been sent documentation from the Town of Kent Board stating their position on this matter.

Legislator Addonizio stated that she has heard from her constituents who are not in favor of this. She stated she would like to see the Town of Kent weigh in on this matter before the Legislature moves forward. She stated the residents' main concern is what are the plans for the property. She stated she believes that should be reported.

Attorney Jamie Spillane, from Hogan, Rossi & Liguori Law Firm, stated that was discussed at the June Physical Services Meeting. She stated the current owner of the property is not a developer. She stated before any construction begins, the project would need to be consistent with the zoning regulations and go through all of the approval processes of the Town of Kent. She stated said property is a residential zoning district so it would have to be residential, or they would need to apply to the Town Board to be in a Business Park Overlay District. She stated there are very light manufacturing uses permitted in the Business Park Overlay District. She stated there is extensive regulation that would go on before any project could be approved there.

Chairman Gouldman stated based on the comments from his colleagues, he asked Attorney Spillane speak to who she was referring to when she said the Town of Kent is in favor of this.

Attorney Jamie Spillane, from Hogan, Rossi & Liguori Law Firm, stated she was referring the Town of Kent Board.

Legislator Montgomery stated that she spoke to a Town of Kent Board Member who was in favor of this. She stated she did not speak for every member. She stated she believes in light of the fact that they have their Attorney bringing this forward that speaks to their position. She stated she believes the onus is on the members of the Town Board if they are adamantly opposed to this to contact the Legislators to communicate their position. She stated the Town Board of Kent still has the option to vote this down if that is their decision.

Legislator Castellano stated to be clear this is the first step. He stated if approved, then the matter goes before the Town of Kent Board for their consideration. He stated that is what happened a few years ago, but the project did not move forward, and therefore the easement was reverted back to the County.

Attorney Jamie Spillane, from Hogan, Rossi & Liguori Law Firm, stated to be clear there was an informal presentation given to the Town of Kent Board a few months ago. She stated the Board Members were made aware of this matter and informed it was coming before the Physical Services Committee of the Putnam County Legislature. She confirmed Legislator Castellano's statement was correct in that the Town of Kent Board cannot make their formal vote until they know the reversionary interest will be waived on this project.

Legislator Nacerino stated she agrees with Legislator Montgomery, in that the Town of Kent Board hired an attorney to support their endeavor.

Legislator Jonke spoke to his knowledge of said property. He explained he was the Town Assessor when the last business owner, John Clancy, was interested in the property. He stated this property can only be accessed through the Ray Singer Court access to the Town of Kent Recycling Center. He stated he personally walked the area along with the Town Supervisor at that time, and a member of the Recycling Center Mr. Carpenter, to see if there is another access point. He stated it was confirmed there is not. He stated the Town of Kent then and now is in desperate need of development. He stated this property backs up almost to Route 84, in his opinion is a perfect property to be a development. He stated this is the first step, and the applicant is willing to pay for the easement, just as John Clancy was going to do. He stated this will be a long process after this first step. He closed by stating this is the first step and the County will be compensated, he does not understand the confusion.

Legislator Ellner stated there is a lot of confusion because the proposed project by John Clancy was going to be commercial. He stated it was just stated said property is zoned residential.

Legislator Jonke and Attorney Spillane stated they can opt to go for the Business Park Overlay District.

Legislator Ellner stated he would like to see what the true intent is for this property. He stated it is his understanding when the County deeded the property to the Kent Recycling Center, which is a quasi-governmental that the non-profit Town of Kent Recycling had to pay, out of their own pocket, \$150,000 to install their own culvert. He stated there is a major concern related to the use of that roadway. He questioned why the developer can't install a culvert. He stated he believes they are coming to the County to get a discount. He stated if we had a conceptual site plan he would be in favor of this. He stated based on the people who have reached out to him on this, he will not be able to support this request.

Legislator Jonke requested an explanation as to what a quasi-governmental means.

Legislator Ellner stated there is governmental entity.

Legislator Jonke stated the Kent Recycling Center is a private entity.

Legislator Ellner requested the representative from the Kent Recycling Center address if there are private or do they report to the Town of Kent (Town).

Susan Kotzur, Chairperson of the Commission of the Kent Recycling Center stated they are a private entity, and they report to the Town and they have Town rules they need to adhere to.

Legislator Jonke requested confirmation when a resident writes a check they write it out to the Kent Recycling Center not the Town.

Susan Kotzur, Chairperson of the Commission stated that is correct. She stated she needs to bring the money received within two (2) days to the Town of Kent.

Legislator Jonke questioned how many days and hours is the Kent Recycling Center open.

Susan Kotzur, Chairperson of the Commission stated two (2). She stated that one (1) day they are open four (4) hours and the second day they are open five (5) hours. She stated those are not the only number of hours that are put into the operations of the Kent Recycling Center.

Legislator Sayegh stated what is in front of the Legislature is consideration of granting use of the easement. She stated the use of the property falls within the purview of the Town. She stated if

constituents in the Town of Kent and for or against a certain type of project, they should go to their Town Board, and make their case, and have their voices heard.

Attorney Spillane stated there will be public hearings before any use would be approved for the site. She stated she, a member of the Town Board, and the Applicant along with his attorney met with the members of the Recycling Center and tried to propose some minimal standards for if the easement were granted. She stated Ray Singer Court and improvements to said road, were incorporated. She stated minimal standards were included in the easement agreements, to make sure Ray Singer Court would not be adversely affected in any way. She continued to speak to that.

Susan Kotzur, Chairperson of the Commission requested that she be permitted to give the Legislature petition with 97 signatures.

Chairman Gouldman made a motion to waive the Rules and Accept the Additional; Seconded by Legislator Montgomery. All in favor.

Legislator Montgomery read from the petition. In summary the petition included 97 signatures of those against the use of the current entrance/exit, Ray Singer Court, for any other use except for the use of the Kent Recycling Center. Legislator Montgomery stated she understands and respects the mission and the service provided by the Kent Recycling Center to the residents. She stated it would be unreasonable for the members of the Kent Recycling Center to think there will be no development on said parcel. She stated she believes the applicant has shown good faith in his meeting with the Kent Recycling Center and ensuring that improvements will be made, and no disruption will take place regarding the recycling center. She stated she knows the negotiations are up to the Town Board, but she suggested something be offered to the Kent Recycling Center, as part of the negotiations. She offered some suggestions.

Legislator Jonke stated the landowner, and his attorney were present and he would like to hear from them.

Attorney Richard O'Rourke stated he is with Keane & Bean LLC and represents Stephen Hoare, who is the landowner. He stated he also represented Mr. Clancy, five (5) years ago, when he was looking to develop this property. He stated at that time the Legislature did adopt a resolution that the project could move forward. He provided an analogy that what is in front of the Legislature for consideration for approval is the first half of a nine-inning baseball game. He stated for the record there are absolutely no plans for residential development on said property. He stated what is being proposed ultimately is under section 77-26.6 the Business Park Overlay District that is codified in the Town of Kent. He read from said section 77-26.6 B. - "Permitted uses. Unless restricted by the Town Board in its resolution of zoning amendment approval, the following uses

are permitted:”. He stated if this matter is approved by the Legislature his next step with his Client is to then go the Town of Kent and work through their process. He stated he is an officer of the Court and has been practicing for 40 years, he nor Attorney Spillane are going to misrepresent anything. He stated Mr. Clancy did get the approval from the Legislature, but to be honest he looked at the task ahead in terms of the process and chose to bring his project to Connecticut. He stated there was a second applicant after Mr. Clancy who was considering the parcel. He stated he looked at what was required and decided not to fight the battle. He stated his client cannot commit to the plans for the property, because until he has an access point to the parcel, no developer will give it consideration. He stated that once a developer is in place there will be a complete and total commitment that must be met, which will be to improve the easement, improve the drainage, provide the width necessary. He stated working with Insite Engineering there has already been a conceptual plan that will improve the ingress and egress.

Property Owner, Stephen Hoare stated he is a Car Dealer, he certainly would not be able to sell a car without an engine to a customer and promise he will put a good engine in later. He stated he cannot bring this property to market without an easement. He stated his goal is to bring a proposal to the Town that aligns with them to ease the burden of the process. He stated in his meeting with the members of the Kent Recycling Center they came to an agreement in regards to the easement and he will stand behind that. He stated he is not going to bring residential in front of the Town Board. He stated he will bring a project that will align with the Town and help with the burden of taxes. He stated it has taken 13 months for him to get to this point.

Attorney Richard O’Rourke stated in terms of the improvement of the road and what the uses are, which are enumerated in the Town of Kent Code, there is no slight of hand. He stated you have heard from the County Attorney, the Town of Kent’s Attorney, and they have worked to vet this thoroughly. He stated all they are requesting is the opportunity to develop this property. He stated without this approval they cannot move forward.

Legislator Ellner stated he is in support of the concept for the proposal of future development on said property. He stated he is concerned with the existing good neighbors and their concerns related to a non-paved road, which they paid for, and what the impact of the additional traffic will do to the road. He questioned for clarification if Property Owner Stephen Hoare plans to do the development or is looking to sell the property to a developer.

Property Owner, Stephen Hoare stated he is not a developer. He will not be developing the property. He continued speak to his hope for the property.

Chairman Gouldman facilitated further discussion. He thanked all the parties for their attendance and the information that had been provided.

Chairman Gouldman made a motion to approve Town of Kent with Sunberry Properties LLC Tax Map Section 22, Block 1, Lot 23.2, Town of Kent – County Approval to Grant Easement; Seconded by Legislator Castellano. All in favor.

Legislator Jonke stated he wanted to thank Senior Deputy County Attorney Conor McKiernan for making the Town of Kent Easement matter a priority in his demanding workload. He thanked him for the work he does on behalf of the County.

**Item #5 – Approval/ Renewal- Putnam County Veterans’ Residence Leases/ Sr. Deputy County Attorney Conor McKiernan**

Senior Deputy County Attorney Conor McKiernan stated this is the annual renewal for the leases of the Veteran’s who are living in the County’s Veterans’ residence. He stated the current leases expire at the end of July 2023.

Legislator Montgomery questioned if the Veterans’ Residence is fully occupied. She also questioned if spouses are permitted to live there.

Senior Deputy County Attorney Conor McKiernan stated it is not fully occupied and he does not believe spouses are permitted.

Legislator Castellano questioned how many rooms are available.

Senior Deputy County Attorney Conor McKiernan stated there is one room vacant.

Chairman Gouldman made a motion to Approve/ Renewal- Putnam County Veterans’ Residence Leases; Seconded by Legislator Castellano. All in favor.

**Item #6 - Approval/ Reappointment & Appointment Putnam County Agricultural and Farmland Protection Board (AFPB)/ Planning Department Acting Administrator John Tully**

Chairman Gouldman stated due to some inaccuracies in the request submitted from the Putnam County Agricultural and Farmland Protection Board (AFPB) to the Legislature related to the appointments and reappointments to the AFPB, he will be making a motion to table the agenda item.

Chairman Gouldman made a motion to Table Reappointment & Appointment Putnam County Agricultural and Farmland Protection Board (AFPB); Seconded by Legislator Castellano. All in favor.

**Item #7 - Approval/ Budgetary Amendment 23A045/ Funding to Respond to Recent Storm Events and Associated Flood Damage Throughout Putnam County/ Administrative Director Department of Public Works Thomas Feighery**

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

Administrative Director Department of Public Works Thomas Feighery stated areas throughout the County were hit very hard by the heavy rainstorm that came through Putnam County on Sunday, July 9<sup>th</sup>. He stated the western side of the County was negatively impacted as were areas in Patterson, Kent. He stated the damage is being assessed and information collected. He stated the extent of the damage related to some of the critical structures is still not known. He stated there is a certain process and requirements of information specific to the submission to the Federal Emergency Management Agency (FEMA). He stated on Peekskill Hollow Road they had to take emergency measures to make it safe and to make it resilient. He stated since the July 9<sup>th</sup> storm there have been a couple of more storms that have come through our area adding to the already challenging situation. He stated they will continue to monitor and assess the situation and put together the information for FEMA.

Chairman Gouldman stated Budgetary Amendment 23A045, which is a zero fiscal impact to this year and 2024, is in the amount of \$1,000,000. He questioned if that will be enough funding.

Administrative Director Department of Public Works Thomas Feighery stated the hope is FEMA funding will be made available. He explained until then this funding will allow the County to do the necessary critical repairs that will make the roadways safe and keep them open. He stated it was amazing that through a collaborative effort of many that they were able to get Peekskill Hollow Road open on Thursday, July 13<sup>th</sup> by 4:00p.m. He stated said roadway looked like a fishing location Monday and Tuesday, July 10<sup>th</sup> & 11, 2023. He continued to speak to the different county locations where they worked. He stated with the back-to-back storms the funding from the requested budgetary will permit them to just get started. He stated the damage was extreme.

Chairman Gouldman stated he wanted to thank all of the workers for their efforts and dedication. He stated it is very impressive the amount of work done and what has been accomplished in a few days under difficult circumstances. He stated the improvement from Monday, July 10<sup>th</sup> to today is night and day.



Administrative Director Department of Public Works Thomas Feighery stated the credit goes to the County crews. He stated they worked in the extreme heat and worked 12-hour days. He agreed the County crews did a fantastic job.

Acting Administrator of Planning John Tully stated he echoes everything Administrative Director Feighery said. He stated the County Executive requested that he provide an update regarding the County recent hiring an expert firm, Meridian Strategies to assist with the navigation of the FEMA process. He stated if eligible, the cost of Meridian's services will be reimbursed under the FEMA process.

Chairman Gouldman stated the response from this Administration has been phenomenal. He stated hiring a company with an expertise in these situations will help expedite the process. He stated this storm has caused devastation to some of the infrastructure in the county.

Acting Administrator of Planning John Tully stated Meridian has done work in the Town of Kent, and he received an overwhelming response on the work done there.

Legislator Montgomery expressed her appreciation for the response from the County Officials to the elected officials in her district. She questioned if consideration has been given to hire temp workers to assist during this time of recovery.

Acting Administrator of Planning John Tully stated most of the temp workers hired are limited in their ability and always safety is a priority and consideration when assigning work to employees who are inexperienced. He stated the temps have been assigned to fill sandbags and putting them in the areas where needed.

Legislator Montgomery stated she is glad to hear the County has hired a company that has an expertise in these situations. She stated that she hopes Meridian will help the Towns with all of these items, because they cannot do it on their own. She stated they just recouped money for damage related to Hurricane Ida.

Acting Administrator of Planning John Tully stated that is why the Town of Kent brought them on, was to help them in the aftermath of Hurricane Ida (2021) and he believes Meridian will help them in this storm event as well. He stated the County is confident in bringing Meridian in so quickly after the storm it will be a positive in navigating the arduous FEMA process.

Legislator Montgomery questioned if the County is keeping in mind fixes that can be made to manage and mitigate the affects of storms like this in the future.

Administrative Director Department of Public Works Thomas Feighery stated FEMA is very good in terms of incorporating resiliency. He spoke to some changes that have already been done in the County as a result of FEMA.

Legislator Nacerino requested confirmation that the fees incurred related to Meridian will be reimbursed by FEMA.

Acting Administrator of Planning John Tully stated that is correct. He clarified they were hired by utilizing the Procurement Policy thresholds. He stated based upon the County's threshold, which is \$435,000, in costs of damages, the County is confident that has been reached. He stated in speaking with the representatives from Meridian, they are confident that just 5% of that number alone should be sufficient to cover their services. He stated the Bureau of Emergency Services may lean more on the Meridian Consultants more than what he is anticipating right now, but there is room within the County's threshold to account for that. He stated they charge on a schedule of hourly rates based on the level of expertise that is required. He stated the rates are very reasonable. He continued to speak to this.

Legislator Nacerino questioned how this storm differs from the several past storms that the Bureau of Emergency Services took care of in-house.

Acting Administrator of Planning John Tully stated the Bureau of Emergency Services will still be responsible to gather the data, the Meridian Consultant will guide the County with the application and process to assure the County is following the FEMA process. He stated in the past items and information were missing from the applications that were submitted.

Administrative Director Department of Public Works Thomas Feighery stated the number of hours it takes in the completion of paperwork is tremendous. He stated in the past, not working with a company that is an expert on the FEMA process, the County probably missed out on opportunities of funding.

Legislator Crowley stated she is very much in favor of this. She stated she believes it is imperative that the County get to work immediately. She stated the weather continues to be a challenge. She stated the goal is to get the infrastructure safe again and make changes to improve the resilience of Putnam County's infrastructure.

Legislator Ellner thanked Administrative Director Department of Public Works Thomas Feighery and Acting Administrator of Planning John Tully for all they have done. He stated he agrees with Chairman Gouldman that he believes the financial needs will surpass \$1,000,000 and would support approving more funding.

Acting Administrator of Planning John Tully explained that for now this request is appropriate. He stated they will come back to the Legislature if there is a need for more funding.

Administrative Director Department of Public Works Thomas Feighery expressed his agreement that the funding being requested this evening is appropriate at this time.

Chairman Gouldman made a motion to Approve/Approval/ Budgetary Amendment 23A045/ Funding to Respond to Recent Storm Events and Associated Flood Damage Throughout Putnam County; Seconded by Legislator Montgomery. All in favor.

**Item #8 - Approval/ Budgetary Transfer 23T153/ Close Out Various CP Projects and Transfer to the Capital Projects Reserve to Fund Future Projects/ Acting Deputy Commissioner Joseph Bellucci**

Acting Deputy Commissioner Department of Public Works Joe Bellucci stated this request is to close out the Capital Projects and to repurpose the funding for future Capital Projects.

Legislator Jonke requested a reminder of where the “Blue House” was.

Acting Deputy Commissioner Joe Bellucci stated that was demolition of a house next to the Putnam County Golf Course.

Legislator Jonke questioned the plans for the house that is on Route 312 at the bottom of Prospect Hill Road that is in very poor condition.

Administrative Director Department of Public Works Thomas Feighery stated the County is working with the Watershed Agricultural Council (WAC) regarding that parcel that would be related to the Tilly Foster Farm property.

Chairman Gouldman made a motion to Approval/ Budgetary Transfer 23T153/ Close Out Various CP Projects and Transfer to the Capital Projects Reserve to Fund Future Projects; Seconded by Legislator Castellano. All in favor.

**Item #9– Other Business - None**

**Item #10 - Adjournment**

There being no further business at 7:05 P.M. Chairman Gouldman made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.